

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, January 21, 2003

9:00 A.M.

#### BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra  
ROLL CALL: 4 Present; 1 Absent - Patrick

SALUTE TO FLAG - Led by Supervisor Maben

NOTE: The vote is displayed in bold below each item. For example, Patrick-Parra denotes Supervisor Patrick made the motion and Supervisor Parra seconded the motion.

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH AN ASTERISK (\*) OR A NUMBER SIGN (#) WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

#### RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming January 27 - 31, 2003, as Human Services Technician Recognition Week in Kern County - PROCLAIMED; MADE PRESENTATION TO BEVERLY BEASLEY KNIGHT, DIRECTOR, DEPARTMENT OF HUMAN SERVICES; BEVERLY BEASLEY KNIGHT AND KEVIN STAHL HEARD

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

- 2) Proclamation proclaiming March 3, 2003 as Read Across Bakersfield Day in Kern County - PROCLAIMED; MADE PRESENTATION TO LISA BUCKNER, CHAIR, READ ACROSS BAKERSFIELD COMMITTEE; LISA BUCKNER AND HELEN COLLINS, PRESIDENT, BAKERSFIELD ELEMENTARY TEACHERS ASSOCIATION, HEARD

**Watson-Maben: 4 Ayes; 1 Absent - Patrick**

NOTE: Chairman Parra recognized Don Hill, Fifth District appointee to the Commission on Aging.

#### PUBLIC REQUESTS

- 3) Request of Owen M. Lisenbee to address the Board regarding the Jess R. Dorsey Memorial - OWEN LIENBEE HEARD; CHAIRMAN PARRA REQUESTED THE COUNTY ADMINISTRATIVE OFFICE REPORT BACK TO THE BOARD REGARDING THE CONDITION AND LOCATION OF THE MEMORIAL

- 4) Request of the Kern County Child Care Council to address the Board regarding the summary of activities from October 1, 2002 to December 31, 2002 and approval of the Kern County Early Care and Education Strategic Plan - PAM SANDERS, EXECUTIVE DIRECTOR, AND BILL PHELPS, CHAIRMAN OF THE STRATEGIC PLAN COMMITTEE, HEARD; TAMMY BURNS AND GENEVA WORTZ INTRODUCED; APPROVED

**Watson-Maben: 4 Ayes; 1 Absent - Patrick**

- \*5) Request of the Kern County Child Care Council for the Board to approve the Council Membership Composition for submission to the California Department of Education/Child Development Division - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

APPOINTMENTS

- \*6) Reappointment of Arnold Johansen as Fourth District Member to the Water Resources Committee, term to expire December 31, 2004 - MADE REAPPOINTMENT

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*7) Reappointment of Robert Colston to the West Side Mosquito and Vector Control District, term to expire January 1, 2005 - MADE REAPPOINTMENT

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*8) Reappointment of Vernon D. Strong as Fifth District Member to the Planning Commission, term to expire January 1, 2005 - MADE REAPPOINTMENT

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*9) Reappointments to the Kern County Water Resources Committee, as Second District Members, of Keith Dyas and David "Pete" Kaiser, terms to expire December 31, 2003, and Howard Frick and Robert Jasper, terms to expire December 31, 2004 - MADE REAPPOINTMENTS

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*10) Appointment of Donald Hill as Fifth District Member to the Commission on Aging, term to expire August 18, 2004 - MADE APPOINTMENT

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

PUBLIC PRESENTATIONS

- 11) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! - NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 12) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

AUDITOR-CONTROLLER-COUNTY CLERK

- \*13) Proposed Resolutions for temporary transfer of funds in January 2003 to the County General Fund in the amount of \$200,000,000 and the County Fire Fund in the amount of \$21,000,000 - APPROVED; ADOPTED RESOLUTIONS 2003-017 AND 2003-018

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

BOARD OF SUPERVISORS

- \*14) Annual report from Second District Supervisor Don Maben to the United States Air Force on the condition of the F-4C aircraft loaned to Kern County for the Boron Space Museum - RECEIVED AND FILED; AUTHORIZED CHAIRMAN TO SIGN U.S. AIR FORCE MUSEUM CERTIFICATION FORM

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

COUNTY COUNSEL

- \*15) Proposed deletion of one (1) Occupational Health Nurse-Confidential position; and addition of one (1) Workers' Compensation Adjuster II-Confidential position, two (2) Workers' Compensation Adjuster I-Confidential positions, and (1) Word Processing Tech I-Confidential position, Budget Unit 1910, effective January 25, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*16) Request of Board of Trade for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*17) Request of County Administrative Office, Health Benefits Division for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

FIRE DEPARTMENT

- \*18) Unusual travel request for Captain Heidi Dinkler to attend National Fire Academy in Emmitsburg, Maryland, from February 1, 2003 to February 14, 2003 in an amount not to exceed \$232 - APPROVED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

KERN MEDICAL CENTER

- \*19) Proposed changes in clinical privilege status for 21 members of Kern Medical Center's medical staff - APPROVED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*20) Proposed Agreement with HealthCare Concepts, Inc., for ongoing maintenance to KMC's Charge Description Master, from January 21, 2003 through January 20, 2005, in an amount not to exceed \$80,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 035-2003

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- 21) Proposed Amendment No. 2 to Agreement 167-2000 with Sierra Pacific Anesthesia Group for anesthesia services, to extend malpractice liability coverage for certain patients treated by contractor at Kern Medical Center - MICHAEL ROUW HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 036-2003

**Maben-Watson: 4 Ayes; 1 Absent - Patrick**

- 22) Proposed Amendment No. 2 to Agreement 218-2002 with S. P. Resources, LLC, to provide interim psychiatric physicians to KMC, extend term of the Agreement for one additional year through March 10, 2004, and increase the maximum payable from \$180,000 to \$810,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 037-2003

**McQuiston-Watson: 4 Ayes; 1 Absent - Patrick**

- \*23) Proposed Agreement with Victor Ettinger, M.D., for medical coverage services at KMC's Diabetes Clinic, from January 24, 2003 through January 23, 2005, in an amount not to exceed \$47,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 038-2003

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*24) Proposed Agreement with George A. Murr, III, M.D., for medical services in the Department of Surgery, for five years, in an annual not to exceed amount of \$224,840 and a contractual amount not to exceed \$1,124,200 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 039-2003

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*25) Proposed retroactive Amendment No. 1 to Agreement 925-2002 with Precyse Solutions, LLC, to reflect name change from QuadraMed Corporation to Precyse Solutions, LLC - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 040-2003

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*26) Proposed retroactive Amendment No. 2 to Agreement 426-2001 with Comprehensive Physical Medicine, Inc., to reflect name change from Rehab and Wellness Center of Bakersfield, Inc. to Comprehensive Physical Medicine, Inc. - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 041-2003

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

PARKS AND RECREATION DEPARTMENT

- \*27) Proposed funding request from the California Department of Fish and Game to purchase trout food, in the amount of \$2,500 - APPROVED PROJECT IN THE AMOUNT OF \$2,500 FROM FUNDS AVAILABLE IN THE 2002-2003 APPROPRIATIONS FOR CONTRIBUTIONS TO OTHER AGENCIES; AUTHORIZED PARKS DEPARTMENT TO PROCESS NECESSARY DOCUMENTS TO COMPLETE TRANSACTION; AUTHORIZED PURCHASING AGENT TO ESTABLISH PURCHASE ORDER AND AUTHORIZED AUDITOR-CONTROLLER TO ISSUE WARRANT UPON PROPER DOCUMENTATION

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

TREASURER-TAX COLLECTOR

- \*28) Cash Receipts and Disbursements for December 2002 - RECEIVED AND FILED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*29) Proposed Resolution and Agreement for Sale of Tax Defaulted Properties to the Indian Wells Valley Water District - ADOPTED RESOLUTION 2003-019; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 042-2003

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*30) Proposed Amendment No. 1 to Agreement 152-2002 with Dolphin Safe Software to increase contract amount by \$10,000 for programming services, for a total amount not to exceed \$110,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 043-2003

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

ADJOURNED TO CLOSED SESSION

**McQuiston**

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 31) Request for Closed Session regarding Meet and Confer, CCAPE, KCFFU, KLEA, and KCPA -
- 32) Request for Closed Session regarding public employee performance evaluation - Title: County Administrative Officer -

COUNTY COUNSEL

- 33) Request for Closed Session regarding a lawsuit entitled Padres Hacia Una Vida Mejor, et al. v. County of Kern, et al. (Government Code Section 54956.9(a)) -

RECONVENED FROM CLOSED SESSION; RECESSED TO 2:00 P.M.

**McQuiston-Maben**

/s/ Denise Pennell  
Clerk of the Board

/s/ Pete H. Parra  
Chairman, Board of Supervisors

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- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - **SUPERVISOR MABEN REQUESTED INFORMATION ON THE DAIRY INSPECTOR POSITION; DAVE PRICE, DIRECTOR OF RESOURCE MANAGEMENT AGENCY, PROVIDED A STATUS REPORT**

**SUPERVISOR MABEN DISCUSSED THE FIRE THAT OCCURRED AT AN ANIMAL RESCUE OPERATION OVER THE WEEKEND IN MOJAVE**

**REFERRED TO RESOURCE MANAGEMENT AGENCY TO REPORT BACK TO THE BOARD ON DEVELOPING ANIMAL RESCUE OPERATION REGULATIONS**

**Maben-Watson: 4 Ayes; 1 Absent - Patrick**

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- 3) **Request from Tejon Industrial Corporation by Barnhill Consulting, Inc., to change the permitted uses from Light Industrial and Mineral and Petroleum to General Industrial and Commercial to be regulated by a Specific Plan for 1,109 acres, 25 miles south of Bakersfield, east side of Interstate 5 at Laval Road. The request also involves an exclusion of 959 acres from an Agricultural Preserve, the cancellation of 130 acres of land under agricultural contract, the adoption of a fee for the County to recover all costs for implementation of the Specific Plan, and a Development Agreement with the County (SD 2 and 4)**

**Specific Request:**

(a) and (b) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 7.1 and 8.4 to Map Code(s) 4.1 or a more restrictive map code designation; amend the Circulation Element to delete section line (arterial) alignments and midsection line (collector) alignments within the Specific Plan area; (GPA #4, Map #202; GPA #6, Map #219)

(c) Adoption of the Tejon Industrial Complex-East Specific Plan by ordinance which will establish the zoning for the property within the Specific Plan area;

(d) Adoption of a Specific Plan Line for a collector alignment;

(e) and (f) A change in Kern County zone classification from M-1 PD, C-2 PD, and A to Tejon Industrial Complex-East Specific Plan designation GI or a more restrictive designation; (ZCC #14, Map #202; ZCC #11, Map #219)

(g) A Development Agreement for Tejon Industrial Complex-East;

(h) Amend the Development Agreement for Tejon Industrial Complex-West;

(i) Adopt Resolution for a Development Review and Administration Fee for the zoning review of projects and the administration of the Tejon Industrial Complex-East Specific Plan;

(j) Exclusion of approximately 959 acres from the boundaries of an Agricultural Preserve; (Agricultural Preserve #19 - Exclusion)

(k) Cancellation of 130 acres of a Land Use Contract (Cancellation #01-2, Map #219)

(Environmental Impact Report; Published Bakersfield Californian and Mountain Enterprise) (from 12/03/2002) - OPENED HEARING; HEARD IN OPPOSITION TO STAFF RECOMMENDATION: BARBARA EVANS, PAULINE LARWOOD (NEITHER IN FAVOR OF NOR OPPOSED TO PROJECT); ANN WILLIAMS; LOIS CHANEY, LEAGUE OF WOMEN VOTERS; PAUL GIPE; CAROLYN ST. CLAIRE; GORDON NIPP, SIERRA CLUB; MARY ANN LOCKHART; FAY BENBROOK, M.D.; ARTHUR UNGER, SIERRA CLUB; GITA NELSON (WHEELIS); CHES ARTHUR; HARRY NELSON; AUTUMN BERNSTEIN; MARY GRIFFIN, KERN AUDUBON SOCIETY; JULIE TEEL, CENTER FOR BIOLOGICAL DIVERSITY AND THE CENTER ON RACE, POVERTY AND THE ENVIRONMENT; LUCY CLARK; MONICA BOND; SYLVIA SWAN; JEANINE KOSHEAR, STATE DEPARTMENT OF PARKS AND RECREATION

(Continued on Page 8)

(Continued from Page 7)

RECESSED FOR FIVE MINUTES

ROLL CALL: 4 Present; 1 Absent - Supervisor Patrick

HEARD IN SUPPORT OF STAFF RECOMMENDATION: BOB STINE, PRESIDENT AND CEO, TEJON RANCH COMPANY; JOE DREW, VICE PRESIDENT IN CHARGE OF INDUSTRIAL DIVISION; TOM WORTHINGTON, IMPACT SCIENCES; PATRICK MARCHBANKS; GARY GUINN, GUINN CONSTRUCTION COMPANY; JOHN NILON, EXECUTIVE DIRECTOR OF EMPLOYERS' TRAINING RESOURCE; DOUG KING, KNIGHT TRANSPORTATION; SCOTT GARRISON; MARK CISNEROS; JIM KUNTZ; KEITH BABCOCK, DIRECTOR OF BIOLOGICAL SERVICES FOR IMPACT SCIENCES; ERIC POWERS, NAI CAPITAL COMMERCIAL REAL ESTATE; HEARD NEITHER IN SUPPORT NOR IN OPPOSITION TO STAFF RECOMMENDATION: RENEE D. NELSON; HEARD IN RESPONSE TO ISSUES RAISED: TOM WORTHINGTON, IMPACT SCIENCES; KEN COOK, SENIOR PROJECT MANAGER, IMPACT SCIENCES; CLOSED HEARING; HECTOR GUERRA, SENIOR PLANNER WITH AIR POLLUTION CONTROL DISTRICT ANSWERED QUESTIONS; PER PLANNING COMMISSION AND PLANNING DEPARTMENT RECOMMENDATION, CERTIFIED THE ENVIRONMENTAL IMPACT REPORT WITH CHANGES TO MITIGATION MEASURES 4.4-2 AND 4.4-7 RELATING TO AIR QUALITY AND LIMITS ON IDLING TRUCKS; ADOPTED AMENDED SECTION 15091 FINDINGS AND SECTION 15093 STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTED AMENDED MITIGATION MEASURE MONITORING PROGRAM WITH CHANGES TO MITIGATION MEASURES 6 AND 8; ADOPTED RESOLUTIONS 2003-020, 2003-021, 2003-022, 2003-023, 2003-024, AND 2003-025, AND ENACTED ORDINANCES G-6959, G-6960, G-6961, G-6962, AND G-6963 APPROVING GENERAL PLAN AMENDMENTS AND CIRCULATION AMENDMENT; ADOPTING AMENDED TEJON INDUSTRIAL COMPLEX-EAST SPECIFIC PLAN; ADOPTING SPECIFIC PLAN LINE; APPROVING ZONE CHANGES; APPROVING DEVELOPMENT AGREEMENT FOR TEJON INDUSTRIAL COMPLEX-EAST AND AMENDMENT OF DEVELOPMENT AGREEMENT 480-2000 FOR TEJON INDUSTRIAL COMPLEX-WEST, AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 044-2003 AND 045-2003 AND DIRECTED CLERK OF THE BOARD TO RECORD; APPROVING DEVELOPMENT REVIEW AND ADMINISTRATION FEE; APPROVING AGRICULTURAL PRESERVE EXCLUSION; APPROVING CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE; DIRECTED CLERK OF THE BOARD TO ISSUE A TENTATIVE CERTIFICATE OF CANCELLATION AND ISSUE A CERTIFICATE OF CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE AND COMPLIANCE WITH ALL OTHER CONDITIONS CONTAINED IN THE TENTATIVE CERTIFICATE OF CANCELLATION, AND ADOPTED THE SUGGESTED FINDINGS; ALL OF THE FOREGOING ACTIONS, APPROVED AS RECOMMENDED, ARE VOID UNLESS THE PROPERTY OWNER(S) OR THEIR AUTHORIZED REPRESENTATIVE(S) SIGNS AND FILES AN APPROVED INDEMNIFICATION AGREEMENT WITH THE KERN COUNTY PLANNING DEPARTMENT ON OR BEFORE FEBRUARY 19, 2003; RECEIVED AND FILED DOCUMENTS

**Watson-McQuiston: 4 Ayes; 1 Absent - Patrick**



DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning

Miscellaneous

S.D. #2

- \*4) Request by Tehachapi Stagestop Chevron, Inc., for Determination of Public Convenience for the Issuance of an Off-Sale general retail Liquor License at 21000 Golden Hills Boulevard, Tehachapi, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code - APPROVED; ADOPTED RESOLUTION 2003-026

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

All S.D.'s

- \*5) Conflict of Interest Code for Comprehensive Economic Development Strategy (CEDs) Committee - APPROVED

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #1

- \*6) Proposed Change Order No. 1, to Agreement No. 1015-2002, Project No. 8920.14991, for soil compaction tests for the building foundation pad, parking lot and offsite improvements, an increase of \$3,765.67, for a new total of \$658,665.67 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

- \*7) Request for subcontractor substitution, Delano Child Development Center - FOUND THAT LAMBERT AIR FAILED TO EXECUTE CONTRACT WITH MAGNUM ENTERPRISES, INC.; APPROVED THE SUBSTITUTION OF SOUTHERN AIR CONDITIONING, INC., TO PERFORM THE HVAC PORTION OF THE PROJECT

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

S.D. #1, #3 & #4

- \*8) Proposed Resolution to set hearing on increased assessments within County Service Area Nos. 6, 15, 30, 61.2, and No. 71.3 for Fiscal Year 2003-2004 - ADOPTED RESOLUTION 2003-027 SETTING HEARING TO CONSIDER INCREASED ASSESSMENTS WITHIN COUNTY SERVICE AREAS FOR TUESDAY, MARCH 18, 2003, AT 2:00 P.M., TO RECEIVE PUBLIC INPUT AND TABULATE BALLOTS; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE AN ENGINEER'S REPORT AND MAIL TO PROPERTY OWNERS WITHIN THESE COUNTY SERVICE AREAS, A NOTICE OF THE HEARING AND INFORMATION REGARDING THE PROPOSED INCREASED ASSESSMENTS AS REQUIRED BY ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION; MADE FINDING OF CEQA EXEMPTION UNDER SECTION 15273 OF THE GUIDELINES AND DIRECTED CLERK OF THE BOARD TO FILE A NOTICE OF EXEMPTION

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

WASTE MANAGEMENT

S.D. #1

- \*9) Proposed Contract No. 03007 with Wood Brothers, Inc., to construct surface water management system at Kern Valley Sanitary Landfill, in an amount not to exceed \$1,911,021.49 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 046-2003

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

All S.D.'s

- \*10) Proposed Agreement with B. C. Laboratories, Inc., to provide chemical analytical services for County waste management facilities, in an amount not to exceed \$300,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 047-2003

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

- \*11) Proposed Agreement with SCS Engineers, Inc., to provide air permitting, regulatory compliance, environmental impact and risk assessment services for County waste management facilities, from January 21, 2003 through January 21, 2006, in an amount not to exceed \$150,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 048-2003

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

COUNTY ADMINISTRATIVE OFFICE

- \*12) Proposed establishment of interest bearing Domestic Preparedness Trust Fund - APPROVED

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

Legislative Matters

- \*13) Resolution requesting legislation exempting veterans' records from Public Records Act - APPROVED; ADOPTED RESOLUTION 2003-028; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

COUNTY ADMINISTRATIVE OFFICE  
General Services Division

Hearing  
S.D. #1

- \*14) Proposed energy services contract with Noresco for energy related improvements at the Lerdo detention facility - CONTINUED TO TUESDAY, FEBRUARY 4, 2003 AT 2:00 P.M.

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

S.D. #2

- \*15) Proposed Amendment No. 1 to Agreement No. 1022-2002 with England Geosystem, Inc., for consultant services for the Bear Valley Fire Station site characterization, providing for an increase of \$17,199, for a new not-to-exceed total of \$110,139.52 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 049-2003

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

S.D. #4

- \*16) Identify apparent low bid from Brinar Construction for tot lot improvements at Derby Acres, Ford City, Lost Hills and Valley Acres Parks, in the amount of \$106,800 (1960.8247 B) - IDENTIFIED LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND TO PREPARE CONTRACT DOCUMENTS

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

S.D. #5

- \*17) Change Order No. 2 for the Sheriff's Property Room improvements, an increase of \$5,232, for a new total of \$408,465 (1650.7262) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

All S.D.'s

- \*18) Revised project list for the Job Order Contract - APPROVED

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

MATTERS FOR EXECUTIVE APPROVAL

- \*19) Budget Transfers - APPROVED #92 THROUGH #94  
**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**
- \*20) Minutes for the week of December 16, 2002 - APPROVED WITH  
CORRECTION TO TUESDAY, DECEMBER 17, 2002, ITEM NO. 70 D)  
DELETING **\$34,680** AND ADDING **\$24,680**  
**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**
- \*21) Miscellaneous Letters and Documents - FILED  
**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**
- \*22) Claims and Lawsuits filed with and referred by Clerk of the  
Board - APPROVED AND FILED  
**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

ADJOURNED TO TUESDAY, JANUARY 28, 2003, AT 9:00 A.M.

**Maben**

/s/ Tracey E. Cody  
Administrative Coordinator

/s/ Pete H. Parra  
Chairman, Board of Supervisors

21) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Report on Refunds (Government Code Section 26906) of Erroneous Deposits pursuant to Board Resolution 71-4

Clerk of the Board

- B) Received, certified and forwarded to Recorder for recordation as follows:

1) Parcel Map 10555	Phase B	S.D. 1
2) Parcel Map 10866		S.D. 1
3) Tract Map 5636		S.D. 1
4) Tract Map 5856	Phase 1	S.D. 1
5) Tract Map 5910	Phase 1	S.D. 3
6) Tract Map 5919	Unit C	S.D. 4
7) Tract Map 5990	Phase 2	S.D. 3
8) Tract Map 6063	Phase 2	S.D. 1
9) Tract Map 6063	Phase 3	S.D. 1

- C) Letter of resignation from Billy White from the Wildlife Resources Commission and expressing an interest in serving on the Westside Recreation and Park District Board of Directors (Copies to each Supervisor, CAO, and Parks)

General Services

- D) Letter to Bank of the Sierra, c/o WT Capital Lender Services re Notice of Unified Trustee's Sale for Assessor's Parcel No's 073-020-15 and 073-020-16-01 (Copies to each Supervisor and CAO)

Retirement

- E) Kern County Employees' Retirement Association Comprehensive Annual Financial Report for fiscal years ended June 30, 2002 and 2001

Miscellaneous

- F) Letter from Ches Arthur, Condor Group of the Sierra Club, expressing concerns re Tejon Industrial Complex East (Copies to each Supervisor, CAO, Planning, and County Counsel)
- G) Letter from Andrea Warniment, South Coast Wildlands Project in opposition to proposed Tejon Industrial Complex East (Copies to each Supervisor, CAO, Planning, and County Counsel)
- H) Letter from Brian J. Todd re Fugitive Dust and PM 10 regulations (Copies to each Supervisor, CAO, RMA, and Planning)

- I) Letter from Gladys Monji, Extend a Hand for Justice, re actions of the Superior Court (Copies to each Supervisor and CAO)
- J) Letter from F.H.C. Van Motman in support of Zoning Map 197, Zone Change Case 36, Zone Variance No. 13 (Copies to each Supervisor, CAO, Planning, and County Counsel)
- K) Letter from Arthur L. Gaffrey, U.S. Department of Agriculture, Forest Service, re McNally Fire/Sherman Pass Restoration Project (Copies to each Supervisor and CAO)
- L) Letter from Deborah Richardson re Case 1, Map 234-32, APN 254-402-26, CUP 1, expressing objection to appeal fee and concerns re nuisance abatement (Copies to each Supervisor, CAO, Planning, and County Counsel)
- M) Letter from Craig Fulwyler re interest in continuing to serve as Director on the Pond-Shafter-Wasco Resource Conservation District Board (Copies to each Supervisor and CAO)
- N) Letter from Stephen J. Fanucchi re interest in serving as Director of Pond-Shafter-Wasco Resource Conservation District (Copies to each Supervisor and CAO)
- O) Letter from Armando J. Vasquez, Linns Valley-Poso Flat Union School District, re Resolution 2002-05B for bond election (Copy to County Counsel)
- P) Letter from Arthur L. Gaffrey, U.S. Department of Agriculture, Forest Service re meeting schedule for Draft Environmental Impact Statement re Giant Sequoia National Monument (Copies to each Supervisor, CAO, Planning, and County Counsel)
- Q) Letter from Dallas Jones, Governor's Office of Emergency Services, re U.S. Small Business Administration list of counties in California declared disaster areas beginning January 1, 2002, due to drought conditions (Copies to each Supervisor, CAO, General Services, RMA, Agricultural Commissioner, and Emergency Services)
- R) Letter from Julie Teel, Center for Biological Diversity, re objections to Final Environmental Impact Report for Tejon Industrial Complex East Specific Plan, SCH No. 2001101133 (Copies to each Supervisor, CAO, Planning, and County Counsel)
- S) E-mail from Harry Love in opposition to Tejon Ranch Development proposal (Copies to each Supervisor, CAO, Planning, and County Counsel)
- T) E-mail from Andrew Honig in opposition to Tejon Industrial Complex Development (Copies to each Supervisor, CAO, Planning, and County Counsel)
- U) Opposition to Complaint from Craig A. Gilley, Fleischman and Walsh, L.L.P., re Complaint of Costa de Oro Television, Inc., against Mediacom Communications Corporation Request for Carriage (Copies to each Supervisor, CAO, Property Management, and County Counsel)

- V) Notice from Alcoholic Beverage Control re Application for Alcoholic Beverage License for Food Spot Market, 810 Oildale Drive, Bakersfield (Copies to each Supervisor, CAO, and Planning)
- 22) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Brandon Gladden and Candace Gladden vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Marian Mesa and Emily Smith vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Nathaniel David Cheadle vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Omar Yasin vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Mark Davis vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Louis Elrich vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of John Tolan vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Claim in the matter of R. A. Campbell vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Claim in the matter of Edward Jaievsky, Karine Jaievsky, Nicole Jaievsky, Nathan Jaievsky, Majael Jaievsky, and Yamille Jaievsky vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Claim in the matter of Frances Henry Lyday, Jr., Elena Maria Lyday, Norma Serna, Jose Serna, Johnny Serna, Arali Orneles, Daniel Serna, Jeanette Serna, Monica Serna, Nathan Serna, Celeste Serna, Hector Banuelos, Jorge Aguetera, Francisco Marroquin, Rosa Marroquin, Javier Marroquin, Judy Marroquin, Francisco Marroquin, Jr., Joshua Marroquin, Ruby Marroquin, Xochitl Garcia, Ernie Torres, Tracy Brown (Gordon), Florentina Alvarez, Catalina Garcia, Patricia Alvarez, Clemente Alvarez, Araceli Alvarez, Juan Carlos Alvarez, Olga Patricia Alvarez, Luis Enrique Alvarez, Eva Alvarez, Jean Carlile, Soyla Gasca, Anika Ramos, Carisma Ramos, Marquise Horn, George Garcia, Victoria Garcia, Gracie Hidalgo, Sergio Hidalgo, Jr., Sergio Hidalgo, Isaiah Hidalgo, Efren Alvarez, Efren Alvarez, Jr., Jose Alvarez, Manuel Alvarez, Norma Alvarez, Eduardo Alvarez, Vanessa Alvarez, Esteban Alvarez, Rosario Alvarez, Jesus Alexis Alvarez, Roman Cazares, Martina Cazares, Miguel Angel Cazares, Victor Alfredo Cazares, Roman Alejandro Cazares, Alejandro Ayala, Adriana Ayala, Karen Ayala, Maria Ayala, Martin Ayala, Juana Ayala, Armando Ayala, Nancy Ayala, Rene Ayala, David Ayala, Jazel Ayala, and Lula Ford vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- K) Petition for Writ of Mandate (CEQA) in the matter of City of Los Angeles, a municipal corporation; County Sanitation District No. 2 of Los Angeles County, a public agency; Orange County Sanitation District, a public agency; California Association of Sanitation Agencies, a California nonprofit public benefit corporation; Southern California Alliance of Publicly Owned Treatment Works, a California nonprofit public benefit corporation; and Responsible Biosolids Management, Inc., a California corporation vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- L) Notice of Commencement of Action for Writ of Mandate Under Public Resources Code Sec. 21167 in the matter of City of Los Angeles, a municipal corporation; County Sanitation District No. 2 of Los Angeles County, a public agency; Orange County Sanitation District, a public agency; California Association of Sanitation Agencies, a California nonprofit public benefit corporation; Southern California Alliance of Publicly Owned Treatment Works, a California nonprofit public benefit corporation; and Responsible Biosolids Management, Inc., a California corporation vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- M) Summons and Complaint in the matter of Raymond B. Sensenig vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- N) Subrogation claim in the matter of Beatrice T. Velez by Farmers Insurance Group vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

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