

State of California, County of Siskiyou

Board of Supervisors Minutes, February 20, 2024

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 20th day of February 2024; there being present Supervisors Brandon Criss, Ed Valenzuela, Nancy Ogren and Ray A. Haupt, County Administrator Angela Davis, County Counsel Natalie E. Reed and County Clerk and ex-Officio Clerk of the Board of Supervisors Laura Bynum by Deputy County Clerk Wendy Winningham. Supervisor Michael N. Kobseff was absent.

The meeting was called to order by Vice Chair Ogren. Pursuant to AB23, the Clerk announced that the Board members receive no additional compensation for sitting as members of the Flood Control and Water Conservation District. Supervisor Haupt 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

There were no presentations from the public.

Consent Agenda – Approved.

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

Agriculture

Approve the application for the grant to the California Department of Fish and Wildlife. Request the Board of Supervisor to authorize the Agricultural Commissioner to sign the application and accept the funds once awarded. Authorize the Auditor to establish budget.

County Administration

Ratify the letter to the U.S. Forest Service providing comments on the Forest Service's proposed amendment to the Northwest Forest Plan (NWFP).

County Administration - Personnel

Approve the Resolution P 24-28 amending the Siskiyou County Position Allocation List for positions in County service effective March 3, 2024.

County Clerk

Approve the Contract for Services with Coleman Reporters for the term July 1, 2023 through June 30, 2025 at the rates outlined in Exhibit A.

County Clerk

Approve request to rescind appointment of Mr. Joe Linus to the Law Library Advisory Board made on February 6, 2024.

County Counsel

Approve the proposed Resolution 24-29 amending the indemnification policy of Siskiyou County for land use projects.

County Counsel

Approve and authorize the County Administrator to execute the agreements titled "Siskiyou County Backstop Agreement" as relates to the "Distributors" Settlement and the "Janssen" settlement.

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 Yreka Union High School.

Continued...

Consent Agenda – (continued)

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign Amendment No. 2 To Master Administration Services Agreement between Siskiyou County Health and Human Services Agency, Behavioral Health Division, and Partnership Healthplan for the term commencing July 1, 2023.

Health and Human Services - Social Services Division

Approve and the Chair sign the lease agreement for mailing equipment between Quadient Leasing and Siskiyou County Health and Human Services Agency, Social Services Division with a not to exceed amount of \$95,374.91 for the term October 1, 2024 through January 31, 2030.

Health and Human Services - Social Services Division

Approve the Memorandum of Understanding between the Siskiyou County Health and Human Services Agency Social Services Division and Public Health Division, beginning November 1, 2023 through June 30, 2025.

Local Child Care Planning Council

Approve Annual Certification Statement regarding composition of Local Child Care Planning Council membership.

Sheriff

Approve the second addendum to the MOU for law enforcement services between the City of Montague and the Sheriffs Office for the term July 1st, 2023-June 30th, 2024. Authorize the Chair to sign.

Sheriff

Approve the Sheriff to purchase the requested capital asset not to exceed \$65,000.00.

Transfer of Funds - County Administrator - \$46. Resolution 24-30 adopted.

Transfer of Funds - County Library - \$23. Resolution 24-31 adopted.

Transfer of Funds - Public Defender - \$112,132. Resolution 24-32 adopted.

Transfer of Funds - Weed Airport - \$987,925. Resolution 24-33 adopted.

Transfer of Funds - Sheriff - \$80,000. Resolution 24-34 adopted.

County Counsel - Discussion, direction and possible action re application for permission to present late claim that was submitted to the Siskiyou County Clerk's Office by David F. Makkabi with the Makkabi Law Group on January 18, 2024. Approved.

County Counsel Natalie E. Reed provided an overview of the request, advising that a claim (against the County) was filed past the deadline and that a request was made for permission to present the late claim. Ms. Reed advised that the County's claim adjusters recommended accepting the late claim due to a calendaring error made by legal staff (an excusable reason).

Following discussion between members of the Board and Ms. Reed regarding the claim which concerned a vehicle accident involving a Sheriff's Office vehicle, it was moved by Supervisor Criss, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Haupt, Valenzuela, Criss and Ogren voting YES and Supervisor Kobseff ABSENT to approve application for permission to present late claim and forward direction to George Hills for processing accordingly.

General Services – Airports - Presentation of an update re all Siskiyou County Airport activities. Presentation and discussion only.

General Services Director Joy Hall appeared before the Board and provided a brief overview of the request to update the Board regarding the County's airport facilities.

Continued...

General Services – Airports – (continued)

Ms. Hall summarized various projects current and completed at the Scott Valley, Siskiyou County, Weed and Butte Valley Airports (i.e. taxiway reflectors replaced, asphalt repaired, paint applied in various locations, etc.). Ms. Hall advised that there was no update for the Happy Camp Airport, although efforts were being made to discuss with Caltrans whether waiver of various airport fees/costs at Happy Camp was possible. Ms. Hall advised that she would be following up regarding the Department's efforts to work with Congressman Doug LaMalfa's office concerning the runway length and critical aircraft designation at the Siskiyou County Airport (Federal funding is not available unless a longer runway length is determined to be necessary).

Discussion followed between members of the Board and Ms. Hall regarding a recent positive Caltrans inspection conducted at the Weed Airport, efforts being made with the Forest Service with regard to helicopters at the Scott Valley Airport and the emails of support received with regard to the longer runway length at the Siskiyou County Airport from local agencies.

General Services – Sanitation - Discussion, direction and possible action re continued emergency declaration for repairs at the Oberlin Road Transfer Station pursuant to Public Contract Code (PCC) Section 22050, for repair of the Push Wall to the Transfer Station Tipping Floor. Emergency remains necessary and is continued.

Deputy Director of General Services Amanda Kimball appeared before the Board and provided an update regarding the efforts being made to repair the push wall for the tipping floor at the Oberlin Road Transfer Station. Ms. Kimball requested continuation of the emergency until the concrete floor is set and the contractor's equipment can be removed.

It was moved by Supervisor Valenzuela, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Valenzuela, Criss and Ogren voting YES and Supervisor Kobseff ABSENT to affirm that the emergency declaration for repairs to the Oberlin Transfer Station remains necessary.

General Services – Communications - Discussion, direction and possible action re Resolution declaring an emergency pursuant to Public Contract Code section 22050(b) and delegating authority to the County Administrative Officer or her designee to enter into emergency Public Works contract for the repair and replacement of the County fire emergency repeaters, for a contract with Day Wireless Systems, Inc., in the amount of \$898,711.67, effective February 20, 2024. Resolution 24-35 adopted.

Deputy Director of General Services Amanda Kimball appeared before the Board, submitting a 13-page Fire Communication Radio System Upgrade from Day Wireless Systems and providing an overview of the request to adopt a Resolution declaring an emergency for the repair and/or replacement of fire repeater equipment located within the County.

Discussion followed between members of the Board, Deputy County Administrator Sherry Lawson and Ms. Kimball regarding the availability and use of Local Assistance and Tribal Consistency Fund (LATCF) funding for the project, efforts being made to research additional funding resources, ownership and/or permitting of various repeater sites/locations, plans to set aside funding for future repairs/replacements and the anticipated lifespan of the repeater equipment.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Valenzuela, Criss and Ogren voting YES and Supervisor Kobseff ABSENT to adopt the Resolution 24-35 Declaring an Emergency Pursuant to Public Code section 22050 for a Public Works Emergency Contract with Day Wireless Systems Inc. to repair and replace Repeater equipment. Allow the Auditors Office to establish a budget for the Emergency Contract.

County Administration – Personnel - Discussion, direction and possible action re Resolution adopting the comprehensive Memorandum of Understanding with the Organized Employees of Siskiyou County - Professional Unit and implementing the provisions thereof. Resolutions 24-36 and 24-37 adopted.

County Administrator Angela Davis provided an overview of the request to adopt two Resolutions concerning the Organized Employees of Siskiyou County – Professional Unit.

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County Administration – Personnel – (continued)

Ms. Davis summarized amendments in the Memorandum of Understanding with the OESC-Professional Unit and the associated salary schedule.

It was moved by Supervisor Valenzuela, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Valenzuela, Criss and Ogren voting YES and Supervisor Kobseff ABSENT to adopt Resolution 24-36 regarding the Memorandum of Understanding between the County of Siskiyou and Organized Employees of Siskiyou County - Professional Unit, effective March 3, 2024; and adopt Resolution 24-37 amending the Siskiyou County Salary Schedule as outlined in the attached resolution Attachment A.

County Administration - Discussion, direction and possible action re FY 2023-2024 Mid-Year Budget Review, FY 2024-2025 Budget Principles, FY 2024-2025 Budget Calendar and request to authorize the Auditor to establish 23/24 unanticipated revenue into Departmental budgets. Approved.

Deputy County Administrator Sherry Lawson appeared before the Board, providing a mid-year update regarding the County's budget, advising that there was no need to make significant budget adjustments or budget cuts to the Fiscal Year 23/24 budget. Additionally, Ms. Lawson anticipated the use of one-time funds in order to balance the budget and summarized the recommended budget principles for the Fiscal Year 24/25 budget.

Following brief discussion between members of the Board and Ms. Lawson regarding the County's recruitment, hiring and retention process, it was moved by Supervisor Valenzuela, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Haupt, Valenzuela, Criss and Ogren voting YES and Supervisor Kobseff ABSENT to approve the FY 2024-2025 Budget Principles, approve FY 2024-2025 Budget Calendar and authorize the Auditor to establish 23/24 unanticipated revenue into Departmental budgets, as provided by Administration.

Appointments - County Clerk - Appointment of one member to an unscheduled vacancy on the Siskiyou Resource Conservation District, for a term ending November 26, 2026. Continued to March 12, 2024.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the Clerk's Office received a letter of interest from Peter Garaventa who was eligible to serve as an active, registered voter residing within the District.

Following brief discussion between members of the Board and Ms. Winningham, it was the consensus of the Board that the Clerk forward the letter of interest to the Siskiyou Resource Conservation District and request their input on the candidate.

Appointments - County Clerk - Appointment of one member to the scheduled vacancy on the Sawyers Bar Water District, for a term ending December 5, 2025. Brendan Twieg appointed.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that local resident Brendan Twieg was interested and eligible to serve on the Sawyers Bar Water District Board.

It was moved by Supervisor Haupt, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Haupt, Valenzuela, Criss and Ogren voting YES and Supervisor Kobseff ABSENT to appoint Brendan Twieg to the scheduled vacancy on the Sawyers Bar Water District, for a term ending December 5, 2025.

Appointments - County Clerk - Appointment of one member to the scheduled vacancy on the Hornbrook Community Services District, for a term ending December 5, 2025. No action taken; no appointment made.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the Clerk's Office had not received any letters of interest in serving on the Hornbrook Community Services District and that this was the only date in which the Board could make an appointment.

No action was taken.

No appointment was made.

Appointments - County Clerk - Appointment of one member to the scheduled vacancy on the Copco Lake Fire Protection District, for a term ending December 5, 2025. No action taken; no appointment made.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the Clerk's Office had not received any letters of interest in serving on the Hornbrook Community Services District and that this was the only date on which the Board could make an appointment.

No action was taken.

No appointment was made.

Appointments - County Clerk - Appointment of one member to the unscheduled vacancy on the PSA 2 Area Agency on Aging Advisory Council, for a four-year term effective the date of appointment. Continued to a later date.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the Clerk's Office had not received any letters of interest in serving on the PSA 2 Area Agency on Aging Advisory Council. Ms. Winningham requested that the item be continued.

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

Public Hearings - Community Development - Planning Division - Continued public hearing for the second reading of an ordinance reclassifying land southeast of the community of McCloud, off Mill Road on APN 028-530-070; Township 39N, Range 2W, Section 1 & 6, MDB&M, for the McCloud Partners, LLC Zone Change (Z-23-02) and Tentative Parcel Map (TPM-23-02) project. Ordinance 24-03 adopted.

This was the time set for a continued public hearing for the second reading of an ordinance reclassifying land southeast of the community of McCloud, off Mill Road on APN 028-530-070; Township 39N, Range 2W, Section 1 & 6, MDB&M, for the McCloud Partners, LLC Zone Change (Z-23-02) and Tentative Parcel Map (TPM-23-02) project, having been introduced on February 6, 2024.

Planning Director Hailey Lang appeared before the Board, providing an overview of the requested zone change to bring the subject parcel consistent with surrounding parcels and recommended that the project be considered exempt under California Environmental Quality Act (CEQA) Guidelines.

In response to the Vice Chair, Deputy County Clerk Wendy 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 Criss, seconded by Supervisor Valenzuela to introduce, waive and approve the second reading of the proposed ordinance reclassifying land southeast of the community of McCloud, off Mill Road and amending Zoning District Map 10-6.205-529. Following a roll call vote with Supervisors Haupt, Valenzuela, Criss and Ogren voting YES and Supervisor Kobseff ABSENT the motion to adopt Ordinance 24-03 carried.

Public Hearings - Community Development - Planning Division - Public hearing to consider Resolution approving an amendment to an existing Agricultural Preserve, a Resolution approving the rescission and re-entry of existing Williamson Act contracts, under Application APA-23-21 and a Resolution directing staff to issue a Notice of Non-Renewal for 12.39 acres under Williamson Act Contract No. 72015, for the McMahan Williamson Act Contract Rescission and Reentry Project, located on Highway 97 near the community of Carrick. Resolutions 24-38 (amend), -39 (reentry) and -40 (non-renew) adopted.

This was the time set for a public hearing to consider Resolution approving an amendment to an existing Agricultural Preserve, a Resolution approving the rescission and re-entry of existing Williamson Act contracts, under Application APA-23-21 and a Resolution directing staff to issue a Notice of Non-Renewal for 12.39 acres under Williamson Act Contract No. 72015, for the McMahan Williamson Act Contract Rescission and Reentry Project, located on Highway 97 near the community of Carrick.

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

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

Vice Chair Ogren opened the public hearing.

Associate Planner Bernadette Cizin appeared before the Board and provided an overview of the request to bring all parcels of the proponents' family ranch under one Agricultural Preserve/Williamson Act contract. Ms. Cizin advised that certain parcels/property did not meet the minimum parcel size which would require issuance of a Notice of Non-Renewal. Ms. Cizin recommended that the project be considered exempt under California Environmental Quality Act (CEQA) Guidelines.

In response to the Vice Chair, Deputy County Clerk Wendy 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 Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Valenzuela and Ogren voting YES, Supervisor Criss RECUSED and Supervisor Kobseff ABSENT to determine the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15317, Open Space Easements or Contracts; and adopt Resolution 24-38 approving the amendment to the existing Ag Preserve and establishing a new Preserve; adopt Resolution 24-39 approving the rescission & reentry of the applicable Williamson Act contract and adopt Resolution 24-40 directing staff to process the Notice of Non-Renewal for the 12.39 acres of substandard parcels.

Public Hearings - Community Development - Planning Division - Public hearing for the first reading of a draft Ordinance amending Title 10 Chapter 6 of the Siskiyou County Code by adding Article 61 "Vacation Rentals" and repealing subsection (h) of Section 10-6.1502 of the Siskiyou County Code regarding vacation rentals. First reading approved; public hearing continued to March 19, 2024 for second reading.

Supervisor Criss was recused from consideration of this item and remained outside of the Board Chambers.

This was the time set for a public hearing for the first reading of a draft Ordinance amending Title 10 Chapter 6 of the Siskiyou County Code by adding Article 61 "Vacation Rentals" and repealing subsection (h) of Section 10-6.1502 of the Siskiyou County Code regarding vacation rentals.

Vice Chair Ogren opened the public hearing.

Planning Director Hailey Lang appeared before the Board and provided an overview of the request to approve the first reading of the draft ordinance related to vacation rentals. Ms. Lang advised that the Planning Commission reviewed the draft ordinance and suggested a change in the proposed process for hearing appeals or protests (a discretionary hearing) with the Planning Commission as the primary hearing body versus the Board of Supervisors. In addition, Ms. Lang advised that additional verbiage was added to Section 10-6.6110 Remedies as follows: Nothing shall preclude an immediate (permit) revocation if the public head and safety are threatened.

Discussion followed between members of the Board, Ms. Lang and Assistant County Counsel Williams Carroll regarding the potential number of vacation rental permit applications that could be processed once the ordinance is in place, the anticipated Planning Commission process to consider appeals/protests, the appeal/protest process and the ability of appellants to appeal to the Superior Court should the County deny/revoke their permit or application.

In response to the Vice Chair, Deputy County Clerk Wendy Winningham advised that the Clerk's Office received one-page emailed correspondence regarding this item from Anne Marsh.

Ms. Lang addressed Ms. Marsh's various concerns regarding the proposed vacation rental ordinance.

Additional discussion followed, including Ms. Winningham, regarding the Planning Commission's recommendation that had been reviewed by County Counsel's Office, the need for additional time to post and publish a summary of the ordinance prior to the second reading and the two draft ordinance versions ('A'-Board is the primary hearing body and 'B'-Planning Commission is the primary hearing body) available to the Board.

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

It was moved by Supervisor Valenzuela, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Valenzuela and Ogren voting YES, Supervisor Criss RECUSED and Supervisor Kobseff ABSENT to introduce, waive and approve the first reading of an ordinance amending Title 10 Chapter 5 of the Siskiyou County Code by Adding Article 61 “Vacation Rentals”, including that the Planning Commission be the primary hearing body (the “B Version”), and approve the first reading of the ordinance by title only. Direct the Clerk to schedule a continued public hearing on adoption of the CEQA exemption and a second reading of the ordinance on March 19, 2024.

Supervisor Criss returned to the Board Chambers

Closed Session - 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, Liability claims pursuant to Government Code §54956.9(e)(3), commenced at 10:00 a.m., concluded at 11:01 a.m., with action taken.

Report On Closed Session

County Counsel Natalie E. Reed announced that closed session concluded at 11:01 a.m., with reportable action taken:

With regard to item 10B, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Endo International plc, et al., Bankruptcy Case, United States Bankruptcy Court for the Southern District of New York, Case No. 22-22549 (JLG), Ms. Reed advised that it was moved by Supervisor Criss and seconded by Supervisor Valenzuela and carried with a vote of YES by Supervisors Criss, Valenzuela, Haupt, and Ogren, with Supervisor Kobseff ABSENT, to authorize abstention from voting on the Endo Bankruptcy Plan and opting out of releases.

With regard to 10C, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Kevin Loynachan, et al., v. Darlene Smiley, in her official capacity as a law enforcement officer for Siskiyou County Sheriff's Office, et al., United States District Court, Eastern District of California, Sacramento Division, Case No. 2:22-cv-00841-WBS-JDP, Ms. Reed advised that Supervisor Ogren recused herself from this matter and exited closed session. Ms. Reed further advised that it was moved by Supervisor Haupt and seconded by Supervisor Valenzuela and carried with a vote of YES by Supervisors Haupt, Valenzuela and Criss to authorize appeal to the Ninth Circuit regarding the District Court order granting in part and denying in part as to excessive force and the County's motion for summary judgment. (Supervisor Ogren was RECUSED and Supervisor Kobseff was ABSENT)

With regard to item 10D, Ms. Reed advised that she recused herself and exited closed session from 10:30 a.m. to 11:01 a.m.

Board and Staff Reports

Supervisor Haupt advised of his attendance at an Off-Grid Housing meeting with the County Administrator and County staff, a California Licensed Foresters' meeting in Weed, and a meeting with the Grange Board of Directors regarding potential emergency evacuation location.

Supervisor Valenzuela advised of attending a California State Association of Counties (CSAC) Leadership class in Humboldt County.

Supervisor Criss reported on his attendance at Klamath Project Endangered Species Act (ESA) consultation meetings, an OreCal RC&D meeting, a Volcanic Scenic Legacy meeting, a Superior California Economic Development District (SCEDD) meeting and reported on the status of Tulelake senior meals.

Supervisor Ogren advised of her attendance at a Rocky Mountain Elk Foundation planning meeting, a Yreka City Council meeting, a Continuum of Care meeting, California Licensed Foresters' meeting, the Cattlemen/Cattlemen pie social and a Fire Chiefs' Association meeting. Supervisor Ogren additionally advised of listening to a webinar related to the Scott Valley hydrology model and her attendance at an OreCal RC&D meeting where she was appointed as a voting member to replace Gary Freeman.

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

Attest:
Laura Bynum, County Clerk

Nancy Ogren, Vice Chair

By: _____
Deputy