

State of California, County of Siskiyou

Board of Supervisors Minutes, May 3, 2022

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 3rd day of May 2022; there being present Supervisors Brandon Criss, Michael N. Kobseff, 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 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, Siskiyou Power Authority and County Service Area No. 4. Supervisor Valenzuela 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

Tenant Community Services District member David Raymond appeared before the Board, sharing concerns regarding the poor condition of Tenant's roads and requesting the County's assistance in providing gravel and/or repairing the roads.

County Administrator Angela Davis introduced the County's new Public Information Officer Courtney Kreider.

Brief discussion followed between members of the Board and Ms. Kreider regarding the various public outreach opportunities being used.

Consent Agenda – Approved.

At Supervisor Kobseff's request, item 5C, County Administration's letter to California Governor Gavin Newsom and the Klamath River Renewal Corporation, was pulled from the consent agenda for discussion.

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, that the following consent agenda is approved, and the Chair and/or clerk authorized to execute/record any necessary documents:

County Administration

Ratify the letter to Montague Water Conservation District supporting their Parks Creek Diversion Improvement Project.

County Administration

Ratify the support letter to California Senator Bill Dodd expressing support for Senate Bill 865 (SB 865).

County Administration

Approve the First Addendum to the Liebert Cassidy Whitmore agreement increasing compensation \$200,000.00 for a total NTE \$350,000.00 through the term of the agreement, June 30, 2024.

Health and Human Services Agency

Approve the letter of opposition and authorize the Chair to sign, expressing opposition to the Alternative Health Care Service Plan Proposal.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the Letter of Agreements between Siskiyou County Health & Human Services Agency, Behavioral Health Division, and Discovery Behavioral Health.

Continued...

Consent Agenda – (continued)

Health and Human Services - Public Health Division

Ratify the grant application, approve the agreement with California Department of Public Health for the Oral Health Program FY2022/2027, authorize the County Administrator to sign all documents, authorize the Auditor to establish the budget as outlined in the agreement for Fiscal Year (FY) 22/23, 23/24, 24/25, 25/26, 26/27, for the allocation of \$777,295.00, with spending authority through June 30, 2027.

Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Contract for Services between Siskiyou County Health and Human Services Agency – Public Health Division and Community Initiatives for Collective Impact for the term of the contract through 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 Dr. J. Reid McKellar for the full term of July 1, 2022 through June 30, 2024.

Local Child Care Planning Council

Approve LPC Child Care Priorities as presented and authorize the Board Chair to sign the Priorities Report Form.

PSA 2 Area Agency On Aging

Adopt Proclamation proclaiming May 2022 as Older Americans Month in Siskiyou County.

Sheriff

Approve the MOA and accept the reimbursement from Lassen County. Allow the Auditor to establish budget.

Transfer of Funds - Emergency Services - \$48,025. Resolution 22-86 adopted.

Transfer of Funds - Agriculture - \$26,183. Resolution 22-87 adopted.

Transfer of Funds - STAGE - \$1,024.12. Resolution 22-88 adopted.

Transfer of Funds - Sheriff - \$1,450. Resolution 22-89 adopted.

The Chair opened the item to public comments.

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

Caller Nick Joslin spoke in support of the County's letter supporting Montague Water Conservation District's Parks Creek Diversion Improvement Project.

County Administration - Approve letter to California Governor Gavin Newsom and the Klamath River Renewal Corporation outlining anticipated adverse impacts related to the proposed Klamath River Dam Removal Project. Approved.

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

In response to Supervisor Kobseff, County Administrator Elizabeth Nielsen provided an overview of language added to the third paragraph of the draft letter, that the County's request for establishment of a community funding pool in a minimum amount of \$50 million, 'which amount does not include any currently unrecognized impacts'.

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to approve the letter, as amended, and authorize the Chair to sign.

Public Requests - California Department of Fish And Wildlife - Presentation of an update concerning recent bear activity and the California State Black Bear Policy 2022. Presentation and discussion only.

California Fish and Wildlife (CDFW) Biologist Axel Hunnicutt appeared before the Board, providing an overview of the request, including a powerpoint presentation of 2022 California State Black Bear Policy.

Continued...

Public Requests - California Department of Fish And Wildlife – (continued)

Mr. Hunnicutt presented the powerpoint, including an overview of the core focus of the policy (i.e. depredation/property damage, public safety, conflict animals and animal welfare).

In response to Supervisor Haupt, Mr. Hunnicutt provided the definition of an immediate threat with regard to human safety and potential property damage.

Continuing the powerpoint, Mr. Hunnicutt provided the definition of and CDFW's associated response to various types of bears, including public safety bears, depredation bears, conflict bears (i.e. habituated bears) and animal welfare bears.

Mr. Hunnicutt introduced CDFW Coastal Unit representative Shawn Fresz who was in attendance.

Discussion followed between members of the Board, Mr. Hunnicutt and Mr. Fresz regarding the process and requirements related to issuance of depredation permits to local landowners, the efforts being made to insure that non-lethal steps are taken to deter bears prior to lethal actions and anticipated increase in local CDFW staffing to address bears and other predators.

General Services – Airports - Presentation of an update re the status of Siskiyou County Airports. Presentation and discussion only.

Transportation Services Manager Angie Stumbaugh appeared before the Board, introducing Ford and Associates Airport Grant Specialist Carol Ford, Kimley-Horn representatives Heath Hildebrandt and Andrew Scanlon and Transportation Services Coordinator Steve Serdahl. Ms. Stumbaugh provided an update regarding current and future funding opportunities, including Federal Aviation Administration (FAA) grants, and the ongoing and anticipated projects taking place at the Weed Airport, Scott Valley Airport and the Siskiyou County Airport.

Lengthy discussion followed between members of the Board and those present regarding anticipated projects and timeframes associated with the Weed Airport taxiway crack repair/replacement, the impacts associated with the use of the Scott Valley Airport as a heli-base during wildfire season and plans to develop an airport layout plan study for the Airport and the need to consider possible establishment of the Siskiyou County Airport as a permanent firefighting tanker base. Further discussion followed regarding the benefits associated with developing an airport plan for each airport in the County, the ongoing efforts to research funding for the Butte Valley Airport, the current status of the Happy Camp Airport, including payback of grant funds and removal of the runway.

Appointments - County Clerk - Appointment of one member to an unscheduled vacancy on the Tennant Community Services District, for a short term ending December 2, 2022 to establish a quorum. Russell Beck appointed.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the Tennant Community Services District was in need of a quorum following the recent resignation of Larry Luers and Steve Foxworthy. Ms. Winningham advised that the Clerk's Office received letters of interest in serving from Jodi Page, Sig Orwig, Russell Beck and Rick Mace, who were all eligible to serve on the District Board as active, registered voters residing within the District boundaries.

Ms. Winningham further advised that only one position could be filled to establish a quorum and that the District would have an opportunity to post and fill another vacant position.

It was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES to appoint Russell Beck to the unscheduled vacancy on the Tennant Community Services District, for a short term ending December 2, 2022, to establish a quorum.

Public Hearings - Community Development - Planning Division - Public hearing for the first 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), for construction of the Grey Butte Ski Lift. First reading approved; public hearing continued to May 17, 2022 for second reading.

This was the time set for a public hearing for the first 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).

Chair Criss opened the public hearing.

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

Deputy Director of Planning Hailey Lang provided a staff report, including a powerpoint presentation entitled: Mount Shasta Ski Park Lift Extension Project, advising that the multi-part project would include approval of a zone change and associated Mitigated Negative Declaration and approval of a Use Permit to construct the Grey Butte ski lift. Ms. Lang recommended approval of the zone change request and amended Planned Development and Master Plan, which would include a backcountry program, removal of certain language, uses and/or sections and formatting updates to the document. Ms. Lang additionally provided an overview of the California Environmental Quality Act (CEQA) Initial Study process to identify potentially significant effects the Project could have on the environment, including an overview of those impacts that were identified as no or less than significant impacts.

Ms. Lang summarized impacts identified as significant and the associated mitigation measures developed to address those impacts, and the various public comments the Planning Department received (i.e. expressing support, opposition and from State/Federal Agencies).

Ms. Lang advised that, pursuant to Assembly Bill 52 (AB 52), the Department utilized a process to notify local Native American Tribes of the project and to provide an opportunity for consultation with the County.

In response to Chair Criss, Ms. Lang presented and summarized a 72-page packet of comments that the Planning Department received from the California Department of Fish and Wildlife, Mt. Shasta Bioregional Ecology Center, Anne Marsh, the Winnemem Wintu Tribe and 15 'generic' support comments.

In addition, Ms. Winningham advised that the Clerk's Office received a two-page email from Anne Marsh related to the Department's AB 52 notification process.

The Chair opened the item to public comments.

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

Caller Nick Joslin with the Mt. Shasta Bioregional Ecology Center spoke in support of the Project, including the various mitigation measures added to the Project.

Caller Anne Marsh shared concerns regarding the Department's AB 52 notification process, suggesting that the Department follow up with the Hoopa Tribe concerning the Project.

Mt. Shasta Ski Park General Manager appeared before the Board, speaking in support of the Project and the public support the Project has received.

In response to Supervisor Haupt, Ms. Lang advised that two timber harvest plans were approved during the process.

It was moved by Supervisor Valenzuela, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES to introduce, waive, and approve the first reading of an ordinance amending the Planned Development Document for the Mount Shasta Ski Park on APNs 028-010-010 and 028-020-060, and continue the item for a second reading at the May 17th Board meeting; and approve the Subsequent Mitigated Negative Declaration in accordance with Section 15074 of the CEQA Guidelines and direct staff to file a Notice of Determination.

Public Hearings - Community Development - Planning Division - Continued public hearing for the second reading of an ordinance reclassifying land in the unincorporated area of Fort Jones from Prime Agricultural, 80-acre minimum parcel size (AG-1-B-80), to Rural Residential Agricultural, 10-acre minimum parcel size (R-R-B-10) on APNs: 014-130-490 and 014-361-420; Township 44 North, Range 9 West, Section 30, MDB&M, for the Menne Zone Change project (Z-22-02). Ordinance 22-08 adopted.

This was the time set for a continued public hearing for the second reading of an ordinance reclassifying land in the unincorporated area of Fort Jones from Prime Agricultural, 80-acre minimum parcel size (AG-1-B-80), to Rural Residential Agricultural, 10-acre minimum parcel size (R-R-B-10) on APNs: 014-130-490 and 014-361-420; Township 44 North, Range 9 West, Section 30, MDB&M, for the Menne Zone Change project. (Z-22-02), having been introduced on April 19, 2022.

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

Assistant Planner Bernadette Cizin provided an overview of the request, recommending that the project be found exempt from California Environmental Quality Act (CEQA) requirements under CEQA 'common sense exemption'.

In response to Chair Criss, Ms. Winningham advised that the only correspondence received by the Clerk's Office was one notification letter returned as 'unable to forward' from the US Postal Service.

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

It was moved by Supervisor Haupt and seconded by Supervisor Kobseff to determine the project exempt from CEQA in accordance with Section 15061(b)(3) and Section 15301; and waive the second reading of the draft ordinance amending Zoning Sectional District Map 10-6.205-284; and adopt the draft ordinance amending Zoning Sectional District Map 10-6.205-284. Following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES to motion to adopt Ordinance 22-08 carried unanimously.

General Services - Continued second reading of an ordinance adopting Sections 5-14.01 through 5-14.04 of Chapter 14 of Title 5 of the Siskiyou County Code regarding opting in to the Siskiyou County Integrated Solid Waste Management Regional Agency's Edible Food Recovery Ordinance. First reading approved; public hearing for the second reading scheduled on June 14, 2022.

General Services Director Joy Hall provided an overview of the request, advising that the draft ordinance was considered a first reading on April 19, 2022, although there had been significant changes to the draft ordinance language. Ms. Hall requested that the Board consider this a first reading of the draft ordinance to opt-in to the Siskiyou County Integrated Solid Waste Management Regional Agency's Edible Food Recovery Ordinance, with a public hearing for the second reading to be scheduled on June 14, 2022. Ms. Hall further advised that an associated Memorandum of Understanding between the County and local cities would need to be approved in order to specify that each city is responsible for verifying compliance within their jurisdiction.

Discussion followed between members of the Board, Ms. Hall, County Counsel Edward J. Kiernan and Community Development Director Rick Dean regarding the revised ordinance language that states, although the County would take certain actions related to the Edible Food Recovery program, the County would not be liable for the cities' responsibilities with regard to compliance with the regulations, the associated inspection/enforcement mechanism for the program, the need for the various affected cities to adopt ordinances (rather than Resolutions) to opt-in to the program, the potential impact of the program on grocery stores (edible food generators) in small/rural communities and the anticipated June 14, 2022 adoption date, which would be the last date to approve/adopt the ordinance by the State's grant approval deadline.

It was moved by Supervisor Valenzuela, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to introduce, waive, and approve the first reading of the ordinance adding Sections 5-14.01 through 5-14.04 of Chapter 14 of Title 5 of the Siskiyou County Code relating to Edible Food Recovery; and direct the clerk to schedule a second reading of the ordinance on June 14, 2022.

General Services - Discussion, direction and possible action re Memorandum of Understanding by and between the County of Siskiyou and the cities of Dunsmuir, Weed, Mt. Shasta, Yreka, Montague, Fort Jones, Etna, Dorris and Tulelake for the establishment of an Edible Food Recovery Program consistent with California Code of Regulations, Title 14, Division 7, Chapter 12 Short-lived Climate Pollutants. Continued to June 14, 2022.

General Services Director Joy Hall provided an overview of the request, recommending adoption of the draft ordinance to opt-in to the Siskiyou County Integrated Solid Waste Management Regional Agency's Edible Food Recovery Ordinance prior to discussion and possible approval of the associated Memorandum of Understanding (MOU) between the County and local cities.

County Counsel Edward J. Kiernan suggested that the Board consider any changes to the language in the MOU at this time, prior to adoption of the ordinance on June 14, 2022.

Supervisor Ogren suggested that both the MOU and associated Exhibit A reflect the various cities/jurisdictions' responsibility to report (i.e. compliance and annually) to the County, with the County responsible for reporting to CalRecycle.

Mr. Kiernan advised that staff would review the MOU with regard to that request, prior to June 14, 2022.

Chair Criss advised that this item was continued to June 14, 2022.

County Administration – Personnel - Discussion, direction and possible action re Resolution for 180-day wait period exception pursuant to Government Code Sections 7522.56 & 21224 concerning request to rehire Wolfe F. Ward as an Extra Help Correctional Corporal, effective May 15, 2022. Resolution P 22-90 adopted.

Deputy County Administrator Melissa Cummins provided an overview of the request to hire Mr. Wolfe Ward as a retired annuitant and request an exception to CalPERS 180-day wait period to allow him to assist the Sheriff's Office in conducting background investigations for filling numerous department vacancies. Ms. Cummins additionally advised that Mr. Ward would not return until CalPERS approves the request.

It was moved by Supervisor Valenzuela, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to approve the Board Chair to execute the Resolution, number P 22-90, requesting an exception of the 180-day wait period for Wolfe F Ward. Authorize the department to employ Wolfe F Ward after submission and approval of the Resolution to CalPERS.

Board of Supervisors' Requests - Board of Supervisors - Review status of local emergency related to the proliferation of illegal cannabis cultivation as declared by Resolution 20-18, adopted on January 21, 2020; action to extend or terminate local emergency. Local emergency extended.

It was moved by Supervisor Valenzuela, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to extend the local emergency related to the proliferation of illegal cannabis cultivation as declared by Resolution 20-18.

Appointments - County Clerk - Appointment of one member to the unscheduled vacancy on the Siskiyou Resource Conservation District, for a short term ending November 26, 2022. Continued to a later date.

Deputy County Clerk Wendy Winingham provided an overview of the request, advising that there were no letters of interest received in filling the vacant position. Ms. Winingham requested continuation of the item to a later date.

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 continue this item to a later date.

Minute Approval - April 5, 2022. Approved.

It was moved by Supervisor Criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to approve the April 5, 2022 minutes as presented.

Off-agenda item - Conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, anticipated litigation pursuant to Government Code §54956.9(d)(2), one case. Added to closed session agenda.

County Counsel Edward J. Kiernan requested the Board's consideration of adding an urgency item to the closed session agenda, advising that the Board's direction was needed prior to the next regular Board meeting on May 17, 2022.

It was moved by Supervisor Haupt, seconded by Director Kobseff and carried, following a roll call vote with Directors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to consider an item, not on the posted agenda, regarding conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, anticipated litigation pursuant to Government Code §54956.9(d)(2), one case.

Closed Session - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), three 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, Liability claims pursuant to Government Code §54956.95, conference with labor negotiators pursuant to Government Code §54957.6, commenced at 11:33a.m., concluded at 2:01p.m., with action taken.

Report On Closed Session

County Counsel Edward J. Kiernan announced that closed session concluded at 2:01p.m., with reportable action taken.

With regard to item 15G, Liability claims pursuant to Government Code §54956.95, Mr. Kiernan advised that the Board approved settlement of that case. Supervisor Valenzuela made the motion, Supervisor Criss seconded it and the Board approved 5/0.

With regard to item 15F, 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, Supervisor Ogren was recused and left the Board Chambers from 1:50p.m., to 2:01p.m.

Public Hearings - Community Development - Public hearing for the second reading of an uncodified ordinance temporarily restricting new production well permits, with specified exemptions, in the Scott Valley Watershed pending the County's further study and consideration of regulations. Continued to June 21, 2022.

This was the time set for a public hearing for the second reading of an uncodified ordinance temporarily restricting new production well permits, with specified exemptions, in the Scott Valley Watershed pending the County's further study and consideration of regulations, having been continued from April 5, 2022.

Chair Criss opened the public hearing.

Community Development Director Rick Dean requested that the public hearing be continued to a later date to allow further analysis of the ordinance with regard to the California Environmental Quality Act (CEQA).

In response to Chair Criss, Mr. Dean and Deputy County Clerk Wendy Winningham advised that Community Development and the County Clerk's Office received a seven-page email correspondence from Environmental Law Foundation (ELF) Executive Director Nathaniel Kane regarding the proposed ordinance.

The Chair opened this item to public comment.

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

Environmental Law Foundation (ELF) Executive Director Nathaniel Kane spoke in support of the request to continue to the item to allow further CEQA analysis.

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 continue the public hearing for the second reading of an uncodified ordinance temporarily restricting new production well permits, with specified exemptions, in the Scott Valley Watershed pending the County's further study and consideration of regulations, to June 21, 2022.

Board and Staff Reports

Supervisor Haupt reported on his recent attendance at an American Forest Resource Council (AFRC) conference in Washington state, and shared concerns regarding the potential negative impacts to the lumber/timber industry associated with wildfire in the Pacific Northwest.

Supervisor Valenzuela requested that the County Administrator bring an item for the Board to consider banning fireworks during upcoming fire season. Additionally, Supervisor Valenzuela advised of plans to attend an upcoming National Association of Counties (NACo) Western Interstate Region (WIR) Conference in Anchorage, Alaska.

Supervisor Ogren advised of her attendance at a Juvenile Hall Open House, an Economic Development Council (EDC) Summit and the groundbreaking ceremony for the Siskiyou Crossroads housing project. Supervisor Ogren further advised of plans to attend a forest resiliency and fire mitigation summit in Sonoma County.

Supervisor Criss advised of his attendance for a California State Association of Counties (CSAC) Legislative Conference, a Siskiyou Housing Plan virtual open house, townhall meetings in Dorris and Copco Lake, the Economic Development Council (EDC) Summit and the Siskiyou Crossroads groundbreaking ceremony.

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