

State of California, County of Siskiyou

Board of Supervisors Minutes, August 2, 2022

The Honorable Board of Supervisors of Siskiyou County, California, met in special session this 2nd day of August 2022; there being present Supervisors Brandon Criss, Michael N. Kobseff, Nancy Ogren, Ray A. Haupt 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.

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. Supervisor Ogren led in the salute to the flag of the United States of America.

Invocation - Siskiyou County Sheriff Chaplain James Crabtree provided an invocation.

Off-agenda Item – County Administrator – Request to ratify a Proclamation of Local Health Emergency by the County Health Officer regarding the McKinney and China-2 fires proclaimed by the Public Health Officer on July 30, 2022. Request approved.

County Counsel Edward J. Kiernan provided an overview of the request to add an urgency item, not on the posted agenda, concerning ratification of a Proclamation of Local Health Emergency by the County Health Officer regarding the McKinney and China-2 fires.

It was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES to add an item not on the posted agenda requesting ratification of a Proclamation of Local Health Emergency by the County Health Officer regarding the McKinney and China-2 fires.

Later in the meeting, County Administrator Angela Davis provided a brief overview of the Proclamation signed by the County Health Officer due to hazardous conditions produced by two wildfires burning in the County. Ms. Davis additionally provided an update regarding the McKinney, China-2, Kelsey, Shackelford, Alex and Meamber wildfires, currently active, and flooding conditions at Mud Creek near the community of McCloud.

Brief discussion followed between members of the Board and Ms. Davis regarding the current status of the Emergency Operations Center (EOC), recovery preparations and the process to solicit financial assistance from the Federal Government.

The Chair opened the item to public comments and no public comments were received.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to approve the request to ratify a Proclamation of Local Health Emergency by the County Health Officer regarding the McKinney and China-2 fires proclaimed by the Public Health Officer on July 30, 2022.

Off-agenda Item – County Administrator – Request to ratify a Proclamation of Local Emergency by the Director of Emergency Services regarding the McKinney fire proclaimed by the Director of Emergency Services on July 31, 2022. Request approved.

County Counsel Edward J. Kiernan provided an overview of the request to add an urgency item, not on the posted agenda, concerning ratification of a Proclamation of Local Emergency by the Director of Emergency Services regarding the McKinney fire.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES to add an item not on the posted agenda requesting ratification of a Proclamation of Local Emergency by the Director of Emergency Services regarding the McKinney fire proclaimed by the Director of Emergency Services on July 31, 2022.

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Off-agenda Item – County Administrator – (continued)

Later in the meeting, County Administrator Angela Davis provided a brief overview of the Proclamation signed by the Director of Emergency Services.

Brief discussion followed between members of the Board and Ms. Davis regarding the current status of the Emergency Operations Center (EOC), recovery preparations and the process to solicit financial assistance from the Federal Government.

The Chair opened the item to public comments and no public comments were received.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to approve the request to ratify a Proclamation of Local Emergency by the Director of Emergency Services regarding the McKinney fire proclaimed by the Director of Emergency Services on July 31, 2022.

Public Requests - California Department of Transportation (Caltrans) - Presentation re highway connectivity projects and an update concerning the Hwy 97 wildlife crossing proposal. Continued to a later date.

Chair Criss advised that this item was continued to a later date due to the ongoing McKinney fire local emergency.

Public Requests - Discover Siskiyou - Presentation of an update re Tourism Business Improvement District (TBID) lodging occupancy, lodging review, tourism trends, and marketing. Continued to a later date.

Chair Criss advised that this item was continued to a later date due to the ongoing McKinney fire local emergency.

Public Requests - Siskiyou Economic Development Council - Presentation of an update re work related to business relief programs, business services, and business attraction strategies. Continued to a later date.

Chair Criss advised that this item was continued to a later date due to the ongoing McKinney fire local emergency.

Presentations from the Public

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

Caller Nick Joslin spoke in support of the Board/County codifying a moratorium on Countywide well drilling during the County's ongoing California Environmental Quality Act (CEQA) process.

Consent Agenda – Approved.

At Supervisor Criss' request, item 5L, Health and Human Services' Social Services Division's contract with Jones Carpet Cleaning and Janitorial, LLC, was pulled from the consent agenda for discussion.

At Supervisor Kobseff's request, item 5K, Health and Human Services' Behavioral Health Division's Memorandum of Understanding with the Siskiyou County Office of Education, were pulled from the consent agenda for discussion.

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

Assessor - Recorder

Approve the Megabyte Property Tax System Annual Maintenance contract as submitted, with the Chair authorized to sign.

County Administration

Approve the Purchasing Policy and Procedures as amended.

County Administration

Approve the letter and authorize the Chair to sign.

Continued...

Consent Agenda – (continued)

County Administration

The Board ratifies the support letter for the proposed CalTrans Shasta Klamath (CA) Wildlife Connectivity Project.

County Administration

Approve the letter of support and authorize the Chair to sign, related to the CORE Response Pilot Project.

County Administration

Approve the letter and authorize Chair to sign, related to Hazardous Fuels Funding Priorities.

County Administration - Personnel

Adopt Resolution P 22-124 amending the Siskiyou County Position Allocation List to make revisions as detailed in the attached Resolution effective August 7, 2022.

County Library

Approve contract with CTC Technology and Energy ending on June 30, 2026.

Community Development - Planning Division

Approve Resolutions 22-125 and 22-126 which authorizes (1) Submission of grant application; (2) County Administrator or Community Development Director to execute any necessary documents to implement grant, and (3) Auditor to establish budget for this grant.

District Attorney

Approve lease agreement between Kelley Connect and the Siskiyou District Attorney's Office for the term of 60 months at rate of \$396.00 per month plus tax taking effect September 1, 2022.

Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Governing Board Resolution, number 22-127 with the State of California – Health and Human Services Agency – California Department of Public Health (CDPH) and County of Siskiyou for COVID-19 ELC Enhancing Detection Funding for FY 2020 through FY 2024 and COVID-19 ELC Enhancing Detection Expansion Funding for FY 2021 through FY 2024, 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 appropriations and set expenditures per the grant guidelines.

Office of Emergency Services

Ratify the proclamation and direct the Clerk to bring back the Proclamation every 60 days for Board reconsideration, related to the Mud Creek debris flow state of emergency.

Sheriff

Approve the changes requested for expense separation between the Search & Rescue discretionary fund vs the Sheriff's Budget. Allow the department to pay expenses related to Search & Rescue from either fund when deemed appropriate.

Transfer of Funds - Fuel Services - \$116,909. Resolution 22-128 adopted.

Health and Human Services - Behavioral Health Division - Approve Memorandum of Understanding with the Siskiyou County Office of Education for implementation of the School-Based Mental Health and Wellness Program, for use of grant funds in the amount of \$1,531,219, for the term April 12, 2022 through June 30, 2026. Approved.

This item was pulled from the consent agenda at Supervisor Kobseff's request.

Supervisor Kobseff advised of the need for additional information regarding the Memorandum of Understanding.

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Health and Human Services - Behavioral Health Division – (continued)

It was moved by Supervisor Valenzuela, seconded by Supervisor Criss and carried, with Supervisors Haupt, Valenzuela, Ogren and Criss voting YES and Supervisor Kobseff ABSTAINED to approve the Memorandum of Understanding with the Siskiyou County Office of Education and authorize the Chair to sign the agreement, authorize the Auditor to establish budget appropriations and set expenditures per the grant guidelines, and authorize the County Administrator to enter and execute any supplemental, amended or modifications to the agreement.

Health and Human Services - Social Services Division - Approve contract with Jones Carpet Cleaning and Janitorial, LLC, to provide janitorial and cleaning maintenance services for various HHSA Housing Unit Trailers located at Cove Mobile Villa, 6431 Old Hwy 99 Yreka, CA, at the rates specified in the contract, for the term July 1, 2022 through June 30, 2024. Approved.

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

It was moved by Supervisor Valenzuela, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela and Ogren voting YES and Supervisor Criss RECUSED to approve and the Chair sign the Rate Agreement between the Siskiyou County Health and Human Services Agency and Jones Carpet Cleaning and Janitorial for the term of July 1, 2022 through June 30, 2024.

Supervisor Criss returned to the Board Chambers.

Appointments - County Clerk - Appointment of two members to the scheduled vacancies on the Etna Cemetery District, for terms ending January 5, 2026. David Nelson appointed; remaining vacancy continued to a later date. Davis Nelson appointed; remaining vacancies continued to a later date.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that incumbent David Nelson was interested in reappointment. In addition, Ms. Winningham requested continuation of the remaining vacancy.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to appoint David Nelson to the scheduled vacancy on the Etna Cemetery District, for a term ending January 5, 2026 and continued the remaining vacancy to a later date.

Public Hearings - County Administration - Public hearing for the second reading of an Ordinance amending Chapter 1 of Title 2 of the Siskiyou County Code adopting Sections 2-1.18 through 2-1.26 related to administration of County Airports. Ordinance 22-15 adopted.

This was the time set for a public hearing for the second reading of an Ordinance amending Chapter 1 of Title 2 of the Siskiyou County Code adopting Sections 2-1.18 through 2-1.26 related to administration of County Airports.

Chair Criss opened the public hearing.

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

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

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

It was moved by Supervisor Kobseff and seconded by Supervisor Criss to waive the second reading and adopt the Ordinance amending Title 2 "Administration" Chapter 1 "Airports" of the Siskiyou County Code to add Sections 2-1.18 through 2-1.26.

In response to Supervisor Kobseff, County Administrator Angela Davis advised that she would research the status of work planned for the Weed Airport taxiway.

Following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, the motion carried unanimously.

Public Hearings - Community Development - Planning Division - Continued public hearing to consider proposed amendments to two agricultural preserves and rescission of a portion of two Williamson Act contracts with subsequent reentry in order to consolidate all property under one preserve and one contract for property located east of the community of Macdoel, CA, for the Matthew and Audrey Parsons Trust Agricultural Preserve Amendment and Williamson Act contract rescission and reentry project (APA-22-02). Continued to October 4, 2022.

This was the time set for a continued public hearing to consider proposed amendments to two agricultural preserves and rescission of a portion of two Williamson Act contracts with subsequent reentry in order to consolidate all property under one preserve and one contract for property located east of the community of Macdoel, CA, for the Matthew and Audrey Parsons Trust Agricultural Preserve Amendment and Williamson Act contract rescission and reentry project (APA-22-02), having been continued from June 14, 2022.

Chair Criss recused himself from consideration of this item and left the Board Chambers.

Vice Chair Valenzuela provided a brief overview of the item.

Assistant Planner Bernadette Cizin presented a powerpoint presentation entitled: Williamson Act Guidelines Overview, including an overview of the rules/regulations related to the voluntary Williamson Act Program. Ms. Cizin summarized the Community Development Department's process to review/approve requests to establish or amend Agricultural Preserves (Ag Preserves) and Williamson Act (WA) Contracts.

Brief discussion followed between members of the Board and Ms. Cizin regarding the County's moratorium on the establishment of new Ag Preserves/WA Contracts and the process for developing and approving WA Guidelines.

Continuing the powerpoint, Ms. Cizin summarized the requirements associated with the sale of property within an Ag Preserve/WA Contract and the Department's process for monitoring those within the WA program for compliance.

Discussion followed regarding the Department's request for information from property owners through a WA Contract questionnaire, the types of questions asked of property owners, including those related to utilization of local water supplies and the current contentious nature related to requests for water use information.

Ms. Cizin continued the powerpoint, including an overview of the process to terminate/cancel or non-renew a WA Contract, and provided the history of the Parsons' APA 22-02 project and an associated Code Enforcement case related to the processing and sales of imported logs as firewood and storage and sales of wood pellets on the Parsons' property. Ms. Cizin additionally provided an overview of four options offered to the Parsons (property owners) related to bringing property into compliance, remaining in Ag Preserve/WA contract or cancelling the WA contract.

Discussion followed regarding the guidelines associated with the transfer of property contained within WA contracts, multiples properties that could be within one Ag Preserve/WA contract and each of the options available to the property owners to continue under Ag Preserve/WA contract, relocate the firewood and wood pellet storage/sales business to another area on their property.

Further discussion followed, including Community Development Director Rick Dean, regarding the possible addition of Compatible Use #14 to the County's local rules which would allow for the processing of agricultural commodities that have been produced off-site and the Compatible Use related to timber.

Ms. Cizin concluded the powerpoint, requesting that the public hearing be continued and staff directed to update the William Act Contract Guidelines by adding Compatible Use #14.

Brief discussion followed regarding the anticipated process and timeframes associated with updating the County's Williamson Act Guidelines.

Project Proponent Matt Parsons voiced concerns regarding the Code Enforcement action taken against his firewood processing/storage business and the potential high costs associated with the various options that were presented to bring the property in Williamson Act contract into compliance.

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Public Hearings - Community Development - Planning Division – (continued)

Project Proponent Audrey Parsons voiced concerns that an increase in property taxes due to the property being removed from the Williamson Act would cause their business to be shutdown.

The Vice Chair opened this item to public comments and there were no public comments received.

In response to Supervisor Kobseff, Mr. Parsons advised that firewood being considered an agricultural product with respect to the Williamson Act would benefit his business.

Lengthy discussion followed, including Mr. Parsons and Planning Director Hailey Lang, regarding the regulations related to the sale of firewood in other northern California counties, the increased costs to the property owner associated with the options offered to make the Code Enforcement case compliant, the zoning and condition of the soil on the Parsons' property, the agricultural operation taking place on the property, the firewood that is brought in from properties other than those in Ag Preserve/WA contract that are processed on the property, production/processing that is not allowed on property zoned AG-1 (prime agricultural), an need for a Conditional Use Permit to process wood products, the need to request input on this issue from the Farm Bureau and Agriculture Commission and Planning staff's request to continue the project/public hearing until the Code Enforcement case can be resolved.

In response to Supervisor Kobseff regarding operation of the firewood and wood pellet processing, Mr. Dean advised that the processing of firewood and wood pellets would need to remain stopped while working with Code Enforcement toward compliance.

Ms. Cizin and Mr. Dean reiterated the options offered to the property owners and the suggested addition of Compatible Use #14 to the County's rules.

Supervisor Valenzuela requested that an associated cost estimate be brought back before the Board if/when the public hearing is continued.

Mr. Dean advised that changes to land use would involve the California Environmental Quality Act (CEQA) process and that the Department was working on that issue during the General Plan Update.

Supervisor Haupt requested information regarding possible processing operations on parcels smaller than 40 acres and on AG-2 (Non-prime Agricultural) zones.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Valenzuela voting YES and Supervisor Criss RECUSED to continue the public hearing to give the property owners the opportunity to return the property to compliance with County Code and the Rules for the Establishment and Administration of Agricultural Preserves and Williamson Act Contracts to October 4, 2022; and direct staff to update the Williamson Act Guidelines to better define agricultural uses and compatible uses, with the County continuing to work with the property owners to resolve the issue.

Supervisor Criss returned to the Board Chambers.

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), five cases, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, initiation of litigation pursuant to Government Code §54956.9(d)(4), one case, conference with labor negotiators pursuant to Government Code §54957.6, Personnel pursuant to Government Code §54957, commenced at 10:45a.m., concluded at 1:19p.m., with action taken.

Report On Closed Session

County Counsel Edward J. Kiernan announced that closed session concluded at 1:19p.m., with reportable action taken.

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Report On Closed Session – (continued)

With regard to items 10D, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Siskiyou County Behavioral Health Services v. Brandon Lance, Siskiyou County Superior Court Case No. SCCVWV 22-751 and 10E, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Siskiyou County Behavioral Health Services v. Brandon Lance, Siskiyou County Superior Court Case No. SCCVWV 22-752, Mr. Kiernan advised that the Board approved on a 5/0 vote to

With regard to item 10B, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: American Forest Resource Council, et al. v. Williams, et al, United States District Court for the District of Columbia, Case No. 1:21-cv-00601-RJL, Mr. Kiernan advised that the Board approved, by a vote 5/0, appealing that case. The motion was made by Supervisor Haupt, seconded by Supervisor Kobseff.

With regard to item 10J, Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of County Administrator, Mr. Kiernan stepped out of the Board Chambers from 1:05p.m., returning at 1:19p.m.

Board and Staff Reports

Members of the Board observed a moment of silence for those who lost their lives during the McKinney wildfire.

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

Attest:
Laura Bynum, County Clerk

Brandon A. Criss, Chair

By: _____
Deputy