

# State of California, County of Siskiyou

## Board of Supervisors Minutes, April 5, 2022

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 5<sup>th</sup> day of April 2022; there being present Supervisors Brandon Criss, Michael N. Kobseff, Ray A. Haupt, Nancy Ogren and Ed Valenzuela, County Administrator Angela Davis, County Counsel Edward J. Kiernan, and County Clerk and ex-Officio Clerk of the Board of Supervisors Laura Bynum by Deputy County Clerk Wendy Winningham.

The meeting was called to order by Chair Criss. Pursuant to AB23, the Clerk announced that the Board members receive no additional compensation for sitting as members of the Siskiyou County Flood Control and Water Conservation District. Supervisor Haupt led in the salute to the flag of the United States of America.

**Invocation** - Siskiyou County Sheriff Chaplain James Howe provided an invocation.

**Off-agenda item** – Conference with labor negotiators pursuant to Government Code §54957.6, concerning the Deputy Sheriff's Association (DSA), and Siskiyou County Correctional Peace Officers Association (SCCPOA). Item added to closed session agenda.

County Counsel Edward J. Kiernan provided an overview of the request, advising that Board direction was necessary prior to the next regular Board meeting on April 19, 2022. Mr. Kiernan requested that labor negotiations be added to the closed session agenda.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to add an item regarding conference with labor negotiators pursuant to Government Code §54957.6, concerning the Deputy Sheriff's Association (DSA), and Siskiyou County Correctional Peace Officers Association (SCCPOA) to the closed session agenda.

### **Presentations from the Public**

Behavioral Health Services' Clinical Director Tracie Lima appeared before the Board and recognized Behavioral Health Services Specialist Rico Gutierrez who was nominated through the Rural Community Builder Group based in Roseburg OR, as a person who cares about and makes efforts to make their community better. Ms. Lima introduced Mr. Gutierrez to the Board. Members of the Board thanked Mr. Gutierrez for his hard work.

County resident Holly Hansard appeared before the Board and shared concerns regarding the ballots used in the County's elections. Ms. Hansard additionally requested that the Board consider speaking with or inviting Jovan Hutton Pulitzer to discuss elections, ballots and security.

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

Caller Anne Marsh shared concerns the item 5F on the consent agenda should be heard during the Board's regular agenda, not during the consent agenda.

**Consent Agenda** – Approved.

At Supervisor Kobseff's request, item 5A, County Administration's request to contribute \$1,000 to the Family Farm Alliance was pulled from the consent agenda for discussion.

At County Counsel Edward J. Kiernan's request, item 5F, Community Development's informational update re implementation of the County's public trust obligation in its well permitting programs for areas outside of the Scott River watershed was pulled from the consent agenda for discussion.

Continued...

**Consent Agenda – (continued)**

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

County Administration

Approve the letter to the Malin Community Service Club and authorize the Chair to sign.

County Administration - Personnel

Adopt Resolution P 22-64 amending the Siskiyou County Position Allocation List to make revisions as detailed in the attached Resolution effective April 17, 2022.

County Clerk

Approve application for Destruction of Records.

County Counsel

Approve the Fourth Addendum to Agreement for Services with Downey Brand, LLP, increasing the compensation under the Contract by \$15,000 and authorize the Board chair to execute same.

Community Development - Planning Division

Approve the agreement with Holy Smoke Incorporated; authorize the Board Chair to execute the agreement; and authorize Auditor to establish budget appropriations.

General Services - Airports

Authorize the Chair to execute the First Addendum to the Fixed Base Operation Lease between the County of Siskiyou and Eagle's Nest Aviation for the term of April 15, 2024 through April 15, 2034.

Health and Human Services - Behavioral Health Division

Approve the agreement with the Department of Health Care Services and authorize the Board Chair, to sign the Standard Agreement, Contractor Certification Clause CCC 04/2017. The term of the agreement is July 1, 2017 through June 30, 2022.

Health and Human Services - Behavioral Health Division

Ratify and approve the grant proposal with County Medical Services Program Local Indigent Care Needs Planning Project, authorize the Chair to sign the Agreement, Grantee Data Sheet and authorize the Auditor to establish budget appropriations and set expenditures per the grant guidelines.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the Memorandum of Understanding for Services between Siskiyou County Health & Human Services Agency, Behavioral Health Division, and Cascade Circle, Inc , for the term of July 1, 2021 to June 30, 2024.

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 St Helena Hospital dba Adventist Health St Helena for the term of July 1, 2020 to June 30, 2023.

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 St Helena Hospital dba Adventist Health Vallejo for the term of July 1, 2020 to June 30, 2022.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the Letter of Agreements between Siskiyou County Health & Human Services Agency, Behavioral Health Division, and Partnership Healthplan of California, Bay Psychiatric Associates, and Alta Bates Summit Medical Center.

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## Consent Agenda – (continued)

### Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the Contract, Certification Regarding Lobbying, Business Associates Agreement and authorize the Auditor to establish budget appropriation and set expenditures for the contract between Siskiyou County Health & Human Services Agency, Behavioral Health Division, and Advocates For Human Potential for the term of September 15, 2021 to February 14, 2023.

### 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 Social Solutions Global, Inc, for the term of April 1, 2022 to March 31, 2025.

### Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the Business Associate Agreement between Siskiyou County Health & Human Services Agency, Behavioral Health Division, and California Mental Health Services Authority.

### 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 California Mental Health Services Authority for the term of January 1, 2022 to December 31, 2024.

### Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the 2nd Addendum between Siskiyou County Health & Human Services Agency, Behavioral Health Division, and The Sail House Inc., the term of this agreement is July 1, 2020-June 30, 2025.

### Health and Human Services - Behavioral Health Division

Ratify and approve the grant proposal with Mental Health Services Oversight and Accountability Commission/MH Student Services Act , authorize the Chair to sign the Standard Agreement Form STD 213, and authorize the Auditor to establish budget appropriations and set expenditures per the grant guidelines.

### Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Lease Agreement between Kathleen J. Francis and Siskiyou County Health and Human Services Agency, Public Health Division, for the rental property located at 1273 S. Main Street, Buildings B and C, Yreka CA, for the period of April 1, 2022 through July 31, 2023, with funding not to exceed \$75,820, and authorize the Auditor to establish budget appropriation and set expenditures per the agreement guidelines.

### Health and Human Services - Social Services Division

Approve and the Chair sign the Contract between the Siskiyou County Health and Human Services Agency and the California Department of Social Services in the amount of \$914,545, the term of this contract shall be from July 1, 2021 to June 30, 2026.

### Natural Resources

Approve submittal of the Groundwater Sustainability Plan 2021 Annual Report for the Tulelake Groundwater Basin.

### Public Defender

Approve the grant application, authorize acceptance of the grant award, sign the Board Resolution No. 22-65, authorize the County Administrator to sign the grant application and execute any grant documents and authorize the Auditor to establish budget appropriations for FY 21/22 - \$57,037, FY 22/23 - \$TBD and FY 23/24 - \$TBD.

### Sheriff

Approve the Sheriff to enter a contract with Goserco, Inc. to upgrade our Detectives Interview room and allow the Auditor to make budget appropriations per the budget transfer request presented during today's meeting.

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**Consent Agenda – (continued)**

Sheriff

Approve Sheriff to extend terms of contract for services with Executive Information Services, Inc.

Sheriff

Approve contract between Central Valley Toxicology and Siskiyou County Sheriff's Office for toxicology analysis for the period of July 1, 2021 through June 30, 2025.

Transfer of Funds - Public Health - \$9,531. Resolution 22-66 adopted.

Transfer of Funds - Courthouses & Grounds - \$5,496. Resolution 22-67 adopted.

Transfer of Funds - STAGE - \$443,935.38. Resolution 22-68 adopted.

Transfer of Funds - Sheriff - \$22,000. Resolution 22-69 adopted.

Transfer of Funds - CDBG Revolving Loan Funds-Program Income - \$17,000. Resolution 22-70 adopted.

Transfer of Funds - Surveyor Department - \$10,000. Resolution 22-71 adopted.

Transfer of Funds - Predatory Animal Control - \$7,081. Resolution 22-72 adopted.

Transfer of Funds - Tobacco Prop 99 - \$142,705. Resolution 22-73 adopted.

**County Administration** - Approve request to contribute \$1,000 to Family Farm Alliance to support an effort to place a full-page ad in the Wall Street Journal to call attention to the value of Western agriculture. Approved.

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

Deputy County Administrator Elizabeth Nielsen provided an overview of the request, including a brief summary of an April 2, 2022 advertisement in the Wall Street Journal (WSJ) calling attention to uncertainties related the country's food supply and water security. In addition, Ms. Nielsen advised that, should the donation be approved the payment should be made to Family Water Farm Coalition.

Following brief discussion between members of the Board and Ms. Nielsen regarding information provided in the advertisement that directs WSJ readers to the farmwater.org website, 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 voting NO, to approve the donation of \$1,000 to the Family Water Farm Coalition.

**Office of Emergency Services** - Discussion, direction and possible action re Resolution to proclaim the existence of a local emergency related to drought. Resolution 22-74 adopted.

Deputy Director Office of Emergency Services Bryan Schenone provided an overview of the request and the Resolution, advising that the drought emergency information had been updated and included that the Resolution was to be brought back before the Board every 60 days for consideration. In addition, Mr. Schenone presented and summarized a one-page map indicated the drought in California from the U.S. Drought Monitor.

It was moved by Supervisor Valenzuela, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to adopt Resolution 22-74, proclaiming the existence of a local emergency related to drought.

**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. Emergency declared by Resolution 22-22 terminated.

Deputy Director Office of Emergency Services Bryan Schenone recommended termination of this emergency proclamation as a new emergency Resolution was adopted. Continued...

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

Following brief discussion between members of the Board and Mr. Schenone regarding an upcoming emergency proclamation related to wildfire, it was moved by Supervisor Valenzuela, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to terminate the local emergency related to drought as declared by Resolution 22-22.

**Community Development** - Accept informational update re implementation of the County's public trust obligation in its well permitting programs for areas outside of the Scott River watershed. Presentation and discussion only.

This item was pulled from the consent agenda at County Counsel Edward J. Kiernan's request.

Community Development Director Rick Dean provided an overview of the request, advising that various County staff had been discussing the County's public trust obligations related to water well permitting county-wide. Mr. Dean shared concerns regarding the differences between the geology of the Shasta and Scott Valley groundwater aquifers, advising of the need to research possible mechanisms for obtaining hydrological data for the Shasta Valley.

Discussion followed between members of the Board and Mr. Dean regarding the need to address public trust obligations county-wide, the need for research into the possible impact of water curtailments orders in both aquifers on groundwater recharge during the wintertime, the need for hydrological data sources and the County's upcoming consideration of a temporary ordinance to restrict new production well permitting for two years.

**Community Development** - Discussion, direction and possible action re first reading of an uncodified ordinance temporarily restricting new production well permits, with specified exemptions, in the Scott Valley Watershed pending the County's further study and consideration of regulations. First reading approved; public hearing for second reading set on May 3, 2022.

Community Development Director Rick Dean provided a brief overview of the request.

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

Caller Nathaniel Kane with the Environmental Law Foundation, advised of providing correspondence related to the exceptions in the proposed ordinance/moratorium on the issuance of well permits in Scott Valley. Mr. Kane shared concerns that the numerous exceptions would not protect the public trust resource in the Scott Valley.

Call Anne Marsh shared concerns that the proposed ordinance agenda item was not being considered as a public hearing.

Assistant County Counsel Natalie Reed advised that this agenda item was to consider the first reading of an ordinance, which was not necessary to be a public hearing.

Supervisor Haupt shared concerns regarding the scientific unknowns associated with the Scott Valley groundwater system (i.e. connection to the Scott River, transpiration rates, etc.).

Supervisor Kobseff advised of the need for the County to convey to the State the efforts being made to benefit and increase fish population numbers in the Scott River.

Mr. Dean summarized various modifications made to the draft ordinance under Section 4, Exemptions to the prohibition on accepting any application to construct a new production water well. Mr. Dean advised that the moratorium would impact the application for new production water wells and that the Department would consider/evaluate each for application for exemption.

Deputy County Clerk Wendy Winningham advised that the Clerk's Office received correspondence related to this item from Nathaniel Kane representing the Environmental Law Foundation.

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## **Community Development – (continued)**

It was moved by Supervisor Haupt, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to approve and waive the first reading of the ordinance prohibiting acceptance of applications and issuance of permits for New Production Wells in All Unincorporated Territory of the County of Siskiyou located within the Scott Valley Area Plan, subject to certain exceptions, and set a public hearing on, and second reading of, the ordinance on May 3, 2022.

**Community Development** - Discussion and possible direction re review of Planning Division fee schedule, budget and goal setting in order to update the Siskiyou County General Plan. Committed account within Planning Division established.

Community Development Director Rick Dean distributed a packet of information regarding the Community Development Department Planning Division budget and General Plan Update status. Mr. Dean presented a powerpoint presentation of the same, including a summary of the last five years Planning Division's budget for the last five years. Mr. Dean shared concerns regarding the increasing percentage of the Planning Division's budget that has been subsidized by the County's General Fund (approximately 70%).

Discussion followed between members of the Board and Mr. Dean regarding the need for an analysis of Planning's salaries versus other expenses, the need to evaluate and impose the actual costs of providing services to the public, the impact of various State imposed fees on the County's costs and the need to consider advances in software/technology when discussing possible fee increases.

Mr. Dean continued the powerpoint, including an overview of various application fees (i.e. zone changes, use permits, etc.). Mr. Dean shared concerns that the fees related to certain applications involving the California Environmental Quality Act (CEQA) do not take into account all of the costs involved. Mr. Dean suggested changing those fees to mimic the application fee for an Environmental Impact Report (EIR) in which the Applicant pays the consultants' costs plus a 10% administrative fee to Planning.

Further discussion followed regarding the staff time included in the Planning Division's budget summary, the costs associated with the use of outside consultants, the potential cost savings associated with changing the structure of various CEQA related application fees and the timelines associated with processing CEQA documents.

Deputy Director of Planning Hailey Lang continued the powerpoint, including the status of the County's General Plan Update which had not been updated since the 1980s. Ms. Lang advised that certain elements of the General Plan could be updated with minimal changes and be exempt under CEQA (i.e. the County's Regional Transportation Plan can be adopted as the Circulation Element, Conservation Element can be combined with Open Space Element, etc.).

In response to Supervisor Kobseff regarding funding options, Mr. Dean suggested the establishment of a committed account within the Planning Division specific to the General Plan Update to set funding from Planning Division revenue or other sources. Mr. Dean additionally reiterated the need to change certain CEQA related application fees to provide for 'pass-through' funding to pay for associated consultant costs.

Continuing the powerpoint, Ms. Lang summarized the anticipated process and timelines for updating various General Plan elements, estimating \$700,000 to \$1.5 million to complete the Update process.

Discussion followed, including County Administrator Angela Davis regarding the estimated timelines, anticipated efforts to update those lower-level, CEQA exempt elements first, the need to research funding possible funding opportunities toward the effort, the future benefits a General Plan update would provide and the possible funding that could accumulate in a committed account.

Mr. Dean requested the Board's direction with regard to addressing a fee schedule and/or establishing a committed account in the Planning Division.

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## **Community Development – (continued)**

Supervisor Criss requested that the County Administrator research a potential amount of funding to be put into a committed account, should it be established.

It was the consensus of members of the Board to support establishment of a committed account and to change the fee structure for all CEQA environmental documents to mimic the 'pass-through' process for an EIR.

Following further discussion regarding nearby counties that pass along actual Planning costs to their constituents and suggested need for a motion to approve establishing a committed account, it was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to establish a committed account within the Planning Division specific for the General Plan Update.

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

Caller Anne Marsh voiced concerns regarding the need to notify the public of the upcoming General Plan Update process and the need to budget for the anticipated public meeting costs.

Deputy County Clerk Wendy Winningham advised that the Clerk's Office received, and forwarded to the Board, correspondence from Ms. Marsh concerning this agenda item.

**County Administration** - Presentation of an update regarding release of the Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning for the Lower Klamath Project (Draft EIS). Presentation and discussion only.

Deputy County Administrator Elizabeth Nielsen provided a brief background/history of the Klamath Dam Removal Project, including the recent issuance of a Draft Environmental Impact Statement (EIS) by the Federal Energy Regulatory Commission (FERC). Ms. Nielsen advised that comments on the Draft EIS were due on or before April 18, 2022 and that the public was encouraged to submit their comments to FERC. Ms. Nielsen further advised that the County developed comments with the assistance of consultants SWCA Environmental Associates and Nossaman, LLP.

Discussion followed between members of the Board and Ms. Nielsen regarding the public's ability to provide comments on the Draft EIS, various County concerns that have not been addressed by FERC, the need to include County comments to an earlier (2012) EIS and the need to further research comments made by a Jackson County, Oregon Commissioner concerning the Project.

**Appointments** - County Clerk - Appointment of one member to the scheduled vacancy on the Happy Camp Cemetery District, for a term ending January 5, 2026. Robin McMillan appointed.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that Happy Camp resident Robin McMillan was interested and eligible to serve on the special district board.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to appoint Robin McMillan to the scheduled vacancy on the Happy Camp Cemetery District, for a term ending January 5, 2026.

**Minute Approval** - March 15, 2022. Approved.

It was moved by Supervisor Valenzuela, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Valenzuela, Ogren and Criss voting YES, to approve the March 15, 2022 minutes as presented.

## Board and Staff Reports

Supervisor Haupt reported on his attendance at a Future Farmers of America (FFA) Program Advisory Committee meeting and his attendance at a Farm Bureau banquet. Supervisor Haupt advised that he would not be present for the April 19, 2022 Board meeting, as he would be attending a forestry conference in Skamania, in Washington state.

Supervisor Kobseff advised of his attendance at a Siskiyou Patriots meeting, a Rural County Representatives of California (RCRC) Golden State Connects meeting and RCRC Golden State Natural Resources meeting. Supervisor Kobseff additionally advised of attending the Farm Bureau banquet.

Supervisor Ogren advised of attending the Farm Bureau dinner.

Supervisor Criss reported on his attendance at a Tulelake Irrigation District meeting and his attendance at a Coffee With A Cop event in Butte Valley. Supervisor Criss additionally shared concerns regarding access issues on Pilgrim Creek Road, caused by mud flows in the area, for members of the Mt. Shasta Property Owners Association.

**Closed Session** - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), two cases, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, initiation of litigation pursuant to Government Code §54956.9(d)(4), two cases, commenced at 11:30a.m., concluded at 1:33p.m., with no action taken.

### Report On Closed Session

County Counsel Edward J. Kiernan announced that closed session concluded at 1:33p.m., with no reportable action taken.

**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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Brandon A. Criss, Chair

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