

State of California, County of Siskiyou

Board of Supervisors Minutes, February 21, 2023

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 21st day of February 2023; there being present Supervisors Brandon Criss, Michael N. Kobseff, Nancy Ogren, Ray A. Haupt 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 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.

Presentations from the Public

Klamath Mitigation Fund joint administrators Joan Smith-Freeman and Monty Mendenhall appeared before the Board, briefly summarizing the voluntary program created to provide relief to landowners directly impacted by dam removal activities.

Collier Interpretive and Information Center (CIIC) representative Grace Bennett provided statistics related to visitors to the CIIC and summarized various completed projects and those projects in the works. Ms. Bennett additionally provided an overview of projects and activities taking place at Hibbard Field in Yreka.

Audience member Dan Chase voiced concerns regarding the negative impacts associated with ongoing wolf attacks on cattle in the Little Shasta area.

Public Requests - California Department of Fish and Wildlife - Presentation of an update regarding wolf activity and activities at the State level regarding wolf interactions and attacks on livestock. Presentation and discussion only.

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

California Department of Fish and Wildlife (CDFW) Director Chuck Bonham provided an update regarding the listing of the Gray Wolf as endangered by the California Fish and Game Commission and the CDFW's task to manage the species. Mr. Bonham provided an overview of the efforts made to develop a wolf conservation plan (including how entities would engage during that development) and to develop a compensation plan, including efforts to create a plan to 'pay for the presence of wolves'. Mr. Bonham additionally provided an overview of statistics related to the Whaleback wolf pack and summarized the non-lethal deterrent tools available to ranchers/landowners. Mr. Bonham further summarized the compensation/grant funding program also available and provided an overview of the anticipated use of helicopters in addition to traditional methods to assist in collaring wolves and gathering data on local deer and Rocky Mountain elk herds.

Discussion followed between members of the Board and Mr. Bonham regarding the need to assist local ranchers in accessing the grant program, support for developing the 'pay for presence' program, the need to provide a local workshop related to how to access the grant program and the differences in managing other predator animals in California versus the Gray Wolf.

County Administrator Angela Davis advised that all of those people participating via ZOOM would be placed in a waiting room status due to hacking/interference with the ZOOM meeting during Mr. Bonham's call.

Brief discussion followed between members of the Board and County Counsel Edward J. Kiernan regarding the need to address ZOOM/teleconference meeting access at a future Board meeting and the action taken with regard to the Brown Act.

Continued...

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

Further discussion followed regarding the inability of ranchers/landowners to take lethal action against wolves, the impact of the wolf issue on County staffing resources, the possible use of diversionary food caches to minimize wolf attacks on livestock/cattle, the need for CDFW to address poaching within the County, the need to develop meetings between CDFW and County staff regarding various programs, the anticipated benefits associated with an increased number of collared animals, the negative impact of the wolf endangered listing on management of coyotes in the County and the need for an update on the status of a composting program to minimize wolf interactions.

Audience member Robert Martin spoke in support of the CDFW making a case for delisting of the wolf before the Fish and Game Commission.

Audience member Janna Martin Gliatto voiced concerns regarding the impact of wolf attacks on her property and the lack of response from the CDFW to her application for (wolf) grant funding. Ms. Martin Gliatto spoke in support of the CDFW making a case before the California Fish and Game Commission for the delisting of the wolf.

Audience member Debbie Bacigalupi shared concerns regarding the potential negative impacts associated with hazing (deterrent) methods being used against wolves on other wildlife in the area and the source of the (wolf) grant funding.

Audience member Susan Hart presented and summarized an 11-page letter, sharing concerns regarding the negative impacts associated with the presence of wolves on/around the Hart Ranch and requesting that the CDFW develop a plan to monitor and manage the wolves efficiently.

Agricultural Commissioner Jim Smith appeared before the Board, voiced concerns regarding the need to develop better research into the deer/elk populations as well as research into other predators, other than wolves. Mr. Smith spoke in support of the anticipated increase in the number of wolves being collared/monitored by the CDFW.

Mr. Bonham advised that the CDFW would be in contact with the County to set up meetings regarding the various concerns voiced during the discussion.

Consent Agenda – Approved.

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

At Supervisor Haupt's request, Items 5B and 5C, County Administration's letters to the California Department of Forestry and Fire Protection expressing support for the CAL FIRE Forest Health Post-Fire Reforestation and Regeneration Grant for the McKinney Fire and Mountain Fire, were pulled from the consent agenda for discussion.

Community Development

Approve Resolution 23-31 Delegating Authority for the Application and Acceptance of Grants from the CUPA Forum Environmental Trust Fund.

District Attorney

Authorize the Auditor to establish budgets for the current fiscal year and following fiscal years until \$102,700 of Local Innovation Subaccount 20/21FY and 21/22FY growth funds are expended by the Siskiyou County District Attorney's Office as deemed appropriate by the Board of Supervisors for use of funding.

Office of Emergency Services

Approve the agreement with ESi Acquisition, Inc. for Web EOC software subscription and services.

General Services - Airports

Authorize Transportation Services Manager and County Auditor to execute all documents to secure funding; authorize Auditor to establish budget and appropriations. Continued...

Consent Agenda – (continued)

General Services - Airports

Authorize the Chair to execute the Fixed Based Operator Commercial Lease between the County of Siskiyou and Vali Aviation for the term of December 1, 2022 through December 1, 2042.

General Services - STAGE

Ratify the grant, Authorize the County Administrator to execute any documents necessary to obtain financial assistance provided by the California Department of Transportation Division of Mass Transportation ARPA Grant, Authorize staff to accept the awarded funds and authorize the Auditor's office to establish the budget.

Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Governing Board Resolution 23-32 with the State of California – Health and Human Services Agency – California Department of Public Health (CDPH), Maternal, Child and Adolescent Health (MCAH), for the California Home Visiting Program (CHVP) expansion funding for Year 1 (22-23), for expansion, planning and/or special support activities, 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 \$410,917.00, with spending authority through June 30, 2023.

Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Governing Board Resolution 23-33 with the State of California – Health and Human Services Agency – California Department of Public Health (CDPH), Childhood Lead Poisoning Prevention Program (CLPPP) funding for Fiscal Years (FY) 2023-2024, (FY) 2024-2025, and (FY) 2025-2026, with an allocation of \$201,000.00 (\$67,000.00 annually), to support the initial implementation of the BLRV and CLPP Program Strategic Plan, 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 \$201,000.00, with spending authority through June 30, 2026.

Health and Human Services - Public Health Division

Approve and authorize the attached purchase order from Mission Mobile Medical for the purchase of a Mobile Clinic 29' single exam layout in the amount of \$316,973.00.

Probation Department

Adopt Resolution 23-34 honoring Assistant Chief Probation Officer Jennifer Villani on the occasion of her retirement.

Public Works

Accept the Notice of Completion, and the old baseball field lights to be given to the Friends of Hibbard Field 501c3. In addition, respectfully request the Chair to execute the Notice of Completion and record with the County Clerk.

Public Works - Road Department

Approve plans and specifications and to authorize the County of Siskiyou to advertise request for bids for the Big Springs Road construction project.

Sheriff

Approve 2nd Addendum to the Agreement for Dispatch & Records Services between the Sheriff's Office and the City of Etna, to extend the terms through June 30th, 2023.

Transfer of Funds-Accumulated Capital Outlay-Plant Acquisition - \$23,240. Resolution 23-35 adopted. Continued...

Consent Agenda – (continued)

Transfer of Funds - Public Health - \$316,973. Resolution 23-36 adopted.

Transfer of Funds - Public Health COVID-19-47 Crisis Response - \$4,212. Resolution 23-37 adopted.

Transfer of Funds - Public Health COVID-19-4702 HPP Supplemental - \$593. Resolution 23-38 adopted.

County Administration - Approve letter to the California Department of Forestry and Fire Protection expressing support for the CAL FIRE Forest Health Post-Fire Reforestation and Regeneration Grant (McKinney Fire). Approved.

This item was pulled from the consent agenda at Supervisor Haupt's request. Supervisor Haupt shared his support for the efforts made by FWS Forestry Services, Jesse McNames Forestry and County staff to apply for the grant toward reforestation along the Klamath River.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES to approve the letter and authorize the Chair to sign.

County Administration - Approve letter to the California Department of Forestry and Fire Protection expressing support for the CAL FIRE Forest Health Post-Fire Reforestation and Regeneration Grant (Mountain Fire). Approved.

This item was pulled from the consent agenda at Supervisor Haupt's request. Supervisor Haupt shared his support for the efforts made by FWS Forestry Services, Jesse McNames Forestry and County staff to apply for the grant toward reforestation along the Klamath River.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES to approve the letter and authorize the Chair to sign.

Public Requests - California Department of Transportation (CalTrans) - Presentation re California Road Charge pilot program as a replacement for the current gas tax. Presentation and discussion only.

CalTrans Road Charge Program Manager Lauren Prehoda appeared before the Board and presented a powerpoint presentation regarding the California Road Charge program. Ms. Prehoda advised that California was developing a study to provide a revenue neutral, possible replacement for the current gas tax, which would equalize the tax burden between drivers of gasoline vehicles and those driving zero emission vehicles. Ms. Prehoda summarized the anticipated Road Charge System structure, including the use of a private third-party commercial account manager. Ms. Prehoda outlined various low technology and high technology options for reporting mileage into the Road Charge System, provided an overview of various states researching road charge programs nationally and a project to explore the difference between private and public roads using GPS technology.

Discussion followed between members of the Board and Ms. Prehoda regarding an upcoming pilot project, associated recruitment efforts, possible methods for identifying vehicles traveling within/between multiple states and calculating the Road Charge, potential negative impacts associated with the State creating another bureaucracy and the need to consider taxing zero emission/electric vehicles rather than changing the current system.

Audience member Walt Bullington questioned the anticipated process to track mileage of public services agency vehicles (i.e. law enforcement, etc.).

Audience member Michael Webb questioned the process to assess trucks/cars utilizing electric charging stations.

Further discussion followed regarding the need to research how to address at-home and commercial electric vehicle charging systems and the lack of consideration for other gas-powered equipment (i.e. riding lawnmowers, snowmobiles, etc.).

Public Works - Presentation of an update regarding current Public Works Department operations and activities. Presentation and discussion only.

Public Works Director Tom Deany appeared before the Board and provided an update regarding the Department's current and past operations and status of vehicles/equipment. Mr. Deany shared concerns regarding the need to replace outdated/older equipment and summarized plans to purchase as well as upgrade current equipment and vehicles. Mr. Deany advised that the Department has a County Engineer on staff, continues to work with Pace Engineering as efforts are being made to recruit and fill a Surveyor position.

Discussion followed between members of the Board and Mr. Deany regarding upcoming projects, road failures being addressed, the anticipated five-year plan to upgrade equipment/vehicles by utilizing County staff in-house and appreciation for County staff efforts to keep roads plowed and accessible.

County Administration/County Counsel - Discussion, direction and possible action re first reading of an ordinance amending Sections 2-8.03 and 2-8.07 of Chapter 8 of Title II of the Siskiyou County Code related to the purchasing agent and the purchase of personal property and goods and services. First reading approved; public hearing set for second reading.

Deputy County Administrator Elizabeth Nielsen provided an overview of the request to adopt an ordinance related to the County's purchasing agent and the purchase of personal property, goods and services. Ms. Nielsen indicated the need to add a comma in Section 2-8.03 (f).

Deputy County Clerk Wendy Winningham requested clarification whether a public hearing was needed to consider the ordinance second reading.

In response, County Counsel Edward J. Kiernan recommended that a public hearing be set in case the ordinance required a public hearing.

It was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES to introduce, waive and approve the first reading of the Ordinance amending Sections 2-8.03 and 2-8.07 of Chapter 8 of Title II of the Siskiyou County Code related to the purchasing agenda and the purchase of personal property and goods and services, including the requested inclusion of a comma in Section 2-8.03 (f) and set a public hearing on March 7, 2023 for the second reading.

County Administration - Discussion, direction and possible action re the results of the 2022-2023 mid-year budget review and request to approve the Fiscal Year 2023-2024 budget principles and budget calendar. Approved.

County Administrator Angela Davis provided an overview of the request, advising that the 2022-2023 mid-year budget review indicated no significant shortfalls. Ms. Davis summarized the budget principles, including the addition of a request that County Departments develop and maintain a replacement schedule for large recurring expenditures. Ms. Davis additionally summarized the budget calendar and timeline.

It was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES, to approve the FY 2023-2024 Budget Principles and approve FY 2023-2024 Budget Calendar (attached).

Minute Approval - February 7, 2023. Approved.

It was moved by Supervisor Valenzuela, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES to approve the February 7, 2023 minutes as presented.

Public Hearings - Community Development - Discussion, direction and possible action re presentation of a vacation rental analysis report and identified policy recommendations. Public hearing continued to March 21, 2023.

This was the time set for a public hearing to consider a vacation rental analysis report and identified policy recommendations.

Supervisor Criss recused himself from consideration of this item, advising that he was the owner of a bed and breakfast located in Dorris, and left the Board Chambers.

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Public Hearings - Community Development – (continued)

Chair Valenzuela opened the public hearing.

Planning Director Hailey Lang presented a powerpoint presentation regarding a Vacation Rental Analysis that was prepared by consultant Housing Tools, including the definition of vacation rental and purpose of the analysis. Ms. Lang additionally summarized various statistics in the analysis, including rental market geographies and vacation rental survey results and averages (i.e. asking rents by region, unit and unit type) for the unincorporated areas of the County.

Discussion followed between members of the Board and Ms. Lang regarding the identified rental rates per bedroom, vacation rental pricing process, the consultant Housing Tools' development of the analysis and the average asking rents and vacancy rates for Medford Oregon and Redding California.

Ms. Lang continued the powerpoint, including an overview of the County's current vacation rental ordinance and the required process to obtain a Use Permit to operate and summarized various policy options identified in the analysis. Ms. Lang advised that capping the total number of permits possible and tax options that could provide funding for development of affordable housing were suggested, including a "per night" Lodger's Tax assessed on vacation rental guests. Ms. Lang provided an overview of the Planning Commission's supported recommendations concerning vacation rentals, including removal of the 2.5 acre or larger parcel size requirement and implementing an annual license and associated fee. Ms. Lang advised that the Planning Commission did not support implementing a \$20 per night Lodger's Tax or setting a cap on the number of vacation rental permits under certain conditions.

Audience member Missi Bullington shared concerns regarding the consultant Housing Tools that developed the analysis and spoke in opposition to the \$20 per night Lodger's Tax.

Audience member Francis Gill spoke in support of the Planning Commission's recommendations and in opposition to the proposed Lodger's Tax and County's 2.5 acre minimum requirement.

Audience member Jonathan Powell shared concerns regarding the County's Use Permit requirements related to septic facility with regard to a rental property located in Copco Lake.

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

Copco Lake property owner Reid Powell shared concerns regarding his ability to provide a short term rental on his property but not a vacation rental due to the County's vacation rental rules.

McCloud vacation rental owner Daniel Fay spoke in support of the Planning Commission's recommendations and in opposition to the vacation rental analysis report.

Audience member Dan Fontaine spoke in support of the Planning Commission's recommendations and in opposition to the County's 2.5 acre minimum parcel size requirement.

Supervisor Ogren spoke in support of further review/consideration of the current 2.5 acre minimum parcel size requirement concerning vacation rentals.

Supervisor Kobseff shared concerns that the consultant did not address the Board's concerns regarding vacation rentals, especially in the Mt. Shasta, Dunsmuir and McCloud areas and spoke in opposition to the proposed Lodger's Tax. Supervisor Kobseff advised that vacation rentals should be permitted on property zoned commercial, rather than residential, due to the negative impacts associated with vacation rentals on surrounding residential property owners.

In response to Supervisor Haupt regarding the current 2.5 acre minimum parcel size requirement, Community Development Director Rick Dean advised that parcel size would be relevant with regard to septic systems should one fail and need to be replaced.

Supervisor Valenzuela spoke in support of the 2.5 acre minimum parcel size requirement and an up-front fee with amount to be determined to support funding for affordable housing.

Continued...

Public Hearings - Community Development – (continued)

Discussion followed between members of the Board, including County Counsel Edward J. Kiernan and Deputy County Clerk Wendy Winningham, regarding the diverse nature of each Supervisorial District with regard to regular and short-term rentals, the need to address the lack of affordable housing in the County, the need for further discussion/direction regarding vacation rentals, the need for a specific date to continue the public hearing versus closing the public hearing and the topics to be discussed/considered when the issue comes back before the Board.

Supervisor Valenzuela requested information regarding the number of Sheriff/law enforcement calls to areas with multiple vacation rental properties.

It was the consensus of the Board to continue the public hearing to March 21, 2023.

Closed Session - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), two cases, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, significant exposure to litigation pursuant to Government Code §54956.9(d)(2), two cases, conference with labor negotiators pursuant to Government Code §54957.6, commenced at 12:55p.m., concluded at 2:00p.m., with action taken.

Report On Closed Session

County Counsel Edward J. Kiernan announced that closed session concluded at 2:00p.m., with the following reportable action taken:

With regard to item 12A, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: John Doe 1, et al., v. Humboldt County, et al., Humboldt County Superior Court, Case No. 22-cv-01700, Mr. Kiernan advised that the motion was made by Supervisor Haupt, seconded by Supervisor Kobseff to authorize defense of that lawsuit.

With regard to item 12B, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: John Roe 806 R.C., an individual, v. County of Siskiyou, et al., Siskiyou County Superior Court, Case No. 22cv01229, Mr. Kiernan advised that the motion was made by Supervisor Ogren and seconded by Supervisor Criss to defend that lawsuit. In addition, Mr. Kiernan advised that with respect to both the items the vote was 5/0.

Board and Staff Reports

Supervisor Kobseff advised of his plans to attend the Family to Farm Alliance in Reno.

Supervisor Valenzuela advised of his plans to attend the Family to Farm Alliance in Reno and reported on his attendance at a National Association of Counties (NACO) meeting.

Supervisor Ogren advised of her attendance at a Cradle to Careers Siskiyou meeting, a recent League of Local Agencies (LOLA) meeting, the North Coast Resource Partnership (NCRP) Planning meeting, jury duty, the Elks Crab Feed and the Klamath River Community Hall Crab Feed held in Montague.

Supervisor Criss advised of his attendance at a Tulelake Irrigation District meeting, a Superior California Economic Development (SCED) meeting, McCloud Mardi Gras, an OreCal RC&D meeting, a townhall meeting in Copco and a Volcanic Scenic Legacy Byway meeting. In addition, Supervisor Criss advised that Butte Valley had started a chess club.

Supervisor Haupt advised that the Greenview Grange and the Scott River Watershed Council were in the process of developing a grant application to provide clean air locations during wildfires.

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

Attest:
Laura Bynum, County Clerk

Ed Valenzuela, Chair

By: _____
Deputy