

# **State of California, County of Siskiyou**

## **Board of Supervisors Minutes, May 17, 2022**

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 17<sup>th</sup> day of May 2022; there being present Supervisors Brandon Criss, Michael N. Kobseff and Nancy Ogren, 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.

The meeting was called to order by Chair Criss. 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 and In Home Supportive Services Public Authority. Supervisor Kobseff led in the salute to the flag of the United States of America. Supervisor Ray A. Haupt was present at 9:16a.m., and Supervisor Ed Valenzuela was absent.

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

### **Presentations from the Public**

County resident Joseph Luiz appeared before the Board, advising of the need to fund the County's Sheriff's department in order to increase Sheriff patrols around the County.

Health and Human Services Agency Director Sarah Collard advised that Director of Public Health Shelly Davis had been nominated as Shasta Valley Citizen of the Year and congratulated Ms. Davis on the nomination. Additionally, Ms. Collard advised that Public Health and staff were also nominated.

In Home Supportive Services (IHSS) Union representative Misty Clifford spoke in support of the Union and County negotiating toward increased wages and funding for training IHSS workers.

Members of the IHSS Union Mary Stringari, Christine Busby and Cynthia Seaver and Service Employees International Union (SEIU) 2015 local organizer Jacob Hibbittz shared concerns regarding the lack of funding for training for IHSS workers and in support of the County considering increasing wages for IHSS workers.

Audience member Jeffrey Edgerly shared concerns regarding the status of the Sheriff's Department's staffing and requested that the County and the Deputy Sheriff's Association work together in order to protect the County's citizens.

### **Consent Agenda – Approved.**

The Chair opened this item to public comments.

Participation in public comments by various members of the public was provided via teleconference phone.

Caller Nick Joslin shared various concerns regarding consent agenda items 5A and 5B, letters of support for proposed habitat and/or restoration projects. Mr. Joslin advised that the proposed projects might not provide the anticipated benefits for local fish populations.

At Chair Criss' request, item 5J, County Museum's Resolution accepting various donations from the Siskiyou County Historical Society, was pulled from the consent agenda for discussion.

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

County Administration

Ratify the support letter to California Trout Mt. Shasta/Klamath Region for proposed Shasta River Safe Harbor Agreement Habitat Improvement Design and Implementation Project.

County Administration

Ratify the support letter to United States Fish and Wildlife Services expressing support for Montague Water Conservation District's project.

Continued...

## **Consent Agenda – (continued)**

### **County Administration**

Ratify support letter to the United States Fish and Wildlife Service for Analysis of the Shasta Valley Water Rights in the Klamath River Proposal.

### **County Administration**

Approve the Master Services Agreement with Occu-Med, as well as authority for the County Administrator, or her designee, to approve departmental requests to utilize the Agreement as needed during the term of the contract.

### **County Administration**

Ratify the support letter to Shasta-Trinity National Forest expressing for proposed 31 Road Shaded Fuelbreak Project Scoping.

### **County Administration**

Approve the letter and authorize the Chair to sign letter to California Governor Newsom in response to Executive Order N-7-22, State of Emergency - Groundwater Recharge.

### **County Administration**

Review the documents, approve submission of the application, authorize the Chair to sign, and adopt the Resolution 22-91 (DGS OFAM 202).

### **County Administration**

Approve two MOUs between the County and community partners as well as the Grant Agreement between the County and CalOSBA, authorize the Chair to sign, and authorize the Auditors to establish budget.

### **County Administration**

Review the Determination of Public Convenience or Necessity for the McCloud River Bed & Breakfast's application to obtain alcohol license Type 42 - On-Sale Beer and Wine license and approve and sign the application and adopt Resolution 22-92 which approves the issuance of said application.

### **General Services - Sanitation**

Approve the contract with Lawrence & Associates.

### **Health and Human Services - Behavioral Health Division**

Approve and authorize the Chair to sign the Contract for Services between Siskiyou County Health & Human Services Agency, Behavioral Health Division, and Victor Treatment Centers, Inc. for the term of July 1, 2022 to June 30, 2025.

### **Health and Human Services - Social Services Division**

Approve and the Chair sign the new Rate Agreement between Siskiyou County Health and Human Services Agency and Wright Education Services for the full term of July 1, 2022 through June 30, 2024.

### **Public Works – Road Division**

Approve and authorize chairperson to sign the amended Local Transportation Fund claim for FY 20/21 in the amount of \$908,442, claim for FY 21/22 in the amount of 1,303,991, and authorize the Auditor to adjust the budget for the Road Department.

### **Sheriff**

Approve the Sheriff to enter a contract with Brim Aviation for aviation services from 2022-2027 per the fee schedule listed on Exhibit A.

### **Sheriff**

Approve the Sheriff to enter a contract with A&P Helicopters, Inc for aviation services from 2022-2025 per the fee schedule listed in Exhibit A.

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## **Consent Agenda – (continued)**

Weed Recreation and Parks District

Adopt the Resolution 22-93 for a temporary loan in the amount of \$100,000 to the Weed Recreation and Parks District, which shall be repaid to the County on or before April 10, 2023.

Transfer of Funds - Communications - \$7,553. Resolution 22-94 adopted.

**County Museum** - Adopt Resolution accepting various donations from the Siskiyou County Historical Society, as detailed in the Resolution and approving execution of Exhibit A, associated letter agreement between Siskiyou County Historical Society and the County. Resolution 22-95 adopted.

This item was pulled from the consent agenda at Chair Criss' request.

Deputy County Counsel William Carroll appeared before the Board, distributing and summarizing an updated letter agreement between the County and Siskiyou County Historical Society. Mr. Carroll advised that the letter was revised as the Historical Society President had recently passed away and that the letter was now to be signed by Vice President Kathy Graves.

It was moved by Supervisor Kobseff, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to adopt Resolution 22-95 accepting various donations from the Siskiyou County Historical Society, including the amended letter agreement.

**Off-Agenda Item** – Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: American Civil Liberties Union of Northern CA., Inc. v. J. Kirk Andrus, et al., Superior Court for the County of Siskiyou, Case No. SCCVPT 22-475. Added to the closed session agenda.

County Counsel Edward J. Kiernan provided an overview of the request to add an item, not on the posted agenda, concerning existing litigation. Mr. Kiernan requested that the item be added to the closed session agenda, as the Board's direction was needed prior to the next regular Board meeting on June 14, 2022.

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to add an item, not on the posted agenda, concerning conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: American Civil Liberties Union of Northern CA., Inc. v. J. Kirk Andrus, et al., Superior Court for the County of Siskiyou, Case No. SCCVPT 22-475, to the closed session agenda.

**County Administration – Personnel** - Informational presentation re Side Letter Agreement with the Sheriff's Management Unit pertaining to overtime during formally declared local emergency, mutual aid, grant, and/or service contract assignments. Presentation and discussion only.

Deputy County Administrator Melissa Cummins provided an overview of a Side Letter Agreement with the Sheriff's Management Unit (related to overtime pay in certain circumstances), advising that side letter agreements are not brought before the Board for approval. Ms. Cummins further advised that this item was to make the Board and the public aware of the potential fiscal impacts associated with the side letter agreement and options for County reimbursement of certain costs.

Discussion followed between members of the Board and Ms. Cummins regarding the need to research the use of deputies (County staff) to provide staffing during wildfire and other emergencies (taking deputies off the street to staff positions not normally staffed by the County).

**County Administration – Personnel** - Discussion, direction and possible action re the following: Resolution adopting the comprehensive Memorandum of Understanding with the Operating Engineers Local Union No. 3 and implementing the provisions thereof, for the term May 17, 2022 through September 27, 2025; and associated Resolution amending the Siskiyou County Salary Schedule, effective June 12, 2022, June 11, 2023, June 9, 2024, and June 8, 2025 as detailed in the Resolution. Resolutions P 22-96 and P 22-97 adopted.

Deputy County Administrator Melissa Cummins provided an overview of request to approve the Memorandum of Understanding with the Operating Engineers Local Union No. 3 and associated salary schedule amendments.

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## **County Administration – Personnel – (continued)**

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to adopt Resolution P 22-96 regarding the Memorandum of Understanding by and between the County of Siskiyou and Operating Engineers Local No. 3 (OE3) effective May 17, 2022, and adopt Resolution P 22-97 amending the Siskiyou County Salary Schedule as outlined in the attached resolution.

**County Administration / Firesafe Council of Siskiyou County** - Presentation of an update re County Coordinator Grant accomplishments and other fire safe projects affecting Siskiyou County. Presentation and discussion only.

Firesafe Council of Siskiyou County Coordinator Giselle Nova appeared before the Board and provided a brief overview of the request. Ms. Nova distributed a 15-page PowerPoint presentation on local Fire Safe Councils' efforts to make communities fire wise and a one-page agenda for the Siskiyou County Wildfire Mitigation Group Outreach and Education Coordination meeting. Ms. Nova presented the powerpoint, including an overview of a recent CAL Fire County Coordinator grant award and associated activities, various current and upcoming educational community events, the Community Organized Relief Effort (CORE) Program in which the City of Dunsmuir could be chosen be able to participate, an upcoming outreach/education meeting of the Wildfire Mitigation Group and an overview of various Fire Safe Councils in the County.

Discussion followed between members of the Board and Ms. Nova regarding the potential benefits associated with the creation of Firewise Communities versus Fire Safe Councils (i.e. possible lower home/fire insurance rates for locals living in them and the need to reach out to legislators to address home/fire insurance rates.

Ms. Nova continued the PowerPoint, including maps indicating the status of fire fuels and potential fire threats, an overview of the positive impacts associated with completed and anticipated fire/fuel break projects on firefighting efforts and several before and after pictures of various fire reduction/prevention projects completed within the County.

Discussion followed regarding the need to address maintenance of those completed fire/fuel reduction project areas in order to continue the fire reduction benefits, possible grant funding opportunities to assist in those efforts, the benefits associated with various fuel reduction methods (mastication, removal, etc.).

**Board of Supervisors' Requests** - Board of Supervisors - Review status of local emergency related to drought declared by Resolution 22-74, adopted on April 5, 2022; action to extend or terminate local emergency. Local emergency extended.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to extend the local emergency related to drought declared by Resolution 22-74.

**Appointments** - County Clerk - Appointment of one member to the unscheduled vacancy on the Shasta Valley Resource Conservation District, for a short term ending November 26, 2022. Michael Luiz appointed.

Deputy County Clerk Wendy Winningham provided an overview of the request advising that Montague resident Michael Luiz was interested and eligible to serve as a registered voter residing within the District boundaries.

Following brief discussion between members of the Board and Ms. Winningham regarding the eligibility verification process, including the District's input, it was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to appoint Michael Luiz to the unscheduled vacancy on the Shasta Valley Resource Conservation District, for a short term ending November 26, 2022.

**Appointments** - County Clerk - Appointment of one member to an unscheduled vacancy on the Behavioral Health Services Board, for a term ending December 31, 2024. Continued to a later date.

Deputy County Clerk Wendy Winningham provided an overview of the request advising that the Clerk's Office had received a letter of interest in filling a vacancy, although the Behavioral Health Services Board had not made a recommendation.

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**Appointments - County Clerk – (continued)**

Ms. Winningham requested that this item be continued to a later date.

Chair Criss advised that this item was continued to later.

**Appointments - County Clerk -** Appointment of one member to the unscheduled vacancy on the Grenada Fire Protection District for a short term ending December 1, 2022. No action taken.

Deputy County Clerk Wendy Winningham provided an overview of the request advising that the Board of Supervisors had an opportunity to fill a vacancy on the Grenada Fire Protection District Board, as the District was unable to fill the vacancy within their available timeframe. In addition, Ms. Winningham advised that the Clerk's Office had not received any letters of interest in serving on the District.

Brief discussion followed between members of the Board and Ms. Winningham regarding the Board of Supervisors' timeframe for making an appointment and whether the item could be continued to a future Board meeting.

Later in the meeting, Ms. Winningham advised that this was the last opportunity for the Board to fill the vacancy.

No action was taken with regard to this item.

**Minute Approval - April 19, 2022.** Approved.

It was moved by Supervisor Kobseff, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Kobseff, Ogren and Criss voting YES, Supervisor Haupt ABSTAINING and Supervisor Valenzuela ABSENT to approve the April 19, 2022 minutes as presented.

**Public Hearings - Community Development - Planning Division -** Continued public hearing for the second reading of an ordinance amending the Planned Development and Master Plan Document on APNs 028-010-010 and 028-020-060; Township 40N, Range 3W, Section 3 MDBM for the Mt. Shasta Ski Park Zone Change (Z-21-10) and adoption of Resolution approving the Mount Shasta Ski Park Use Permit (UP-21-30) and approving the prepared Subsequent Mitigated Negative Declaration, for construction of the Grey Butte Ski Lift. Ordinance 22-09 adopted; Resolution 22-98 adopted.

This was the time set for a continued public hearing for the second reading of an ordinance amending the Planned Development and Master Plan Document on APNs 028-010-010 and 028-020-060; Township 40N, Range 3W, Section 3 MDBM for the Mt. Shasta Ski Park Zone Change (Z-21-10) and associated Use Permit (UP-21-30), having been introduced on May 3, 2022.

Deputy Director of Planning Hailey Lang presented six pages of additional comments related to the project that the Community Development Department received and provided a brief overview of the request. Ms. Lang requested that a Resolution approving the Mount Shasta Ski Park Use Permit (UP-21-30) and approving the Subsequent Mitigated Negative Declaration be adopted in addition to the Ordinance amending the Planned Development and Master Plan Document.

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

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

It was moved by Supervisor Criss and seconded by Supervisor Kobseff to approve the Subsequent Mitigated Negative Declaration in accordance with Title 14, Section 15074 of the Cal. Code of Reg., introduce, waive and approve the second reading of the ordinance amending the Planned Development Document for the Mount Shasta Ski Park on APNs 028-010-010 and 028-020-060, and adopt the Resolution Approving the Mount Shasta Ski Park Use Permit (UP-21-30) and Approving the Subsequent Mitigated Negative Declaration. Following a roll call vote with Supervisors Haupt, Kobseff, Ogren, Criss voting YES, and Supervisor Valenzuela ABSENT the motion to adopt Ordinance 22-09 and Resolution 22-98 carried.

Mt. Shasta Ski Park General Manager Jim Mullins thanked the Board and the County for their efforts related to this project.

**Public Hearings - County Administration -** Public hearing to consider authorized uses of FY 19/20 and FY 20/21 Secure Rural Schools and Community Self-Determination Act Title III funding, in a total amount of \$450,077.02. Use of FY 19/20 and FY 20/21 Title III funds approved/authorized.

This was the time set for a public hearing to consider authorized uses of FY 19/20 and FY 20/21 Secure Rural Schools and Community Self-Determination Act Title III funding, in a total amount of \$450,077.02.

Chair Criss opened the public hearing.

Deputy County Clerk Wendy Winningham briefly summarized the order of presentation.

Deputy County Administrator Sherry Lawson provided an overview of the request, advising that the Secure Rural Schools and Community Self-Determination Act Title III funding was available to reimburse the County for various activities performed on National Forest and Bureau of Land Management (BLM) lands (i.e. search and rescue, emergency response, firefighting, law enforcement patrols, etc.). In addition, Ms. Lawson advised that the County Administrator's Office had not received any correspondence related to the issue during the required 45-day comment period.

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

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

In response to Supervisor Kobseff, Ms. Lawson advised that the reimbursed funding could be brought into the County's General Fund.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT to authorize the use of the FY 19/20 and FY 20/21 Title III funds and any applicable interest to reimburse the County for training, equipment, search and rescue, and emergency response activities on Federal lands.

**Public Hearings - County Administration -** Public hearing for the second reading of an ordinance amending Chapter 8 of Title 2 of the Siskiyou County Code regarding the County Purchasing System. First reading approved; public hearing for the second reading continued to June 14, 2022.

This was the time set for a public hearing for the second reading of an ordinance amending Chapter 8 of Title 2 of the Siskiyou County Code regarding the County Purchasing System, having been introduced on April 19, 2022.

Chair Criss opened the public hearing.

Deputy County Administrator Elizabeth Nielsen provided a brief overview, requesting that the Board consider this a first reading as there was the need to add the word 'no' to the verbiage in Section 2-8.07(c) Informal Bids (as indicated here: Unless otherwise provided by law, the Purchasing Agent may utilize informal bids to purchase personal property where the cost of such personal property, as defined in Government Code Section 25508, is more than Five Thousand and no/100ths (\$5,000.00) Dollars and no more than Twenty-five Thousand and no/100ths (\$25,000.00) Dollars).

There were no public comments received.

Following brief discussion regarding the request to approve this as a first reading and continue the public hearing for the second reading, it was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to waive the first reading of the ordinance and continue the public hearing for the second reading of the ordinance amending Section 2-8.07 of the Siskiyou County Code regarding the County Purchasing System to June 14, 2022.

**Public Hearings - Community Development - Planning Division -** Public hearing for the first reading of an ordinance reclassifying land in the unincorporated community of Grenada from Town Center (C-C) to Light Industrial (M-M) on APN: 038-448-021; Township 44 North, Range 6 West, Section 22, MDB&M, for the Yates Zone Change (Z-21-11) project. First reading approved; public hearing for the second reading continued to June 14, 2022.

This was the time set for a public hearing for the first reading of an ordinance reclassifying land in the unincorporated community of Grenada from Town Center (C-C) to Light Industrial (M-M) on APN: 038-448-021; Township 44 North, Range 6 West, Section 22, MDB&M, for the Yates Zone Change (Z-21-11) project.

Chair Criss opened the public hearing.

Deputy County Clerk Wendy Winningham briefly summarized the order of presentation.

Senior Planner Rachel Jereb provided an overview of the request to utilize property in the community of Grenada as a mini storage facility. Ms. Jereb recommended that the project be exempt pursuant to various California Environmental Quality Act (CEQA) exemptions, including the 'common sense' exemption, as the proposed rezone would not adversely affect the environment.

In response to Chair Criss, Ms. Winningham advised that the Clerk's Office had not received correspondence related to this issue.

There were no public comments received.

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to introduce, waive, and approve the first reading of the proposed Yates rezoning to amend Zoning District Map 10-6.205-251; and direct the Clerk to schedule a continued public hearing on adoption of the CEQA exemption and a second reading of the ordinance amending Zoning District Map 10-6.205-251 on June 14, 2022.

### **Board and Staff Reports**

Supervisor Kobseff requested that an item be brought back before the Board to consider a letter to the Governor requesting the return of Payment in Lieu of Taxes (PILT) and Williamson Act funding, as the State currently has a funding surplus.

Supervisor Ogren congratulated Supervisor Criss for his nomination as Butte Valley Citizen of the Year.

### **Presentations from the Public**

Audience member Ann Steinbring shared concerns regarding the welfare, foster care, Medi-Cal/Medicare and homelessness programs in the County, advising of the need for a change as to how those programs operate.

**Closed Session -** Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), two cases, conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), two 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), one case, conference with labor negotiators pursuant to Government Code §54957.6, commenced at 10:45a.m., concluded at 1:28p.m., with action taken.

### **Report On Closed Session**

County Counsel Edward J. Kiernan announced that closed session concluded at 1:28p.m., with the following reportable action taken.

With regard to item 12B, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Russell Farnsworth v. Daniel Deppen, et al., Siskiyou County Superior Court Case No. SCCVPO 22-0159, the Board authorized defense of that suit by a vote 4/0. Supervisor Valenzuela was absent. Supervisor Haupt made the motion and Supervisor Kobseff seconded it.

With regard to item 12F, Conference with labor negotiators pursuant to Government Code §54957.6, agency designated representatives: Angela Davis, name of employee organization: Deputy Sheriff's Association (DSA), the Board met on this item from 12:15p.m., to 12:51p.m.

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**Report On Closed Session – (continued)**

With regard to the added urgency item, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: American Civil Liberties Union of Northern CA., Inc. v. J. Kirk Andrus, et al., Superior Court for the County of Siskiyou, Case No. SCCVPT 22-475, the Board authorized defense of that suit by a vote of 4/0. Supervisor Valenzuela was ABSENT. The motion was made by Supervisor Haupt and seconded by Supervisor Kobseff.

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

Attest:

Laura Bynum, County Clerk

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Brandon A. Criss, Chair

By: \_\_\_\_\_

Deputy