

NED COE
1st District

SHANE STARR
2nd District

KATHIE RHOADS
3rd District

ELIZABETH CAVASSO
4th District

GERI BYRNE
5th District



TIFFANY A. MARTINEZ
CLERK OF THE BOARD
OF SUPERVISORS

204 S. COURT STREET
ALTURAS, CALIFORNIA 96101

PHONE: (530) 233-6201

BOARD OF SUPERVISORS MEETING REGULAR MEETING

September 26, 2023

10:00 AM Call to Order

Attendee Name	Title	Status	Arrived
Ned Coe	Supervisor District I	Present	10:00 AM
Shane Starr	Supervisor District II	Present	10:00 AM
Kathie Rhoads	Supervisor District III	Present	10:00 AM
Elizabeth Cavasso	Supervisor District IV	Present	10:00 AM
Geri Byrne	Supervisor District V	Absent	10:00 AM
Scott McLeran	Deputy County Counsel	Present	10:00 AM
Chester Robertson	County Administration Officer	Present	10:00 AM
Tiffany Martinez	Clerk of the Board/ACAO	Present	10:00 AM

Pledge of Allegiance

Moment of Prayer

A moment of prayer was provided.

Public Comment

None.

Approval or Additions/Deletions to Agenda

Motion to approve the agenda as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

Correspondence

- a. **Correspondence Received - YouthAlert! (YA) U.S.A. "Youth Peace" Advocacy and Education**

RESULT: ANNOUNCED

- b. **Correspondence Received - Public scoping letter from Forest Supervisor, Erik J. Fey requesting comments on the Lofton Reservoir Boat Dock Replacement, Cottonwood Trail Bridge Replacement, and Lower Cox Flat Restoration Project**

RESULT: ANNOUNCED

Department Head Reports

None.

1. Consent Agenda Items:

RESULT: APPROVED [UNANIMOUS]
MOVER: Elizabeth Cavasso, Supervisor District IV
SECONDER: Shane Starr, Supervisor District II
AYES: Coe, Starr, Rhoads, Cavasso
ABSENT: Byrne

- 1.a. **CONSIDERATION/ACTION: Requesting approval and authorization for the Director of Health Services to sign two amendments to the contract between the County of Modoc and CalMHSA for the Workforce Loan Repayment program, effective July 1, 2023 through December 31, 2027. (Behavioral Health)**

Contract# 2023-181

- 1.b. **CONSIDERATION/ACTION: Requesting approval and authorization for the Chair of the Board and Director of Health Services to sign a recurring contract between the County of Modoc and CalMHSA for the State Hospitals Program, not to exceed \$2,804.00 per fiscal year, effective July 1, 2023 through June 30, 2025. (Behavioral Health)**

Contract# 2023-182

- 1.c. **CONSIDERATION/ACTION: Requesting approval and authorization for the Chair of the Board to sign the annual standard agreement between the County of Modoc and Northern California EMS, Inc. for Local Emergency Medical Services Agency (LEMSA) deliverables not to exceed \$11,225.40, effective July 1, 2023 through June 30, 2024. (Public Health)**

Contract# 2023-183

- 1.d. **CONSIDERATION/ACTION: Requesting approval of the September 12, 2023 Board of Supervisors meeting minutes. (Clerk of the Board)**

2. Treasurer/Tax Collector Items:

- 2.a. **DISCUSSION/INFORMATION: Review of investment advisor, Chandler Asset Management, performance from August 1, 2015 through August 31, 2023. (Treasurer/Tax Collector)**

Treasurer/Tax Collector, Cheryl Knoch, provided a background on the Chandler Asset Management report.

A discussion was held and several questions were asked of Treasurer/Tax Collector Knoch.

3. Social Services Items:

- 3.a. **CONSIDERATION/ACTION: Requesting approval of a budget modification for Fiscal Year 2022-2023 to General Fund 001; 5220 Indigent Burials, modifying expenditures in the amount of \$439.00. (Social Services)**

Director of Social Services, Tom Sandage, provided a background on the proposed budget modification.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Elizabeth Cavasso, Supervisor District IV
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

- 3.b. **CONSIDERATION/ACTION: Requesting permission to re-hire an employee in their previous position of Social Service Aide, Range 225: Step-C; \$3,699.00, effective October 1, 2023. (Social Services)**

Director of Social Services, Tom Sandage, provided a background on the proposed hire.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Cavasso, Supervisor District IV
SECONDER:	Ned Coe, Supervisor District I
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

Recess as the Board of Supervisors and convene as the Modoc County Air Pollution Control District.

Motion to recess as the Board of Supervisors and convene as the Modoc County Air Pollution Control District.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

4. Air Pollution Control District:

- 4.a. CONSIDERATION/ACTION: Requesting approval of a Resolution to renew exemptions to certain provisions of CCR, TITLE 17, SECTION 93113 of the Airborne Toxic Control Measure (ATCM) to reduce emissions of toxic air contaminants from outdoor residential waste burning. (Air Pollution Control District)**

Air Pollution Control Officer, Heather Kelly, provided a background on the proposed resolution. Air Pollution Control Officer Kelly reported the exemption is renewed every ten (10) years.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Shane Starr, Supervisor District II
SECONDER:	Elizabeth Cavasso, Supervisor District IV
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

FINAL CERTIFIED RESOLUTION# 2023-45

RESULT:	ANNOUNCED
----------------	------------------

Adjourn as the Modoc County Air Pollution Control District and reconvene as the Board of Supervisors.

Motion to adjourn as the Modoc County Air Pollution Control District and reconvene as the Board of Supervisors.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Cavasso, Supervisor District IV
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

5. Agriculture Items:

- 5.a. CONSIDERATION/ACTION: Requesting approval and authorization for the Chair of the Board to sign contract# 23-0293-000-SA between the County of Modoc and the California Department of Food and Agriculture (CDFA), not to exceed \$42,421.00, effective July 1, 2023 through June 30, 2025. (Agriculture)**

Agriculture Commissioner and Sealer of Weights and Measures, Heather Kelly, provided a background on the proposed contract.

Contract# 2023-184

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Elizabeth Cavasso, Supervisor District IV
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

- 5.b. **CONSIDERATION/ACTION: Requesting approval and authorization for the Chair of the Board to sign a Memorandum of Understanding (MOU) between the County of Modoc and North American Invasive Species Management Association - Weed Free Products, not to exceed \$100.00 annually, effective September 26, 2023 through September 26, 2025. (Agriculture)**

Agriculture Commissioner and Sealer of Weights and Measures, Heather Kelly, provided a background on the proposed MOU.

A discussion was held and several questions were asked of Agriculture Commissioner and Sealer of Weights and Measures Kelly.

Ordered on a motion by Supervisor Cavasso, seconded by Supervisor Coe to approve as amended and authorize the Chair of the Board to sign a Memorandum of Understanding (MOU) between the County of Modoc and North American Invasive Species Management Association - Weed Free Products, not to exceed \$100.00 annually, effective September 26, 2023 through September 26, 2025 with the inclusion of checking the scope of the program boxes or the items of interest on the contract documents and adding the not to exceed amount of \$100.00 per year.

Motion approved unanimously.

Contract# 2023-185

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Elizabeth Cavasso, Supervisor District IV
SECONDER:	Ned Coe, Supervisor District I
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

- 5.c. **CONSIDERATION/ACTION: Requesting approval and authorization for the Chair of the Board to sign a challenge cost share agreement# 23-CS-1050900-018 between the County of Modoc and the United States Department of Agriculture (USDA) Forest Service Wildlife Program Supplement, not to exceed \$40,000.00, effective September 15, 2023 through August 31, 2028. (Agriculture)**

Agriculture Commissioner and Sealer of Weights and Measures, Heather Kelly, provided a background on the proposed agreement.

A discussion was held and several questions were asked of Agriculture Commissioner and Sealer of Weights and Measures Kelly.

Contract# 2023-186

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Shane Starr, Supervisor District II
SECONDER:	Elizabeth Cavasso, Supervisor District IV
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

- 5.d. **CONSIDERATION/ACTION: Requesting approval and authorization for the Chair of the Board to sign a contract between the County of Modoc and the United States Department of Agriculture (USDA), Forest Service Region 5 for the Noxious Weed Control Program, not to exceed \$30,000.00, effective September 15, 2023 through August 31, 2028. (Agriculture)**

Agriculture Commissioner and Sealer of Weights and Measures, Heather Kelly, provided a background on the proposed contract.

Contract# 2023-187

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Elizabeth Cavasso, Supervisor District IV
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

6. County Clerk Items:

- 6.a. **CONSIDERATION/ACTION: Requesting approval and authorization for the Chair of the Board and the Registrar of Voters to sign an agreement between the County of Modoc and Election Systems and Software (ES&S) for the purchase of an updated computer and components for our Voting System, in the amount of \$9,395.00. (Elections)**

County Clerk, Stephanie Wellemeyer, provided a background on the proposed agreement.

A discussion was held and several questions were asked of County Clerk Wellemeyer.

Contract# 2023-188

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Cavasso, Supervisor District IV
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

7. Auditor Items:

7.a. CONSIDERATION/ACTION: Requesting approval of the 2023-2024 Tax Rate Book per Revenue and Taxation Code Section 2151. (Auditor)

County Clerk, Stephanie Wellemeyer, provided a background on the proposed 2023-2024 Tax Rate Book.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

7.b. CONSIDERATION/ACTION: Requesting approval of a Resolution establishing the 2023-2024 appropriation limit under Article XIII B of the California Constitution, and establishing a period for contesting such limits for the County of Modoc. (Auditor)

Auditor, Stephanie Wellemeyer, provided a background on the proposed resolution. Auditor Wellemeyer handed out an updated attachment A - Appropriations Subject to Limit for Fiscal Year 2023-2024.

A discussion was held and several questions were asked of Auditor Wellemeyer and County Administrative Officer, Chester Robertson.

Resolution# 2023-46

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Cavasso, Supervisor District IV
SECONDER:	Ned Coe, Supervisor District I
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

Handout Provided - Attachment A - Updated County of Modoc Appropriations Subject to Limit Fiscal Year 2023-2024

RESULT:	ANNOUNCED
----------------	------------------

FINAL CERTIFIED RESOLUTION# 2023-46

RESULT:	ANNOUNCED
----------------	------------------

- 7.c. **CONSIDERATION/ACTION: Requesting approval of a Resolution establishing the 2023-2024 appropriation limit under Article XIII B of the California Constitution, and establishing a period for contesting such limits for the Adin Light District. (Auditor)**

Auditor, Stephanie Wellemeyer, provided a background on the proposed resolution.

Resolution# 2023-47

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

FINAL CERTIFIED RESOLUTION# 2023-47

RESULT:	ANNOUNCED
----------------	------------------

- 7.d. **CONSIDERATION/ACTION: Requesting approval of a Resolution establishing the 2023-2024 appropriation limit under Article XIII B of the California Constitution, and establishing a period for contesting such limits for the Cedarville Light District. (Auditor)**

Auditor, Stephanie Wellemeyer, provided a background on the proposed resolution.

Resolution# 2023-48

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Elizabeth Cavasso, Supervisor District IV
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

FINAL CERTIFIED RESOLUTION# 2023-48

RESULT:	ANNOUNCED
----------------	------------------

8. Health Services Items:

- 8.a CONSIDERATION/ACTION: Requesting approval to reclassify the salary and update the class specification of the Environmental Health Specialist II, Range 265: Step A-J; \$ 4,096.00 - \$6,355.00 monthly to Range 302: Step A-J; \$4,927.00 - \$7,644.00 monthly and grant permission to update the allocation table and advertise the position, effective October 1, 2023. (Health Services)**

Director of Health Services, Stacy Sphar, provided a background on the proposed reclassification.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Cavasso, Supervisor District IV
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

- 8.b CONSIDERATION/ACTION: Requesting approval to reclassify the salary and update the class specification of the Environmental Health Specialist I, Range 225: Step A-J; \$3,356.00 - \$5,205.00 monthly to Range 282: Step A-J; \$4,459.00 - \$6,916.00 monthly and grant permission to update the allocation table and advertise the position, effective October 1, 2023. (Health Services)**

Director of Health Services, Stacy Sphar, provided a background on the proposed reclassification.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Shane Starr, Supervisor District II
SECONDER:	Ned Coe, Supervisor District I
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

- 8.c CONSIDERATION/ACTION: Requesting approval to reclassify the salary and update the class specification of the Environmental Health Technician, Range 180: Step A-J; \$2,681.00 - \$4,162.00 monthly to Range 225: Step A-F; \$3,356.00 - \$5,205.00 monthly and grant permission to update the allocation table and advertise the position, effective October 1, 2023. (Health Services)**

Director of Health Services, Stacy Sphar, provided a background on the proposed reclassification.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

9. Behavioral Health Items:

- 9.a. CONSIDERATION/ACTION: Requesting approval and authorization for the Chair of the Board and the Director of Health Services to sign a contract between the County of Modoc and The Sail House Inc. for providing an augmentation program for residential care home services, not to exceed \$80,000.00, effective September 1, 2023 through August 31, 2024. (Behavioral Health)**

Director of Health Services, Stacy Sphar, provided a background on the proposed contract.

Contract# 2023-189

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Cavasso, Supervisor District IV
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

- 9.b. CONSIDERATION/ACTION: Requesting approval and authorization for the Chair of the Board and the Director of Health Services to sign a contract between the County of Modoc and Behavioral Health Data Project for the evaluation support for Modoc County Health Services, not to exceed \$13,000.00 per fiscal year, effective July 1, 2023 through June 30, 2024. (Behavioral Health)**

Director of Health Services, Stacy Sphar, provided a background on the proposed contract.

Contract# 2023-190

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Shane Starr, Supervisor District II
SECONDER:	Elizabeth Cavasso, Supervisor District IV
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

10. Board of Supervisors Items:

- 10.a. DISCUSSION/INFORMATION: Discussion on the update of the Modoc County Conflict of Interest Code. (Board of Supervisors)**

County Administrative Officer, Chester Robertson, provided a background on the Modoc County Conflict of Interest Code and the attachments in the packet. County Administrative Officer Robertson reported the Modoc County Conflict of Interest Code requires an update as there have been many changes within the county since the approval of the last version in 2007.

County Clerk, Stephanie Wellemeyer, provided clarification on the approved Modoc County Conflict of Interest Code and provided a handout showing a comparison of the Conflict of Interest Code for Siskiyou, Mono, Sierra, and Modoc. County Clerk Wellemeyer reported the employee positions highlighted in yellow are the positions Modoc County does not currently have listed on the Conflict of Interest Code. County Clerk Wellemeyer reported on the agencies listed on other county Conflict of Interest Codes. County Clerk Wellemeyer reported the Conflict of Interest Code desperately requires an update to include new positions within the county. County Clerk Wellemeyer reported the special districts would need to be reviewed as many are out of date and need to be brought into compliance.

Deputy County Counsel, Scott McLeran, reported the government code requires all local agencies to have a Conflict of Interest Code. Deputy County Counsel McLeran stated, that the County, under the government code, is the reviewing and approving body of these policies if they are submitted independently. Deputy County Counsel McLeran reported the Board could review any independent Conflict of Interest Codes that are developed, including the Grand Jury if they choose to develop their Conflict of Interest Code. Deputy County Counsel McLeran reported there is good guidance through the California Code of Regulation for a standard Conflict of Interest Code and there is a template for local agencies to use to ensure they are in compliance.

County Clerk Wellemeyer reported she had provided the template to the special districts but reported they do not return the Conflict of Interest Codes with the required information.

Supervisor Cavasso stated she feels that something needs to change and the Board needs to understand what is broken within the county. Supervisor Cavasso asked what are the options for the county with the least impact on employees or entities.

County Clerk Wellemeyer reported the Conflict of Interest Code desperately needs to be updated to reflect the organizational changes throughout the county. County Clerk Wellemeyer reported the special districts could be a secondary change but if the update is occurring, she would like to complete the updates of the employees and special districts all at once.

Deputy County Counsel McLeran stated the standard code that is in the code of regulations, is updated regularly and reviewed by the Fair Political Practices Commission (FPPC). Deputy County Counsel McLeran reported if a special district is reporting their Conflict of Interest Code is acceptable, but their Conflict of Interest Code has not been updated for twenty (20) years, then chances are the code is not in compliance with the updated code of regulations.

Supervisor Starr reported many of the special districts are volunteers and would need assistance in getting their Conflict of Interest Code updated.

Supervisor Coe stated he is concerned about the special districts that are already struggling to fill

vacant seats.

County Clerk Wellemeyer reported on the information required to be included on the Statements of Economic Interests - 700 Form.

A lengthy discussion was held on the information required to be placed on the Statements of Economic Interests - 700 Form.

The Grand Jury Foreman, Sean Buie, reported it is extremely difficult to impanel members for the Modoc County Grand Jury. Mr. Buie reported once the members get to the training process and find out that it is not a criminal grand jury but a civil grand jury, they lose some interest from the members. Mr. Buie stated the Grand Jury has discussed and come to a general consensus that they do not have the power to enable change. Mr. Buie reported the requirement to disclose all requested financial information in order to be a part of the civil grand jury does not sit well with some of the members. Mr. Buie reported on the need to make the process as simple as possible for the Grand Jury to be able to recruit and retain members.

Supervisor Coe asked County Counsel about the recommendation from Mr. Buie to only fill out the first page of the 700 Form and report any property owned within the county.

Deputy County Counsel McLeran reported he recommends the Grand Jury consult with their legal counsel to provide a recommendation on the matter. Deputy County Counsel McLeran reported the FPPC is very clear that if an entity does not have a Conflict of Interest Code the organization must provide the broadest amount of information in the Form 700. Deputy County Counsel reported if a Grand Jury has a conflict they should remove themselves from the investigation. Deputy County Counsel reported this issue has been coming up since the 1980s and stated the FPPC has determined Grand Jury members are required to file a 700 Form. Deputy County Counsel McLeran reported the FPPC does feel that a Grand Jury does have influence and the power to influence change within the county.

Supervisor Cavasso reported the first three disclosure categories prevent and discourage locals who have businesses from becoming involved. Supervisor Cavasso reported it is larger than just disclosing personal and financial information, which always makes a person feel vulnerable. Supervisor Cavasso reported that she has learned that recusing yourself is not enough. Supervisor Cavasso stated citizens who volunteer for some of the positions choose to serve the public and give up any connection to their business. Supervisor Cavasso reported she has received this feedback from other people who have been asked to consider serving on boards and who have had to choose between service to the public or being involved in their business. Supervisor Cavasso stated this is an issue for the county.

County Clerk reported she has a determination from the FPPC on small communities and people who own businesses. County Clerk Wellemeyer reported the determination is in relation to rule 1090 and how it has been hindering certain entities and reported there may be some options to allow relief in this area.

Supervisor Coe asked if they can change the category wording.

County Clerk reported the categories are provided by FPPC but she does not know if they are required or if they can be amended.

Deputy County Counsel McLeran reported the categories are set by the FPPC but the county can reach out to the FPPC and get the appropriate categories.

A discussion was held on updating the categories.

Scott Swasey reported listening to the discussion by the Board is clearly hitting the issues that hit home at the ground level. Mr. Swasey reported he has worked in the corporate environment for many years and retired ten (10) years ago. Mr. Swasey reported that when he came to Modoc County he was asked to serve on organizations or expressed interest in joining the Grand Jury and Health Care District due to the ad in the paper but was then asked to fill out a form 700 which made it a none starter. Mr. Swasey stated he was asked to serve on the Fish, Game, and Recreation Commission by Supervisor Coe but was informed that he would have to fill a Form 700.

Mr. Swasey reported he reached out to his financial advisor who stated: " The question is becomes how many shares of stock that you hold in a managed account, including IRA's, are doing business in Modoc County? This is where we slip into providing conservative answers. Disclosure to be on the safe side. Granted my other client is in San Francisco, so we figure to include just about everything, but it has been my experience that few people are going to tell you that any given stock is exempted."

Mr. Swasey reported this is the issue. Mr. Swasey stated if the stocks are not exempted, and you sign Form 700 under the penalty of perjury, and you haven't disclosed them; because the code states you must disclose any interest located in, that are either located in or doing business in your agency/s jurisdiction/ are planning to do business in your agency/s jurisdiction or have done business during the previous two years in your agency/s jurisdiction/ and interests in real property located in your agency/s jurisdiction. Mr. Swasey stated although the exclusion of the "planning to" or "have done" provisions may limit some disclosure, the reality is it's still very broad. Mr. Swasey stated the 700 Form instructions further read: A business entity is doing business in your agency/s jurisdiction if the entity has business contacts on a regular or substantial basis with a person who maintains a physical presence in your jurisdiction.

Mr. Swasey reported under this definition I would be required to disclose my interest in a company. Mr. Swasey reported he is making his comments as an individual. Mr. Swasey reported the FPPC has stated "The conflict-of-interest codes for grand juries require grand jurors to disclose economic interests that may be materially affected by the decisions in which they participate." Mr. Swasey recommends taking this clause and adding it to category one (1) through seven (7) definition, then you are significantly narrowing the requirements. Mr. Swasey stated Modoc County is a small county, and he would argue there is no individual in county service that could ever see a material impact on the personal investment by any decision they could ever make in their official capacity.

Mr. Swasey began to read his prepared remarks which he provided to the Clerk of the Board and became a part of the record. Mr. Swasey encourages the Board to think realistically and not just

legally on this matter. Mr. Swasey stated in our bureaucratic zeal for public transparency, we've lost sight of reality. Mr. Sawsey stated that what might be relevant in Los Angeles, Sacramento or San Francisco simply has no applicability in Modoc County. Mr. Swasey stated that is exactly why FPPC has delegated the decision-making to local code-reviewing bodies. Mr. Swasey stated please use that delegated authority to do the right thing. Mr. Swasey stated in closing, I do wish to note that although my comments are personal and applicable to my role as a grand juror, they can also be applicable to many other Modoc County positions. Mr. Swasey stated that he would surmise that the "materially effected" provisions could exclude many commissions, committees and indeed department positions. Mr. Swasey stated he should note that in the current case, he did not learn of the Form 700 requirement until already impaneled as a grand juror. Mr. Swasey stated it was not stated on the grand jury interest form, unlike most other similar forms of other counties. Mr. Swasey stated this is an issue for the Court, not the Board of Supervisors. Mr. Swasey thanked the Board for their time and consideration of the issue.

A further discussion was held on the listing of employees on the Conflict of Interest Code.

Mr. Buie thanked various staff for their assistance with the Grand Jury's questions on the Conflict of Interest Code.

The Chair of the Board directed County Counsel to reach out to the Grand Jury's legal advisors to begin the process of updating the Conflict of Interest Code in coordination with the County Clerk.

Handout Provided - Handout from County Clerk Wellemeyer detailing a county comparison of Conflict of Interest Code requirements for county employees.

RESULT:	ANNOUNCED
----------------	------------------

Public Comment - Scott Swasey - Conflict of Interest Code

RESULT:	ANNOUNCED
----------------	------------------

11:38 a.m. Motion for a five minute recess.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

11:48 a.m. The Board reconvened with Supervisor Coe, Rhoads, Starr, and Cavasso present.

11. Administrative Services Items:

- 11.a. CONSIDERATION/ACTION: Requesting the approval and authorization to designate the Director of Health Services, Stacy Sphar, DNP as the Modoc County designated representative to receive individualized records for Incompetent to Stand Trial (IST) patients under the health care operations exemption pursuant to HIPPA and California Welfare and Institutions Code Sec 5328(a)(25). (Administrative Services)**

County Administrative Officer, Chester Robertson, provided a background on the request for designated representative.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Cavasso, Supervisor District IV
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

12. Comments/Reports:

a. Public Comments

None.

b. Administrative Services Report

County Administrative Officer, Chester Robertson, reported on the following: 1) Meeting with the Board of State Community Corrections and updated on the future jail construction project.

11:54 a.m. Motion to recess for lunch.

Motion to recess for lunch.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Elizabeth Cavasso, Supervisor District IV
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

1:17 p.m. The Board reconvened with Supervisor Coe, Rhoads, Starr, and Cavasso present.

c. Department Head Reports

None.

d. Board of Supervisors Reports

Supervisor Coe reported on the following: 1) Tri-Counties meeting; 2) Eagleview Connect Explorer training; 3) Klamath ESA consultation management meeting; 4) Modoc District Fair; 5) Congressman LaMalfa Town Hall meeting at the Modoc District Fair; 6) Interview of the Branch Director of Environmental Health ; 7) Fort Bidwell Tribal Council meeting; 8) Modoc County

Broadband meeting; 9) California State Association of Counties (CSAC) Board of Director Meeting; 10) District Attorney candidate interview; 11) Fort Bidwell Tribal Council meeting; 12) District Attorney candidate interview; 13) California State Association of Counties (CSAC) Executive Committee Special meeting; 14) National Association of Counties (NACo) webinar on ARPA flexibility; 15) Payment In-Lieu of Taxes (PILT) Fly-In Pre-meeting; 16) California State Association of Counties (CSAC) Executive Committee Special Meeting; 17) Public Lands Committee meeting; 18) California State Association of Counties (CSAC) Executive Committee Special meeting; 19) National Association of Counties (NACo) Payment In-Lieu of Taxes (PILT) Fly-In; 20) Meeting with United States Department of Agriculture (USDA) feasibility study consultant; 21) Rural County Representatives of California (RCRC) Economic Development Forum; 22) Rural County Representatives of California (RCRC) Annual Conference; 23) National Association of Counties (NACo) West Region Meeting.

Supervisor Cavasso reported on the following: 1) First 5 Modoc public hearing and special meeting; 2) Wildland Fire Leadership Council Western Region, monthly Cohesive Strategy meeting; 3) Community Corrections Partnership (CCP) meeting; 4) Modoc County Juvenile Justice Partnership meeting; 4) Counselor at the Rotary District 5190 8th Grade Leadership program.

Supervisor Starr reported on the following: 1) PSA 2 meeting; 2) San Luis Obispo Railroad meeting.

Supervisor Rhoads reported her full report would be given at the next meeting.

The Chair of the Board read the closed session items into the record.

1:25 p.m. Motion to go into Closed Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Elizabeth Cavasso, Supervisor District IV
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

13. Closed Session:

13.a. CLOSED SESSION: Pursuant to CA Government Code 54957; Performance Evaluation; Title: County Administrative Officer. (Board of Supervisors)

RESULT:	EVALUATION HELD
----------------	------------------------

3:46 p.m. The Board reconvened with Supervisor Coe, Rhoads, Starr, and Cavasso present.

ADJOURNMENT

Motion to adjourn.

Motion to adjourn the September 26, 2023 meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ned Coe, Supervisor District I
SECONDER:	Shane Starr, Supervisor District II
AYES:	Coe, Starr, Rhoads, Cavasso
ABSENT:	Byrne

The meeting was adjourned at 3:46 PM

There being no further business to come before the Board at this time, the meeting was adjourned to meet in regular session Tuesday, October 10, 2023 at 10:00 a.m.

Tiffany A. Martinez
Clerk of the Board

Kathie Rhoads
Chair, Modoc County Board of Supervisors