

State of California, County of Siskiyou

Board of Supervisors Minutes, July 9, 2024

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 9th day of July 2024; there being present Supervisors Brandon Criss, Ed Valenzuela, Michael N. Kobseff and Nancy Ogren, County Administrator Angela Davis, County Counsel Natalie E. Reed and County Clerk and ex-Officio Clerk of the Board of Supervisors Laura Bynum by Deputy County Clerk Wendy Winningham. Supervisor Ray A. Haupt was absent.

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

Invocation - Siskiyou County Sheriff Chaplain Jim Howe provided an invocation.

Off-Agenda Item – County Administration – Discussion, action and possible direction ratifying a Proclamation of Local Emergency for the Shelly fire and Bogus Fire. Proclamation ratified.

County Counsel Natalie E. Reed provided an overview of the request to add an item not on the posted agenda regarding a request to ratify a Proclamation of local emergency related to the Shelly and Bogus Fires currently burning within the County.

It was moved by Supervisor Criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Valenzuela, Criss, Ogren and Kobseff voting YES and Supervisor Haupt ABSENT to add an item not on the posted agenda regarding a request to ratify a Proclamation of local emergency related to the Shelly and Bogus Fires.

Office of Emergency Services Director Bryan Schenone appeared before the Board and provided an update regarding the status of each wildfire and summarized various statistics, including persons affected by evacuation orders and warnings, air quality concerns, road closures and resources assigned to the fires.

Discussion followed between members of the Board, Mr. Schenone and County Administrator Angela Davis regarding the possible impacts associated with the Shelly Fire burning in Scott Valley on the availability of water, the State's irrigation water curtailment orders and the plan to bring the Proclamation back before the Board for consideration at the next regular Board meeting.

It was moved by Supervisor Criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Valenzuela, Criss, Ogren and Kobseff voting YES and Supervisor Haupt ABSENT to add an item not on the posted agenda regarding a request to ratify a Proclamation of local emergency related to the Shelly and Bogus Fires.

It was moved by Supervisor Ogren, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Valenzuela, Criss, Ogren and Kobseff voting YES and Supervisor Haupt ABSENT to ratify the Proclamation of Local Emergency for the Shelly Fire and Bogus Fire.

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), three cases, commenced at 9:12 a.m., concluded at 9:37 a.m., with no action taken.

Report on Closed Session

County Counsel Natalie E. Reed announced that closed session concluded at 9:37 a.m., with no reportable action taken with regard to item 11A, Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Ger Chong Ze Chang, et al., v. County of Siskiyou, et al., United States District Court, Eastern District of California, Sacramento Division, Case No. 2:22-cv-01378.

Ms. Reed additionally advised that the Board would return to closed session at the end of the regular agenda.

Presentations from the Public

Klamath National Forest Supervisor Chris Christofferson appeared before the Board, providing an update regarding the Shelly and Bogus fires burning within the County and advising that Incident Commanders for the wildfires would be presenting additional information later in the meeting. Mr. Christofferson requested input from the Board with regard to the County's possible participation in monthly cooperator meetings and potential master stewardship agreement projects that could be developed.

Consent Agenda – Approved.

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

Facilities Management - Maintenance and Grounds

Approve the Second Addendum to Service contract with Elevator Technology and allow the Auditor's office to establish budget.

Public Defender

Approve the First addendum to contract with Thomson Reuters, Inc. for legal research services, increasing the contract by \$6,403 to a total not to exceed amount of \$43,292.

Sheriff

Ratify the Sheriff's 24/25 grant application to the Northern California Coalition Grant to be submitted to the Center to Combat Human Trafficking. Adopt Resolution 24-125 authorizing the Sheriff to participate in the Coalition and sign any documents following an award. Allow the Auditor to establish new accounting, such as an activity code, for this award and make such appropriations.

County Administration - Discussion, direction and possible action re transfer of County Rule 20A Credits to the City of Etna for the conversion of overhead power to underground power within the Etna City limits. the transfer of Rule 20A credits to the City of Etna for underground power projects.

Deputy County Administrator Sherry Lawson appeared before the Board and provided an overview of the request, including an overview of California Public Utilities Commission (CPUC) Rule 20A for conversion of overhead electric facilities to underground facilities. Ms. Lawson advised that Rule 20A credits/vouchers can be used by local governments for that purpose and that the County currently has an allocation in the amount of \$5,447,666. Ms. Lawson summarized the process to utilize the credits, advising that Rule 20A credits would no longer be issued and that there was a deadline for jurisdictions to utilize the remaining credits. Ms. Lawson additionally advised that the City of Etna requested a transfer of \$100,000 in credits from the County to the City to use on a project to relocate power along Etna's Main Street.

City of Etna Mayor and Siskiyou Golden Fair Chief Executive Officer Cliff Munson appeared before the Board. Mr. Munson provided an overview of the City's request for credits to assist in completion of a project to underground certain overhead utilities that are susceptible to damage and/or power outages (i.e. power lines in trees). In addition, Mr. Munson advised of a possible project for the City of Yreka to underground power lines along Fairlane Road and suggested that the County consider distributing remaining Rule 20A credits prior to the program's deadline.

It was moved by Supervisor Valenzuela, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Valenzuela, Criss, Ogren and Kobseff voting YES and Supervisor Haupt ABSENT to approve the transfer of Rule 20A credits, in the amount of \$100,000, to the City of Etna for underground power projects.

Supervisor Kobseff spoke in support of the County supporting a project to underground utilities along Fairlane Road in Yreka, and in support of developing a process for the County to 'spend down' the remaining Rule 20A credits.

Supervisor Valenzuela suggested development of a letter to send to local jurisdictions offering to provide Rule 20A credits for possible use in future road projects.

Continued...

County Administration – (continued)

Supervisor Ogren suggested coordinating with Pacific Power regarding areas of the County most often affected by power outages.

Discussion followed between members of the Board and Ms. Lawson regarding the large expense related to projects to underground utilities, the June 2025 deadline for use of Rule 20A credits, although projects could be delayed as late as 2033, the need to include Local Transportation Commission (LTC) representatives in the conversation, Ms. Lawson's plan to reach out to local jurisdictions regarding the availability of the credits and the need to designate a deadline for jurisdictions to respond to the letter (i.e. September 30, 2024).

County Clerk - Discussion, direction and possible action re request to set a Personnel hearing on behalf of a Sheriff's Office employee. Personnel hearing scheduled on September 24, 2024 at 9:00 a.m.

Deputy County Clerk Wendy Winningham provided an overview of the request to set a Personnel hearing requested on behalf of a Sheriff's Office employee, advising that the Clerk had not been given possible date(s) for a hearing.

Later in the meeting, Ms. Winningham advised that a date in early September was suggested/requested.

Following discussion between members of the Board, Ms. Winningham and County Administrator Angela Davis regarding potential dates, anticipated hearing length and Board members' availability, it was moved by Supervisor Valenzuela, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Valenzuela, Criss, Ogren and Kobseff voting YES and Supervisor Haupt ABSENT to schedule a Personnel hearing requested on behalf of a Sheriff's Office employee on September 24, 2024 at 9:00 a.m.

If either side feels that it cannot adequately prepare for the hearing within the time set for the hearing or should any dispute arise in preparing for the hearing, either party shall immediately petition the Board of Supervisors for any relief which the party(ies) deem appropriate and which the Board may, in its discretion grant.

If an official transcript of the hearing is desired, the requesting party shall make arrangements for a court reporter and said requesting party shall be responsible for payment of such services. Copies of the official transcript shall be paid for by the party(ies) requesting such copy. Unless a request for an official transcript is made in accordance with the foregoing provisions, it shall be deemed that the right to an official transcript has been waived.

County Clerk - Discussion, direction and possible action re request to reschedule a Personnel hearing for a Health and Human Services, Behavioral Health Division employee. July 16, 2024 hearing date vacated; Personnel hearing scheduled for August 13, 2024 at 2:00 p.m.

Deputy County Clerk Wendy Winningham provided an overview of the request to reschedule a Personnel hearing requested for a Health and Human Services, Behavioral Health Division employee due to the need for additional notification time. Ms. Winningham advised that the appellant would not be available from July 19 to August 6, 2024.

Discussion followed between members of the Board, Ms. Winningham and County Administrator Angela Davis regarding potential dates, anticipated hearing length, another scheduled hearing and Board members' availability.

County Counsel Natalie E. Reed recommended that the motion vacate the original hearing date prior to setting a new hearing date.

It was moved by Supervisor Criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Valenzuela, Criss, Ogren and Kobseff voting YES and Supervisor Haupt ABSENT to vacate a Personnel hearing for a Health and Human Services, Behavioral Health Division employee scheduled on July 16, 2024 at 9:00 a.m., and reschedule the Personnel hearing on August 13, 2024 at 2:00 p.m.

Continued...

County Clerk – (continued)

If either side feels that it cannot adequately prepare for the hearing within the time set for the hearing or should any dispute arise in preparing for the hearing, either party shall immediately petition the Board of Supervisors for any relief which the party(ies) deem appropriate and which the Board may, in its discretion grant.

If an official transcript of the hearing is desired, the requesting party shall make arrangements for a court reporter and said requesting party shall be responsible for payment of such services. Copies of the official transcript shall be paid for by the party(ies) requesting such copy. Unless a request for an official transcript is made in accordance with the foregoing provisions, it shall be deemed that the right to an official transcript has been waived.

Board of Supervisors' Requests - Board of Supervisors - Review status of local emergency related to impacts resulting from Lower Klamath Dam removal declared by Resolution 24-51, adopted on March 26, 2024; action to extend or terminate local emergency. Local emergency extended.

County Administrator Angela Davis provided a brief overview of the request and recommended that the emergency be extended.

Klamath River resident James Leach appeared before the Board, sharing concerns regarding the potential for heavy metal contamination in the sludge being released by dam removal efforts and spoke in support of the Board extending the emergency declaration.

It was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Criss, Ogren and Kobseff voting YES, Supervisor Valenzuela voting NO and Supervisor Haupt ABSENT to extend the local emergency related to impacts resulting from Lower Klamath Dam removal declared by Resolution 24-51.

Board of Supervisors' Requests - Board of Supervisors - Review status of local emergency related to the proliferation of illegal cannabis cultivation as declared by Resolution 20-18, adopted on January 21, 2020; action to extend or terminate local emergency. Local emergency extended.

It was moved by Supervisor criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Valenzuela, Criss, Ogren and Kobseff voting YES and Supervisor Haupt ABSENT to extend the local emergency related to the proliferation of illegal cannabis cultivation as declared by Resolution 20-18.

Supervisor Valenzuela shared concerns regarding the length of time that this local emergency has been in place and requested an update from the Sheriff regarding the status of the emergency.

Supervisor Ogren requested statistics/numbers related to the emergency.

Following discussion between members of the Board regarding the need to keep the emergency situation updated and current and the need for a report from the Sheriff regarding efforts to address illegal cannabis cultivation in the County, the Chair called for the question. Following a roll call vote with Supervisors Valenzuela, Criss, Ogren and Kobseff voting YES and Supervisor Haupt ABSENT, the motion carried.

Minute Approval - Reconsider approval of June 18, 2024 minutes. Continued to August 6, 2024.

Deputy County Clerk Wendy Winningham provided a brief overview of the request to amend the previously approved June 18, 2024 minutes.

It was moved by Supervisor Criss and seconded by Supervisor Kobseff to approve the amended minutes.

Following a roll call vote with Supervisors Criss and Kobseff voting YES, Supervisors Valenzuela and Ogren ABSTAINING and Supervisor Haupt ABSENT, the motion did not carry.

The Chair advised that this item was continued to August 6, 2024.

Presentations from the Public

Shelly Fire Incident Commanders Kent Cunningham (CalFire) and Matt Conklin (US Forest Service) appeared before the Board and provided an update regarding the current status of the Shelly Fire that started burning in the Marble Mountain Wilderness/Scott Valley, including evacuation orders and warnings.

Discussion followed between members of the Board, Mr. Cunningham and Mr. Conklin regarding the resources assigned to the fire, the current investigation regarding possible cause of the fire and the use and timing of aircraft to fight the fire.

Public Hearings - Natural Resources - Public hearing to consider a Resolution adopting the Tule Lake Subbasin Amended Groundwater Sustainability Plan. Resolution 24-126 adopted.

This was the time set for a public hearing to consider a Resolution adopting the Tule Lake Subbasin Amended Groundwater Sustainability Plan.

Chair Kobseff opened the public hearing.

Natural Resources Policy Specialist Matt Parker appeared before the Board and provided an overview of the request to consider adopting the Tule Lake Subbasin Amended Groundwater Sustainability Plan (GSP), as the California Department of Water Resources (DWR) deemed the GSP as incomplete. Mr. Parker summarized the process to develop corrections to deficiencies identified in DWR's determination letter and advised that the Groundwater Sustainability Agencies' (GSA's) and Tulelake Irrigation District's (TID's) consultant would be available and presenting via ZOOM.

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

Caller MBK Engineers representative Angela Bezzone provided an overview of the deficiencies identified by DWR (related to revising minimum threshold levels and evaluating impacts to Groundwater Dependent Ecosystems (GDEs)) and the process to address the deficiencies. Ms. Bezzone summarized meetings with DWR to address the deficiencies and update the GSP.

In response to Chair Kobseff, 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 Criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Valenzuela, Criss, Ogren and Haupt voting YES and Supervisor Haupt ABSENT, to adopt Resolution 24-126 approving and adopting the Groundwater Sustainability Plan for the Tule Lake groundwater subbasin and authorizing its submission to the Department of Water Resources.

Board and Staff Reports

Supervisor Valenzuela advised of plans to attend an upcoming California Wildfire and Forest Resilience Task Force meeting.

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), three cases, commenced at 10:58 a.m., concluded at 11:39 a.m., with no action taken.

Report on Closed Session

County Counsel Natalie E. Reed announced that closed session concluded at 11:39 a.m., with no reportable action taken.

In addition, Ms. Reed advised that County Counsel did not participate in one exposure item in 11C, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, significant exposure to litigation pursuant to Government Code §54956.9(d)(2), three cases, and exited the Board Room at 11:38 a.m., returning at 11:39 a.m.

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

Attest:
Laura Bynum, County Clerk

Michael N. Kobseff, Chair

By: _____
Deputy