

# State of California, County of Siskiyou

## Board of Supervisors Minutes, January 4, 2022

The Honorable Board of Supervisors of Siskiyou County, California, met in special regular this 4<sup>th</sup> day of January 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. Supervisor Ray A. Haupt was absent.

The meeting was called to order by Vice Chair Valenzuela. 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 Criss led in the salute to the flag of the United States of America.

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

**Board of Supervisors' Requests** – Board of Supervisors - Election of Chair and Vice Chair for 2022. Supervisor Criss elected Chair and Supervisor Valenzuela elected Vice Chair for 2022.

It was moved by Supervisor Kobseff, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela and Ogren voting YES and Supervisor Haupt ABSENT, to elect Supervisor Criss as Chair for 2022.

It was moved by Supervisor Criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela and Ogren voting YES and Supervisor Haupt ABSENT, to elect Supervisor Valenzuela as Vice Chair for 2022.

**Board of Supervisors' Requests** – Board of Supervisors - Grant County Officials permission to leave the State of California and the United States during 2022. Approved.

It was moved by Supervisor Valenzuela, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela and Ogren voting YES and Supervisor Haupt ABSENT, to grant County Officials permission to leave the state of California and the United States during 2022.

### **Presentations from the Public**

Health and Human Services Agency Director Sarah Collard appeared before the Board and provided an update regarding the Department's efforts to establish a warming center during a recent snow storm and inclement weather. In addition, Ms. Collard provided statistics related to efforts made to provide housing for people in the County.

Brief discussion followed between members of the Board and Ms. Collard regarding monthly housing statistics.

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

Caller Nick Joslin thanked the County for efforts made to clear snow and make various roads in South County accessible.

**Consent Agenda** – Approved.

At Supervisor Ogren's request, item 6G, the Sheriff's agreement with the Siskiyou Joint Community College District for coordination of the Administration of Justice Program, was pulled from the consent agenda for discussion.

Continued...

**Consent Agenda – (continued)**

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

**Auditor-Controller**

Approve the contract with Avenu Government Systems, LLC. for the Banner Accounting System in the amount not to exceed \$403,259.61 for the term of January 1, 2022 to December 31, 2024, and authorize the chair to execute same.

**County Administration - Personnel**

Approve Personnel Resolution P 22-01 amending the Siskiyou County position allocation list to create one Deputy Sheriff II - 1.0 FTE effective January 9, 2022.

**Community Development - Planning/Code Enforcement**

Approve the 1<sup>st</sup> addendum to the Prentice Long PC agreement, for continued assistance with Code Enforcement legal services related to cannabis, with an amount not to exceed \$50,000 and authorize the Board Chair to sign addendum.

**District Attorney**

Approve contract between Coleman Reporters and the County of Siskiyou for criminal grand jury court reporting and transcription services for the term of July 1, 2021, through June 30, 2024, with compensation at Rate .01.

**General Services - Sanitation**

Approve first addendum to contract with Clean Earth to provide universal waste disposal, and authorize Chair to execute same.

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

Approve and the Chair sign the First Addendum to the Contract for Services between Siskiyou County Health and Human Services Agency and Siskiyou Child Care Council, effective September 1, 2021 through June 30, 2022.

**Sheriff**

Approve and ratify the application and accept the funds from the NRA Grant. Allow the Auditor to establish budget appropriations.

Transfer of Funds - Predatory Animal Control - \$581. Resolution 22-02 adopted.

Transfer of Funds - District Attorney - \$50,000. Resolution 22-03 adopted.

Transfer of Funds - Accumulated Capital Outlay - \$350,000. Resolution 22-04 adopted.

Transfer of Funds - Behavioral Health - \$560,000. Resolution 22-05 adopted.

**Sheriff** - Approve FY 21/22 revenue agreement with the Siskiyou Joint Community College District for coordination of the Administration of Justice Program, in an amount not to exceed \$120,000. Approved.

This item was pulled from the consent agenda at Supervisor Ogren's request. In response to Supervisor Ogren regarding the timeframes associated with the agreement, Sheriff Jeremiah Larue advised of the lengthy process to work on certain language in the agreement with the College of the Siskiyous (COS).

Following discussion between members of the Board and Mr. Larue regarding the anticipated process to negotiate future agreements, it was moved by Supervisor Ogren, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela and Ogren voting YES and Supervisor Haupt ABSENT to approve the agreement between the Siskiyou County Sheriff's Office and Siskiyou Joint Community College District not to exceed \$120,000 for the period July 1<sup>st</sup>, 2021 through June 30<sup>th</sup>, 2022. Authorize the Chair to sign.

**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.

Participation in this item by County staff was provided via teleconference phone.

Public Health Division Deputy Director Brenda Harris provided an overview of various statistics related to COVID-19 in the County and an update regarding the Department's satellite clinic located in Yreka that provides COVID testing and vaccinations. Ms. Harris advised that the clinic offered extended hours one day per week (to provide services after 5p.m.).

Brief discussion followed between members of the Board and Ms. Harris regarding the extended hours and the various services offered at additional locations around the County.

**Natural Resources** - Discussion, direction and possible action re request to approve Charter of Commitments by Members of the Klamath Communities Coalition "Coalition of the Willing" Steering Committee with the goal to identify and address challenges to Klamath Basin communities associated with water availability. Continued to January 18, 2022.

Chair Criss advised that this item was continued to January 18, 2022 in order for Supervisor Haupt to be present for the discussion.

**Public Hearings** - County Clerk – Continued public hearing for the second reading of an ordinance amending Title 2, Chapter 12, Section 2-12.101 of the Siskiyou County Code regarding County Clerk fees. Ordinance 22-01 adopted.

This was the time set for a continued public hearing for the second reading of an ordinance amending Title 2, Chapter 12, Section 2-12.101 of the Siskiyou County Code regarding County Clerk fees, having been continued from December 7, 2021.

Deputy County Clerk Wendy Winningham provided an overview of the request.

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

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

It was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT to introduce, waive, and approve the second reading and adopt the Ordinance of the County of Siskiyou, 22-01, Amending Title 2, Chapter 12, Section 2-12.101 of the Siskiyou County Code regarding the County Clerk Fees.

**Public Hearings** - Community Development - Planning Division - Public hearing to consider Resolution determining the project exempt from the California Environmental Quality Act (CEQA) and approving the Callick Tentative Parcel Map (TPM-15-05) project. Resolution 22-06 adopted.

This was the time set for a public hearing to consider a Resolution determining the project exempt from the California Environmental Quality Act (CEQA) and approving the Callick Tentative Parcel Map (TPM-15-05) project.

The Chair opened the public hearing.

Senior Planner Rachel Jereb provided a staff report regarding the project, advising that the Planning Commission recommended approval of the project in 2016 under a different property owner. Ms. Jereb additionally advised that the current property owners were interested in completing the Tentative Parcel Map project.

In response to Chair Criss, Deputy County Clerk Wendy Winningham advised that the Clerk's Office received one piece of correspondence (returned to the Clerk's Office as undeliverable) and that no other correspondence related to this item had been received.

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

Property owner David Callick appeared before the Board, speaking in support of the proposed project.

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

It was moved by Supervisor Kobseff, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT to determine the project exempt from the California Environmental Quality Act (CEQA) pursuant to the “common sense exemption” in accordance with Section 15061(b)(3) of the CEQA Guidelines; approve the Callick Tentative Parcel Map (TPM-15-05) based on the recommended findings and subject to the recommended conditions of approval and adopt Resolution 22-06, a Resolution of the Board of Supervisors of the County of Siskiyou, State of California, determining the project exempt from the California Environmental Quality Act (CEQA) and approving the Callick Tentative Parcel Map.

**Public Hearings - Community Development - Planning Division - Continued public hearing for the second reading of an ordinance reclassifying land in the unincorporated community of McCloud from Limited Industrial (M-L) to Neighborhood Commercial (C-U), and from Neighborhood Commercial (C-U) to Rural Residential Agricultural (R-R), and from Non-Prime Agricultural (AG-2) to Rural Residential Agricultural (R-R) on APN: 049-062-500; Township 39 North, Range 2 West, Sections 6 and 7, MDB&M, for the Tyhurst Zone Change (Z-20-04). Ordinance 22-02 adopted.**

This was the time set for a continued public hearing for the second reading of an ordinance reclassifying land in the unincorporated community of McCloud from Limited Industrial (M-L) to Neighborhood Commercial (C-U), and from Neighborhood Commercial (C-U) to Rural Residential Agricultural (R-R), and from Non-Prime Agricultural (AG-2) to Rural Residential Agricultural (R-R) on APN: 049-062-500; Township 39 North, Range 2 West, Sections 6 and 7, MDB&M, for the Tyhurst Zone Change (Z-20-04), having been introduced on December 14, 2021.

Senior Planner Rachel Jereb provided a staff report regarding the project, advising that the Planning Department forwarded a response from the Project Proponents to the Squaw Valley Riding Club, as directed by the Board of Supervisors on December 14<sup>th</sup>, and that no response from the Riding Club had been received.

In response to Chair Criss, Deputy County Clerk Wendy Winningham advised that the correspondence Ms. Jereb mentioned was the only correspondence related to this item received by the Clerk’s Office.

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

Following brief discussion between members of the Board and Ms. Jereb regarding the property easements and the Riding Club’s access to their property, it was moved by Supervisor Criss and seconded by Supervisor Kobseff to determine the project exempt from CEQA in accordance with Section 15061(b)(3); and waive the second reading of the draft ordinance amending Zoning Sectional District Map 10-6.205-529; and adopt the ordinance amending Zoning Sectional District Map 10-6.205-529. Following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT the motion to adopt Ordinance 22-02 carried.

**Public Hearings - Community Development - Planning Division - Public hearing for the first reading of an ordinance amending Chapter 5 of Title 10 of the Siskiyou County Code regarding the County's Surface Mining and Reclamation (SMARA) Ordinance. First reading approved; public hearing continued to February 1, 2022 for second reading.**

This was the time set for a public hearing for the first reading of an ordinance amending Chapter 5 of Title 10 of the Siskiyou County Code regarding the County's Surface Mining and Reclamation (SMARA) Ordinance.

The Chair opened the public hearing.

Continued...

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

Assistant Planner Bernadette Cizin appeared before the Board and provided a staff report, advising that the proposed text amendment would bring the County's Surface Mining and Reclamation Act (SMARA) ordinance in line with State changes to update SMARA. Ms. Cizin further advised that the amendments are the minimum necessary to ensure the County's ordinance is consistent with the provisions of SMARA.

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

There were no public comments received.

Discussion followed between members of the Board and Community Development Director Rick Dean regarding changes made to SMARA at the State level, including timeframes and language related to 'supervisor' and 'director' and the proposed amendments that would not increase costs at the County level.

It was moved by Supervisor Kobseff, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT to introduce, waive and approve the first reading of the proposed amendment of the County's Surface Mining and Reclamation Ordinance; and direct the Clerk to schedule a continued public hearing on adoption of the CEQA exemption and a second reading of the ordinance amending the County's Surface Mining and Reclamation Ordinance on February 1, 2022.

**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 and consider a Resolution making Public Trust findings for the Environmental Health Division's (EHD) ministerial issuance of de minimis water well permits in the Scott Valley and directing EHD to bring forward an interim ordinance for a moratorium on new production well applications and permits in the Scott Valley, with certain exceptions. Resolution 22-07 adopted.**

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 and consider a Resolution making Public Trust findings for the Environmental Health Division's (EHD) ministerial issuance of de minimis water well permits in the Scott Valley and directing EHD to bring forward an interim ordinance for a moratorium on new production well applications and permits in the Scott Valley, with certain exceptions, having been continued from December 7, 2021.

Community Development Director Rick Dean appeared before the Board, providing an overview of the request, and advising that an interim ordinance for a moratorium on new production wells in the Scott Valley would be brought before the Board at a later date. Mr. Dean provided a definition of de minimis wells, which would have limited potential impact on groundwater levels and not part of the moratorium.

In response to Chair Criss, 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 comment.

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

Caller Nick Joslin shared concerns regarding the need for similar action (moratorium) to take place in the Shasta Valley with regard to groundwater supplies.

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

It was moved by Supervisor Valenzuela, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT, to adopt the Resolution, 22-07, making public trust findings for the ministerial permitting of de minimis wells in the Scott Valley and direct staff to bring forward an ordinance related to production wells.

**Board of Supervisors' Requests** - Board of Supervisors - Review status of local emergency related to drought as declared by Resolution 21-48, adopted on April 6, 2021; action to extend or terminate local emergency. Local emergency extended; staff directed to draft an updated Resolution for Board consideration at a later date.

Supervisor Kobseff voiced concerns regarding the local emergency Resolution, advising of the potential for negative impacts of an ongoing emergency declaration on surface and groundwater levels and the current irrigation curtailments orders from the State Water Resources Control Board.

Deputy Director of the Office of Emergency Services Bryan Schenone shared concerns that, even though the County received precipitation from recent snow storms, termination of the emergency could have adverse effects during the extreme, multi-year drought. Mr. Schenone requested continuation of the emergency to see how much more precipitation could be heading for the County in the next month or two, advising that the State of Oregon and Modoc County were continuing their drought declarations.

Discussion followed between members of the Board, Mr. Schenone and County Counsel Edward J. Kiernan regarding the potential negative impacts associated with the State's curtailment orders, the benefits associated with drought declarations for those impacted by the drought and possible consideration of an updated drought emergency Resolution at a later Board meeting.

The Chair opened the item to public comment.

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 continuing the drought emergency Resolution and advised that decreasing/stopping groundwater extraction would benefit recharge of the groundwater aquifer.

Supervisor Kobseff shared concerns regarding the State's curtailment of winter surface irrigation that could benefit/recharge the groundwater aquifer in Scott Valley.

It was moved by Supervisor Valenzuela and seconded by Supervisor Ogren to extend the local emergency related to drought as declared by Resolution 21-48.

Following brief discussion between members of the Board and Mr. Kiernan regarding the need to update the current emergency Resolution, the Chair called for the question and following a roll call vote with Supervisors Valenzuela, Ogren and Criss voting YES, Supervisor Kobseff ABSTAINED and Supervisor Haupt ABSENT, the motion carried.

**Board of Supervisors' Requests** - Board of Supervisors - Review status of Proclamation by the County Health Officer in relation to various health hazards resulting from the River Complex fire, dated November 3, 2021; action to extend or terminate. Proclamation terminated.

County Administrator Angela Davis recommended termination of the Proclamation as all hazardous materials work in the area had been completed.

It was moved by Supervisor Kobseff, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT, to terminate the Proclamation by the County Health Officer in relation to various health hazards resulting from the River Complex fire.

**Appointments** - County Clerk - Appointment of a Delegate and an Alternate to the Rural County Representatives of California (RCRC) Golden State Connect Authority (GSCA) Board of Directors for 2022. Supervisors Kobseff and Haupt appointed Delegate and Alternate, respectively.

Deputy County Clerk Wendy Winingham provided a brief overview of the request.

Brief discussion followed regarding Supervisors Kobseff and Haupt who serve as delegate and alternate to other Rural County Representatives of California (RCRC) positions. Continued...

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

It was moved by Supervisor Valenzuela, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT, to appoint Supervisor Kobseff as Delegate and Supervisor Haupt as Alternate to the 2022 Rural County Representatives of California (RCRC) Golden State Connect Authority (GSCA) Board of Directors.

**Appointments - County Clerk -** Appointment of three members to the scheduled vacancies on the Etna Cemetery District, for terms ending January 5, 2026. Continued to January 18, 2022.

Chair Criss advised that this item was continued to January 18, 2022 in order for Supervisor Haupt to participate in the discussion.

**Appointments - County Clerk -** Appointment of one member to the scheduled vacancy on the Fort Jones Cemetery District, for a term ending January 5, 2026. Continued to January 18, 2022.

Chair Criss advised that this item was continued to January 18, 2022 in order for Supervisor Haupt to participate in the discussion.

**Appointments - County Clerk -** Appointment of three members to the scheduled vacancies on the Happy Camp Cemetery District, for terms ending January 5, 2026. Continued to January 18, 2022.

Chair Criss advised that this item was continued to January 18, 2022 in order for Supervisor Haupt to participate in the discussion.

**Appointments - County Clerk -** Appointment of two members to the scheduled vacancies on the Henley-Hornbrook Cemetery District, for terms ending January 5, 2026. Continued to January 18, 2022.

Chair Criss advised that this item was continued to January 18, 2022 in order for Supervisor Haupt to participate in the discussion.

**Appointments - County Clerk -** Appointment of two members to the scheduled vacancies on the Lakeview Cemetery District, for terms ending January 5, 2026. Kathy Farnam and Janet Lutz appointed.

Following an overview of the request from Deputy County Clerk Wendy Winningham, it was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT, to appoint incumbents Kathy Farnam and Janet Lutz to the scheduled vacancies on the Lakeview Cemetery District, for terms ending January 5, 2026.

**Appointments - County Clerk -** Appointment of two members to the scheduled vacancies on the Picard Cemetery District, for terms ending January 5, 2026. Shelley Baldwin and Gary Craddock appointed.

Following an overview of the request from Deputy County Clerk Wendy Winningham, it was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT, to appoint incumbents Shelley Baldwin and Gary Craddock to the scheduled vacancies on the Picard Cemetery District, for terms ending January 5, 2026.

**Appointments - County Clerk -** Appointment of three members to the scheduled vacancies on the Shasta Valley Cemetery District, for terms ending January 5, 2026. Donna Bacigalupi, Matt Osborn and Jackie Terwilliger appointed.

Following an overview of the request from Deputy County Clerk Wendy Winningham, it was moved by Supervisor Ogren, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT, to appoint incumbents Donna Bacigalupi, Matt Osborn and Jackie Terwilliger to the scheduled vacancies on the Shasta Valley Cemetery District, for terms ending January 5, 2026.

**Appointments** - County Clerk - Appointment of one member to the unscheduled vacancy on the Mt. Shasta Recreation and Parks District, for a short-term ending June 30, 2022. Heather DeArton appointed.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that Heather DeArton was interested and eligible to serve on the Mt. Shasta Recreation and Parks District.

It was moved by Supervisor Valenzuela, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Kobseff, Valenzuela, Ogren and Criss voting YES and Supervisor Haupt ABSENT, to appoint Heather DeArton to the unscheduled vacancy on the Mt. Shasta Recreation and Parks District, for a short-term ending June 30, 2022.

**Board and Staff Reports**

Supervisor Valenzuela advised that he would be traveling to meet members of the California State Association of Counties (CSAC) in Sacramento as the current CSAC President.

Supervisor Criss advised of filling in for Santa at the Butte Valley Montessori School.

**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), 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), one case, commenced at 10:34a.m., concluded at 11:55a.m., with action taken.

**Report On Closed Session**

County Counsel Edward J. Kiernan announced that closed session concluded at 11:55a.m., with reportable action taken.

Mr. Kiernan advised that the Board voted 4/0 to participate in litigation. Supervisor Kobseff made the motion and Supervisor Ogren seconded and a copy of the complaint and notice of lawsuit will be available upon request once that notice has been served on the party.

**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