

State of California, County of Siskiyou

Board of Supervisors Minutes, April 20, 2021

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 20th day of April 2021; 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 Haupt. 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, County Service Area No. 3, County Service Area No. 4 and County Service Area No. 5. Supervisor Ogren led in the salute to the flag of the United States of America.

Closed Session - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), one case, commenced at 8:30a.m., concluded at 9:00a.m., with no action taken.

Report On Closed Session

County Counsel Edward J. Kiernan announced that closed session concluded at 9:00a.m., with no reportable action taken.

Off-Agenda Item – Conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, significant exposure to litigation pursuant to Government Code §54956.9(d)(2), one case. Added to closed session.

County Counsel Edward J. Kiernan requested to add an urgency item to the agenda, advising that staff received information after the posting of the agenda and requiring discussion/action prior to the next regular Board meeting.

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, to add an item not on the posted agenda regarding conference with legal counsel, anticipated litigation to the closed session agenda.

Off-Agenda Item – Conference with real property negotiators pursuant to Government Code §54956.8, property description: parcel on Foothill Dr., Yreka, CA APN #053-651-820, Agency Negotiator: Angela Davis for Siskiyou County, Negotiating Parties: Elizabeth Matsumoto, Rural Communities Housing Corporation, instructions to negotiator will concern both price and terms of payment. Added to closed session.

County Counsel Edward J. Kiernan requested to add an urgency item to the agenda, advising that staff received information after the posting of the agenda and requiring discussion/action prior to the next regular Board meeting.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, to add an item not on the posted agenda regarding conference with real property negotiators to the closed session agenda.

Invocation - Siskiyou County Sheriff Chaplain Keith Bradley provided the invocation.

Consent Agenda – Approved.

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

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Consent Agenda – (continued)

Agriculture

Approve agreement #20-0987-000-SA between California Department of Food and Agriculture and the Siskiyou County Agriculture Department for noxious weed work within the County. Term of agreement January 15, 2021 – June 30, 2022, in the amount of \$32,000. Authorize Agricultural Commissioner to sign the agreement.

Agriculture

Approve Pest Detection agreement 200155 between the California Department of Food and Agriculture and the Siskiyou County Department of Agriculture in the amount of \$37,969, term July 1, 2020 - June 30, 2022, authorize County Administrative Officer (CAO) to execute the agreement.

County Administration

Approve the Right of Way Contract Temporary Construction Easement and authorize the Chair to sign the required copies.

County Administration - Personnel

Approve Resolution 21-49 amending the Siskiyou County salary schedule and position allocation list to adjust the range for Fiscal Assistant from CO129 to CO032, effective December 27, 2020; create Air Pollution Control Specialist I, 1.0 FTE, in Air Pollution Control District; increase Support Services Technician from 0.50 to 1.0 FTE, in Public Health, effective May 2, 2021, and delete Air Pollution Specialist II, 1.0 FTE, effective June 13, 2021.

General Services - Airports

Authorize the Chair to execute the First Addendum to the Siskiyou County Airport Fuel Service Agreement between the County of Siskiyou and Eagle's Nest Aviation.

General Services - Airports

Retroactively approve the grant. Adopt Resolution 21-50 authorizing the County Administrator (CAO) to execute any documents necessary to obtain financial assistance provided by the FAA CARES Act Airport Grant 2. Authorize staff to accept the awarded funds, authorize the Auditor's Office to establish a budget, and authorize the CAO and Auditor to execute purchase order for any equipment funded through this grant.

General Services - Airports

Authorize the Chair to execute the Airport Ground Lease between the County of Siskiyou and David L. Vick and Valerie J. Vick for the term of November 6, 2020 through November 5, 2050.

General Services - Airports

Authorize the Chair to execute the Airport Ground Lease between the County of Siskiyou and Troy M. Bainbridge and Kendra M. Bainbridge for the term of February 7, 2021 through February 6, 2051.

Health and Human Services - Social Services Division

Approve and the Chair to sign the Memorandum of Understanding between Siskiyou County Health and Human Services Agency, Social Services Division, Behavioral Health Division, and Siskiyou County Probation, effective March 1, 2021 through June 30, 2022.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the Resolution 21-51 of the Board of Supervisors of the County of Siskiyou authorizing the Single Case Agreement for Continuity of Care in Mental Health Services, and authorize the Health and Human Services Agency Director to enter into and execute the Single Case Agreement for Continuity of Care.

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the contract for services between Siskiyou County Health and Human Services, Behavioral Health Division, and BHC Health Services of Nevada, Inc., a Nevada Corporation dba West Hills Hospital for the term of May 1, 2019 to June 30, 2022.

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Consent Agenda – (continued)

Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the First Addendum to contract for services between Siskiyou County Health and Human Services Agency, Behavioral Health Division, and Aurora Behavioral Healthcare - Santa Rosa, LLC.

Probation

Approve contract with Shasta Training and Consulting, Inc., facilitation and coordination of State mandated planning and reporting for a total not to exceed \$30,600 for the term of July 1, 2021 through June 30, 2022.

Public Works

Approve contract with Custom Crushing Industries, Inc., to provide rock crushing services as detailed in the contract, in an amount not to exceed \$180,000, for the term April 26, 2021 through June 30, 2021.

Transfer of Funds - Human Services - \$144,891. Resolution 21-52 adopted.

Transfer of Funds - Predatory Animal Control - \$2,000. Resolution 21-53 adopted.

Transfer of Funds - Road Department - \$15,122. Resolution 21-54 adopted.

Transfer of Funds - Probation - \$1,088. Resolution 21-55 adopted.

Transfer of Funds - Siskiyou County Sheriff Department - \$95. Resolution 21-56 adopted.

Presentations from the Public

There were no presentations from the public received.

Public Requests - State Water Resources Control Board - Presentation of an update re activities in the Shasta and Scott Valleys, including potential projects and actions in each valley. Presentation only.

California State Water Resource Control Board Deputy Director Division of Water Rights Erik Ekdahl and California Department of Fish and Wildlife (CDFW) Northern Regional Manager Tina Bartlett participated in discussion of this item via ZOOM/teleconference phone.

Mr. Ekdahl presented a powerpoint presentation, including an overview of the anticipated dry hydrology conditions in the Scott River for the upcoming water year and shared concerns regarding the potential negative impacts to fishery resources. Mr. Ekdahl advised that the Water Board is mandated to protect and balance all beneficial uses of water resources.

Ms. Bartlett continued the powerpoint, summarizing various water efficiency/resilience projects that could benefit fish migration, including possible voluntary water conservation actions that could be taken at the local level. Ms. Bartlett requested the County's input and possible outreach to the community regarding the various funding opportunities for local water users.

Supervisor Kobseff shared concerns that representatives from the Water Board were invited to tour County's Mt. Shasta Vista area and illegal cannabis cultivation taking place there. In addition, Supervisor Kobseff requested clarification of possible Water Board enrollment of illegal cannabis cultivators for cannabis/water permits, stating that commercial cannabis cultivation is not permitted within the County.

Mr. Ekdahl advised that the invitation to tour the County was not in time to allow participation by the Water Board. In addition, Mr. Ekdahl advised that cannabis/water permits should not be issued in non-permissive (commercial cannabis) counties.

Discussion followed between Supervisor Kobseff and Mr. Ekdahl regarding possible Water Board support of projects that could provide additional water storage in upper mountain lakes to benefit fisheries/fish flows.

Supervisor Criss shared concerns regarding the negative economic impacts associated with removing acreage from agricultural production and to those affected family farms/ranches.

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Public Requests - State Water Resources Control Board – (continued)

Further discussion followed between members of the Board and Mr. Ekdahl regarding various forest thinning projects that could benefit water supply, other sources of additional water storage in the Tulelake Basin, the suggested stock water reduction (water for cattle, etc.), the need for data regarding water diversions for stock ponds, including the timing of those diversions and the County's need for assistance from the Water Board to address groundwater extraction for illegal cannabis cultivation.

Supervisor Kobseff requested that the Water Board address illegal cannabis cultivation in the same manner that agricultural producers' water issues are enforced.

In response to Supervisor Kobseff, Mr. Ekdahl advised that the Water Board does not have enforcement capability with regard to the illegal grows.

Ms. Bartlett suggested the development of a feasibility study with regard to off-channel water storage utilizing Proposition 1 funding.

Sheriff Jeremiah LaRue voiced concerns regarding the possibility of the Water Board issuing waste discharge permits associated with commercial cannabis cultivation to various operations within the County, although Siskiyou County is a non-prohibitive commercial cannabis county (and those permits should not be issued).

Mr. Ekdahl advised that it is the Water Board's policy not to issue those permits within counties that do not permit commercial cannabis cultivation. Mr. Ekdahl further advised that he would follow up and provide an update to the Board regarding issuance of those permits.

Brief discussion followed between Supervisor Kobseff and Ms. Bartlett regarding the CDFW's ongoing process to finalize Safe Harbor agreements with local landowners/water users for water conservation efforts.

Later in the meeting, Supervisor Haupt advised of being notified that (cannabis) cultivators are enrolling with the State Water Board for waste discharge permits.

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

Pursuant to California Governor Newsom's Executive Order N-29-20, March 17, 2020, County staff participated in discussion of this item via teleconference phone.

Public Health Director Shelly Davis provided various statistics related to COVID-19 and vaccination efforts in Siskiyou County. Ms. Davis advised that the County remains in the Orange tier/level of the State's Blueprint for a Safer Economy, with ongoing review of the County's positivity rate which would impact the tier/level placement.

Discussion followed between members of the Board and Ms. Davis regarding the rate related to vaccinations, use of the Department's Mobile Clinic vehicle and tribal clinic efforts to administer the vaccines.

County Clerk - Discussion, direction and possible action re contract with Redistricting Partners, LLC to provide consultant services related to the 2020 Redistricting Project, in an amount not to exceed \$45,500, for the term April 1, 2021 through March 1, 2022. Approved.

County Clerk – Registrar of Voters Laura Bynum provided an overview of the request to contract with Redistricting Partners, advising that a representative of the company was available via ZOOM/teleconference phone should the Board have questions. Ms. Bynum further advised that data from the current census was expected to be available in September which could impact the redistricting process.

In response to Supervisor Kobseff, Ms. Bynum summarized the anticipated public hearing and public outreach processes that Redistricting Partners would coordinate, which would include development and ultimate adoption of district maps. Ms. Bynum further advised that the company would provide web design services to allow public participation in the process to develop district maps/boundaries.

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County Clerk – (continued)

Following discussion between members of the Board and Ms. Bynum regarding the upcoming census data to be used during the redistricting process, the public hearings that will be before the Board and allow public participation, the potential impact of the COVID-19 pandemic on the census totals and the anticipated participation of Redistricting Partners in the public hearing process, it was moved by Supervisor Valenzuela and seconded by Supervisor Criss to approve contract with Redistricting Partners to provide consultant services related to the 2020 Redistricting Project, for a term of April 1, 2021 through March 1, 2022, in the amount of \$45,500. Following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion carried unanimously.

County Counsel / County Administration - Discussion, direction and possible action re draft Memorandum of Understanding between Siskiyou County and the Klamath River Renewal Corporation (KRRRC) with regard to KRRRC mitigation measures for impacts to County roads, bridges and traffic from the Klamath dam removal project if it is approved by the Federal Energy Regulatory Commission (FERC) over the County's opposition. Approved.

Assistant County Counsel Natalie Reed provided an overview of the request, advising that the Klamath River Renewal Corporation (KRRRC) prepared a Memorandum of Understanding (MOU) to address/mitigate potential impacts to County roads, bridges and traffic from the Klamath Dam removal project. Ms. Reed advised that the County continues to oppose the dam removal project and summarized various aspects identified in Exhibit A of the MOU (Road Plan).

In response to Supervisor Kobseff, Ms. Reed advised that a letter was received by the Board of Supervisors during the meeting from the California Natural Resources Agency stating support for the Terms and Conditions in the MOU and support for submittal of the MOU to the Federal Energy Regulatory Commission (FERC) for the KRRRC's application concerning surrender of the license for the Klamath dams.

It was moved by Supervisor Valenzuela and seconded by Supervisor Ogren to approve the Memorandum of Understanding and authorize the County Administrative Officer (CAO) to execute a final version of the MOU in substantially the same form, subject to any final minor edits.

Brief discussion followed between members of the Board and Ms. Reed regarding the possible inclusion of the letter from the California Natural Resources Agency for submission of the letter to FERC along with the MOU and the availability of KRRRC's legal counsel Richard Ross Collins via ZOOM/teleconference phone.

In response to Ms. Reed, Mr. Collins advised that KRRRC would not be opposed to the letter being submitted to FERC with the MOU.

Supervisor Valenzuela amended the motion to include the letter from the California Natural Resources Agency stating support for the Terms and Conditions in the MOU and submittal of the MOU to the Federal Energy Regulatory Commission (FERC) and the second concurred.

Following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion carried unanimously.

Appointments - County Clerk - Appointment of three members to the scheduled vacancies on the Behavioral Health Services Board for terms ending December 31, 2023. Continued to a later date.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the Clerk's Office had not received letters of interest in serving on the Behavioral Health Services Board. Ms. Winningham requested continuation of the agenda item to a later date.

Chair Haupt advised that this item was continued to a later date.

Appointments - County Clerk - Appointment of one member to the unscheduled vacancy on the Behavioral Health Services Board for a term ending December 31, 2022 and one alternate member to the unscheduled vacancy for a term ending December 31, 2021. Continued to a later date.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the Clerk's Office had not received letters of interest in serving on the Behavioral Health Services Board.

Chair Haupt advised that this item was continued to a later date at Ms. Winningham's request.

Minute Approval - March 2, 12, 16 and 30, 2021. Approved.

It was moved by Supervisor Kobseff, seconded by Supervisor Valenzuela and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, that the March 2, 12, 16 and 30, 2021 minutes are approved as presented.

Board and Staff Reports

Supervisor Kobseff reported on his attendance at a tour of the Mt. Shasta Vista area and marijuana grows, including Supervisor Haupt and Assemblywoman Megan Dahle.

Supervisor Haupt reported on his attendance at a tour of the Mt. Shasta Vista area and marijuana grows, including Supervisor Kobseff and Assemblywoman Megan Dahle. In addition, Supervisor Haupt advised of being notified during the meeting that (cannabis) cultivators are enrolling with the State Water Board for waste discharge permits, although the County is a non-permissive cannabis cultivation county (see discussion earlier in the meeting). Supervisor Haupt further reported on a fire resiliency bill proposed by Congressman Doug LaMalfa, the efforts being made to address hazardous fire fuels conditions on Coffee Creek between Siskiyou and Trinity counties and advised of the Community Development Department's efforts to address a sewer rupture that took place near Indian Creek and the Klamath River.

Supervisor Valenzuela reported on his attendance at a Local Transportation Commission (LTC) meeting and advised of contacting a Caltrans District 2 representative regarding upcoming vegetation management projects and his plans to attend an upcoming California State Association of Counties (CSAC) Executive Board meeting in Sacramento.

Supervisor Ogren reported on her attendance at a Local Transportation Commission (LTC) meeting, advising of the upcoming Highway 3 project that will impact the City of Yreka. Supervisor Ogren advised of volunteering at a recent COVID-19 vaccination clinic and a fundraiser for the Woodruff Family with Del Norte and Siskiyou counties.

Supervisor Criss reported on the Montague resiliency efforts, his attendance at a Tulelake Irrigation District special meeting, efforts being made in the Butte Valley with the Forest Service to remove juniper trees and reported on fire services issues happening in McCloud between the Zone of Increased Benefit (ZIB) and the Community Services District (CSD).

Closed Session - Conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, initiation of litigation pursuant to Government Code §54956.9(d)(4), one case, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, significant exposure to litigation pursuant to Government Code §54956.9(d)(2), one case, conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), one case, commenced at 11:00a.m., concluded at 12:57p.m., with action taken.

Report On Closed Session

County Counsel Edward J. Kiernan announced that closed session concluded at 12:57p.m. and that Supervisor Valenzuela left the Board Chambers at 11:40a.m. and Supervisor Kobseff left at 12:55p.m. In addition, Mr. Kiernan advised that Supervisor Criss recused himself from discussion of item 15B, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, significant exposure to litigation pursuant to Government Code §54956.9(d)(2), one case, at 11:42a.m. returning at 12:07p.m.

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Report On Closed Session - (continued)

Mr. Kiernan advised that with regard to item 15C, conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Dale Cramer v. County of Siskiyou, et al., Siskiyou County Superior Court Case No. SCCVG1 19-00819, the Board approved settling the matter for \$9,000, on a motion by Supervisor Kobseff, second by Supervisor Valenzuela and approved 5-0.

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

Attest:
Laura Bynum, County Clerk

Ray A. Haupt, Chair

By: _____
Deputy