

State of California, County of Siskiyou

Board of Supervisors Minutes, November 14, 2023

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 14th day of November 2023; there being present Supervisors Brandon Criss, Michael N. Kobseff, Nancy Ogren, and Ray A. Haupt, 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 Ed Valenzuela was absent.

The meeting was called to order by Vice Chair Kobseff. Pursuant to AB23, the Clerk announced that the Board was only meeting as the Board of Supervisors. Supervisor Haupt 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

Mt. Shasta resident Kathleen Casey appeared before the Board, sharing concerns regarding recent flooding in Mt. Shasta near Everett Memorial Highway and the Upland Highlands subdivision. Ms. Casey requested that the County review the mitigation measures associated with the subdivision's original approval and make efforts to prevent future flooding.

Mt. Shasta resident Irene Reginatto appeared before the Board, sharing similar concerns regarding recent flooding and requesting the County's assistance in the matter.

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

Caller Mt. Shasta resident Raven Stevens shared similar concerns regarding recent flooding near the Upland Highlands subdivision and requested the County look into the matter. Ms. Stevens further shared concerns regarding the need to better public outreach regarding such issues.

Supervisor Kobseff requested that a future item regarding the issue be brought back before the Board.

Consent Agenda – Approved.

At Vice Chair Kobseff's request, item 5M, Health and Human Services - Social Services' contract with JoncoWest LLC, was pulled from the consent agenda for discussion.

Later in the meeting, the motion to approve item 5J, Health and Human Services - Behavioral Health's contract with Youth Empowerment Siskiyou (YES), was rescinded and the item continued to the December 5, 2023, Board meeting for further discussion.

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

County Administration

Approve the Purchasing Policy and Procedures as amended.

County Administration - Personnel

Approve Resolution 23-196 amending the Siskiyou County Salary Schedule and Position Allocation List for positions in County service effective November 26, 2023.

General Services - Sanitation

Approve both Resolutions 23-197 and 23-198 authorizing the County Administrator and Director of General Services to submit grant applications to CalRecycle, execute grant documents, and authorize the Board Chair to sign both Resolutions.

Continued...

Consent Agenda – (continued)

General Services - Sanitation

Approve the contract with Evans Building & Excavating and allow Auditors office to establish budget.

General Services - STAGE

Authorize the Chair to approve the financial assistance provided by the State of Good Repair Program for the 2023/20224 cycle. Authorize staff to accept the awarded funds from the Local Transportation Commission. Authorize the Auditor's office to establish the budget.

General Services - STAGE

Adopt and approve the Resolution 23-211 for the 2023 Annual Transit Asset Management Plan. Authorize Transportation Manager to execute and file the Transit Asset Management Plan and any other required documents.

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 James Coles dba Housing Tools for the term of July 1, 2023 through June 30, 2026.

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 Happy Camp Community Action, Inc.

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 Teach, Inc.

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 San Jose Behavioral Health, LLC, for the term of July 1, 2023 to June 30, 2026.

Health and Human Services - Behavioral Health Division

Approve the grant award, authorize the Chair to execute the grant agreement, and authorize the Auditor to appropriate the budget and set expenditures.

Health and Human Services - Social Services Division

Approve and the Chair sign this Resolution 23-199 to authorize the Siskiyou County Health and Human Services Agency, Social Services Division, to accept the allocations for the Transitional Housing Program and the Housing Navigator and Maintance Program. Allow the County Auditor to establish a budget once funds are received.

Siskiyou Modoc Regional Department of Child Support Services

Approve the contract between SMRDCSS and Hue and Cry, Inc.and the Auditor to establish a budget.

Transfer of Funds - Predatory Animal Control - \$33,473. Resolution 23-200 adopted.

Transfer of Funds - Community Corrections Performance Incentive - \$10,000. Resolution 23-201 adopted.

Transfer of Funds - Probation - \$59,765. Resolution 23-202 adopted.

Transfer of Funds - Probation - \$10,000. Resolution 23-203 adopted.

Transfer of Funds - Sheriff - \$12,000. Resolution 23-204 adopted.

Transfer of Funds - Sheriff - \$32,000. Resolution 23-205 adopted.

Transfer of Funds - Sheriff-Coroner - \$384,391. Resolution 23-206 adopted.

Health and Human Services - Social Services Division - Approve contract with JoncoWest LLC, to provide janitorial services at 818 South Main Street, 2060 Campus Drive, and 912 South Main Street, Yreka and 1107 Ream Avenue, Mount Shasta, at the rates specified in Exhibit A, for the term November 20, 2023 through June 30, 2028. Dropped from the agenda.

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

Jones Carpet Cleaning & Janitorial representative Josh Jones appeared before the Board, sharing concerns regarding the proposed contract with JoncoWest LLC, including the proposed five-year contract term and the potential negative economic impact to local businesses. Mr. Jones requested an audit of the contract selection process.

Health and Human Services Agency Director Sarah Collard and Deputy Director of Administrative Services Kirk Hendricks appeared before the Board. Mr. Hendricks provided an overview of the Request for Proposals (RFP) process used in selecting JoncoWest LLC.

Discussion followed between members of the Board, County Counsel Natalie E. Reed, Ms. Collard and Mr. Hendricks regarding the Board's prerogative to request an audit of the RFP process, certain contracts that include a protest clause although this contract did not, the five-year contract term, the rate contract versus a contract with a not to exceed amount (total appropriated funding) and the Board's consensus that the contract RFP and selection process be reviewed.

Vice Chair Kobseff advised that this item was dropped from the agenda and directed staff to bring an item back before the Board at a later date.

Health and Human Services - Behavioral Health Division - Approve FY 23/24 contract with Youth Empowerment Siskiyou (YES) to provide certain prevention, outreach and access/linkage services for at risk populations, at the rates specified in Exhibit A. Removed from the consent agenda and continued to December 5, 2023.

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT, to rescind the motion to approve item 5J, Health and Human Services - Behavioral Health's contract with Youth Empowerment Siskiyou (YES), with the item continued to the December 5, 2023 Board meeting for further discussion.

Public Requests - California Trout - Discussion, direction and possible action re presentation of an update re current activities in the Mt. Shasta and Klamath areas and draft Board of Supervisors' letter to the National Oceanic and Atmospheric Administration (NOAA) expressing support for their Transforming the Beaver Valley Headwaters Preserve - a Holistic Community Based Approach to Restoring a Klamath River Salmon Stronghold project grant funding application. Approved.

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

Caller California Trout representative Serena Doose provided a brief overview of the request and revisions to the draft letter to the National Oceanic and Atmospheric Administration (NOAA).

Supervisor Haupt spoke in support of the revisions to the letter and inclusion of a map detailing the proposed project and areas of fish passage and groundwater recharge. Supervisor Haupt shared concerns that future grant applications should not include verbiage stating that fish would be extinct should the grant and associated project not be successful.

Deputy County Clerk Wendy Winingham advised that the Board and Clerk had received an emailed letter of opposition to the proposed project from Nick Joslin.

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

Caller Nick Joslin spoke in support of Supervisor Haupt's comments, advising that there should not be embellishment or overstating of proposed projects in grant applications.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to approve the support letter.

Public Requests - Scott Valley and Shasta Valley Watermaster District - Discussion, direction and possible action re appointments in lieu of election for the Scott Valley Service Area and the Shasta Valley Service Area of the Scott Valley and Shasta Valley Watermaster District to four year terms. Richard Lemos appointed in lieu of election to the Shasta Valley Service Area.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that Shasta Valley Service Area Director Richard Lemos filed a declaration of candidacy and requested his appointment in lieu of election.

It was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to approve the appointment in lieu of election of Richard Lemos to the Scott Valley and Shasta Valley Watermaster District for four year terms for the Shasta Valley Service Area.

County Counsel - Presentation of an update re current operations and activities within the Department. Presentation and discussion only.

County Counsel Natalie E. Reed appeared before the Board and provided a definition of the statutory Office of County Counsel that manages a county's civil law needs and summarized the various duties carried out by the Department. Ms. Reed provided an overview of County Counsel, staff members and the services provided to County offices and departments, ongoing efforts to prepare succession planning in the Department and the recent creation of a Chief Deputy County Counsel position and associated duties. Ms. Reed summarized challenges within the Department, including recruitment and retention and the efforts being made to address those challenges.

Discussion followed between members of the Board and Ms. Reed regarding the duties and services being provided by the Department's limited staff, County Counsel services provided to local special districts and the current status of vacant positions in the Department.

Community Development - Discussion, direction and possible action re request to reaffirm Proclamation of Local Health Emergency by the County Health Officer for the Happy Camp Fire Complex.

Community Development Director Rick Dean appeared before the Board and provided an overview of the request to continue/reaffirm a Proclamation of Local Health Emergency for the Happy Camp Fire Complex. Mr. Dean summarized the ongoing cleanup process in the area affected by the wildfires.

Following brief discussion regarding the impacted properties and a typographical error 'is' should read 'in' in the 5th whereas, it was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to re-affirm for approval the subject proclamation of local health emergency by the County Health Officer associated with the health and safety issues caused by the destruction of structures from the 2023 Happy Camp wildland fires with the correction noted.

County Administration – Personnel - Discussion, direction and possible action re Resolution electing to be subject to the Public Employees' Medical and Hospital Care Act at an unequal amount for employees and annuitants with respect to a recognized employee organization with coverage effective February 1, 2024, for the Attorney Unit. Resolution 23-207 adopted.

County Administrator Angela Davis provided an overview of the request to adopt a Resolution associated with the Attorney Unit which was required by CalPERS.

It was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to adopt a CalPERS Resolution 23-207 recognizing the Attorney Unit and setting forth health benefit coverage effective February 1, 2024.

General Services –Sanitation - Discussion, direction and possible action re request to accept a donation of two non-road worthy trailers from Yreka Transfer Inc., for use at the Oberlin Road and Black Butte Transfer Stations sites. Approved.

Project Coordinator Amanda Kimball appeared before the Board and provided an overview of the request. Ms. Kimball advised that Yreka Transfer Inc. had donated two non-road worthy trailers to provide additional storage at the transfer stations.

Continued...

General Services –Sanitation – (continued)

Following discussion between members of the Board and Ms. Kimball regarding the types of items that would be stored in the trailers and the minimal costs associated with transferring title of the trailers, it was moved by Supervisor Criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to approve the donation for two trailers from Yreka Transfer Inc. and to allow the auditor to establish budget and the necessary paper work to take ownership.

County Administration - Presentation of an update and background re the County's gold inventory. Presentation and discussion only.

Deputy County Administrator Elizabeth Nielsen appeared before the Board, providing background and history of the County's gold collection/display, including the various gold pieces that were either purchased by the County or donated to the collection. Ms. Nielsen summarized various items in the original gold display, including 'The Shoe' gold nugget that was purchased in 1913 and a gold pocket watch that was donated by local resident Virgil Nesbitt. Ms. Nielsen additionally provided an overview of the burglary that occurred on February 1, 2012 when approximately 321 ounces of the total 625 ounces of gold were stolen. Ms. Nielsen advised that the remaining gold was moved to a confidential secure location and provided an overview of how the \$1.17 million insurance payment/recovery was disseminated.

Ms. Nielsen further advised that efforts have been made to determine if a secure location for displaying the gold is available, sharing concerns that the State-owned Courthouse would not display the collection due to liability issues. Ms. Nielsen recommended that the gold collection not be displayed, sharing concerns that the County does not have the resources to display in a fully secure manner.

Audience member Robert Kaster appeared before the Board, speaking in support of development of a working group/committee that could explore options for displaying the collection.

Discussion followed between members of the Board, Ms. Nielsen and Mr. Kaster regarding a possible virtual tour of the collection that could be viewed versus physically displaying the gold, the investment of a portion of the insurance compensation, the difficulties associated with locating a secure location to display the collection that would be available to the majority of the public and the County and Mr. Kaster exchanging information regarding the issue.

Public Works - Road Department - Discussion, direction and possible action re first reading of an ordinance amending Title 3 "Public Safety", Chapter 4 "Traffic" of the Siskiyou County Code to add Article 16 "Off-Highway Vehicles" Sections 3-4.1601 through 3-4.1603 regarding the authorized combined use of certain unpaved county roads with motor vehicles and Off-Highway Vehicles (OHV). First reading approved; public hearing for second reading scheduled for December 5, 2023.

Public Works Director Tom Deany appeared before the Board and provided a brief overview of the request, advising that County Counsel would summarize recommended revisions to the proposed ordinance language.

County Counsel Natalie E. Reed read into the record various corrections to the proposed ordinance, including Sections 4-6.1601, 4-6.1602 and 4-6.1601 (within the body of the ordinance), corrected to 3-4.1601, 3-4.1602 and 3-4.1603, respectively, and renumbering of Sections XII and XIII to Sections II and III. Ms. Reed additionally advised of the need to add Section IV: CEQA Exemption: Roadways (paved, gravel, or dirt) that are classified within the County roadway system are improved roads that have similar impacts to a road that is accessed and utilized by a standard operating vehicle. Therefore, the project is exempted under Categorical Exemption (Class 1), Existing Facilities, Section 15301 as the roads are disturbed surfaces that have a longstanding history of use. This project is exempt because the roadways are currently constructed and in place whether that be paved, gravel, or dirt, and are currently being used by the public for access. Additionally, the project is exempt under the common-sense exemption as the project does not have the potential for causing a significant effect on the environment because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Continued...

Public Works - Road Department – (continued)

Discussion followed between members of the Board, Mr. Deany and Ms. Reed regarding the research and review that was performed by County staff and California Highway Patrol (CHP), CHP's approval of the proposed uses on certain unpaved County roads, the anticipated process and types of signs that would be situated along the affected roadways, the requirement that OHV vehicles be trailered in order to cross Highway 96 and the certain roads listed in the proposed ordinance that would be affected.

It was moved by Supervisor Ogren, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to introduce, waive, and approve the first reading of an ordinance adding Article 16 "Off-Highway Vehicles" Sections 3-4.1601 through 3-4.1603 to Chapter 4, Title 3 of the Siskiyou County Code, and direct the Clerk to schedule a public hearing on, and second reading of, the ordinance on December 5, 2023.

Community Development - Discussion, direction and possible action re Groundwater Well Application Process Guidelines 2023. Staff direction given following the presentation.

Community Development Director Rick Dean appeared before the Board, requesting Board input with regard to proposed draft Groundwater Well Application Process Guidelines 2023. Mr. Dean additionally requested input with regard to requiring an indemnification agreement associated with production well permits. Mr. Dean advised that an upcoming agenda item (from Larry Walker Associates/Dr. Foglia) regarding a groundwater permit decision support tool would provide additional information concerning groundwater permits.

In response to Supervisor Kobseff, County Counsel Natalie E. Reed advised that the draft groundwater well application guidelines (Guidelines) were meant to be an informational/educational guide to explain the County's required consideration of the public trust doctrine and that the upcoming agenda item would present a possible alternative permit decision making tool.

Tulelake Groundwater Sustainability Agency (GSA) Core Team member Kraig Beasley appeared before the Board, sharing concerns regarding the two agenda items and requested that Dr. Foglia's presentation be heard prior to the Board making decisions with regard to the draft Guidelines.

Gazelle resident Tim Nielsen appeared before the Board and requested consideration of permitting for the deepening of older production wells (alteration) due to the negative impacts to groundwater supply associated with newer, deeper neighboring wells.

Salmon and Steelhead Coalition representative Amanda Cooper appeared before the Board, suggesting recommendations related to a draft well ordinance and public trust resource identification/clarification, development of a stakeholder process, standards for evaluating potential negative impacts in the permit process, a smaller definition of de minimis wells, and development of various monitoring, reporting and mitigation measures.

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

Caller Environmental Law Firm representative Nathaniel Kane advised of submitting a letter to the Board commenting on the draft well ordinance.

Ms. Reed advised that the item was not to consider a draft well ordinance but to review draft guidelines associated with the groundwater well permit application process.

Caller Nick Joslin spoke in support of Mr. Nielsen's comments regarding neighboring groundwater well impacts, advising of the need to continue outreach regarding the public trust doctrine and well permitting process.

Caller Nature Conservancy representative Monte Schmidt commented regarding the public trust doctrine and the potential for negative impacts associated with neighboring wells.

Discussion followed between members of the Board, Mr. Dean and Ms. Reed regarding the need for input/direction related to a possible requirement associated with indemnification agreements for those requesting well permits, the information provided in the guidelines concerning the Governor's drought Orders, a possible sunset clause and/or deadline related to the drought Orders and various opposition to an indemnification agreement requirement.

Continued...

Community Development – (continued)

Ms. Reed advised that the County adopted a Resolution concerning indemnification agreements for project developers with regard to possible legal costs associated with public projects.

Further discussion followed regarding the need for licensed hydrogeologist(s) in the groundwater well permitting process, certain sections in the draft guidelines that would not be effective if/when the Governor's Orders are rescinded and the impact of the Governor's Orders and the County's inability to allow deepening of groundwater wells at the moment (no exception available to address well modification by deepening).

It was moved by Supervisor Haupt to direct staff specifically not to include the requirement of an indemnification agreement with production well permit issuance and direct staff to come back to the Board of Supervisors with a resolution to adopt the groundwater well application process guidelines.

Following discussion regarding the language in the Governor's Orders, the guidelines designed to provide educational information to the public regarding the well permitting process and the need to table this item until the presentation by Dr. Foglia with Larry Walker and Associates is presented, Supervisor Haupt withdrew his motion.

Later in the meeting and following Dr. Foglia's presentation, it was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to direct staff specifically not to include the requirement of an indemnification agreement with production well permit issuance and direct staff to come back to the Board of Supervisors with a Resolution to adopt the groundwater well application process guidelines.

Public Requests - Larry Walker and Associates/Dr. Laura Foglia/Community Development - Presentation re possible development of a Groundwater Permit Decision Support Tool. Staff direction given following the presentation.

Dr. Laura Foglia appeared before the Board and presented a powerpoint presentation regarding a potential tool to be utilized during the well permitting process, including an overview of the Governor Executive Order N-7-22 related to well permits and the County's ability to grant them. Dr. Foglia continued the powerpoint, including the various groundwater basins in the County and a proposed solution to address the Governor's Order and the public trust doctrine. Dr. Foglia summarized a process to provide analysis specific to each groundwater basin by creating matrices based on aquifer geology and modeling. The matrices would be used to analyze well permit applications for non-ministerial wells with regard to possible interference with neighboring wells. Dr. Foglia provided an overview of the proposed process for ministerial wells permit requests (express permits) and the possible scenarios for permits associated with the Governor's Order and the public trust doctrine. Dr. Foglia further summarized a Sensitive Map that could be used to evaluate areas associated with the public trust doctrine requirements.

Discussion followed between members of the Board and Dr. Foglia regarding possible methods for reviewing permits with regard to public trust doctrine and the ability of landowners to utilize the services of a licensed hydrogeologist as an option to the proposed process.

Dr. Foglia continued the powerpoint, including suggested information for a well permit application (i.e. a map/table of nearby wells, recent water depth measurements) and examples of a simplified permit process being used by other counties.

Further discussion followed regarding the need to destroy an old well properly once a new well is approved, the benefits associated with well metering information in the well permitting analysis, the need to analyze requests to deepen wells similar to new well permit requests, the need for analysis/information regarding potential negative impacts associated with lack of groundwater recharge due to curtailment orders, potential negative impacts with well metering, opposition to well meters, potential costs to landowners and the County associated with utilizing the proposed support tool and the estimated timeframes for developing the support tool for the Scott, Shasta and Tulelake basins.

In response to Vice Chair Kobseff, Ms. Reed and Mr. Dean advised that Community Development was requesting Board input with regard to working with Dr. Foglia on developing and implementing a Permit Decision Support Tool.

Continued...

Public Requests - (continued)

Brief discussion followed, including Tulelake Groundwater Sustainability Agency (GSA) Core Team member Craig Beasley, regarding available grant funding to cover a portion of the costs associated with developing the Permit Decision Support Tool, denial of Tulelake Basin's Groundwater Sustainability grant request, the need to discuss/consider well metering at a later date and the possible costs landowners associated with the Support Tool in sensitive and non-sensitive basins/areas.

It was moved by Supervisor Criss, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to direct staff to continue to work with Dr. Foglia to further develop and implement a permit decision permitting support tool for the purpose of establishing groundwater production well parameters to address the Governor's order and Public Trust Doctrine consideration, by incorporating the comments made during this presentation.

Closed Session - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), 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, commenced at 12:38 p.m., concluded at 1:12 p.m., with no action taken.

Report On Closed Session

County Counsel Natalie E. Reed announced that closed session concluded at 1:12 p.m., with no reportable action taken.

County Counsel - Discussion, direction and possible action re first reading of an Ordinance amending Sections 1-5.09 and 1-5.13 of the Siskiyou County Code regarding imposition of property liens. First reading approved; public hearing for second reading scheduled for December 5, 2023.

Assistant County Counsel William Carroll appeared before the Board, providing an overview of the request to amend County Code with regard to the imposition of property liens. Mr. Carroll recommended the amendment due to a recent Federal case related to cities' power to collect administrative fines through property liens.

In response to Supervisor Haupt, Mr. Carroll advised that there is not state case law on point that directly addresses the issue for the County, although the Governor's Office had twice vetoed related property lien legislation.

Following discussion between members of the Board and Mr. Carroll regarding the Federal case and the Governor's veto of related legislation, it was moved by Supervisor Criss, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Criss and Ogren voting YES, Supervisor Kobseff voting NO and Supervisor Valenzuela ABSENT to introduce, waive, and approve the first reading of an ordinance amending Sections 1-5.09 and 1-5.13 of the Siskiyou County Code Regarding imposition of property liens; find the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR Section 15061(b)(3); and direct the Clerk to schedule a public hearing on, and second reading of, the ordinance on December 5, 2023.

County Counsel - Discussion, direction and possible action re first reading of an Ordinance amending Section 10-14.100 of the Siskiyou County Code regarding amount of administrative fines and imposition of property liens. First reading approved; public hearing for second reading scheduled for December 5, 2023.

Assistant County Counsel William Carroll appeared before the Board, providing an overview of the request to amend County Code with regard to the administration of fines and the imposition of property liens. Mr. Carroll recommended the amendment due to a recent unpublished Federal case related to a city's power to collect administrative fines through property liens, although no State case law directly addresses the issue for the County.

It was moved by Supervisor Criss, seconded by Supervisor Haupt to introduce, waive, and approve the first reading of an ordinance amending Section 10-14.100 of the Siskiyou County Code regarding administrative civil penalties; find the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 CCR Section 15061(b)(3); and direct the Clerk to schedule a public hearing on, and second reading of, the ordinance.

Continued...

County Counsel – (continued)

Following brief discussion between members of the Board, Mr. Carroll, Community Development Director Rick Dean and Deputy County Clerk Wendy Winningham regarding Community Development's review for property fines when processing certain permit requests and timing to hold the second reading public hearing, the Vice Chair called for the vote.

Following a roll call vote with Supervisors Haupt, Criss and Ogren voting YES, Supervisor Kobseff voting NO and Supervisor Valenzuela ABSENT, the motion to schedule a public hearing on, and second reading of, the ordinance on December 5, 2023 carried.

County Clerk - Discussion, direction and possible action to set a date and time for a Personnel hearing re an appeal of termination filed on behalf of a Sheriff's Office employee. Special meeting for a Personnel hearing set on February 7, 2024.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the appellant and/or their representative requested a full day hearing during February 2024.

Following discussion between members of the Board, Ms. Winningham, County Administrator Angela Davis and Assistant County Counsel William Carroll regarding the regular Board meeting dates for February 2024, the request for a full day for the hearing and availability of staff and the Board Chambers, it was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to schedule a special meeting for a Personnel hearing re an appeal of termination filed on behalf of a Sheriff's Office employee on Wednesday, February 7, 2024 at 9 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.

Appointments - County Clerk - Appointment of one member to the unscheduled vacancy on the Mayten Fire Protection District, for a short term ending August 15, 2026. Monte Whipple appointed.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the Clerk's Office received a letter of interest in serving on the District Board from Monte Whipple who was eligible to serve. In addition, Ms. Winningham advised that the Mayten Fire Protection District Board supported his appointment.

It was moved by Supervisor Kobseff, seconded by supervisor Criss and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to appoint Monte Whipple to the unscheduled vacancy on the Mayten fire Protection District, for a term ending August 15, 2026.

Appointments - County Clerk - Appointment of one member to the PSA 2 Area Agency on Aging Advisory Council for a four-year term effective the date of appointment. Michelle Harris appointed.

Deputy County Clerk Wendy Winningham provided an overview of the request, advising that the Clerk's Office received a letter of interest in filling the vacancy from Michelle Harris, advised that various members of the PSA 2 Area Agency on Aging Advisory Council and Executive Board were in support of her appointment.

It was moved by Supervisor Ogren, seconded by Supervisor Criss and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to appoint Michelle Harris to the unscheduled vacancy on the PSA 2 Area Agency on Aging Advisory Council, for a term ending November 14, 2027.

Appointments - County Clerk/Registrar of Voters - Appointments In-Lieu of Election of the persons who filed a declaration of candidacy or other qualified appointees as needed, pursuant to Elections Code §10515. Jennifer Frick appointed in lieu of election to the Scott Valley Fire Protection District.

Deputy County Clerk Wendy Winningham provided an overview of the request to make Appointments in Lieu of Election to various Special Districts that were continued from November 7, 2023. Ms. Winningham advised that one short term on the Grenada Fire Protection District and one full term on the Hornbrook Fire Protection District were continued, although no letters of interest in filling those positions had been received.

Ms. Winningham further advised that the Clerk's Office received a letter of interest in serving on the Scott Valley Fire Protection District from Jennifer Frick and that she was eligible to serve.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to appoint in lieu of election Jennifer Frick to the Scott Valley Fire Protection District for a full term, December 1, 2023 through December 3, 2027.

Ms. Winningham advised that the Callahan Water District had two full terms and one short term on their District Board, although the Clerk's Office had not received any letters of interest in serving.

No action was taken with regard to the Grenada Fire Protection District, one short term, the Hornbrook Fire Protection District, one full term and the Callahan Water District, two full terms and one short term.

Public Hearings - Community Development - Planning Division - Public hearing to consider a Resolution adopting the Final 6th Cycle 2023-2031 Siskiyou County Housing Element. Resolution 23-210 adopted.

This was the time set for a public hearing to consider a Resolution adopting the Final 6th Cycle 2023-2031 Siskiyou County Housing Element.

Vice Chair Kobseff opened the public hearing.

Deputy Director of Planning Hailey Lang appeared before the Board, introducing Housing Tools representative James Coles to continue the item. Ms. Lang provided an 11-page powerpoint presentation.

Mr. Coles presented the powerpoint, including an overview of the purpose, associated timeframes and the State's oversight of Housing Element development. Mr. Coles continued the powerpoint, including an overview of legislation passed since 2014, the County's Housing Element mandates required by that legislation (i.e. Accessory Dwelling Units-ADUs, furthering Fair Housing, evaluating adequate sites inventory, etc.), public outreach efforts, revisions made to Housing Element versions v1 and v2 and the processes for adopting a final version v3.

In response to Vice 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 Kobseff and carried, following a roll call vote with Supervisors Haupt, Criss, Ogren and Kobseff voting YES and Supervisor Valenzuela ABSENT to adopt Resolution 23-210 to adopt the Final 2023-2031 Housing Element.

Public Hearings - Community Development - Continued public hearing for discussion, direction and possible action re presentation of a vacation rental analysis report and identified policy recommendations. Consensus of the Board to send a draft vacation rental Ordinance to the Planning Commission for review.

Supervisor Criss recused himself from consideration of this item and left the Board Chambers.

This was the time set for a continued public hearing for discussion, direction and possible action re presentation of a vacation rental analysis report and identified policy recommendations, having been continued from October 17, 2023.

Deputy Director of Planning Hailey Lang appeared before the Board, advising that a rough draft of a proposed vacation rental ordinance was in the agenda packet. Ms. Lang summarized previous discussions and the associated processes that were developed with regard to obtaining vacation rental permits and the associated permit approval and/or appeal processes.

Continued...

Public Hearings - Community Development – (continued)

Brief discussion followed between member of the Board, Ms. Lang, Assistant County Counsel William Carroll and Deputy County Clerk Wendy Winningham regarding the need for the Planning Commission to review the proposed Ordinance and the timing associated with the Board’s ordinance adoption process.

In response to the Vice Chair, Ms. 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.

Brief discussion followed regarding the potential appeal process for certain vacation rental permit requests.

It was the consensus of the Board to direct that a draft ordinance be submitted to the Planning Commission for their review.

Board and Staff Reports

There were no Board of Staff Report given.

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