The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 19th day of March, 2019; there being present Supervisors Brandon Criss, Michael N. Kobseff, Ed Valenzuela, Lisa L. Nixon and Ray A. Haupt, County Administrator Terry Barber, 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 Criss. Pursuant to AB23, the Clerk announced that the Board members receive no additional compensation for sitting as members of Siskiyou County Flood Control and Water Conservation District and County Service Area #3. Supervisor Nixon led in the salute to the flag of the United States of America.


County Counsel Edward J. Kiernan requested that the Board consider an urgency item that came to the County’s attention after the posting of the regular agenda regarding litigation entitled: Cox v. Padilla, et al., Superior Court for the County of Sacramento, Case No. 34-2019-80003090-CU-WM-GDS. Mr. Kiernan requested that the item be added to the closed session agenda.

It was moved by Supervisor Kobseff, seconded by Supervisor Nixon and unanimously carried to consider an item not on the posted agenda regarding conference with legal counsel, existing litigation pursuant to Government Code §54956.9(d)(1), name of case: Cox v. Padilla, et al., Superior Court for the County of Sacramento, Case No. 34-2019-80003090-CU-WM-GDS.

CLOSED SESSION - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), four cases, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, initiation of litigation pursuant to Government Code §54956.9(d)(4), two cases, conference with labor negotiators pursuant to Government Code §54957.6, commenced at 8:33a.m, concluded at 9:52a.m., with action taken.

REPORT ON CLOSED SESSION

County Counsel Edward J. Kiernan announced that closed session concluded at 9:52a.m., with reportable action taken.

With regard to item 2E, Conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, initiation of litigation pursuant to Government Code §54956.9(d)(4), two cases, it was moved by Supervisor Haupt, seconded by Supervisor Nixon and unanimously carried with a unanimous 5/0 vote, to authorize Counsel to file an amicus brief in connection with a case entitled: Klamath-Siskiyou Wildlands Center v. Grantham et al., (United States Court of Appeals for the 9th Circuit, Case No. 19-15384, as amici curiae).

INVOCATION - Siskiyou County Sheriff Chaplain Linda Ripley provided the invocation.
At Supervisor Kobseff’s request, item 5C, County Administrator’s side letter agreement with the Organized Employees of Siskiyou County (OESC) Miscellaneous Unit regarding compensatory time for certain Treasurer-Tax Collector’s employees, item 5N1, - Transfer of Funds, Airports - $1,405 and item 5N2 - Transfer of Funds, Airports - $19,004, were pulled from the consent agenda for discussion.

At Supervisor Nixon’s request, items 5D and 5F, General Services – Airports’ hangar lease agreements with Matthew D. Freeman and Charles P. Schlumpberger, were pulled from the consent agenda for discussion.

It was moved by Supervisor Kobseff, seconded by Supervisor Valenzuela and unanimously carried, that the following consent agenda is approved, and the Chair and/or clerk authorized to execute/record any necessary documents:

**AGRICULTURE**
Approve agreement 18-0272 between the California Department of Food and Agriculture and the Siskiyou County Department of Agriculture, in the amount of $18,991, term July 1, 2018 – June 30, 2019 and authorize the County Administrative Officer to execute the agreement.

**COUNTY ADMINISTRATOR**
Approve a letter of support for the Castle Crags Century Bike Ride.

**GENERAL SERVICES – AIRPORTS**
Authorize the Chair to execute the hangar land lease between the County of Siskiyou and Nina Whitehurst, for the term of June 1, 2018 through May 31, 2048.

**GENERAL SERVICES – SANITATION**
Adopt Resolution 19-34 of the Siskiyou County Board of Supervisors authorizing the ratification of a grant application to CalRecycle for the Local Government Waste Tire Amnesty Grant Program TA5 Cycle FY 2019/20, authorize County Administrative Officer to execute all necessary grant documents pertaining to the TA5 grant and implement the approved grant project on behalf of the County of Siskiyou and authorize Auditor to establish budget if awarded.

**HEALTH AND HUMAN SERVICES AGENCY**
Approve request to create one Staff Development Analyst position, 1.0 FTE and delete one Staff Services Analyst II position, 1.0 FTE, effective March 24, 2019.

**HEALTH AND HUMAN SERVICES - BEHAVIORAL HEALTH DIVISION**
Approve a new full-time (1.0 FTE) BH Executive Secretary position, 1.0 FTE, in the Mental Health budget, effective March 24, 2019.

**HEALTH AND HUMAN SERVICES - BEHAVIORAL HEALTH DIVISION**
Approve request to create a new Health Navigator classification and one Health Navigator position, 1.0 FTE, effective March 24, 2019.

**HEALTH AND HUMAN SERVICES - PUBLIC HEALTH DIVISION**
Approve request to create a Community Outreach Coordinator II position, 1.0 FTE, effective March 24, 2019.

Continued…….
HEALTH AND HUMAN SERVICES - SOCIAL SERVICES DIVISION  
Approve and authorize the Chair to sign the CalSAWS Consortium Second Amended and Restated Joint Exercise of Powers Agreement and Memorandum of Understanding (MOU) between the CalSAWS Consortium and the County of Siskiyou, for the term of the JPA and MOU shall commence on June 28, 2019 and shall remain in effect so long as the Member is a member of the Consortium, until terminated.

HEALTH AND HUMAN SERVICES - SOCIAL SERVICES DIVISION  
Approve Application for Destruction of Records.

TRANSFER OF FUNDS - Behavioral Health - Local MHSA - $12,596. Resolution 19-35 adopted.


TRANSFER OF FUNDS - Sanitation/Beverage Recycle Grant - $7,000. Resolution 19-40 adopted.

COUNTY ADMINISTRATOR - Approve side letter agreement with the Organized Employees of Siskiyou County (OESC) Miscellaneous Unit regarding compensatory time for Treasurer-Tax Collector employees during County paid holidays. Approved.

This item was pulled from the consent agenda at Supervisor Kobseff’s request.

Supervisor Kobseff shared concerns regarding the request to provide compensatory time to certain employees during the County’s Cesar Chavez and other County provided holidays, and requested staff research/review into possible methods for minimizing the costs associated with the holiday time off.

It was moved by Supervisor Kobseff, seconded by Supervisor Valenzuela and unanimously carried to approve the side letter between Organized Employees of Siskiyou County (OESC) Miscellaneous Unit and the County.

GENERAL SERVICES – AIRPORTS - Approve hangar land lease agreement with Matthew D. Freeman for hangar #O located at the Weed Airport, with base annual rent of $483.84, with adjustments to be made as detailed in the agreement, for the term December 1, 2018 through November 30, 2048. Approved.

This item was pulled from the consent agenda at Supervisor Nixon’s request. Supervisor Nixon shared concerns regarding the lengthy timeframe for processing the two hangar land lease agreements.

Discussion followed between members of the Board and Transportation Manager Melissa Cummins regarding the tenant’s payment schedule, the Department’s lease/agreement processing timeframes and associated procedures and the Department’s policy that a hangar is not to be used (or a tenant to ‘move in’) until a lease agreement has been approved by the Board of Supervisors.

Continued……
Ms. Cummins shared concerns regarding the potential lengthy turnaround times for airport tenants to return signed lease documents to the Department.

Following further discussion, including County Counsel Edward J. Kiernan and County Administrator Terry Barber regarding the various other County departments that are part of the hangar lease agreement approval process, the need for additional information regarding the lease processing timeframes and the prioritization of projects at the General Services Department, it was moved by Supervisor Nixon, seconded by Supervisor Kobseff and unanimously carried to authorize the Chair to execute the hangar land lease between the County of Siskiyou and Matthew D. Freeman for the term of December 1, 2018 through November 30, 2048.

GENERAL SERVICES – AIRPORTS - Approve hangar land lease agreement with Charles P. Schlumpberger for hangar #N located at the Weed Airport, with base annual rent of $598.37, with adjustments to be made as detailed in the agreement, for the term October 1, 2016 through September 30, 2046. Approved.

This item was pulled from the consent agenda at Supervisor Nixon's request. Supervisor Nixon shared concerns regarding the lengthy timeframe for processing the two hangar land lease agreements.

Discussion followed between members of the Board and Transportation Manager Melissa Cummins regarding the tenant’s payment schedule, the Department’s lease/agreement processing timeframes and associated procedures and the Department’s policy that a hangar is not to be used (or a tenant to ‘move in’) until a lease agreement has been approved by the Board of Supervisors.

Ms. Cummins shared concerns regarding the potential lengthy turnaround times for airport tenants to return signed lease documents to the Department.

Following further discussion, including County Counsel Edward J. Kiernan and County Administrator Terry Barber regarding the various other County departments that are part of the hangar lease agreement approval process, the need for additional information regarding the lease processing timeframes and the prioritization of projects at the General Services Department, it was moved by Supervisor Nixon, seconded by Supervisor Kobseff and unanimously carried to authorize the Chair to execute the hangar land lease between the County of Siskiyou and Charles P. Schlumpberger for the term of October 1, 2016 through September 30, 2046.

TRANSFER OF FUNDS - Airports - $1,405. Requires 4/5 Vote. No action was taken on this item.

This item was pulled from the consent agenda at Supervisor Kobseff’s request. Supervisor Kobseff shared concerns regarding the increasing use of Airport funds toward previously approved airport projects, for airport administrative costs and potential duplication of efforts by multiple County departments.

Discussion followed between members of the Board and Transportation Manager Melissa Cummins regarding the budget transfer request to reimburse certain County departments for current and future (through the current fiscal year) work done at local airport facilities, the Department’s process to track various employees’ time/effort spent on airport projects, the need increase efficiencies to reduce overall costs, and the need for additional information regarding the type of work being done and charged to the airport budget.

No action was taken on this agenda item.
TRANSFER OF FUNDS - Airports - $19,004. Requires 4/5 Vote. No action was taken on this item.

This item was pulled from the consent agenda at Supervisor Kobseff’s request. Supervisor Kobseff shared concerns regarding the increasing use of Airport funds toward previously approved airport projects, for airport administrative costs and potential duplication of efforts by multiple County departments.

Discussion followed between members of the Board and Transportation Manager Melissa Cummins regarding the budget transfer request to reimburse certain County departments for current and future (through the current fiscal year) work done at local airport facilities, the Department’s process to track various employees’ time/effort spent on airport projects, the need increase efficiencies to reduce overall costs, and the need for additional information regarding the type of work being done and charged to the airport budget.

No action was taken on this agenda item.

PRESENTATIONS FROM THE PUBLIC

County resident Theo Johnson provided comments from Karin Newton, who voiced opposition to the Planning Commission’s upcoming consideration of an Agri-tourism item (proposed amendment to the Siskiyou County Code). Ms. Johnson additionally voiced her opposition to the Agri-tourism item, advising of various potential negative impacts associated with amending the County Code to allow Agri-tourism activities on local farms/ranches. Ms. Johnson advised of the need for Scott Valley residents to voice their opinion regarding the potential amendment.

Scott Valley resident Oliver Dowling voiced opposition to the proposed Agri-tourism item (to be considered by the Planning Commission), advising of the potential for the amendment to change to character of Scott Valley.

PUBLIC REQUESTS - PACIFIC GAS AND ELECTRIC COMPANY - Presentation regarding Pacific Gas and Electric Company's (PG&E's) Community Wildfire Safety Program. Presentation and discussion only.

Pacific Gas and Electric Company (PG&E) representative Richard Hadley distributed a two-page overview of PG&E’s Community Wildfire Safety Program and a four-page overview of their Public Safety Power Shutoff (PSPS) notification process. Mr. Hadley introduced PG&E representatives Mike Weaver and Jeff Lee who were available to answer questions.

Mr. Hadley presented a powerpoint presentation regarding the Community Wildfire Safety Program, including an overview of the equipment and process for monitoring for weather conditions for potential wildfire conditions and PG&E’s efforts to enhance vegetation management and install stronger/resilient infrastructure to decrease wildfire risks. Mr. Hadley advised that PG&E exceeded the State’s standards for minimum vegetation clearance distances (12 feet vs. 4 feet) around and above power poles/lines, and provided an overview of the Company’s safety inspection processes/timeframes.

Discussion followed between members of the Board, Mr. Hadley and Mr. Weaver regarding the locations of PG&E equipment within Siskiyou County, the possible sources for wildfire ignition (i.e. arcing powerlines, bird strikes), safety inspection processes and the increasing use of drones and helicopters to inspect power poles/lines.

Continuing the powerpoint, Mr. Hadley provided an overview additional safety measures being implemented, including automatic circuit breaker closure during high risk of wildfire conditions, the various factors that comes into play to determine the need to shutoff power in certain areas (Public Safety Power Shutoff (PSPS) notification system) and the Tier 2 (elevated) and Tier 3 (extreme) fire-threat areas in California.

Continued…….
Further discussion followed, including Mr. Lee regarding the Tier 2 and Tier 3 areas of high risk wildfire conditions, the potential for certain areas of the State to be without power for extended periods (i.e. 4-6 weeks) during wildfire season, an upcoming tabletop exercise designed to work through various PSPS conditions and scenarios, the involvement of various State and county agencies in developing protocols for power shutdown and restoration, the need for potentially impacted residents to prepare for possible loss of power during these events and Supervisor Haupt’s participation in the State’s task force related to forest fuels management.

Audience member Derrick Roberts voiced concerns regarding the potential for a power shutdown to negatively impact local residents who could prevent a wildfire from spreading (if power shutdown turns off water pumps/sprinklers).

Further brief discussion followed regarding the inspection process that will be utilized prior to re-energization of power lines/facilities after a shutdown.

PUBLIC HEARINGS - COMMUNITY DEVELOPMENT - PLANNING DIVISION - Public hearing for the first reading of an ordinance reclassifying 1579.75 acres of land located in the Moffett Creek drainage, east of the Town of Fort Jones, from Rural Residential Agricultural, 40-acre minimum parcel size (RRB40) to Timber Production (TPZ) on APNS 022-020-160, 022-020-170, 022-020-180, 022-020-290, 022-030-470, and 022-410-110; Sections 5, 15, 16, and 17, Township 43N, Range 7W, MDB&M, for the proposed Raitz rezone project (Z1805). First reading approved; public hearing for second reading continued to April 2, 2019 at 10:30 a.m.

This was the time set for a public hearing for the first reading of an ordinance reclassifying 1579.75 acres of land located in the Moffett Creek drainage, east of the Town of Fort Jones, from Rural Residential Agricultural, 40-acre minimum parcel size (RRB40) to Timber Production (TPZ) on APNS 022-020-160, 022-020-170, 022-020-180, 022-020-290, 022-030-470, and 022-410-110; Sections 5, 15, 16, and 17, Township 43N, Range 7W, MDB&M, for the proposed Raitz rezone project (Z1805).

Chair Criss opened the public hearing and Deputy County Clerk Wendy Winningham read the agenda item information into the record.

Deputy Director of Planning Christy Cummings Dawson provided an overview of the project staff report, advising that, following review of the proposed zone change request for potential environmental impacts, staff determined that the project would not adversely impact the environment as the proposed Timber Production Zone (TPZ) is more restrictive that the current Rural Residential Agricultural zoning. Ms. Cummings Dawson additionally advised that the Planning Commission considered the request and adopted a Resolution recommending that the Board of Supervisor adopt the California Environmental Quality Act (CEQA) ‘common sense’ exemption and approve the zone change request.

Discussion followed between members of the Board and Ms. Cummings Dawson regarding the anticipated, future process that would be utilized to develop a Timber Harvest Plan, the land qualities and the vegetation stocking standards that quality the project to be zoned as TPZ, the inability of proposed agri-tourism activities to be allowed under TPZ zoning and the types of recreational activities and structures that could be allowed in the TPZ zoning, with or without a Conditional Use Permit.

In response to Chair Criss, Ms. Winningham and Ms. Cummings Dawson advised that no correspondence related to this issue had been received.

Audience member Derrick Roberts spoke in support of recreational activities being allowed in the proposed zone.

Continued………. 
It was moved by Supervisor Nixon and seconded by Supervisor Haupt to introduce, waive and approve the first reading of the proposed Raitz rezoning to amend Zoning District Maps 10-6.205-288, 10-6.205-327, and 10-6.205-328, direct the Clerk to schedule a continued public hearing on adoption of the CEQA exemption and a second reading of the ordinance amending Zoning District Maps 10-6.205-288, 10-6.205-327, and 10-6.205-328 on April 2, 2019 at 10:30a.m. The Clerk read the Ordinance title into the record and the motion carried unanimously.

COUNTY COUNSEL/COMMUNITY DEVELOPMENT-PLANNING DIVISION - Discussion and possible direction re commercial cannabis and the regulation of commercial cannabis activities in Siskiyou County.

Assistant County Counsel Natalie E. Reed provided an overview of the request, advising of the need for Board direction with regard to commercial cannabis activities, as the County’s current, temporary moratorium on commercial cannabis activities would expire on August 6, 2019. Ms. Reed summarized various methods utilized by other California jurisdictions to regulate commercial cannabis activities (including cultivation, dispensing, etc.) and the possible categories of license types the Board may consider for use in Siskiyou County. Ms. Reed shared concerns regarding the slow progression of the State’s cannabis regulatory program/system, the increasing amount of proposed cannabis-related legislation and the backlog of cannabis licenses at the State level needing to be processed. Ms. Reed advised that County staff has been working to develop a commercial hemp licensing program/process which could possibly negatively impact commercial cannabis cultivation (due to possible cross-pollenization).

Sheriff Jon Lopey voiced opposition to the County engaging in and allowing commercial cannabis cultivation activities, due to the ongoing efforts to address/eradicate illicit cannabis/marijuana grows within the County. Sheriff Lopey additionally voiced concerns regarding the negative impact of marijuana on the youth of the County and the nation.

Supervisors Kobseff and Haupt voiced opposition to the County engaging in/regulating commercial cannabis cultivation activities.

Supervisor Nixon shared concerns that the County was not prepared to engage in or regulate commercial cannabis cultivation activities at the present time.

In response to Supervisor Nixon, Ms. Reed advised that the ‘next step’, should the Board not wish to engage in regulating commercial cannabis cultivation activities, would be development of zoning regulations through adoption of an ordinance.

Supervisor Valenzuela spoke in support of the County allowing commercial cannabis activities in certain zoning districts, advising of the potential associated economic/revenue benefits.

Supervisor Criss voiced opposition to the County allowing commercial cannabis activities, advising that there are local cities that could provide access to commercial recreational cannabis in the County.

It was the consensus of the Board that the County not engage in regulating commercial cannabis activities at the current time.

Ms. Cummings Dawson advised that, following the Board’s direction, staff would engage in development of an ordinance to ban commercial cannabis cultivation in all County zoning districts and requested that members of the Board let her know if they wish to consider moving in a different direction at a later date.
NATURAL RESOURCES - Discussion, direction and possible action re request to approve cover letter and associated Memo to the Record, providing comments on the Bureau of Reclamation’s 2018 Biological Assessment and Recommendations as part of the National Marine Fisheries Service and United States Fish and Wildlife Service development of the 2019 Biological Opinion for the Klamath Project. Cover letter amended and approved; Memo to the Board approved.

Natural Resource Policy Specialist Elizabeth Nielsen provided an overview of the request, advising that the County’s contractor Four Waters Aquatics developed a draft Memo to the Record commenting on the Bureau of Reclamation’s 2018 Biological Assessment and Recommendations as part of NMFS and USFWS Development of the 2019 Biological Opinion for the Klamath Project. Ms. Nielsen distributed a final Memo to the Record document.

Supervisor Haupt requested that the cover letter include verbiage to call attention to short-term impacts versus long-term impacts related to the Endangered Species Act (ESA) and the Biological Opinion.

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and unanimously carried to approve the Memo to the Board and cover letter, including the additional verbiage per Supervisor Haupt’s request and authorizing the Chair to sign the letter.

BOARD OF SUPERVISORS’ REQUESTS - BOARD OF SUPERVISORS - Review status of local emergency related to imminent threat of catastrophic wildfire as declared by Resolution 14-154; action to extend or terminate local emergency. Local emergency extended.

Supervisor Haupt requested additional information regarding the status of the current emergency declaration and the definition of ‘imminent threat’ of wildfire.

Following brief discussion between members of the Board and Natural Resource Policy Specialist Elizabeth Nielsen regarding need for research into fuels density and other forest conditions, it was moved by Supervisor Haupt, seconded by Supervisor Kobseff and unanimously carried to extend the local emergency related to imminent threat of catastrophic wildfire as declared by Resolution 14-154.

BOARD OF SUPERVISORS’ REQUESTS - BOARD OF SUPERVISORS - Review status of local emergency related to the proliferation of illegal cannabis cultivation as declared by Resolution 17-117; action to extend or terminate local emergency. Local emergency extended.

It was moved by Supervisor Nixon, seconded by Supervisor Criss and carried with Supervisors Haupt, Kobseff, Nixon and Criss voting YES and Supervisor Valenzuela voting NO to extend the local emergency related to the proliferation of illegal cannabis cultivation as declared by Resolution 17-117.

BOARD OF SUPERVISORS’ REQUESTS - BOARD OF SUPERVISORS - Review status of local emergency related to drought conditions, in particular conditions and curtailed irrigation deliveries to the Tulelake Irrigation District as declared by Resolution 18-39; action to extend or terminate local emergency.

In response to Supervisor Haupt, Natural Resource Policy Specialist Elizabeth Nielsen provided an update regarding current drought/water conditions in the Klamath Basin, advising that a large portion of Klamath County was under a moderate drought and/or was abnormally dry, and that the Tulelake Irrigation District receives irrigation water deliveries from the Klamath Basin.

Ms. Nielsen recommended that the Board continue the emergency declaration and that she would provide additional drought/water information in April.

Discussion followed between members of the Board, Ms. Nielsen and County Administrator Terry Barber regarding the possible need to revise the emergency declaration to reflect poor economic conditions due the possible lack of irrigation water delivery, the need for additional information on Klamath County conditions, the majority of California counties being declared ‘out of drought’ except for Siskiyou County and an area south of Los Angeles that are abnormally dry and the possible impact of a disaster/emergency declarations on grant funding opportunities. Continued…........
It was moved by Supervisor Criss, seconded by Supervisor Kobseff and unanimously carried to extend the local emergency related to drought conditions, in particular conditions and curtailed irrigation deliveries to the Tulelake Irrigation District as declared by Resolution 18-39.

MINUTE APPROVAL - March 5, 2019. Approved.

It was moved by Supervisor Kobseff, seconded by Supervisor Valenzuela and unanimously carried to approve the March 5, 2019 minutes as presented.

CLOSED SESSION - Conference with legal counsel, existing litigation pursuant to Government Code §54956.9(a), four cases, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, initiation of litigation pursuant to Government Code §54956.9(d)(4), two cases, conference with labor negotiators pursuant to Government Code §54957.6, commenced at 1:42p.m, concluded at 3:50p.m., with action taken.

REPORT ON CLOSED SESSION

County Administrator Terry Barber announced that closed session concluded at 3:35p.m., with no reportable action taken.

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: Brandon A. Criss, Chair

LAURA BYNUM, COUNTY CLERK

By: ______________________
    Deputy