

State of California, County of Siskiyou

Board of Supervisors Minutes, September 21, 2021

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 21st day of September 2021; there being present Supervisors Brandon Criss, Ray A. Haupt, Nancy Ogren and Ed Valenzuela, County Administrator Angela Davis, County Counsel Edward J. Kiernan, and County Clerk and ex-Officio Clerk of the Board of Supervisors Laura Bynum by Deputy County Clerk Wendy Winningham. Supervisor Michael N. Kobseff was absent.

The meeting was called to order by Chair Haupt. Pursuant to AB23, the Clerk announced that the Board members receive no additional compensation for sitting as members of the Siskiyou County Flood Control and Water Conservation District. Supervisor Criss led in the salute to the flag of the United States of America.

Invocation - Siskiyou County Sheriff Chaplain Keith Bradley provided an invocation.

Presentations from the Public

Pursuant to California Governor Newsom's Executive Order N-08-21, June 11, 2021, participation in presentations from the public by various members of the public was provided via teleconference phone.

Callers Robin Richards, Alice Rogers and Katherine Shelton shared concerns regarding the negative impacts associated with COVID 19 and spoke in support of the Board making efforts to promote COVID 19 vaccinations and the wearing of masks.

Callers Al Lugo, Ann Herfindahl, Larry Marks and Ayn Perry shared concerns regarding the status of COVID 19 cases and urged support for vaccinations and the wearing of masks.

Deputy County Clerk Wendy Winningham advised of an upcoming opportunity for the public to comment regarding Redistricting of Supervisorial District boundaries during an evening ZOOM meeting, scheduled for 6pm September 21, 2021.

Consent Agenda – Approved.

At Supervisor Criss' request, item 5D, General Services - Courthouse & Grounds contract with Jones Carpet Cleaning & Janitorial, LLC, was pulled from the consent agenda.

It was moved by Supervisor Haupt, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT, that the following consent agenda is approved, and the Chair and/or Clerk authorized to execute/record any necessary documents:

County Administration

Approve the first addendum to the contract with Avenu Insights and Analytics, LLC.

County Counsel

Approve the second addendum to agreement for services with Downey Brand, LLP, increasing the compensation under the contract by \$60,000 and authorize the Board Chair to execute same.

District Attorney - Victim Witness

Authorize the District Attorney's Office to apply for, accept and manage the County Victim Services (XC) Program grant in the amount of \$135,599 from 1/1/22 to 12/31/22, the Board of Supervisors adopt and sign the Resolution 21 -133. Authorize Jennie Ebejer, Auditor Controller to establish appropriations for County Vic. Ser. Grant.

Continued...

Consent Agenda – (continued)

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the contract for services between Siskiyou County Health and Human Services Agency, Behavioral Health Division, and Etna Police Activity League.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the 1st addendum between Siskiyou County Health and Human Services Agency, Behavioral Health Division, and Thomas Milam MD, Inc. DBA Iris Telehealth Medical Group for the term of July 1, 2020 through June 30, 2022.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the contract for services between Siskiyou County Health and Human Services Agency, Behavioral Health Division, and First 5 Siskiyou Children & Families Commission for the term of July 1, 2021 to June 30, 2022.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the contract for services between Siskiyou County Health and Human Services Agency, Behavioral Health Division, and Tiny, Mighty and Strong.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the contract for services between Siskiyou County Health and Human Services Agency, Behavioral Health Division, and Helikon.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the contract for services between Siskiyou County Health and Human Services Agency, Behavioral Health Division, and Lotus Educational Services.

Health and Human Services - Public Health Department

Approve and authorize the Chair to sign the Governing Board Resolution 21-134 with the State of California – Health and Human Services Agency - California Department of Public Health (CDPH) Emergency Preparedness Office and County of Siskiyou for COVID-19 Award Number AB86-47 Safe Schools for All, for FY 21/22, authorize the County Administrator to act on behalf of the County to execute any and all program award documents as outlined in Section 2 of the Resolution and authorize the Auditor to establish budget appropriation and set expenditures per the agreement amendment guidelines.

Health and Human Services - Social Services Division

Approve and authorize the Chair to sign the First Addendum to the Contract for Services between Siskiyou County Health and Human Services Agency and Redwood Toxicology Laboratory, Inc. for the full term July 1, 2020 through June 30, 2022.

Sheriff - Jail

Approve contract between EyeP Solutions, Inc. and Siskiyou County Sheriff's Office for Jail Camera Project. Transfer of Funds approved at the 9/7/2121 BOS.

Sheriff

Approve the agreement between the Sheriff's Office and the Forest Service for FY 20/21 – 24/25 as well as the contract for FY 20/21 for reimbursable patrol and enforcement activities.

Sheriff

Adopt and ratify the Sheriff Office's application for funding the 21/22 Boating Safety and Enforcement Financial Aid Program with the California Department of Boating and Waterways. Authorize the Sheriff to sign any documents required and operate the program per State guidelines and adopt associated Resolution 21-135.

General Services - Courthouse & Grounds - Approve contract with Jones Carpet Cleaning & Janitorial, LLC to provide janitorial services at 1312 Fairlane, 311 Fourth Street and 305 Butte Street, Yreka, CA, in a total amount not to exceed \$233,750.22, for the term October 1, 2021 through June 30, 2024. Approved.

This item was pulled from the consent agenda at Supervisor Criss' request. Supervisor Criss recused himself and left the Board Chambers.

It was moved by Supervisor Valenzuela, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Valenzuela, Ogren and Haupt voting YES, Supervisor Criss RECUSED and Supervisor Kobseff ABSENT, to approve the contract with Jones Carpet Cleaning and Janitorial, LLC for FY's 21/22, 22/23, and 23/24.

Public Requests – Shasta-Trinity National Forest - Presentation re recreation fees on US Forest Service lands. Presentation and discussion only.

Pursuant to California Governor Newsom's Executive Order N-08-21, June 11, 2021, participation in presentations by staff and members of the public was provided via teleconference phone.

Shasta-Trinity National Forest Ranger Carolyn Napper participated via ZOOM/teleconference phone, introducing Shasta-Trinity representatives Rebecca Cooper and Jennifer Womack, who also participated via ZOOM. Ms. Napper provided a powerpoint presentation regarding recreation fees on US Forest Service lands, advising that proposed fee increases were necessary to continue to provide amenities on public lands. Ms. Napper additionally requested Board and public comments related to the proposed fees, including fees for use of certain campgrounds, day use fees and annual access/pass fees.

Continuing the powerpoint, Ms. Napper summarized the expenses and operating costs associated with maintaining public lands and facilities for recreational public access, sharing concerns regarding the decreasing funding available to maintain those facilities. Ms. Napper advised that a large portion of the funding from recreational fees would go toward efforts to maintain facilities and improve infrastructure.

Discussion followed between members of the Board, Ms. Napper and Ms. Cooper regarding various overhead costs associated with maintaining public lands, the decreasing annual funding available to the Forest Service, similar fee proposals throughout the National Forests, anticipated efforts to establish funding assistance to offset County costs associated with various maintenance efforts (i.e. snow plowing of certain roads during the winter, search and rescue efforts in wilderness, etc.), no proposed fees for parking within National Forest lands, the anticipated process for collecting various use fees, the current efforts to outreach to the public concerning the proposed fees, and the need for the Board to be informed when the Forest Service releases Schedules of Proposed Actions (SOPAs).

Public Hearings – County Administration - Public hearing to consider adoption of the FY 21/22 Adopted Budget, including the following: resolutions adopted. Resolutions 21-136 and 21-137 adopted; County Statement of Allocated Positions and Salaries Schedule adopted.

This was the time set for a public hearing to consider adoption of the FY 21/22 Adopted Budget.

Chair Haupt opened the public hearing and Deputy County Clerk Wendy Winningham read the Order/Protocol into the record.

County Administrator Angela Davis provided an overview of the request to adopt the Fiscal year 21/22 budget, including various additions/deletions to the Recommended Budget approved in June. Ms. Davis advised that two Deputy Sheriff positions were unfrozen and one Community Services Officer position was added, in an effort to assist the Sheriff's Department. Ms. Davis additionally advised that a contribution, in the amount of \$1,000 to the Siskiyou Outdoor Recreation Alliance (SORA) was added to the Contribution to Others section and that the Adopted Budget was balanced.

In response to Chair Haupt, Ms. Winningham advised that the Clerk's Office had not received any correspondence related to the item. Continued...

Public Hearings – County Administration – (continued)

The Chair opened the item to public comments.

Pursuant to California Governor Newsom’s Executive Order N-08-21, June 11, 2021, participation in this item by staff and various members of the public was provided via teleconference phone.

General Services Director Jason Ledbetter advised of the need to review the salary level for various positions, sharing concerns regarding the difficulty in filling positions and retaining employees.

Brief discussion followed between members of the Board and Ms. Davis regarding the processes in place to evaluate employee salary/benefits as part of the negotiation process.

It was moved by Supervisor Valenzuela, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT to adopt Resolution 21-136 which adopts the FY 2021-2022 Siskiyou County Budget and have approved all additions and deletions to the Recommended Budget for FY 2021-2022, of which includes financing uses by unit, intrafund transfers by unit, transfers out by fund, appropriations for contingencies by fund, provisions for restricted and committed accounts by fund and purpose, and financing sources, in the amount of \$320,763,930.

It was moved by Supervisor Haupt, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT to adopt the County Statement of Allocated Positions and Salaries Schedule by attachment.

It was moved by Supervisor Criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT to adopt Resolution 21-137 amending the Siskiyou County Salary Table and Personnel Allocation list.

Public Hearings – Community Development - Public hearing to discuss recommendations regarding the issuance of well permits within the Scott Valley Watershed as associated with the consideration of the Public Trust Doctrine. Continued to October 5, 2021.

This was the time set for a public hearing to discuss recommendations regarding the issuance of well permits within the Scott Valley Watershed as associated with the consideration of the Public Trust Doctrine.

Chair Haupt advised that staff requested continuation of this public hearing to the October 5th Board meeting.

It was moved by Supervisor Haupt, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT to continue the item to October 5, 2021.

Public Hearings – General Services / County Counsel – Continued public hearing for the second reading of an ordinance granting an electric utility franchise to PacifiCorp with regard to electrical distribution and transmission lines and related appurtenances for a 15-year term. Ordinance 21-17 adopted.

This was the time set for a continued public hearing for the second reading of an ordinance granting an electric utility franchise to PacifiCorp with regard to electrical distribution and transmission lines and related appurtenances for a 15-year term, having been continued from September 7, 2021.

Pursuant to California Governor Newsom’s Executive Order N-08-21, June 11, 2021, participation in this item by staff was provided via teleconference phone.

Assistant County Counsel Natalie Reed provided an overview of the request to grant a 15-year franchise to PacifiCorp for use of County rights-of-way for distribution of electricity.

In response to Chair Haupt, Deputy County Clerk Wendy Winningham advised that the Clerk’s Office had not received correspondence related to the item.

Continued...

Public Hearings – General Services / County Counsel – (continued)

There being no public comments, the public hearing was declared closed.

It was moved by Supervisor Valenzuela, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT to waive the second reading and approve the adoption of the Ordinance 21-17 granting PacifiCorp at 15-year electric utility franchise.

County Administration - Discussion, direction and possible action re Resolution accepting a bid for purchase and sale of Assessor Parcel Numbers 030-320-070, 030-320-080, 030-380-110, and 014-940-020, commonly referred to as the "Dunsmuir Railroad Park Property", in the bid amount of \$550,440 from Mark J. Lilley and Mary E. Lilley (Buyer). Resolution 21-138 adopted.

Deputy County Administrator Elizabeth Nielsen provided an overview of the request, advising of the bid and purchase processes utilized. Ms. Nielsen advised of the need to amend the Resolution to correct the spelling of Buyer Mary Lilley's name.

It was moved by Supervisor Valenzuela and seconded by Supervisor Ogren to approve a resolution accepting a bid for purchase of Assessor Parcel Numbers 030-320-070, 030-320-080, 030-380-110, and 014-940-020, commonly referred to as the Dunsmuir Railroad Park property. A bid was placed by from Mark J Lilley and Mary E Lilley to purchase the Dunsmuir Railroad Park property for a price of Five Hundred and Fifty Thousand Four Hundred and Forty-Four Dollars and no cents (\$550,444.00). Should the Board approve the resolution, the County Administrator, or her designee will finalize and execute a Purchase and Sales Agreements, escrow instructions and a grant deed consistent with Resolution 21-115. The County Administrator, or her designee will work with other County departments as necessary to complete the Purchase and Sales Agreement.

Following discussion between members of the Board and County Administrator Angela Davis regarding the anticipated process to allocate the funding received from the sale of the property, the Chair called for the question and the motion to adopt Resolution 21-138 carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT.

County Counsel - Discussion, direction, and possible action re a Resolution setting forth roads included within Siskiyou County Code Section 3-4.1501, with regard to restriction of Water Trucks on certain County roads. Resolution 21-139 adopted.

County Counsel Edward J. Kiernan provided an overview of the request, advising that the Resolution would require a permit for water truck usage on all County roads, under County Code §3-4.1501 (cannabis cultivation).

Discussion followed between members of the Board, Mr. Kiernan and Agricultural Commissioner Jim Smith (participating via ZOOM/teleconference phone) regarding the current exemptions to the water truck prohibition and the need for permits from various County and/or other agencies to transport water on County maintained roads, it was moved by Supervisor Valenzuela and seconded by Supervisor Criss to adopt the Resolution setting forth where SCC Section 3-4.150(b) is applicable.

Following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT, the motion to adopt Resolution 21-139 carried.

Board of Supervisors' Requests – Board of Supervisors - Review status of Proclamation of Local Health Emergency by the County Health Officer in relation to various health hazards resulting from various wildfires in the County, dated August 19, 2021; action to extend or terminate. Extended.

It was moved by Supervisor Valenzuela, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT, to extend the Proclamation of Local Health Emergency by the County Health Officer.

Board of Supervisors' Requests – Board of Supervisors / Natural Resources - Discussion, direction and possible action re request to draft a letter to the State Water Resources Control Board (SWRCB) voicing opposition to SWRCB curtailment letters received by Scott Valley and Shasta Valley residents and municipals with regard to current SWRCB emergency regulations. Staff directed to draft a letter to the SWRCB.

Natural Resource Policy Specialist Matt Parker provided an overview of the request, advising of receiving multiple calls from Scott Valley residents, and the Town of Fort Jones and City of Etna regarding letter from the State Water Resources Control Board (SWRCB) requiring curtailment of groundwater pumping.

Supervisor Haupt voiced concerns regarding the SWRCB curtailment letter he had received, advising of the confusing nature of the letter.

Discussion followed between members of the Board concerning topics for a draft letter including, the need to request that the SWRCB send representatives to explain the letters and curtailment requests and request an explanation of the science behind the curtailments. Further discussion followed regarding the confusion the letters have caused and the actions being taken by SWRCB statewide with regard to water usage.

The Chair opened the item for public comment.

Pursuant to California Governor Newsom's Executive Order N-08-21, June 11, 2021, participation in presentations from the public by various members of the public was provided via teleconference phone.

Caller Nick Joslin shared concerns regarding the declining water levels in the Scott and Shasta Rivers, advising that the Sustainable Groundwater Management Act (SGMA) is advisory only and that the SWRCB would be the enforcement agency with regard to declining water issues.

Caller Sari Sommarstrom spoke in support of the Board drafting a letter of concern to the SWRCB, advising of the need for improved public relations, communications and public outreach concerning water issues.

Caller Rachel Argon from Town of Fort Jones, shared concerns regarding the curtailment letters and difficulty obtaining clarification from the Water Board and spoke in support of the Board drafting a comment letter to the SWRCB.

Supervisor Haupt shared concerns regarding local cities' need to pump additional groundwater to provide for those residents whose domestic wells have been affected by drought conditions.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT, to direct staff to draft a letter of opposition to the State Water Resources Control Board, circulate the letter to the Board for review, authorize the Chair to sign the letter, with the letter to come back before the Board on October 5, 2021 to be ratified.

Appointments - County Clerk - Appoint three members to the scheduled vacancies on the Law Library Advisory Board, for terms ending December 31, 2021. TJ Linville and Matthew Kane appointed.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that TJ Linville and Matthew Kane were interested in appointment to positions on the Law Library Advisory Board.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES and Supervisor Kobseff ABSENT, to appoint TJ Linville and Matthew Kane to the scheduled vacancies on the Law Library Advisory Board, for one year terms ending December 31, 2021.

Appointments - County Clerk - Appointment of three members to the scheduled vacancies on the Behavioral Health Services Board for terms ending December 31, 2023. Patricia Hobbs appointed.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that Patricia Hobbs was interested in serving on the Behavioral Health Services Board. Continued...

Appointments - County Clerk – (continued)

In addition, Ms. Winningham advised that the Behavioral Health Services Board recommended Ms. Hobbs' appointment and that there were other vacancies on the Behavioral Health Services Board with varying term expiration dates.

It was moved by Supervisor Ogren, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES, and Supervisor Kobseff ABSENT to appoint Patricia Hobbs to the scheduled vacancy on the Siskiyou County Behavioral Health Services Board, for a term ending December 31, 2023.

The remaining vacancies were continued to a later date.

Appointments - County Clerk - Appointment of one member to the unscheduled vacancy on the Behavioral Health Services Board for a term ending December 31, 2022 and one alternate member to the unscheduled vacancy for a term ending December 31, 2021. Continued to a later date.

Deputy County Clerk Wendy Winningham provided an overview, requesting continuation of the item as there were no letters of interest in serving on the Behavioral Health Services Board received.

The vacancies were continued to a later date.

Minute Approval - July 13, 2021. Approved.

It was moved by Supervisor Ogren, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Criss, Valenzuela, Ogren and Haupt voting YES, and Supervisor Kobseff ABSENT to approve the July 13, 2021 minutes as presented.

Closed Session - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), one case, conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), three cases, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, significant exposure to litigation pursuant to Government Code §54956.9(d)(2), three cases, commenced at 11:15a.m., concluded at 1:12p.m., with action taken.

Report On Closed Session

County Counsel Edward J. Kiernan announced that closed session concluded at 1:12p.m., with reportable action taken.

With regard to item 13C, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Shannon M. Spencer, et al., v. County of Siskiyou, et al., Siskiyou County Superior Court Case No. SCCVPT 21-0984, a motion was made by Supervisor Haupt, seconded by Supervisor Ogren with Supervisor Kobseff ABSENT, on a 4/0 vote the Board approved defending the lawsuit.

With regard to 13D, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Mallinckrodt PLC, et al., Bankruptcy Case, United States Bankruptcy Court for the District of Delaware, Case No. 20-12522 (JTD), the Board approved conveying to outside counsel and concurrence with the bankruptcy plan. That was a motion by Supervisor Valenzuela, second by Supervisor Haupt, with Supervisor Kobseff being ABSENT and the vote was 4/0.

Board and Staff Reports

There were no Board or Staff reports given.

Adjournment - There being no further business to come before the Board of Supervisors, the meeting was adjourned.

Attest:
Laura Bynum, County Clerk

Ray A. Haupt, Chair

By: _____
Deputy