

State of California, County of Siskiyou

Board of Supervisors Minutes, February 15, 2022

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 15th day of February 2022; there being present Supervisors Brandon Criss, Michael N. Kobseff, Ray A. Haupt and Nancy Ogren, 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 Ed Valenzuela was absent.

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 and County Service Area #4. 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.

Off agenda item – Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Stanley Swenson v. County of Siskiyou, et al., Superior Court for the County of Siskiyou, Case No. SCCVCV 22-143. Added to the closed session agenda.

County Counsel Edward J. Kiernan provided an overview of the request to add an item, not on the posted agenda, concerning existing litigation. Mr. Kiernan requested that the item be added to the closed session agenda.

It was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to add an item not on the posted agenda, concerning conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Stanley Swenson v. County of Siskiyou, et al., Superior Court for the County of Siskiyou, Case No. SCCVCV 22-143, to the closed session agenda.

Board of Supervisors' Request - Supervisor Michael N. Kobseff - Discussion, direction and possible action re Proclamation recognizing Mr. Robby Burns during his participation in the 2022 Winter Olympics. Proclamation adopted and presented.

Supervisor Kobseff provided a brief overview of the request, and read the Proclamation recognizing Mr. Robby Burns during his participation in the 2022 Winter Olympics into the record. Mr. Burns was present in the Board Chambers.

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to approve the proclamation and authorize members of the Board to sign.

Members of the Board congratulated Mr. Burns on his accomplishments and presented the Proclamation to him.

Consent Agenda – Approved.

At Supervisor Haupt's request, Item 5E, County Administration's contract with Shasta Valley Resource Conservation District for management of the Scott McKinley Fuels Reduction Project, was pulled from the consent agenda for discussion.

At Chair Criss' request, Item 5F, County Administration-Personnel's request to appoint Deputy County Administrative Officer/Personnel and Risk Manager Melissa Cummins to represent the County in discussing terms for re-appointment of County Counsel position and Item 5U, Natural Resources' letter to State of California and the Klamath River Renewal Corporation regarding proposed Klamath River Dam Removal Project, were pulled from the consent agenda for discussion.

Continued...

Consent Agenda – (continued)

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

County Administration

Approve letter to California State Assembly member Jim Patterson expressing support for Assembly Bill 1773 (AB 1773) Williamson Act: subvention payments: appropriation and authorize the Chair to sign.

County Administration

Ratify letter to the Fire Safe Council of Siskiyou County supporting their 2022 CalFire Prevention Grant Program - Lake Shastina CEQA and Fuels Reduction Project: 21-FP-SKU-0214.

County Administration

Approve the contract with NEOGOV for online recruitment licensing for a not to exceed amount of \$15,774.06 for FY 21/22.

County Administration

Ratify letter to Cal-Ore Telephone Company supporting their Reconnect 3 Grant Program application.

County Counsel

Approve the Twenty-Fifth Addendum to Professional Services Retention Agreement with Nossaman that amends Exhibit "A" and authorize the Board Chair to execute same.

County Library

Approve application to the State Library Broadband grant; authorize the Auditor to establish the attached budget for the funds, if awarded.

General Services - Airports

Authorize the chair to retroactively execute the Hangar Rental Agreement between the County of Siskiyou and Aaron Stutz for the term of January 1, 2022 through December 31, 2026.

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 Kings View Professional Services Inc. for the term of July 1, 2021 to June 30, 2024.

Health and Human Services - Behavioral Health Division

Approve the Grant award between Siskiyou County Health & Human Services Agency, Behavioral Health Division, and Department of Health Care Services Behavioral Health Response and Rescue Project (BHRRP) Substance Abuse Prevention and Treatment Block Grant (SABG) and authorize Auditor to establish budget and set expenditures.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the Lease addendum between Siskiyou County Health & Human Services Agency, Behavioral Health Division, and Sisson Development, LLC, for the term of March 1, 2020 to February 28, 2025.

Health and Human Services - Public Health Division

Approve the Children's Medical Services (CMS) Plan for Fiscal Year 2021/2022 and authorize the Chair to sign the Certification Statements.

Continued...

Consent Agenda – (continued)

Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Governing Board Resolution, No. 22-31, with the State of California – Health and Human Services Agency – California Department of Public Health (CDPH), Sexually Transmitted Diseases (STD) Control Branch, the federal funds to expand the Disease Intervention Specialist (DIS) Workforce Development Supplemental funding for Calendar Year (CY) 2021, CY 2022, CY 2023, CY 2024, and CY 2025, to mitigate the spread of COVID-19 and other infections , authorize the County Administrator to act on behalf of the County to execute any and all program award documents as outlined in Section 2 of the Resolution and authorize the Auditor to establish budget appropriation and set expenditures per the agreement amendment guidelines, for the allocation of \$531,445.00, with spending authority through December 31, 2025.

Health and Human Services - Public Health Division

Authorize acceptance of the California Department of Public Health and County of Siskiyou Health and Human Services Agency Public Health Division Grant Agreement number 17-10353, A03 for FY 2021-22 and authorize the Chair to sign and authorize the Auditor to establish budget appropriation.

Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the California Department of Health Care Services Medi-Cal County Inmate Program Addendum to Participation Agreement 20-MCIPSISKIYOU-47.

Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Second Addendum Contract between Harold's Cleaning and Siskiyou County Health and Human Services Agency, Public Health Division.

Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Governing Board Resolution, No. 22-32, with the State of California – Health and Human Services Agency – California Department of Public Health (CDPH), ELC Detection & Mitigation of COVID-19 in Confinement Facilities Funding for FY 21/22, 22/23, and 23/24 in the amount of \$34,283.00, to mitigate the spread of COVID-19 in confinement facilities, authorize the County Administrator to act on behalf of the County to execute any and all program award documents as outlined in Section 2 of the Resolution and authorize the Auditor to establish budget appropriation and set expenditures per the agreement amendment guidelines.

Health and Human Services - Public Health Division

Ratify the grant application and approve the grant agreement, authorize the Chair to sign the Governing Board Resolution, No. 22-33, with the State of California – Health and Human Services Agency – California Department of Public Health (CDPH), Injury and Violence Prevention Branch (IVPB), Comprehensive Suicide Prevention Program for FY 21/22, in the amount of \$50,000.00, to reduce suicide morbidity and mortality, authorize the County Administrator to act on behalf of the County to execute any and all program award documents as outlined in Section 2 of the Resolution and authorize the Auditor to establish budget appropriation and set expenditures per the agreement guidelines.

Natural Resources

Approve the letter and edits, to Seatone Consulting/Coalition of the Willing, and authorize the Chair to sign.

Sheriff

Approve the agreement between Siskiyou County and the Etna Police Department pertaining to assistance provided under the Law Enforcement Mutual Aid Plan for reimbursement on the Lava Fire.

Continued...

Consent Agenda – (continued)

Sheriff

Approve the agreement between Siskiyou County and the Atherton Police Department pertaining to assistance provided under the Law Enforcement Mutual Aid Plan for reimbursement on the Lava Fire.

Sheriff

Approve the agreement between Siskiyou County and the El Dorado County Sheriff's Office pertaining to assistance provided under the Law Enforcement Mutual Aid Plan for reimbursement on the Lava Fire.

Sheriff

Approve the agreement between Siskiyou County and the Yreka Police Department pertaining to assistance provided under the Law Enforcement Mutual Aid Plan for reimbursement on the Lava Fire.

Sheriff

Approve the agreement between Siskiyou County and the Sacramento Police Department pertaining to assistance provided under the Law Enforcement Mutual Aid Plan for reimbursement on the Lava Fire.

Sheriff

Approve the Memorandum of Agreement (MOA) and accept the reimbursement from Plumas County; allow the Auditor to establish budget.

Siskiyou Arts Council

Adopt Resolution 22-34 Siskiyou County Arts Council 2022-23.

Transfer of Funds - Fish and Game Commission - \$7,848. Resolution 22-35 adopted.

Transfer of Funds - General Services - STAGE - \$6,900. Resolution 22-36 adopted.

Transfer of Funds - Behavioral Health - Local Mental Health Services Act (MHSA) - \$50,000. Resolution 22-37 adopted.

Transfer of Funds - General Services - Airports - \$9,000. Resolution 22-38 adopted.

Transfer of Funds - General Services - Airports - \$14,900. Resolution 22-39 adopted.

Transfer of Funds - General Services - Airports - \$15,000. Resolution 22-40 adopted.

Transfer of Funds - County Library - \$11,475. Resolution 22-41 adopted.

Transfer of Funds - County Library - \$6,000. Resolution 22-42 adopted.

County Administration - Approve contract with Shasta Valley Resource Conservation District for partnership in management of the Scott McKinley Fuels Reduction Project, in an amount not to exceed \$500,000 for the term November 9, 2021 through June 30, 2022. Approved.

This item was pulled from the consent agenda at Supervisor Haupt's request. Supervisor Haupt spoke in support of and provided a brief overview of the Project's history.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to approve the contract with Shasta Valley Resource Conservation District, authorize the Chair to sign, and authorize the Auditor's Office to create an Activity Code and establish budget.

County Administration – Personnel - Appoint Deputy County Administrative Officer/Personnel and Risk Manager Melissa Cummins to represent the County in discussing terms for re-appointment of County Counsel position. Approved.

This item was pulled from the consent agenda at Chair Criss' request.

Continued...

County Administration – Personnel – (continued)

County Administrator Angela Davis requested that the verbiage “and/or his or her designee” be added to the recommended motion. In addition, Ms. Davis requested that the same language apply to closed session item 13I, Conference with labor negotiators pursuant to Government Code §54957.6, agency designated representatives: Melissa Cummins (and/or his or her designee), position of County Counsel.

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to appoint Deputy CAO/ Personnel & Risk Manager Melissa Cummins, and/or his or her designee, to represent the County in discussing terms of re-appointment of County Counsel position with Edward Kiernan in anticipation of Board adopting, modifying, or rejecting terms at March 1, 2022, Board meeting where it will consider reappointment.

Natural Resources - Approve letter to State of California and the Klamath River Renewal Corporation re anticipated adverse impacts associated with the proposed Klamath River Dam Removal Project. Continued to March 1, 2022.

This item was pulled from the consent agenda at Chair Criss’ request.

The Chair opened the item to public comments.

Copco Lake resident Rick Dowdy spoke in support of the Board adopting a Resolution to protect the Ancient Beswick Forest and cultural sites, located near Copco Lake, which request was presented to the Board previously.

Local resident Jeff Deutscher spoke in support of the proposed letter to the California Governor and Klamath River Renewal Corporation (KRRC) being continued to allow members of the Board to meet with representative groups concerning the letter prior to its consideration and/or approval.

Local rancher Rich Marshall spoke in support of the Board (acting as the Flood Control and Water Conservation District) making efforts to protect the County’s water rights and suggested members of the Board meet with a committee concerning the proposed letter.

Copco Lake Community Club representative Barbara Austin shared concerns that the community of Copco Lake has been ignored and spoke in support of a Resolution to protect the Ancient Beswick Forest and cultural sites.

Copco Lake resident Chrissie Reynolds presented and read a three-page letter, sharing concerns that the community has been ignored and spoke in opposition to the proposed letter and in support of a Resolution to protect the Ancient Beswick Forest and cultural sites.

Copco Lake resident Linda Ebert spoke in opposition to the proposed letter and in support of a Resolution to protect the Ancient Beswick Forest and cultural sites.

Copco Lake resident Tori Belongie spoke in opposition to the proposed letter and in support of a Resolution to protect the Ancient Beswick Forest and cultural sites.

Copco Lake resident Francis Gill spoke in opposition to the proposed letter and in support of a Resolution to protect the Ancient Beswick Forest and cultural sites.

Supervisor Kobseff voiced concerns that the County was not invited to a recent Klamath Summit to provide input and suggested that interested parties and/or members of the audience contact State and Federal representatives regarding the Klamath Dam Removal Project.

Supervisor Haupt spoke in support of continuing the letter to a later date to allow for additional input from concerns parties.

Continued...

Natural Resources – (continued)

Following discussion between members of the Board regarding the efforts being made to inform and outreach to the public and address issues regarding the Klamath dam project, it was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, to continue the letter to State of California and the Klamath River Renewal Corporation to March 1, 2022.

Presentations from the Public

Audience member Celia Balderree voiced concerns regarding a proposed housing project in Yreka to house seriously ill adults as well as children, in addition to the City of Yreka' proposed swimming pool in the same location.

Local resident Steve Radford spoke in support of the County becoming a constitutional county in an effort to fight for local citizens' freedoms.

Local resident Holly Hansard spoke in support of the Board contacting Jovan Hutton Pulitzer to present information regarding vulnerabilities in the voting system.

Supervisor Kobseff requested that the County Administrator reach out to Mr. Pulitzer and to provide additional information to the Board regarding the request.

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

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

Deputy Director Public Health Brenda Harris provided an update regarding current COVID cases, hospitalizations and deaths, and summarized ongoing vaccination efforts. Ms. Harris provided an update on the Yreka satellite clinic and advised that a weekly clinic would be set up in Mt. Shasta soon.

General Services - Discussion, direction and possible action re Resolution opting to affirm an exemption from the requirements of Mandatory Organics Collection Services and SB 1383 related activities on behalf of the Siskiyou County Integrated Waste Management Regional Agency. Resolution 22-43 adopted.

General Services Director Joy Hall appeared before the Board, providing an overview of Senate Bill 1383 (SB1383) designed to reduce organic waste and the ongoing efforts being made to meet SB1383 implementation requirements. Ms. Hall advised that the County can apply for a rural exemption for organic waste collection until December 31, 2026, although implementation of the Edible Food Recovery Program was required. Ms. Hall provided an overview of the process to establish an Edible Food Recovery Program, including the larger grocery stores and restaurants that would be affected by the Program, and the associated Code Enforcement and violation procedures. In addition, Ms. Hall advised that the County's consultant, Debra Kaufman was available via ZOOM/teleconference phone should the Board have questions.

Participation in this item by various members of the public and staff was provided via teleconference phone.

Members of the Board voiced concerns regarding SB1383 as an unfunded State mandate being forced on the County and incorporated cities.

Lengthy discussion followed between members of the Board, Ms. Hall and Ms. Kaufman regarding the potential for a \$10,000 per day fine, should the County opt not to implement an Edible Food Recovery Program, the definition of edible food (not heated/hot food), the ability of food banks/pantries to accept/reject donated food, the potential that local food banks/pantries would not have the capacity to accept donated food, the availability of grants to assist food banks/pantries increasing storage capacity and the Resolution to apply for a rural exemption.

Continued...

General Services – (continued)

It was moved by Supervisor Kobseff and seconded by Supervisor Ogren to approve signing the resolution to file an exemption from Organic Waste Disposal. Following a roll call vote with Supervisors Haupt, Kobseff Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, the motion to adopt Resolution 22-43 carried.

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 March 1, 2022.

General Services Director Joy Hall appeared before the Board, providing an overview of Senate Bill 1383 (SB1383) designed to reduce organic waste and the ongoing efforts being made to meet SB1383 implementation requirements. Ms. Hall summarized a Memorandum of Understanding (MOU) between the County and the nine incorporated cities, advising that the MOU would allow the County to enforce rules/regulations associated with an Edible Food Recovery Program. Ms. Hall additionally advised that the County would need to adopt an ordinance (an associated item later on the agenda) to opt into the Siskiyou County Integrated Solid Waste Management Regional Agency's Edible Food Recovery Ordinance and that the County's consultant, Debra Kaufman was available via ZOOM/teleconference phone should the Board have questions.

Participation in this item by various members of the public and staff was provided via teleconference phone.

Lengthy discussion followed between members of the Board, Ms. Hall, Ms. Kaufman, County Counsel Edward J. Kiernan and Deputy County Clerk Wendy Winningham regarding the draft ordinance that local cities had adopted or soon would be adopting, the March 31, 2022 deadline for the County (as Solid Waste Management Regional Agency Lead Agency) to finalize adoption of the draft ordinance, the timing associated with legal notification of a public hearing for the draft ordinance second reading, the potential negative impacts to local cities should the County opt out and not adopt the ordinance or approve the MOU, the need to additional information/input from local cities concerning implementation of SB1383 and potential costs to the County and the potential for a \$10,000 per day fine from the State should SB1383 not be implemented.

Chair Criss advised that this item was continued to March 1, 2022.

General Services - Discussion, direction and possible action re Resolution authorizing submittal of application for payment programs and grant programs and related authorization to CalRecycle related to implementation of SB 1383 regulatory requirements. Continued to March 1, 2022.

Participation in this item by various members of the public and staff was provided via teleconference phone.

Following lengthy discussion between members of the Board, General Services Director Joy Hall, the County's consultant, Debra Kaufman and County Counsel Edward J. Kiernan regarding the need for additional information related to the process to implement Senate Bill 1383 (SB1383) prior to considering this item, Chair Criss advised that this item was continued to March 1, 2022.

General Services - Discussion, direction and possible action re first 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 second reading set on March 15, 2022.

General Services Director Joy Hall appeared before the Board, providing an overview of Senate Bill 1383 (SB1383) designed to reduce organic waste and the ongoing efforts being made to meet SB1383 implementation requirements.

Continued...

General Services – (continued)

In addition, Ms. Hall advised that the ordinance would require the County to be the enforcement entity/lead agency for the County's Integrated Solid Waste Management Regional Agency related to the Edible Food Recovery Program. Ms. Hall advised that the County consultant, Debra Kaufman was available via ZOOM/teleconference phone should the Board have questions.

Participation in this item by various members of the public and staff was provided via teleconference phone.

Members of the Board voiced concerns regarding SB1383 as an unfunded State mandate being forced on the County and incorporated cities.

Lengthy discussion followed between members of the Board, Ms. Hall, Ms. Kaufman, County Counsel Edward J. Kiernan and Deputy County Clerk Wendy Winningham regarding the draft ordinance that local cities had adopted or soon would be adopting, the March 31, 2022 deadline for the County (as Solid Waste Management Regional Agency Lead Agency) to finalize adoption of the ordinance, the timing associated with legal notification of a public hearing for the draft ordinance second reading, the potential negative impacts to local cities should the County opt out and not adopt the ordinance, the need to additional information/input from local cities concerning implementation of SB1383 and potential costs to the County and the potential for a \$10,000 per day fine from the State should SB1383 not be implemented.

Further discussion followed, including County Administrator Angela Davis regarding the State's rural exemption that does not apply to the Edible Food Recovery Program, the inability of the County to modify the draft ordinance language, the anticipated process for local food banks/pantries to contract with large grocery stores to accept donated food, the County's anticipated administrative and enforcement costs associated with the program, the anticipated process to outreach to local supermarkets/restaurants regarding the program and the need to approve the ordinance first reading in order to accommodate legal publication for the second reading public hearing in time to adopt the ordinance prior to the March 31, 2022 State deadline.

It was moved by Supervisor Criss and seconded by Supervisor Ogren 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 March 15, 2022. Following a roll call vote with Supervisors Kobseff, Ogren and Criss voting YES, Supervisor Haupt voting NO and Supervisor Valenzuela ABSENT, the motion carried.

Board of Supervisors' Requests - Board of Supervisors - Review status of local emergency related to drought declared by Resolution 22-22, adopted on January 18, 2022; action to extend or terminate local emergency. Local emergency extended.

Deputy Director of Office of Emergency Services Bryan Schenone appeared before the Board, requesting continuation of the drought emergency declaration due to insufficient recent precipitation. Mr. Schenone voiced concerns regarding the County's water situation.

Supervisor Haupt voiced concerns that the emergency declaration does not solve the County's water issues and concerns regarding the negative impacts associated with the drought (i.e. economic, financial impacts). Supervisor Haupt suggested the declaration include the need for water storage infrastructure, potential tax revenue losses associated with the drought.

Discussion followed between members of the Board and Mr. Schenone regarding the 2013 and 2017 precipitation models related to water availability, decreased snowpack in local areas, the potential for increased agriculture losses due to the lack of water storage, the need to include information related to single species in the Endangered Species Act (ESA) and the need to draft a letter highlighting the County's concerns similar to the March 5, 2021 letter referenced in the emergency declaration.

Continued...

Board of Supervisors' Requests - Board of Supervisors – (continued)

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT to extend the local emergency related to drought declared by Resolution 22-22.

Public Hearings - County Administration - Public hearing for the second reading of an ordinance amending Section 2-2.201 of Chapter 2 of the Siskiyou County Code relating to hours of work. Ordinance 22-04 adopted.

This was the time set for a public hearing for the second reading of an ordinance amending Section 2-2.201 of Chapter 2 of the Siskiyou County Code relating to hours of work, having been introduced on January 18, 2022.

The Chair opened the public hearing.

Deputy County Administrator Elizabeth Nielsen provided an overview of the request, advising that the ordinance would allow the Board to delegate to the County Administrator authority to order/amend County and departmental business hours as needed.

In response to Chair Criss, 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 Kobseff and seconded by Supervisor Ogren to introduce and approve the second reading of the ordinance to amend Section 2-2.201 of Chapter 2 of the Siskiyou County Code Relating to Hours of Work, and delegate authority to the County Administrator to order/amend County and departmental business hours as needed. Following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT the motion to adopt Ordinance 22-04 carried.

Public Hearings - Community Development - Planning Division - Continued public hearing for the first reading of an ordinance reclassifying land adjacent to Dunsmuir Municipal-Mott Airport from Rural Residential Agricultural (R-R) to Planned Development (P-D) on APN: 037-410-230; Township 40 North, Range 4 West, Section 35, MDB&M for the Purvis Zone Change (Z-21-07). Continued to March 1, 2022.

This was the time set for a continued public hearing for the first reading of an ordinance reclassifying land adjacent to Dunsmuir Municipal-Mott Airport from Rural Residential Agricultural (R-R) to Planned Development (P-D) on APN: 037-410-230; Township 40 North, Range 4 West, Section 35, MDB&M for the Purvis Zone Change (Z-21-07), having been introduced on February 1, 2022.

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

Community Development Director Rick Dean appeared before the Board, advising that Senior Planner Rachel Jereb would participate via ZOOM/teleconference phone.

Ms. Jereb provided a brief history of the request to approve a zone change, advising of the need to continue the item once again as a required aviation easement (aviation easement) had not been approved nor recorded as yet. Ms. Jereb requested continuation of the item to March 1, 2022.

It was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT to continue the public hearing and the first reading to March 1, 2022.

Public Hearings - Community Development - Environmental Health Division - Continued public hearing for the second reading of an ordinance amending Sections 33 and 34 and adding Section 34.5 of Chapter 2 of Title 5 of the Siskiyou County Code regarding waterless toilets. Ordinance 22-05 adopted.

This was the time set for a continued public hearing for the second reading of an ordinance amending Sections 33 and 34 and adding Section 34.5 of Chapter 2 of Title 5 of the Siskiyou County Code regarding waterless toilets, having been continued from February 1, 2022.

Community Development Director Rick Dean appeared before the Board, and provided a brief overview of the request to amend County Code to allow for permitting of waterless toilets.

In response to Chair Criss, 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 Kobseff and seconded by Supervisor Haupt to waive the second reading and approve adoption of an ordinance amending Siskiyou County Code sections 5-2.33, 5-2.34 and adding Section 5-2.34.5. following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT, the motion to adopt Ordinance 22-05 carried.

Natural Resources - Presentation of a staff report re Federal Energy Regulatory Commission (FERC) proceedings for the Lower Klamath Project and impacts of the Water Right held under Application A016958 and the Siskiyou County Flood Control and Water Conservation District Act on FERC Proceedings. Presentation and discussion only.

Deputy County Administrator Elizabeth Nielsen appeared before the Board and provided an overview of the request, advising that the County hired outside counsel to review a public request for the County to obtain a 60,000 acre feet water right that is held by the State Water Resources Control Board (SWRCB) under Application A016958 in an effort to stop the decommissioning of Klamath River the County dams. Ms. Nielsen provided an overview of the review's findings, including the significant costs to the County to petition the SWRCB for assignment of the water rights under the Application (approximately \$454,000), no guarantee that the assignment petition would be approved (with no refund of the costs if the petition was unsuccessful). Ms. Nielsen further advised that the Siskiyou County Flood Control and Water Conservation District Act (Act) was also reviewed by outside counsel with regard to Flood District powers that could assist in stopping Klamath Dam decommissioning, concluding that any Flood District regulatory authority created by the Act was preempted by state and federal laws.

Ms. Nielsen advised that staff did not recommend pursuing the water rights Application, but supported continuing to work with the Federal Energy Regulatory Commission (FERC) process.

Members of the Board directed staff to research and review possible additional water rights identified during public comment concerning the Klamath Dam Project given earlier in the meeting.

County Administration - Discussion, direction and possible action re FY 21/22 mid-year budget review and FY 22/23 budget calendar. FY 22/23 budget calendar approved.

Deputy County Administrator Rachel York provided a brief overview of the mid-year budget process, advising that the budget was on track and there was no need to make significant changes at this time.

County Administrator Angela Davis informed the Board that Ms. York was leaving and the Sherry Lawson would become the Office's new Fiscal Chief position.

Discussion followed between members of the Board, Ms. York, Ms. Davis and Deputy County Clerk Wendy Winningham regarding the proposed budget calendar, the need to verify a publication date for the notice of the budget/public hearing and the need for research into possibly utilizing a two-year budget cycle versus one year.

Member of the board thanked Ms. York for her time at the County.

County Administration – (continued)

It was moved by Supervisor Kobseff, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT to approve FY 2022-2023 Budget Calendar as presented and discussed.

County Administration - Discussion, direction and possible action re Resolution proposing a Board of Supervisor's appointed County Auditor-Controller position to be submitted to the voters for approval and fixing a time for the election to be held on June 7, 2022. Resolution 22-44 adopted; Supervisors Kobseff and Ogren authorized to work with staff on an argument in favor of the measure.

Following an overview of the request from County Administrator Angela Davis, it was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT to adopt a Resolution of the Siskiyou County Board of Supervisors, No. 22-44, proposing a Board of Supervisor's appointed County Auditor-Controller position to be submitted to the voters for approval and fixing a time for the election.

Later in the meeting, it was moved by Supervisor Criss, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Ogren and Criss voting YES and Supervisor Valenzuela ABSENT to authorize Supervisors Kobseff and Ogren to work with staff to develop the argument in favor of the ballot measure.

Minute Approval - January 4, 2022. Approved.

It was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Kobseff, Ogren and Criss voting YES, Supervisor Haupt ABSTAINED and Supervisor Valenzuela ABSENT to approve the January 4, 2022 minutes as presented.

Closed Session - Conference with labor negotiators pursuant to Government Code §54957.6, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, significant exposure to litigation pursuant to Government Code §54956.9(d)(2), two cases, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), one case, commenced at 12:33p.m., concluded at 2:48p.m., with action taken.

Report On Closed Session

County Counsel Edward J. Kiernan announced that closed session concluded at 2:48p.m., with the following reportable action taken:

With regard to the urgency item (added to closed session) which had to do with a suit lead by Mr. Swenson against Siskiyou County, Mr. Kiernan advised that there was a motion made which carried 4/0 approving authorizing County Counsel's Office to defend against the suit. Supervisor Criss made the motion, Supervisor Kobseff seconded it and Supervisor Valenzuela was absent.

With regard to item 13G2, Conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, significant exposure to litigation pursuant to Government Code §54956.9(d)(2), two cases, Supervisor Haupt recused himself at 1:35p.m., and came back at 1:40p.m., when that item was finished.

With regard to item 13I, Conference with labor negotiators pursuant to Government Code §54957.6, agency designated representatives: Melissa Cummins, position of County Counsel, Mr. Kiernan recused himself at 2:25p.m., came back at 2:40p.m., when that item had been fully dealt with.

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

Brandon A. Criss, Chair

By: _____
Deputy

DRAFT