
[EXTERNAL] Fwd: public comment Planning Board item 5a tonight. A 2024-4527

From Tod Hickman <tod@building43winery.com>

Date Mon 12/16/2024 4:29 PM

To City Clerk <CLERK@alamedaca.gov>; Planning <Planning@alamedaca.gov>; Historical Board <historicalboard@alamedaca.gov>; Lara Weisiger <lweisiger@alamedaca.gov>

Cc shelby Scheehan S <sheehan.shelby@gmail.com>

Hello Planning Board,

My comments echo those of Ms. Sheehan's almost to the letter, so in the interest of brevity and efficiency please accept these, as submitted below, as my comments for Item 5a tonight and concepts in general in relation to the Planning Board.

I am additionally concerned that you have failed to meet the procedural guidelines for the 72-hour rule in relation to tonight's meeting.

Respectfully,

Tod Hickman
Submarine Warfare Combat Veteran
Alameda NAS Historical Preservationist

Sent from my iPhone

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From: **Shelby S** <sheehan.shelby@gmail.com>

Date: Mon, Dec 16, 2024 at 3:49 PM

Subject: public comment Planning Board item 5a tonight. A 2024-4527

To: City Clerk <clerk@alamedaca.gov>, Planning <planning@alamedaca.gov>, Historical Board <historicalboard@alamedaca.gov>

Clerk-

Please add for public comment

RE "Historic Guidelines" item 5A

First, before you read my comment on this item, allow me to take some of your time to talk about the true meaning of "civility":

"CIVILITY"

Civility in public service and meetings isn't about superficial politeness; it's about justice, fairness, and the rule of law. Public responses to breaches of duty are civil when they focus on facts, seek accountability, and aim to correct wrongdoing.

Public's duty to criticize

When public officials fail in their duties—through unlawful actions, dishonesty, or negligence—they cannot use "civility" as a shield to deflect legitimate criticism. Holding officials accountable is not a breach of decorum; it is the public's duty to demand integrity and transparency. Civility prioritizes truth and accountability over empty gestures of politeness.

Civility in action

Civility in public service meetings is a two-way street. In this context, civility is not defined by politeness alone but by an adherence to justice, fairness, and the rule of law. Civility is not synonymous with silence or deference; it is about engaging in lawful, fact-based discourse while holding public servants accountable. Public criticism, when grounded in evidence and addressing substantive issues, is neither uncivil nor a breach of decorum. A legitimate critique—stating that someone lied or failed to do their job, when supported by facts—is not a personal attack; it is an appropriate and necessary response to breaches of duty or accountability.

From where you sit, civility means ensuring the City's actions serve the public good, honoring your obligation to address public concerns, and enforcing the law transparently.

From where I sit, civility means holding you to that standard. When someone lies or fails in their duties, it is my responsibility to state the facts and demand accountability—backed by evidence, not empty accusations.

True incivility and a **real breach of decorum** occur when substantive issues are ignored in favor of distractions.

True civility demands that we confront the truth and ensure accountability, no matter how uncomfortable it may be.

Now, on to my specific comment on this item:

COMMENT

Apparently, I must remind you once again that you do not have the authority to approve or endorse anything related to "historic guidelines"—specifically, the evaluation of environmental impacts on historic resources—without obtaining an external report from a qualified historic preservation specialist certified under the Secretary of the Interior's Standards.

And yet, someone "higher up" persists in improperly pushing these matters forward. For the record, no one employed or appointed by the city has the necessary qualifications to adjudicate this issue. Moreover, even qualified individuals are excluded from developing CEQA guidelines because the law requires that such reports be prepared by a fair and impartial third party certified in the Secretary of the Interior's Standards.

Furthermore, without the proper third-party report, you lack the legal authority to make these determinations. Every decision you make related to "historic guidelines," including the evaluation of environmental impacts on historic resources, is illegal, challengeable, and legally invalid as it conflicts with state law. This also means there is no statute of limitations to challenge these unlawful actions.

SUMMARY

Your Duties to the Public

It is your responsibility to read and understand the laws you are supposed to uphold and enforce. Just because your superiors allow you to proceed illegally does not absolve you of your fiduciary responsibilities. The City Attorney, City Manager, and Mayor are knowingly leading you down an illegal path, and the consequences are closing in. I strongly recommend that you seek independent legal counsel.

My Duties as a Member of the Public

This comment is yet another of hundreds of civil attempts to remind you that you are being misled and that you are failing to fulfill the duties to the public that you accepted when you were sworn in as Board members.

Once again, I am urging—begging—you to fulfill the responsibilities you accepted. How much more civil can one be?

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Shelby

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