

# State of California, County of Siskiyou

## Board of Supervisors Minutes, July 6, 2021

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 6<sup>th</sup> day of July 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 and Siskiyou Power Authority. Deputy Director Office of Emergency Services Bryan Schenone 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**

Deputy Director Office of Emergency Services Bryan Schenone provided an update regarding the recent Lava, Tennant and Salt wildfires burning in the County, and the status of the County's Emergency Operations Center (EOC).

Audience member Eric Berg, representative for the Spencer Ranch, drew attention to a letter, emailed to the Board of Supervisors, from the Law Firm of Wanger, Jones and Helsley PC, commenting on the County's proposed groundwater ordinances. Mr. Berg requested that the County hold off on enforcement of the ordinances related to groundwater, sharing concerns regarding the negative impacts to local ranchers that provide water as their livelihoods.

Yreka resident Peter Tao voiced concerns regarding the treatment of the Hmong community in the County and advised of the need for an outside investigation into the death of a Shasta Vista resident who was attempting to protect his property during the Lava Fire.

Audience member Edward Szendrey shared concerns that, during the Lava Fire local ranchers were not allowed to provide water to CalFire to fight the fire, and that CalFire would not enter the Shasta Vista area to fight the fire as some residents remained in the area.

Audience member Georgie Szendrey voiced concerns regarding the treatment of Hmong people in the County and around the world, and requested that the County consider that they may not be cognizant of the various laws and regulations.

Pursuant to California Governor Newsom's Executive Order N-08-21, June 11, 2021, participation in presentations from the public by various members of the public was provided via teleconference phone.

Mt. Shasta resident Nick Joslin voiced concerns regarding the reduced water flows in the Shasta River and the need for voluntary actions to increase water in the river.

Chair Haupt advised that the County does not have jurisdiction with regard to river flows.

Online caller Ross Lawrence advised of representing the Hmong people in a Federal case regarding the County's groundwater ordinances, requested that the County halt enforcement of those ordinances due to wildfire in the area to allow the residents access to water.

Chair Haupt advised that management of the local wildfire was under Federal and State control and that the Sheriff manages evacuation orders.

County resident Ginger Sammito shared concerns regarding the difficulties firefighters experienced in the Big Springs area during the Lava Fire evacuation efforts and spoke in support of the County's efforts to combat organized crime in the area.

Continued...

**Presentations from the Public – (continued)**

Ellison Family Ranch representative Sherry Ellison shared concerns regarding the negative impacts of the County's groundwater ordinances on their family's business and spoke in opposition to the proposed ordinances.

Chair Haupt advised that cannabis cultivation is allowed in the County in a limited amount and on properly permitted parcels.

**Consent Agenda – Approved.**

At County Administrator Angela Davis' request, item 50 – Public Health's request to ratify a Proclamation of Local Health Emergency by the County Health Officer, concerning health hazards resulting from active, local wildfires and an Emergency Order of the Siskiyou County Health Officer, concerning re-entry and prohibiting endangerment of the Community through the unsafe removal, transport, and disposal of fire debris from the Lava Fire, was pulled from the consent agenda for discussion.

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 following consent agenda is approved, and the Chair and/or clerk authorized to execute/record any necessary documents:

**Agriculture**

Authorize the Agriculture Department to participate in agreement 140R2021P0046 with the US Bureau of Reclamation and accept funding as outlined in the agreement, each option year, through May 31, 2026. Authorize the Agricultural Commissioner to execute this agreement, and each succeeding year, and future modifications to the agreement which will increase funding each year through 2026.

**Assessor**

Approve FY 21/22 agreement with Megabyte Property Tax System for property tax system maintenance services, in an amount not to exceed \$173,889.58.

**County Administration**

Approve request to ratify letter to California Senate and Assembly Budget Committees stating opposition to proposed In-Home Supportive Services (IHSS) fiscal penalty.

**County Administration**

Approve request to ratify letter to California Senator Brian Dahle expressing support for Senate Bill 207, County Road Commissioner: County of Siskiyou.

**Community Development - Planning Division**

Approve addendum to contract with Silver & Wright, LLP for provision of Hearing Officer services, increasing the contract by \$17,636, for a total not to exceed \$67,636.

**General Services - Airports**

Authorize the Chair to execute the Hangar Rental Agreement between the County of Siskiyou and Todd W. Whipple for the term of July 1, 2021 through June 30, 2026.

**General Services - Airports**

Authorize the Chair to execute the Airport Ground Lease between the County of Siskiyou and Ponderosa Aviation, Inc. for the term of October 20, 2020 through October 19, 2050.

**General Services - Courthouse and Grounds**

Approve the 3<sup>rd</sup> Addendum to The Machine Cleaning Service, LLC. for Janitorial Services.

**General Services - Courthouse and Grounds**

Approve the Notice of Completion and the Board Chair sign the Notice of Completion for the ADA Ramp at Health & Human Services - Public Health Division and authorized the Clerk of the Board to record the notice within five days.

Continued...

**Consent Agenda – (continued)**

General Services - Sanitation

Approve the contract with Lawrence & Associates.

General Services - Sanitation

Approve the contract with R3 and General Services Sanitation.

General Services - Stage

Ratify the grant application and Adopt Resolution 21-92 authorizing the County Administrator to execute any documents necessary to obtain financial assistance provided by the California Department of Transportation Division of Mass Transportation CRRSAA Grant. Authorize staff to accept the awarded funds and authorize the Auditor's office to establish a budget.

General Services - Stage

Ratify the grant application and adopt Resolution 21-93 authorizing the County Administrator to execute any documents necessary to obtain financial assistance provided by the California Department of Transportation Division of Mass Transportation 5311 Grant for the 2021 cycle. Authorize staff to accept the awarded funds and authorize the Auditor's office to establish the budget.

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 Shree Sai Hospitality DBA Budget Inn.

Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Contract for services between Siskiyou County Health and Human Services Agency – Public Health Division and Les Hall for the term of the contract.

Health and Human Services - Public Health Division

Adopt Resolution 21-94 authorizing acceptance of the allocation award under the Standard Agreement Amendment (STD 213) for County of Siskiyou from California Department of Public Health Women, Infants and Children for COVID-19 Federal Fiscal Year 2021 and 2022 award in the amount of \$1,726,824 and approve associated standard agreement amendment.

Health and Human Services - Social Services Division

Ratify and approve the grant application, authorize acceptance of the grant award, authorize the Director of Health and Human Services Agency to enter into and execute a standard agreement, and authorize the Auditor to establish budget appropriations.

Public Defender

Approve and obtain chair signature for agreement with Xerox for the terms July 1, 2021 through June 30, 2026, with a total not to exceed amount of \$9,336.60.

Public Works

Approve and sign the Contract with Lawrence & Associates, Inc. and Siskiyou County Public Works for corrective action maintenance, groundwater and soil-gas monitoring budget, Tulelake District Shop, 647 Main Street, Tulelake, California.

Sheriff

Approve First Addendum between Siskiyou Hospital Inc., DBA Fairchild Medical Center and Siskiyou County Sheriff's Office for Autopsy Services, repealing and replacing fees listed in Exhibit "A" and decreasing amount of compensation.

Sheriff

Approve and authorize Board Chair to sign Contract between Keith Bradely, Chaplain and Siskiyou County Sheriff's Office.

Continued...

**Consent Agenda – (continued)**

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.

Sheriff/Jail

Approve the Cooperative Agreement renewal between Siskiyou County Jail and CAL TRANS for Sheriff's Work Alternative Program to Provide Labor to CAL TRANS. Authorize Sheriff, Jeremiah LaRue to sign and execute the Cooperative Agreement. Authorize the Board Chair to sign the attached Resolution 21-95 authorizing the Cooperative Agreement.

Transfer of Funds - Sheriff - \$4,832. Resolution 21-96 adopted.

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

County Administrator Angela Davis provided an overview/status report regarding the status of COVID-19 cases in the County and efforts being made to provide vaccinations.

**Health and Human Services - Public Health Division** - Approve request to ratify Proclamation of Local Health Emergency by the County Health Officer, dated June 28, 2021, concerning health hazards resulting from active, local wildfires; and ratify Emergency Order of the Siskiyou County Health Officer, dated July 1, 2021 concerning re-entry and prohibiting endangerment of the Community through the unsafe removal, transport, and disposal of fire debris from the Lava Fire. Approved.

This item was pulled from the consent agenda at County Administrator Angela Davis' request.

Ms. Davis summarized recommended revisions to the Proclamations with regard to the start/origin date for the Lava fire in the Proclamation and in the Emergency Order.

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, to approve and ratify the Proclamation of Local Health Emergency By the County Health Officer as executed by Dr. Aaron Stutz on June 28, 2021; and ratify the Emergency Order of the Siskiyou County Health Officer concerning re-entry and prohibiting endangerment of the Community through the unsafe removal, transport, and disposal of fire debris from the Lava Fire, signed by Dr. Aaron Stutz, Siskiyou County Public Health Officer on July 1, 2021, revising the start/origin date for the Lava Fire to June 24, 2021.

**County Counsel** - Discussion, direction, and possible action re Resolution regarding copy fees in proposed ordinance adding Chapter 39 to Title 2 of the Siskiyou County Code, making findings in support of the Copy Fee Ordinance. Resolution 21-97 adopted.

County Counsel Edward J. Kiernan provided an overview of the request, advising of the efforts being made to recover the actual costs associated with certain Public Records Act (PRA) requests received by the County. Mr. Kiernan shared concerns regarding the potential for the PRA to be used by organizations seeking to access public records for profit-seeking motives rather than public access to information. Mr. Kiernan further advised that the majority of PRA request would not come under the umbrella of the Copy Fee Ordinance.

In response to Chair Haupt, Deputy County Clerk Wendy Winningham provided various correspondence related to the Resolution and the Copy Fee Ordinance received by the Clerk's Office.

In response to Supervisor Haupt, Mr. Kiernan advised that an ordinance or resolution is necessary in order for the County to recover certain PRA related costs and that other counties have adopted ordinances or resolutions in order to recover those costs.

The Chair opened the item for public comments.

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**County Counsel – (continued)**

Pursuant to California Governor Newsom's Executive Order N-08-21, June 11, 2021, participation in this agenda item by various members of the public and/or staff was provided via teleconference phone.

County resident Anne Marsh voiced opposition to the proposed Resolution, sharing concerns regarding the potential negative impact to those people seeking public records.

Following brief discussion between members of the Board regarding the anticipated use of software to assist County Counsel's Office with PRA requests, it was moved by Supervisor Kobseff, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, to adopt Resolution 21-97 regarding copy fees in proposed ordinance adding Chapter 39 to Title 2 of the Siskiyou County Code, making findings in support of the Copy Fee Ordinance.

**County Counsel** - Discussion, direction and possible action re agreement with Prentice Long, PC, to provide the County with Code Enforcement legal services related to cannabis, in an amount not to exceed \$25,000, effective July 6, 2021. Approved.

County Counsel Edward J. Kiernan provided an overview of the request to contract for outside assistance with regard to cannabis enforcement.

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, to approve the Engagement for Services with Prentice Long PC, to provide the County with Code Enforcement Legal Services related to cannabis, and authorize the Board chair to execute same.

**County Administration** - Discussion, direction and possible action re request to appoint Thomas Deany as the Director of Public Works at Step 5 of the Siskiyou County Salary Schedule effective, July 11, 2021. Approved.

County Administrator Angela Davis provided an overview of the request to appoint Thomas Deany as Public Works Director.

Following discussion between members of the Board and Ms. Davis regarding the recruitment and selection process, Mr. Deany's work experience related to equipment, manufacturing and management, and the need for quarterly performance review/update regarding Public Works, it was moved by Supervisor Haupt and seconded by Supervisor Kobseff to authorize the appointment of Thomas Deany to the position of Director of Public works at Step 5 effective July 11, 2021.

**County Clerk** - Discussion, direction and possible action re Appellant's request to continue an appeal of the decision of the Siskiyou County Planning Commission on April 21, 2021 re the Sirois UP1816 (denial), scheduled on July 13, 2021 at 9a.m. or as soon thereafter as may be heard. Appeal hearing continued to October 19, 2021.

Deputy County Clerk Wendy Winningham presented a one-page email received by the Clerk's Office from Appellant Lisa Sirois, advising of Ms. Sirois' request to continue a hearing for an appeal of action taken by the Planning Commission with regard to the Sirois UP1816 project, scheduled to be heard by the Board of Supervisors on July 13, 2021.

Deputy Director of Planning Kirk Skierski appeared before the board, should the Board have questions regarding the appeal and/or project.

Pursuant to California Governor Newsom's Executive Order N-08-21, June 11, 2021, participation in this agenda item by various members of the public and/or staff was provided via teleconference phone.

Appellant Lisa Sirois participated via ZOOM/teleconference phone, briefly summarizing her continuance request and answering questions from Supervisor Criss regarding a possible site visit of the property associated with UP1816 project.

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**County Clerk – (continued)**

In response to Supervisor Haupt, Mr. Skierski advised that the proposed Use Permit was to allow an annual event on the subject property, and that the Use Permit would be specific to the property and run in perpetuity. In addition, Mr. Skierski summarized the process to revoke a Use Permit, should there be violations of the conditions for approval for the Use Permit. Mr. Skierski further advised that Planning Department staff did not object to a continuance of the appeal hearing.

Supervisor Ogren advised that she recently viewed the subject property.

Discussion followed between members of the Board, Mr. Skierski, Ms. Sirois and Ms. Winningham regarding the timing associated with providing exhibits/documentation for the July 13<sup>th</sup> appeal hearing, the Planning Department's development of a Staff Report, including the conditions for Use Permit approval contained within the Staff Report, Associate Planner Rachel Jereb's participation at the County's Emergency Operations Center (EOC), regular Board meeting dates in October and the current closure of the property due to local wildfires.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, to continue an appeal of the decision of the Siskiyou County Planning Commission on April 21, 21 re the Sirois UP1816 (denial) to October 19, 2021 at 9:00a.m., or as soon thereafter as may be heard.

**Public Hearings - Public Works -** Public hearing to consider appointment of a Road Commissioner pursuant to California Streets & Highways Code §2006(a). Fred Lucero appointed as Road Commissioner.

This was the time set for a public hearing to consider appointment of a Road Commissioner pursuant to California Streets & Highways Code §2006(a).

Chair Haupt opened the public hearing.

County Administrator Angela Davis provided an overview of the request to appoint Fred Lucero as the County's Road Commissioner, advising that Mr. Lucero meets the required qualifications.

In response to Chair Haupt, Deputy County Clerk Wendy Winningham advised that the Clerk's Office had not received correspondence related to this item.

There being no public comment received, the public hearing was declared closed.

It was moved by Supervisor Kobseff and seconded by Supervisor Criss to authorize the appointment of Fred Lucero as the Road Commissioner for Siskiyou County effective July 6, 2021 pursuant to Streets & Highways Code Section 2006(a). Following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion carried unanimously.

**Public Hearings - Community Development - Planning Division -** Public hearing to consider a Resolution naming an unnamed private road as "Cranberry Court", located in Supervisorial District 3, south and west of the City of Weed in the Hammond Ranch Subdivision, for the Cranberry Court Road Name Change (RN-20-01) project. Resolution 21-98 adopted.

This was the time set for a public hearing to consider a Resolution naming an unnamed private road as "Cranberry Court", located in Supervisorial District 3, south and west of the City of Weed in the Hammond Ranch Subdivision, for the Cranberry Court Road Name Change (RN-20-01) project.

Chair Haupt opened the public hearing.

Assistant Planner Bernadette Cizin provided an overview of the request, advising that the Community Development Department had not received correspondence or opposition to the proposed road name. Ms. Cizin further advised that CalFire commented regarding 4290 regulations and Hammond Ranch Fire and Pacific Power provided no opposition to the proposed name.

Continued...

**Public Hearings - Community Development - Planning Division – (continued)**

In response to Chair Haupt, Deputy County Clerk Wendy Winningham advised that the Clerk's Office had not received correspondence related to this item.

Chair Haupt requested that comments that were received by other agencies be included in the Resolution backup material.

There being no public comment received, the public hearing was declared closed.

It was moved by Supervisor Kobseff and seconded by Supervisor Ogren to approve the proposed Road Name (RN2001) – Cranberry Court and determine that the proposed Cranberry Court Road Name Change project (RN2001) is not a project pursuant to CEQA as defined in California Environmental Quality Act (CEQA) Guidelines Section 15378, and is therefore not subject to CEQA pursuant to Section 15060(c)(3). Following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion to adopt Resolution 21-98 carried unanimously.

**Public Hearings - County Counsel - Public hearing for the second reading of an ordinance adding Chapter 39 to Title 2 of the Siskiyou County Code regarding copy fees for Public Record Act requests. Ordinance 21-12 adopted.**

This was the time set for a public hearing for the second reading of an ordinance adding Chapter 39 to Title 2 of the Siskiyou County Code regarding copy fees for Public Record Act requests, having been introduced on June 1, 2021.

Chair Haupt opened the public hearing.

County Counsel Edward J. Kiernan provided an overview of the request, advising of the efforts being made to recover the actual costs associated with certain Public Records Act (PRA) requests received by the County. Mr. Kiernan shared concerns regarding the potential for the PRA to be used by organizations seeking to access public records for profit-seeking motives rather than public access to information. Mr. Kiernan further advised that the majority of PRA requests would not come under the umbrella of the Copy Fee Ordinance.

In response to Chair Haupt, Deputy County Clerk Wendy Winningham provided various correspondence related to the proposed Copy Fee Ordinance received by the Clerk's Office.

Chair Haupt opened the item for public comment.

Pursuant to California Governor Newsom's Executive Order N-08-21, June 11, 2021, participation in presentations from the public by various members of the public was provided via teleconference phone.

Local resident Nick Joslin spoke in opposition to the proposed copy fee ordinance, suggesting that an actual cost survey be conducted prior to adoption.

There being no further public comments, the public hearing was declared closed.

It was moved by Supervisor Criss and seconded by Supervisor Kobseff to waive the second reading and approve the adoption of the ordinance adding Chapter 39 to Title 2 of the Siskiyou County code regarding copy fees for Public Record Act Requests. Following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion to adopt Ordinance 21-12 carried unanimously.

**Public Hearings - County Counsel - Continued public hearing for the second reading of an ordinance adding Article 15 to Chapter 4 of Title 3 of the Siskiyou County Code relating to water trucks and regulating their use upon certain County roads. First reading approved; public hearing for the second reading continued to August 3, 2021.**

This was the time set for a continued public hearing for the second reading of an ordinance adding Article 15 to Chapter 4 of Title 3 of the Siskiyou County Code relating to water trucks and regulating their use upon certain County roads, having been continued from June 1, 2021. Continued...

**Public Hearings - County Counsel – (continued)**

County Counsel Edward J. Kiernan recommended that the Board consider this a first reading of the ordinance as there had been significant modifications made to the proposed ordinance language with regard to the County Department responsible for issuing water truck permits (Community Development rather than Public Works) which would streamline the permitting process.

In response to Chair Haupt, Deputy County Clerk Wendy Winningham advised that email correspondence was received by the Clerk's Office from Wanger Jones Helsley PC providing comments regarding the proposed ordinance.

In response to Deputy County Clerk Wendy Winningham regarding whether re-publication of the public hearing notice would be necessary, Mr. Kiernan advised that the previous posting/publication of the public hearing notice was sufficient.

Discussion followed between members of the Board and Deputy Director of Planning Kirk Skierski regarding Community Development's process to verify applications for permit to allow water trucks on County roads, the 83 currently permitted residences in the Shasta Vista subdivision (those parcels permitted to drill a well and put in a septic system, etc.), the difference between potable drinking water and non-potable water (not safe for drinking), the special licensing required for trucks that deliver potable (drinking) water and the proposed ordinance not being applicable to trucks delivering potable water.

It was moved by Supervisor Kobseff and seconded by Supervisor Criss to introduce, waive and approve the first reading of the amended ordinance adding Article 15 to Chapter 4 of Title 3 of the Siskiyou County Code relating to water trucks; and direct the clerk to schedule a public hearing on, and second reading of, the ordinance on August 3, 2021. Following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion carried.

**Public Hearings - Community Development / County Counsel - Continued public hearing for the second reading of an ordinance adding Article 3.5 to Chapter 13 of Title 3 of the Siskiyou County Code regarding administrative permit required for use of groundwater off the parcel from which it was extracted and clarifying and amending Section 3-13.601 of said chapter and title related to fines for violation of the Groundwater Management Ordinance. First reading approved; public hearing for the second reading continued to August 3, 2021.**

This was the time set for a continued public hearing for the second reading of an ordinance adding Article 3.5 to Chapter 13 of Title 3 of the Siskiyou County Code regarding administrative permit required for use of groundwater off the parcel from which it was extracted and clarifying and amending Section 3-13.601 of said chapter and title related to fines for violation of the Groundwater Management Ordinance, having been continued from June 1, 2021.

Deputy Director of Planning Kirk Skierski provided a staff report/overview of the request, recommending that the Board consider this a first reading of the ordinance as there had been modifications made to the proposed ordinance language with regard to the permit/license process.

In response to Chair Haupt, Deputy County Clerk Wendy Winningham advised that email correspondence from Wanger Jones Helsley PC was received by the Clerk's Office providing comments regarding the proposed ordinance.

The Chair opened the item for public comments.

Pursuant to California Governor Newsom's Executive Order N-08-21, June 11, 2021, participation in presentations from the public by various members of the public was provided via teleconference phone.

An anonymous caller spoke in support of the proposed ordinance to assist in combating illegal activities.

An anonymous caller spoke in support of the proposed ordinance, voicing concerns regarding the negative impacts associated with illegal grows in the Big Springs area.

Continued...



**Public Hearings - Community Development / County Counsel – (continued)**

An anonymous caller spoke in support of the proposed ordinance to assist local law enforcement and Code Enforcement to combat illegal activities taking place.

It was moved by Supervisor Haupt and seconded by Supervisor Kobseff to introduce, waive and approve the first reading of the ordinance amending Section 3-13.601 and adding Article 3.5 to Chapter 13 of Title 3 of the Siskiyou County Code regarding Groundwater Management; and direct the clerk to schedule a public hearing on, and second reading of, the ordinance on August 3, 2021. Following a roll call vote with Supervisors Criss, Kobseff, Valenzuela, Ogren and Haupt voting YES, the motion carried.

**Public Hearings - Community Development - Public hearing for the first reading of an ordinance establishing a moratorium on accepting new short-term vacation rental applications for all properties less than 2.5-acres Countywide. First reading approved; public hearing continued to August 3, 2021 for the second reading.**

This was the time set for a public hearing for the first reading of an ordinance establishing a moratorium on accepting new short-term vacation rental applications for all properties less than 2.5-acres Countywide.

Chair Haupt opened the public hearing.

Deputy Director of Planning Kirk Skierski provided a staff report/overview of the request to place a moratorium on applications for short-term vacation rental permits for properties less than 2.5 acres in size county-wide. Mr. Skierski advised that a vacation rental study would be beneficial to the efforts to update the County's General Plan Housing Element, which would be accomplished with the assistance of a third-party consultant. Mr. Skierski requested the moratorium to allow time to complete the study, which could provide direction with regard to vacation rentals in relation to housing in the County.

In response to Supervisor Haupt regarding the anticipated timing associated with the moratorium, Mr. Skierski advised of potentially lifting the moratorium in the spring or early summer of 2022.

There were no public comments received.

Supervisor Haupt voiced opposition to the moratorium being effective County-wide.

Supervisors Kobseff, Valenzuela and Criss spoke in support of the moratorium, advising of receiving constituent complaints related to the increasing number of vacation rentals in residential areas and the negative impacts on housing availability within the County and Community Development staff time.

Supervisor Ogren voiced opposition to the moratorium being effective County-wide.

Following discussion between members of the Board and Mr. Skierski regarding the vacation rental user permit process that are associated with the property, not the property owner, and the need for vacation rentals to be situated on commercial zoned properties (versus residential zoning), it was moved by Supervisor Criss and seconded by Supervisor Kobseff to introduce, waive, and approve the first reading of the proposed moratorium on accepting new short-term vacation rental applications for properties less than 2.5-acres countywide (Z-21-03); and direct the Clerk to schedule a continued public hearing for the second reading on August 3, 2021. Following a roll call vote with Supervisors Criss, Kobseff and Valenzuela voting YES, and Supervisors Ogren and Haupt voting NO, the motion carried.

**Closed Session** - Worker's Compensation Liability, liability claims pursuant to Government Code §54956.95, Liability claims pursuant to Government Code §54956.9(e)(3), two claims, conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), five cases, 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, Personnel pursuant to Government Code §54957, commenced at 11:15a.m., concluded at 1:55p.m., with action taken.

### **Report On Closed Session**

County Counsel Edward J. Kiernan announced that closed session concluded at 1:55p.m., with reportable action taken. With regard to item 11L - Personnel pursuant to Government Code §54957, consider public employee performance evaluation for the position of County Counsel, Mr. Kiernan advised that the item was postponed possibly to the next Board meeting.

With regard to item 11B - Worker's Compensation Liability, liability claims pursuant to Government Code §54956.95, Claimant: Michael Kargas, Agency claimed against: County of Siskiyou, Mr. Kiernan advised that the Board has authorized settlement of that matter on terms, available on the web, to be made public at a later point as some matters may be private. Moved by Supervisor Valenzuela and seconded by Supervisor Criss.

With regard to item 11D - Liability claims pursuant to Government Code §54956.9(e)(3), Claimant: Noel DeBortoli, Agency claimed against: County of Siskiyou, Mr. Kiernan advised that Supervisor Ed Valenzuela recused himself and the Board authorized pursuing settlement of that claim by a 4/0 vote, with terms of that settlement to be made public upon request by anyone who wishes to see it. Moved by Supervisor Kobseff and seconded by Supervisor Haupt.

With regard to item 11E and 11F - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), name of case: In the Matter of the License Surrender Proceedings for the Lower Klamath Project: Federal Energy Regulatory Commission proceedings: No P-2082-063 and 14803-001; and conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), name of case: In the Matter of the License Transfer Proceedings for the Lower Klamath Project: Federal Energy Regulatory Commission proceedings: No P-2082-063 and 14803-004, Mr. Kiernan advised that the Board approved by a vote of 4/0, with Supervisor Ed Valenzuela voting NO, to pursue a petition for a rehearing of a transfer order that was issued. That motion was made by Supervisor Haupt and seconded by Supervisor Kobseff.

With regard to item 11G - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Purdue Pharma L.P., et al., Bankruptcy Case, United States Bankruptcy Court for the Southern District of New York, Case No. 19-23649 (RDD), Mr. Kiernan advised that the Board approved by a vote of 5/0 to approve the bankruptcy proposal that is before the bankruptcy court in Delaware. That motion was made by Supervisor Kobseff and seconded by Supervisor Haupt.

### **Board and Staff Reports**

There were no board or staff reports given.

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

Attest:  
Laura Bynum, County Clerk

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Ray A. Haupt, Chair

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