

# State of California, County of Siskiyou

## Board of Supervisors Minutes, October 5, 2021

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 5<sup>th</sup> day of October 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.

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

Pursuant to Assembly Bill 361 (AB361), Supervisor Michael N. Kobseff was present at 9:07a.m. and participated/attended via teleconference phone from an off-site location.

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

**Public Hearings** - County Clerk - Public hearing to provide information to the public and solicit input re Communities of Interest and presentation of draft maps indicating proposed Supervisorial Districts. Presentation and discussion only.

This was the time for a public hearing to provide information to the public and solicit input re Communities of Interest exist and presentation of draft maps indicating proposed Supervisorial District.

Chair Haupt opened the public hearing.

Deputy County Clerk Wendy Winningham provided a brief overview of the request, advising that County Clerk Laura Bynum and Redistricting Partners representative Sophia Garcia were participating via ZOOM/teleconference phone.

Ms. Garcia presented a powerpoint presentation, including a brief overview of the redistricting timeline and the process for County residents to submit input regarding where Communities of Interest exist. Ms. Garcia summarized the processes using data from the 2020 Census to develop Draft Plan 1 and Draft Plan 2, including draft maps of each Supervisorial District boundaries, including an overview of the Census data related to various ethnic groups. Ms. Garcia advised that all criteria of the Fair Maps Act were considered and followed in developing the Draft Plans.

The Chair opened the public hearing to public comments.

Pursuant to Assembly Bill 361 (AB361), participation in presentations from the public by various members of the public was provided via teleconference phone.

County resident Chrissie Reynolds shared concerns regarding the consideration of ethnicity in the redistricting process and concerns regarding the need for better communication between County constituents and the Board.

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

Discussion followed between members of the Board, County Administrator Angela Davis and Ms. Garcia regarding the need to make Geographic Information System (GIS) maps available to the public for viewing the proposed Supervisorial District boundaries via the County's website.

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

No action was taken.

## **Presentations from the Public**

Audience members Theo Johnson shared concerns regarding the Sustainable Groundwater Management Act (SGMA), including possible removal of land for agricultural production by curtailment of irrigation pumping. Ms. Johnson spoke in support of water storage projects.

Audience members Beverly Dowling and Tom Hayden spoke in support of water storage projects as part of the Sustainable Groundwater Management Act (SGMA) plan for the Scott Valley.

Audience member Shelly Johnson shared concerns regarding curtailment of irrigation pumping and conservation easements in the Sustainable Groundwater Management Act (SGMA) plan for Scott Valley.

Audience member Bob Moore advised of the need to listen to local groundwater users and small business owners with regard to water issues in the Scott Valley.

Pursuant to Assembly Bill 361 (AB361), participation in presentations from the public by various members of the public was provided via teleconference phone.

Caller Robin Richards shared concerns regarding the status of COVID 19 in the County, speaking in support of the County making efforts to reach out to the public regarding the benefits of masking and vaccinations.

Caller Chrissie Reynolds voiced concerns regarding ongoing efforts to continue with various Klamath River dam removal efforts and the lack of National Environmental Protection Act (NEPA) studies being completed.

Brief discussion occurred between Chair Haupt and Ms. Theo Johnson regarding her comments concerning the SGMA and Scott Valley groundwater.

## **Consent Agenda – Approved.**

At Supervisor Haupt's request, item 6C, County Counsel's Resolution for holding remote meetings under the modified Brown Act requirements and item 6I, Natural Resources' request to ratify a letter sent to the California Department of Water Resources concerning Curtailment Orders for the Scott and Shasta Rivers, were pulled from the consent agenda for discussion.

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

### County Administration - Risk Management

Adopt Resolution 21-140 appointing Melissa Cummins to the Public Risk Innovation, Solutions, and Management board, effective October 5, 2021.

### County Fire Warden - Hammond Ranch Fire Zone

Accept the \$100 donation received for Hammond Ranch Fire Zone from Unbound Renewable Energy.

### District Attorney

Approve Workers' Compensation Insurance Fraud Program and Automobile Insurance Fraud Program, Resolutions 21-142 and 21-141, respectively, effective July 1, 2021 through June 30, 2024.

### District Attorney

Approve first addendum to increase funding for contract between Siskiyou County District Attorney and Xerox for copier lease in the amount of Eight Thousand Seven Hundred Thirty-six dollars and 24/100 (\$8,736.24) for a total not to exceed Forty-three Thousand Six Hundred Eighty-one dollars and 20/100 (\$43,681.20).

### General Services

Accept the first amendment to the license agreement effectively extending the term of the license agreement for 5 years.

Continued...

## **Consent Agenda – (continued)**

### General Services - Sanitation

Approve and authorize the Board Chair to sign the Contract between the Siskiyou County General Services Department and Lawrence & Associates, Inc.

### Health and Human Services - Behavioral Health

Approve and authorize the Chair to sign the Contract for Services between Siskiyou County Health and Human Services Agency, Behavioral Health Division, and Yreka Union High School District.

### Sheriff

Approve contract between Girdner's Funeral Chapel and Siskiyou County Sheriff for Indigent Burial services from July 1, 2020 to June 30, 2024.

Transfer of Funds - Accumulated Capital Outlay - \$257,870. Resolution 21-143 adopted.

**County Counsel** - Adopt Resolution authorizing remote teleconference meetings of the Legislative Bodies of Siskiyou County pursuant to Brown Act provisions due to a State of Emergency. Resolution 21-144 adopted.

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

In response to Chair Haupt, County Counsel Edward J. Kiernan advised that Assembly Bill 361 (AB 361) allowed the Board to conduct meetings, and Supervisors to attend via ZOOM/teleconference phone, and that the Resolution would give flexibility to meeting participation during the pandemic.

Following discussion between members of the Board and Mr. Kiernan regarding the options for members of the Board, staff and the public to participate in meetings (i.e. teleconference or in-person) and the need to consider the capacity of the Board Chambers during meetings and the status of COVID-19 cases in the County, it was moved by Supervisor Haupt and seconded by Supervisor Valenzuela to approve AB 361 resolution for holding remote meetings under the modified Brown Act requirements.

Pursuant to Assembly Bill 361 (AB361), participation in presentations from the public by various members of the public was provided via teleconference phone.

Caller Lisa Sirois shared concerns regarding the audio quality for those participating via teleconference phone.

The Chair called for the question and, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion to adopt Resolution 21-144 carried unanimously.

**Natural Resources** - Approve request to ratify letter sent to the State Water Resources Control Board re curtailment orders for residential and municipal water users in the Shasta and Scott Valleys. Approved.

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

Supervisor Haupt shared concerns regarding the State Water Resources Control Board's curtailment orders for groundwater users in the Scott and Shasta Valleys and the confusing nature of the letters sent to residential property owners and municipalities.

Deputy County Administrator Elizabeth Nielsen advised of contacting representatives of the Water Board to provide a presentation before the Board regarding the curtailment letters.

Pursuant to Assembly Bill 361 (AB361), participation in presentations from the public by various members of the public was provided via teleconference phone.

Caller Anne Marsh advised that, as a domestic water user and according to the letter, most domestic wells should not be affected by the curtailment order.

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## **Natural Resources – (continued)**

It was moved by Supervisor Kobseff, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, to ratify the letter signed by the Board Chair on September 24, 2021.

**Health and Human Services - Public Health Division** - Presentation of an update re COVID-19 and vaccinations as they pertain to Siskiyou County. Presentation and discussion only.

Public Health Director Shelly Davis provided various statistics related to COVID-19 cases and vaccinations efforts in the County and shared concerns regarding the impact of the increased number of COVID cases/patients on local hospitals. Ms. Davis further advised of the efforts to increase the number of staff members at Fairchild Medical Center and at Public Health to address the increased cases (surge). Ms. Davis summarized various opportunities for vaccination and for COVID testing in the County, and advised of the plans to provide booster shots for the Pfizer vaccine for those eligible.

Discussion followed between members of the Board and Ms. Davis regarding the impacts associated with increased number of patients and limited bed space, the anticipated timeline associated with the Governor's required vaccinations for school-age children, the availability of antibody therapy for those who test positive for COVID, the availability of testing and vaccination supplies and the process for determining a COVID reoccurrence in vaccinated persons.

**County Administration** - Discussion, direction and possible action re the option of modifying the position of Auditor-Controller from an elected position to a Board of Supervisors appointed position. Consensus to direct staff to bring a Resolution back before the Board to place at item on the ballot to consider changing the Auditor-Controller position from elected to appointed.

County Administrator Angela Davis provided an overview of the request, advising that the currently elected position of Auditor-Controller could be changed to an appointed following a majority vote of the voters in Siskiyou County. Ms. Davis summarized the process for placing an item on the next regularly scheduled election in June 2022, and summarized the checks and balances that are in place to provide oversight for the position, whether elected or appointed. Ms. Davis advised that, should the Board support changing the position to appointed, a Resolution would need to be adopted to call an election and requesting that a measure be placed on the ballot.

Discussion followed between members of the Board and Ms. Davis regarding the anticipated process to fill a vacant position upon an elected official leaving/retiring from office and recruitment efforts.

The Chair opened the item for public comments.

Pursuant to Assembly Bill 361 (AB361), participation in this item by members of the public was provided via teleconference phone.

Caller Anne Marsh spoke in opposition to the Board appointing an Auditor-Controller and in support of the position remaining elected.

Caller Chrissie Reynolds spoke in opposition to the Board appointing an Auditor-Controller and in support of the positions remaining elected.

Discussion followed between members of the Board regarding the request, the ability of the voting public to change the position to appointed versus elected at an election in June 2022 and various other California counties that have an appointed Auditor-Controller position.

Deputy County Clerk Wendy Winningham advised of various correspondence that the Clerk's Office received concerning the agenda item.

It was the consensus of the Board to direct staff to develop a Resolution to add the request to the ballot, to be brought back at a later Board meeting.

**Public Hearings - Health and Human Services - Behavioral Health Division - Public hearing for discussion, direction and possible action re the FY 21/22 Mental Health Services Act (MHSA) Annual Plan Update. Plan approved.**

Health and Human Services Agency Director Sarah Collard and Clinical Director of Behavioral Health Tracie Lima appeared before the Board.

Ms. Collard advised that Executive Secretary Samantha Schleiter was participating in the meeting via ZOOM/teleconference phone. Ms. Schleiter presented a powerpoint presentation, including various Mental Health Services Act (MHSA) statistics (related to youth and adult services provided, various innovation projects developed and associated partnerships, etc.) and feedback received during the public comment period.

Ms. Lima requested approval of the Plan, advising of the need to work with the Auditor's Office with regard to a necessary budget correction.

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

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

Following discussion between members of the Board and Ms. Collard regarding efforts being made to increase the Behavioral Health workforce, it was moved by Supervisor Valenzuela and seconded by Supervisor Haupt to adopt the MHSA Annual Plan Update FY 2021-2022.

Following further discussion regarding the struggles associated with providing services in a rural county setting, and following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion carried unanimously.

**Public Hearings - County Administration - Public hearing for the second reading of an ordinance amending Section 2-3.04 and adding Section 2-3.06 of Chapter 3 of the Siskiyou County Code relating to the County Administrator, that it be understood that, outside of County Code Chapter 3, any reference to the County Administrator shall be "The County Administrator, or his or her designee". Ordinance 21-18 adopted.**

This was the time set for a public hearing for the second reading of an ordinance amending Section 2-3.04 and adding Section 2-3.06 of Chapter 3 of the Siskiyou County Code relating to the County Administrator, that it be understood that, outside of County Code Chapter 3, any reference to the County Administrator shall be "The County Administrator, or his or her designee", having been introduced on September 7, 2021.

Chair Haupt opened the public hearing.

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

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

It was moved by Supervisor Valenzuela and seconded by Supervisor Ogren to introduce, waive, and approve the second reading of the ordinance amending Section 2-3.04 and adding section 2-3.06 of Chapter 3 of the Siskiyou County Code relating to the County Administrator. Following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion to adopt Ordinance 21-18 carried unanimously.

**Public Hearings - Community Development - Continued 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. Public hearing continued to November 2, 2021.**

This was the time set for a continued 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, having been continued from September 21, 2021. Continued...

## **Public Hearings - Community Development – (continued)**

Community Development Director Rick Dean provided a staff report/powerpoint presentation, including the definition of the Public Trust Doctrine, and summarized details from a lawsuit brought by the Environmental Law Foundation and associated fishery organizations (ELF litigation). Mr. Dean advised that the lawsuit determined that enactment of the Sustainable Groundwater Management Act (SGMA) does not fulfill Public Trust duties, that the Scott River is considered a navigable waterway and that it is the County's duty to consider the Public Trust Doctrine before authorizing drilling for groundwater wells that may have an impact to the Scott River. Mr. Dean briefly summarized the Scott River Adjudication Decree of 1980, including various levels of allotments for irrigation water from the Scott River system, and provided an overview of various groundwater wells in the Scott Valley used to measure the impact of stream depletion on the River. Mr. Dean advised that domestic groundwater well usage in the Scott Valley should be considered de minimis and recommended that the County continue to permit those types of groundwater wells.

Supervisor Haupt requested that staff bring back information related to findings on domestic groundwater wells in the Scott Valley.

Brief discussion followed between Supervisor Haupt and Mr. Dean regarding the possible impact of the Public Trust Doctrine on the Scott Valley Area Plan.

Mr. Dean continued the powerpoint, including the modeling that was done to assist the County in determining the impact of agricultural well use on the water supply in the Scott River, methods by which other California counties are addressing the Public Trust Doctrine and future options for consideration (i.e. a moratorium on new ag wells, requirements for ag well applicants related to water usage and establishment of a zone requiring certain casing perforations).

Further discussion followed, including County Counsel Edward J. Kiernan and Assistant County Counsel Natalie Reed regarding the three options, the suggested use of perforating well casings, potential impacts of groundwater well usage on the water in the Scott River and the need to consider balancing all uses of the river (i.e. environmental, agricultural, domestic).

Supervisors Haupt, Criss, Valenzuela and Ogren spoke in support of option #2 concerning a requirement of no new consumptive use effects for new ag well applications).

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

The Chair opened the item to public comments.

Pursuant to Assembly Bill 361 (AB361), participation in presentations from the public by various members of the public was provided via teleconference phone.

Caller Nathaniel Kane with the Environmental Law Foundation spoke in support of the County's efforts to address the Public Trust Doctrine, advising of the need for data collection and possible impacts associated with each of the options for consideration.

Caller Anne Marsh shared concerns regarding the groundwater study/modeling timeframes, speaking in opposition to administrative permitting and in support of well approval being done in a public and transparent process.

Mr. Kiernan suggested continuation of the public hearing to November 2, 2021 with staff to bring back a formal proposal at that time.

Chair Haupt advised that the public hearing was continued to November 2, 2021 with staff directed to develop option #2 and recognizing the de minimis status of domestic wells.

**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), one case, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, initiation of litigation pursuant to Government Code §54956.9(d)(4), two cases, commenced at 1:25p.m., concluded at 3:34p.m, with no action taken.

### **Report On Closed Session**

County Counsel Edward J. Kiernan announced that closed session concluded at 3:34p.m., with no reportable action taken.

In addition, Mr. Kiernan advised that members of the Board participated in closed session as the Flood Control and Water Conservation District Board of Directors from 1:30p.m. to 2:05p.m. and from 2:25p.m. to 2:27p.m.

**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.

it was moved by Supervisor Ogren, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, to extend the Proclamation of Local Health Emergency by the County Health Officer in relation to various health hazards resulting from various wildfires in the County.

**Appointments** - County Clerk - Appointment of one Delegate and an Alternate from the Board of Supervisors, to the California State Association of Counties (CSAC) Board of Directors for the 2021/2022 Association year. Supervisors Valenzuela and Criss appointed Delegate and Alternate, respectively.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that Supervisor Valenzuela was appointed Delegate and Supervisor Criss was appointed Alternate to the California State Association of Counties (CSAC) Board of Directors for the 2020/2021 Association year.

Following brief discussion between members of the Board, it was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, to appoint Supervisor Valenzuela as Delegate and Supervisor Criss as Alternate to the California State Association of Counties (CSAC) Board of Directors for the 2021/2022 Association year.

**Appointments** - County Clerk - Appoint one member to the unscheduled vacancy on the Shasta Valley Cemetery District, for a term ending January 1, 2024. Continued to a later date.

Deputy County Clerk Wendy Winningham provided an overview of the request, advised that the Clerk's Office had not received any letters of interest in serving on the District Board.

Chair Haupt advised that this item was continued to a later date.

**Minute Approval** - August 3, 2021. Approved.

It was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, to approve the August 3, 2021 minutes as presented.

### **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

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Ray A. Haupt, Chair

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