

1. 9:30 A.M. Agenda

Documents:

[2021-12-02 Council Agenda.pdf](#)

2. Meeting Materials

Documents:

[IIIa Tom Kerns Email Chain.pdf](#)

[IIIa Declaration Of Human Rights And Climate Change.pdf](#)

[IIIa Yachats City Council Links Fr 12-2-21.Pdf](#)

[IIIb Hwy 101 Deliniator Email From Rick McClung.pdf](#)

[IIIb Project Overview.pdf](#)



**CITY OF YACHATS
CITY COUNCIL WORK SESSION & COUNCIL MEETING
Yachats OR
Thursday, December 2, 2021 at 9:30am
To Be Held Via Zoom**

AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/85444063122>

Meeting ID: 854 4406 3122

One tap mobile

+12532158782,,85444063122# US (Tacoma)

+13462487799,,85444063122# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 854 4406 3122

Find your local number: <https://us02web.zoom.us/j/kj7Up61QL>

Work Session

I. Policies for supervision and evaluation of City Manager

The Yachats City Council meetings are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. The meeting are accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status. Sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance.

Posted Revised 10/27/2021



Regular Council Meeting

- I. Announcements, Correspondence, Proclamation
- II. Public Comment: **Topics not listed on the agenda**
5-minute limitation per person
- III. New Business
 - a. Climate related proposals (presented by Tom Kerns)
 - b. Proposal for agreement with ODOT for Hwy 101 delineators (presented by Rick McClung)
- IV. Old Business
 - a. City Manager recruitment
- V. City Manager Report
- VI. Other Business
 - a. From Mayor
 - b. From Council
 - c. From Staff

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Re: getting on the City Council agenda

Tom Kerns <tomkerns65@alumni.nd.edu>

Sun 11/14/2021 10:17 PM

To: Leslie Vaaler <Leslie@YachatsMail.org>

Hi Leslie,

Thank you so much for the very quick response.

The proposals I'd like to offer to the Council for consideration are definitely broader than a single issue like trees. It's hard to be very specific until the Council hears some background, but in general they will raise issues like declaring a climate emergency and exploring how to develop a Climate Action Plan. Yachats has taken more of a lead on climate issues than any of the other local governments in Lincoln County. In 2015, for example, we were the first municipality in Lincoln County, indeed in the world, to formally endorse the global [Declaration on Human Rights and Climate Change](#), a document [some colleagues](#) and I had developed in the lead-up to the COP21 meetings in Paris that year. (I believe that Declaration is still hanging on the wall in City Hall with Council members' signatures on the back.). I'd like to offer the city an opportunity to continue that leadership and to suggest some creative ways they could do that.

These ideas have arisen out of my work co-organizing the [Permanent Peoples Tribunal Session on Human Rights, Fracking and Climate Change](#) held in 2018 and the two books that grew out of it.

Climate concerns, as you know, are becoming increasingly time-sensitive each day, as the COP26 meetings in Glasgow and the [IPCC climate report](#) this past summer have made so clear. So I'm hoping the Council can consider these things sooner than later.

Thank you for your good work helping guide our city through these challenging times,

Tom

On Nov 14, 2021, at 9:26 PM, Leslie Vaaler <Leslie@YachatsMail.org> wrote:

Dear Tom,

For the most part, I have been composing the agendas and assessing when requests such as yours should be scheduled. It would be great if you could give me something a little bit more specific about the topics and the extent to which they are particularly time sensitive. It is certainly also possible for someone to get another member of Council to advocate for an agenda item, but I am happy to have had you approach me directly. I should also note that occasionally someone speaks during the public comment session (for up to 5 minutes) and their presentation generates interest in placing a topic on an agenda.

I draw your attention to the fact that we have a climate-related proposal on Wednesday's Council agenda. Andreea Ghetie will be speaking on a request for the City to work on a tree ordinance.

Thanks for caring about our climate,
Leslie

From: Tom Kerns <tomkerns65@alumni.nd.edu>

Sent: Sunday, November 14, 2021 3:51 PM

To: Leslie Vaaler <Leslie@YachatsMail.org>

Subject: getting on the City Council agenda

Hi Mayor Leslie,

I'm curious about the process for getting on the City Council agenda. I have a couple climate-related proposals to run by the council for their consideration some time in the coming weeks. It would require only 15 minutes or so. What would you suggest?

All warm wishes,

Tom Kerns
563 Marine Drive

Dr Tom Kerns, Founder/Director, [Environment and Human Rights Advisory](#)
Co-organizer, [Permanent Peoples' Tribunal Session on Human Rights, Fracking and Climate Change](#)
Founder/Director, [Youth Climate Courts](#)
Emeritus Professor of Philosophy, North Seattle College
Online course: [Environment and Human Rights](#)
Books:

- [Environmentally Induced Illnesses: Ethics, Risk Assessment and Human Rights](#)
- With Kathleen Dean Moore: [Bearing Witness: The Human Rights Case Against Fracking and Climate Change](#), Oregon State University Press, 2021
- [Youth Climate Courts: How You Can Host a Human Rights Trial for People and Planet](#), Routledge, 2021

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DECLARATION ON HUMAN RIGHTS AND CLIMATE CHANGE

PREAMBLE:

GUIDED BY the United Nations Charter; The Universal Declaration of Human Rights; The International Covenant on Economic, Social and Cultural Rights; The International Covenant on Civil and Political Rights; The United Nations Declaration on the Rights of Indigenous Peoples; The Convention on the Elimination of All Forms of Discrimination against Women; The Vienna Declaration and Program of Action of the World Conference of Human Rights; The Universal Declaration on Rights of Children; The Draft United Nations Declaration on the Rights of Peasants; The International Labour Organization Convention No. 169; The 2030 Sustainable Development Goals; The Universal Declaration of the Rights of Mother Earth; The Earth Charter; The Nagoya Protocol; Title II of the 2008 Constitution of Ecuador; and other relevant international rights instruments,

GUIDED BY The Stockholm Declaration of the United Nations Conference on the Human Environment; The United Nations Framework Convention on Climate Change, its Kyoto Protocol and the Paris Agreement; The World Charter for Nature; The United Nations Convention on the Law of the Sea; The Rio Declaration on Environment and Development, and other relevant instruments of international environmental law,

REAFFIRMING the universality, indivisibility, interdependence and interrelationality of all human rights, the interrelationality of all life on Earth and the dependency of all life on Earth on a healthy biosphere and Earth system integrity,

RECOGNIZING that climate change, caused by the human industrial and consumer activities, disproportionately affects indigenous peoples, the poor, women and children, the vulnerable, small island and low elevation coastal communities, developing countries, least developed countries, future generations and innumerable living beings and systems,

RECOGNIZING that the ultimate realization of human rights in the age of climate crisis requires the full legal protection of the living beings and systems upon which human life depends,

RECOGNIZING that human beings are part of the living Earth system,

RECOGNIZING the climate destructive and ecocidal results of assuming human separation from nature,

RECOGNIZING the need for all cultures, faiths and traditions to play a role in the fullest development of climate and environmental stewardship, the teaching of respect for all living beings and systems and the development of climate resilient communities,

RECOGNIZING that science confirms the threats of climate change to the Earth's systems and its multiple life forms,

RECOGNIZING that science confirms the threat of climate change to the livelihoods and well-being of present and future generations,

RECOGNIZING that climate impacts disproportionately affect innumerable living beings and systems that are intrinsically valuable in their own right and unable to defend themselves,

RECOGNIZING that climate change displaces populations and that international, cross-border and internal migration has increased due to climate change and is likely to continue to do so,

RECOGNIZING that courts and jurists of international standing link the fulfillment of human rights to a secure, healthy and ecologically viable environment, and consequently recognize that harming the environment undermines human rights

RECOGNIZING that it is the stewardship responsibility of human beings to respond to the climate harms and damage caused by human activities,

DEEPLY CONCERNED by the severe human rights consequences of the continuing political failure to reach adequate commitments on climate mitigation and adaptation; by the dominance of the market as the primary value coordinating international responses to the climate crisis; and by the ongoing lack of accountability for corporate actors that violate human, environmental and climate rights,

CONVINCED that the potential irreversibility of climate change effects gives rise to an urgent need for new forms of state and non-state responsibility, accountability and liability.

THE FOLLOWING PRINCIPLES ARE DECLARED:

I.

1. Human rights and a profound commitment to climate justice are interdependent and indivisible.
2. All human beings, animals and living systems have the right to a secure, healthy and ecologically sound Earth system.
3. All human beings have the right to fairness, equity and justice in all climate resilience, adaptation and mitigation measures and efforts.
4. All human beings have the right to a planetary climate suitable to meet equitably the ecologically responsible needs of present generations without impairing the rights of future generations to meet equitably their ecologically responsible needs.
5. All human beings, animals and living systems have the right to the highest attainable standard of health, free from environmental pollution, degradation and harmful emissions and to be free from dangerous anthropogenic interference with the climate system such that rising global temperatures are kept well below 1.5 degrees centigrade above preindustrial levels.
6. All human beings have the right to investments in adaptation and mitigation to prevent the deleterious consequences of anthropogenic climate change, and to international solidarity and timely assistance in the event of climate change driven catastrophes.
7. All human beings, animals and living systems have the right to fairness, equity and justice in respect of responses to the threat of climate change. This includes protection from deleterious impacts caused by adaptation and mitigation efforts to develop climate resilience, and by the potential deployment of climate geoengineering technologies.
8. All human beings have the right to a just transition towards a sustainable society characterized by meaningful inclusion and distributive justice.

II.

9. All human beings have the right to information about, and to participation in, decision-making processes related to alterations made to the physical environments they rely upon for their health and survival.
10. All human beings have the right to information concerning the climate. The information shall be timely, clear, understandable and available without undue financial burden to the applicant.
11. All human beings have the right to hold and express opinions and to disseminate ideas and information regarding the climate.
12. All human beings have the right to climate and human rights education. This education includes the right to learn from multiple perspectives and to understand non-human natural modes of behavior and the requirements of flourishing planetary ecosystems.
13. All human beings have the right to active, free, and meaningful participation in planning and decision-making activities and processes that may have an impact on the climate. This particularly includes the rights of indigenous peoples, women and other under-represented groups to equality of

(continued on back)



Global Network for
the Study of Human
Rights and the
Environment

For more information and to endorse this Declaration,
please go to our website:
www.gnhre.org

meaningful participation. This includes the right to a prior assessment of the climate and human rights consequences of proposed actions. This includes the right to equality of hearing and the right for processes to be free of domination by powerful economic actors. This includes the rights of indigenous peoples to participate in the protection of their rights to their lands, territories, natural resources, tenure rights and cultural heritage.

14. All human beings have the right to associate freely and peacefully with others, and to gather peacefully in public spaces, for purposes of protecting the climate or the rights of those affected by climate harm.

15. All human beings have the right to effective remedies and redress in administrative or judicial proceedings for climate harm or the threat or risk of such harm, including modes of compensation, monetary or otherwise.

III.

16. All persons, individually and in association with others, have a moral responsibility to avoid and/or to minimize practices known to contribute to climate damage.

17. All States and business enterprises have a duty to protect the climate and to respect the rights set out in this Declaration.

18. All Parties shall, in all climate change related actions, respect, protect, promote, and fulfil the rights of indigenous peoples. Such rights include support to facilitate mitigation measures; rights to collective self-determination and to free, prior and informed consent; to full and equal participation in environmental and political processes; and to respect and protection for indigenous traditional knowledge. This shall include respect and protection for indigenous customary laws, and proper recognition of the role of indigenous peoples in ensuring the integrity and resilience of natural ecosystems.

19. All Parties shall, in all climate change related actions, ensure gender equality and the full and equal participation of women; intergenerational equity; a just transition of the workforce that creates decent work; food sovereignty; and the integrity and resilience of natural ecosystems.

20. All States have a duty to provide assistance and solidarity to climate refugees. States shall respect the rights to assistance and solidarity and create the necessary legal frameworks to assist and support climate refugees in order to ensure their life and dignity.

21. All States shall respect and ensure the right to a secure, healthy and ecologically sound environment and to a stable climate, and ensure the rights outlined in Parts I—III of this Declaration. Accordingly, they shall adopt the administrative, legislative and other measures necessary to effectively implement the rights in this Declaration.

22. All States shall ensure international cooperation with other States and international organizations and agencies for the purpose of respecting the rights outlined in Parts I-III of this Declaration. All States shall observe the rights and duties in this Declaration, including extraterritorially.

23. All international organizations and agencies shall observe the rights and duties in this Declaration, including the human and procedural rights of indigenous peoples, women and other traditionally under-represented and marginalized groups and individuals.

24. All States, international organizations, business enterprises and individuals acting to reduce climate harms shall respect and recognize the rights of any affected human beings and other living beings and systems to be free from climate change-related harm.



GNHRE

**Global Network for
the Study of Human
Rights and the
Environment**

For more information and to endorse this Declaration,
please go to our website:
www.gnhre.org

A small sample of climate-related options for the Yachats City Council to consider

City Council meeting 12-2-21

Tom Kerns

We'll talk briefly about each of these options:

- [Declaring a climate emergency](#)
- [Climate Action Plan: a model for Lincoln County jurisdictions](#)
- Youth climate teams
- Artistic installations
 - [Climate Clock](#)
 - [Climate Ribbon](#)

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Background: The links below are *not* part of the reading for this meeting. They just provide some of the background from which the above proposals emerge.

DHRCC

- [The Declaration on Human Rights and Climate Change](#)
- [“‘The Declaration on Human Rights and Climate Change’: A New Legal Tool for Global Policy Change,” Kirsten Davies, et al, *Journal of Human Rights and the Environment* \(8.2\) September 2017](#)

The PPT

- [Permanent Peoples Tribunal Session on Human Rights, Fracking and Climate Change](#) (2018)

Books based on the PPT

- [Bearing Witness: The Human Rights Case Against Fracking and Climate Change](#), Thomas A Kerns and Kathleen Dean Moore, editors, Oregon State University Press 2021
- [Youth Climate Courts: How You Can Host a Human Rights Trial for People and Planet](#), Thomas A Kerns, Routledge, 2021

Film based on the PPT

- [“Bedrock Rights: A New Foundation for Global Action Against Fracking and Climate Change”](#) (40 minutes)

Articles based on the PPT

- Four short and powerful articles by Kathleen Dean Moore appeared in [Orion Magazine](#) during the November COP26 meetings. Their title: [“Bedrock Rights: The Human Rights Case Against Climate Change,”](#)
 - Part One: [Introduction](#)
 - Part Two: [Water](#)
 - Part Three: [Life](#)
 - Part Four: [Conclusions](#)

101 delineators

Rick McClung <Rick@YachatsMail.org>

Mon 11/15/2021 2:13 PM

To: Leslie Vaaler <Leslie@YachatsMail.org>

Cc: Katherine Guenther <citymanager@YachatsMail.org>

 1 attachments (494 KB)

Project Overview.pdf;

Hi Leslie,

I was wondering if I could get the 101 delineators on the agenda for the December council work session. The project has gone through the public works and streets commission, and they voted yes- now it needs to go through council for approval.

ODOT wants us to enter into an agreement. ODOT will pay for everything, but the city will have to solicit a contractor to do the installation and manage the project, ODOT will cover this cost also.

One of the things in the agreement is that the city will have to maintain the delineators, vegetation and keep the walking path clean at our cost- this is the portion council needs to approve. Trails crew said they would do all the maintenance, but if the trails crew ever dissolved this work would have to be transferred to public works.

I'd be happy to talk about the project.

Thanks,

Rick McClung

Yachats Public Works

541-819-2279

Yachats Oregon Coast Trail Safety Improvement

