

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, January 27, 2004

9:00 A.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra
ROLL CALL: All Present

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.

NOTE: SUPERVISOR PARRA RECOGNIZED JOSE ALCALA, APPOINTEE TO THE KERN COUNTY AIDS ADVISORY BOARD; JOSE ALCALA HEARD

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Certificates of Recognition recognizing Taft College Cougars Women's Volleyball Team for rating 8th in the State and 2nd in the pre-season San Jose City College Tournament - MADE PRESENTATIONS TO COACH KANOE BANDY; ASSISTANT COACH KEAHLII PEARL; JAMIE TSUBAKI; ASHLEY OGLE; AMANDA LEOPOLDO; SHANNON MILICIC; PAEPAETELE POASA; BURGANDI BORGES; JANICE FONOTI; LEHUA YAP; HALEY NOBLE; CARRIE JOHNSON; NORRESHA BAKER; AND KRISTELLE MARFIL; COACH BANDY HEARD

PUBLIC REQUESTS

- 2) Request from Bernita Jenkins, Chairperson, Human Relations Commission, to address the Board regarding vacancies on the Human Relations Commission and the countywide Hate-Free Zone campaign - BERNITA JENKINS HEARD

- *3) Request from Kern County Child Care Council to approve Certification Statement Regarding Composition of Local Planning Council (LPC) Membership and submission to California Department of Education - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

APPOINTMENTS

- *4) Appointment of Jose Guillermo Alcala as Fifth District Member to the Kern County Aids Advisory Board, term to expire August 16, 2006 - MADE APPOINTMENT

Maben-Parra: All Ayes

- *5) Appointment of Ken Edward Kerr as At-large Member to the West Side Mosquito and Vector Control District, term to expire January 1, 2006 - MADE APPOINTMENT

Maben-Parra: All Ayes

PUBLIC PRESENTATIONS

- 6) 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

- 7) 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

BOARD OF SUPERVISORS

- *8) Proposed Loan Agreement with United States Air Force and 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 (no fiscal impact) (continued from January 20, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 048-2004

Maben-Parra: All Ayes

COUNTY COUNSEL

- *9) Proposed Ordinance adding Subsection (160) to Section 10.16.041, Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone on Catalpa Way - WAIVED READING; INTRODUCED ORDINANCE

Maben-Parra: All Ayes

- *10) Request of Environmental Health Services Department - Animal Control Division for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

- *11) Request of Kern Medical Center for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

- *12) Request of Probation Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

- *13) Request of Agriculture & Measurement Standards Department for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

HUMAN SERVICES

- *14) Proposed Agreement with the Tule River Tribal Council for the Tule River Food Distribution Program from January 31, 2004 to September 30, 2006 (no County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 049-2004

Maben-Parra: All Ayes

- *15) Request to accept a donation of \$4,558.04 from Friends of the Children for programs to support emancipating youth - RECEIVED AND FILED

Maben-Parra: All Ayes

KERN MEDICAL CENTER

- *16) Proposed retroactive Amendment No. 11 to Agreement 538-93 with Stanford University, for KMC to act as a teaching site for Stanford physician assistant and nurse practitioner students, terminating the Agreement effective January 31, 2004, and decreasing the contractual not to exceed amount by \$20,862 from \$364,767.84 to \$343,905.84 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 050-2004

Maben-Parra: All Ayes

- *17) Proposed retroactive Amendment No. 7 to Agreement 611-99 with CTG HealthCare Solutions, Inc., for CTG HealthCare Solutions, Inc., to provide personnel in support of the McKesson STAR applications, increasing the contractual not to exceed amount by \$200,000, from \$1,398,000 to \$1,598,000 (prior notification December 16, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 051-2004

Maben-Parra: All Ayes

- *18) Proposed Agreement with Beth Anne Bernstein, M.D., for physician services in the Department of Psychiatry, from April 26, 2004 through April 25, 2009, in an amount not to exceed \$975,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 052-2004

Maben-Parra: All Ayes

- *19) Proposed Agreement with Ravi Patel, M.D., Inc., dba Comprehensive Blood and Cancer Center, for medical services to oncology and hematology patients and teaching services to resident physicians, from January 27, 2004 through January 26, 2006, in an amount not to exceed \$120,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 053-2004

Maben-Parra: All Ayes

- *20) Proposed Agreement with Ravi Patel, M.D., Inc., dba Comprehensive Blood and Cancer Center, for plasmaphoresis services, from January 27, 2004 through January 26, 2006, in an amount not to exceed \$10,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 054-2004

Maben-Parra: All Ayes

- *21) Proposed Agreement with Ravi Patel, M.D., Inc., dba Comprehensive Blood and Cancer Center, for radiation therapy services, from January 27, 2004 through January 26, 2006, in an amount not to exceed \$200,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 055-2004

Maben-Parra: All Ayes

- *22) Proposed Agreement with Shabbir A. Shakir, M.D., for urology services in the Department of Surgery, from February 5, 2004 through February 4, 2006, in an amount not to exceed \$73,600 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 056-2004

Maben-Parra: All Ayes

PARKS AND RECREATION DEPARTMENT

- *23) Appropriation of unanticipated revenue in the amount of \$482,000 from Proposition 10 and \$60,000 from Proposition 12, per capita funds for construction of six tot lots - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT \$542,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$542,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT #1960

Maben-Parra: All Ayes

- *24) Appropriation of unanticipated revenue in the amount of \$220,000 from the National Park Service/Urban Park and Recovery grant funds and the Proposition 12, Roberti-Z'Berg Harris grant funds for installation of swings and a shelter - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$220,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$220,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT #1960

Maben-Parra: All Ayes

- *25) Appropriation of unanticipated revenue in the amount of \$220,000 from Department of Boating and Waterways for the Buena Vista Aquatic Recreation Area (BVARA) Boat Ramp Rehabilitation Project - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$220,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$220,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT #1960

Maben-Parra: All Ayes

PERSONNEL

- *26) Proposed amendment to Articles IV and Article V.E of the Kern County Human Relations Commission Bylaws - APPROVED

Maben-Parra: All Ayes

PROBATION

- *27) Proposed Amendment No. 1 to Agreement with Kern County Superintendent of Schools (611-2003) for High Risk Youth and Public Safety Program Agreement to add the cost of salary and benefits for two Group Counselor II positions (\$63,565 each) and an additional \$10,000 in overtime cost - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 057-2004

Maben-Parra: All Ayes

RETIREMENT ASSOCIATION

- *28) Proposed purchase of Kern County Employees' Retirement Association (KCERA) fiduciary liability insurance non-recourse waivers for staff and trustees, at a cost not to exceed \$325 per year - APPROVED

Maben-Parra: All Ayes

- *29) Revised Election Procedures for Elected Positions on Board of Retirement, Kern County Employees' Retirement Association, changing manner and content of member notification, detailing candidate eligibility requirements and candidate statement required content, and adding candidate nomination paper requirement and provisions for extended candidate filing period if incumbent fails to file, write-in candidates, election result if no more than one candidate files nomination papers, posting election results on the Internet, and special elections to fill unscheduled vacancies - APPROVED

Maben-Parra: All Ayes

SHERIFF

- *30) Application to hold a Parade - Kernville Chamber of Commerce on February 14, 2004 - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

- *31) Request for approval of intent to donate a vehicle to the United Way of Indian Wells Valley - APPROVED; DIRECTED COUNTY COUNSEL TO PREPARE NOTICE OF INTENT AND DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Maben-Parra: All Ayes

TREASURER-TAX COLLECTOR

- *32) Treasurer's Pooled Cash Quarterly Portfolio Reporting for Quarter Ended December 31, 2003 - RECEIVED AND FILED

Maben-Parra: All Ayes

ADJOURNED TO CLOSED SESSION

Watson-

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 33) Request for Closed Session regarding Meet and Confer, All Unions -

- 34) Request for Closed Session regarding public employee performance evaluation - Title: Chief Executive Officer of Kern Medical Center -

(If public reporting is required by Government Code Section 54957.1 relating to the above matters, the public reporting of any action taken in closed session will be made at the beginning of the 2:00 p.m. session of the Board of Supervisors.)

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

Maben-Parra

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *3) **Request from Angel Newman (original applicant - Carriage Homes by Moreland Consulting, Inc.) appealing the decision of the Planning Commission approving Vesting Tentative Tract 6096 dividing a 9.4-acre site into 15 residential lots and approving an 18,513-square-foot minimum lot size, where 21,780 square feet are required, on property located on the east side of Cindy Drive, approximately 200 feet south of Bonanza Drive, southeast Bakersfield area (SD 5)**

Specific Request:

- (a) An appeal to the decision of the Planning Commission for the approval of Vesting Tentative Tract 6069 (Resolution 191-03; approved October 9, 2003) proposing to divide a 9.4-acre site into 15 residential lots ranging in size from 19,900 square feet to 28,600 square feet for single-family residential development; two limited design variations (TR #6096)
- (b) An appeal to the decision of the Planning Commission for the approval of Zone Modification 4, Map 124-12 (Resolution 192-03; approved October 9, 2003) to allow an 18,513-square-foot minimum lot size, where 21,780 square feet are required (Section 19.16.050 and Section 19.54.050.A.3), in an E (1/2) RS District (Appeal #2, Map #124-12)
- (Negative Declaration; Published Bakersfield Californian) (from 12/09/2003) - CONTINUED TO TUESDAY, MARCH 30, 2004, AT 2:00 P.M.

Parra-Patrick: All Ayes

HEARING

RESOURCE MANAGEMENT AGENCY
Planning Department

- 4) Proposed Interim Urgency Ordinance amending Section 19.08.160 of the Kern County Zoning Ordinance to provide for a 200-foot height restriction under a military low level flight corridor in all zoning districts, including WE (wind energy) combining districts - OPENED HEARING; HEARD IN OPPOSITION TO RECOMMENDATION: HAL ROMANOWITZ, PRESIDENT, KERN WIND ENERGY ASSOCIATION; WILLIAM NELSON; JOEL KLIPP, ANEMOS; TONY GIUSIANA, CORRUM ENERGY; DELTON SPRINKLE, ENXCO, INC.; OSCAR RUDNICK, TRUSTEE, RUDNICK FAMILY TRUST; HEARD IN SUPPORT OF RECOMMENDATION: ANTHONY PARISI, REPRESENTING CHINA LAKE NAVAL AIR SYSTEMS COMMAND WEAPONS DIVISION; AND DWIGHT DEACON, EDWARDS AIR FORCE BASE, AIR FORCE FLIGHT TEST CENTER; CLOSED HEARING; HAL ROMANOWITZ; MR. PARISI; AND MR. DEACON RESPONDED TO QUESTIONS BY THE BOARD; RE-OPENED HEARING: ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS ASSOCIATION AND WILLIAM NELSON, HEARD; CLOSED HEARING

WAIVED READING; ENACTED INTERIM URGENCY ORDINANCE G-7072 AS REVISED TO PROVIDE FOR A 200-FOOT HEIGHT RESTRICTION WITH WRITTEN NOTIFICATION TO THE MILITARY, AND REFERRED TO STAFF TO REPORT BACK TO THE BOARD IN FOUR WEEKS REGARDING PROGRESS OF MILITARY AND WIND INDUSTRY NEGOTIATIONS ON APPROVED AREA MAPS; RECEIVED AND FILED

Maben-Patrick: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Streets and Highways

S.D. #1

- *5) Request from Harry Loftus for the Summary Vacation of a five-foot portion of a ten-foot-wide public utility easement, 6118 Maple Avenue, Lake Isabella, Map 41-26 - APPROVED; ADOPTED RESOLUTION 2004-024

Parra-Patrick: All Ayes

Miscellaneous

S.D. #1

- *6) Proposed Amendment No. 1 to Agreement 506-2003 with Cotton/Bridges/Associates for planning consulting services to prepare a Specific Plan and Program Environmental Impact Report (EIR) for the Kern River Valley portion adding Phase II work, an increase of \$74,253, for a new total not to exceed \$181,253 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 058-2004

Parra-Patrick: All Ayes

- *7) Proposed Sole Source Agreement with Northcutt and Associates for consulting services on the Kern River Valley Specific Plan and Environmental Impact Report, in an amount not to exceed \$8,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 059-2004

Parra-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

S.D. #5

- *8) Proposed Amendment No. 1 to Agreement 763-99 with Lamont Public Utility District to provide \$30,000 for additional Water System Improvements in the Plainview neighborhood of Lamont (C.D. #29.97.2) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 060-2004

Parra-Patrick: All Ayes

All S.D.'s

- *9) Closeout of completed Community Development Block Grant (CDBG) funded projects for Fiscal Years 1996-1997 through 2001-2002, and transfer of \$145,231.83 to the CDBG unprogrammed funds line item in Department 8920, Trust Fund 29080 - APPROVED TRANSFER OF FUND BALANCES; AUTHORIZED NECESSARY HUD AND COUNTY BUDGET ADJUSTMENTS AND PROJECT CLOSEOUTS

Parra-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #3

- *10) Proposed Resolution setting hearing on formation of Olive Drive Underground Utility District for Tuesday, February 24, 2004, at 2:00 p.m. - APPROVED; ADOPTED RESOLUTION 2004-025; DIRECTED CLERK OF THE BOARD TO MAIL HEARING NOTICE TO AFFECTED PROPERTY OWNERS AND UTILITIES

Parra-Patrick: All Ayes

All S.D.'s

- *11) Proposed Agreements for Administration of School Crossing Guard Programs with Kern County School Districts: Bakersfield School District, CSA No. 12.1, \$35,690.69; Beardsley School District, CSA No. 12.7, \$6,379.44; Fairfax School District, CSA No. 12.12, \$7,275.41; Fruitvale School District, CSA No. 12.10, \$2,294.14; Greenfield Union School District, CSA No. 12.3, \$2,592.41; Lamont School District, CSA No. 12.4, \$4,159.50; Norris School District, CSA No. 71.4, \$734.65; Rosedale Union School District, CSA No. 12.11, \$1,151.34; Southern Kern Unified School District, CSA No. 12.5, \$19,859.94; and Tehachapi Unified School District, CSA No. 12.13, \$26,693.67; all terms ending July 31, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 061-2004 THROUGH 070-2004

Parra-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #1

- *12) Contract No. 04008, identify apparent low bid of Bowman Asphalt, Inc., for construction of the Kern River Bike Path from California Living Museum to the Kern River Golf Course picnic area, in an amount not to exceed \$328,347.20 - IDENTIFIED LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Parra-Patrick: All Ayes

- *13) Request for authorization to pay habitat mitigation fee, in an amount not to exceed \$3,720, to the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) Trust Group for construction of the Kern River Bike Path from California Living Museum to the Kern River Golf Course picnic area - APPROVED; AUTHORIZED ROADS DEPARTMENT TO TRANSFER PAYMENT

Parra-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

Legislative Matter

- *14) Opposition to proposed changes in automobile insurance rate formulas - ADOPTED POSITION IN OPPOSITION; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Parra-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *15) Proposed Agreement with T.J. Cross Engineers, Inc., for the New Juvenile Treatment Facility Water Tank, in an amount not to exceed \$8,000 (1960.8166) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 071-2004

Parra-Patrick: All Ayes

S.D. #4

- *16) Proposed Agreement with Bates Construction for the Lake Webb Campground Play Area Redevelopment, in an amount not to exceed \$218,453 (1960.8155) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 072-2004

Parra-Patrick: All Ayes

- *17) Change Order No. 4 for improvements at Buena Vista Aquatic Recreation Area (BVARA) Boat Launching Facilities, an increase of \$41,670, for a new total of \$1,396,926.31 (1960.8195 & 1960.8163) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Patrick: All Ayes

- *18) Plans and Specifications for Derby Acres Recreation Building Reroof (1650.7162) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE THURSDAY, FEBRUARY 26, 2004, AT 11:00 A.M.

Parra-Patrick: All Ayes

- *19) Proposed Resolution consenting to the transfer of Cable Television Franchise F-426 from Suntel Communications, LLC, to Rapid Communications, LLC (from 01/20/2004) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; ADOPTED RESOLUTION 2004-026

Parra-Patrick: All Ayes

S.D. #5

- *20) Change Order No. 3 for remodel of Courtroom J1 at the Juvenile Justice Center, an increase of \$368, for a new total of \$182,965 (9410.7000C) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Patrick: All Ayes

- *21) Proposed Lease Agreement with Bakersfield City School District for District's use of a portion of the Sheriff's Substation located on Flower Street, in exchange for providing on-site educational programs and activities, from January 27, 2004 to January 24, 2009 - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 073-2004

Parra-Patrick: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *22) Budget Transfers - APPROVED NO. 124 THROUGH NO. 127
Parra-Patrick: All Ayes
- *23) Minutes for week of January 5, 2004 - APPROVED WITH CORRECTIONS TO TUESDAY, JANUARY 6, 2004, ITEM NO. 3 P.M., TO INSERT "**AND ENACTED ORDINANCE G-7071**" AFTER THE PHRASE "ADOPTED RESOLUTIONS 2004-004, 2004-005 AND 2004-006"; AND TO ITEM NO. 5 P.M., TO CHANGE RESOLUTION 2004-004 TO "**RESOLUTION 2004-020**"
Parra-Patrick: All Ayes
- *24) Miscellaneous Letters and Documents - FILED
Parra-Patrick: All Ayes
- *25) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED
Parra-Patrick: All Ayes

ADJOURNED TO TUESDAY, FEBRUARY 3, 2004, AT 9:00 A.M.

Patrick-

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)**

The Board of Supervisors Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Board of Supervisors may request assistance at the Clerk of the Board of Supervisors, Fifth Floor, 1115 Truxtun Avenue, Bakersfield, California or by calling (661) 868-3585. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

24) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Report of Current Internal Controls and Financial Records of The Clerk of the Board Department-Executive Summary
- B) Automobile Insurance Fraud and Workers' Compensation Insurance Fraud Programs Report for Fiscal Year Ended June 30, 2003
- C) Letter to Chairman McQuiston re touch screen voting system requirements

Clerk of the Board

- D) Memorandum from Ross Elliott, Interim Director, Emergency Medical Services, re two (2) unscheduled vacancies on the Emergency Medical Care Advisory Board, Jack Fowler (Urban Consumer Representative) and Daniel Hester (Rural Area Consumer Representative)

Local Agency Formation Commission

- E) Resolution 03-27, Proceeding No. 1364, in the matter of City of Bakersfield, Annexation No. 445 (McCutcheon No. 1)

Resource Management Agency

- F) Response to referral re letter from Lloyd Wiens concerning use of public funds for maintenance of dirt roads or trails in the Frazier Mountain Park subdivision (Copies to each Supervisor, CAO, Roads and County Counsel)

Miscellaneous

- G) Letter from Brent M. Dezember re intention not to seek reappointment to the Kern County Employees Retirement Association (Copies to each Supervisor and CAO)
- H) Letter from John Tolan in support of reorganization of Child Protective Services (Copies to each Supervisor, CAO, Human Services and County Counsel)
- I) Letter from Thomas Paxson, Kern County Air Pollution Control District, re 2003 Air Toxics Annual Report (Copies to each Supervisor, CAO and Resource Management Agency)
- J) Letter from Doyle Green, California Highway Patrol, re Hazardous Materials Incident Report on Friday, January 9, 2004, at south bound State Route 43, south of Brimhall Road (Copies to each Supervisor, CAO, Environmental Heath, Fire Haz Mat)
- K) Letter from Senator Dean Florez re Department of Human Services' internal audit of Child Protective Services (Copies to each Supervisor, CAO, Human Services and County Counsel)
- L) Letter from Lawrence B. Bolton, State Department of Social Services, re review of Kern County Child Welfare Services Program (Copies to each Supervisor, CAO, Human Services and County Counsel)

- M) Letter from Kirk W. Hessler, Valley Independent Bank, re resignation from the Westside Mosquito Abatement and Vector Control District Board (Copies to each Supervisor and CAO)
- N) Letter from Steven L. Spangle, U.S. Department of the Interior, U.S. Fish and Wildlife Service, re notification of intent to prepare an environmental assessment for anticipated proposal of critical habitat for the southwestern willow flycatcher (Copies to each Supervisor, CAO, Planning and County Counsel)
- O) E-mail from Florence Dunagan re safety issues in the Olive Drive, Roberts Lane and Norris Road area (Copies to each Supervisor, CAO, Engineering & Survey Services, Roads and Public Health)
- P) News release from U.S. Fish and Wildlife Services re public input on southwestern willow flycatcher critical habitat proposal (Copies to each Supervisor, CAO, Planning and County Counsel)
- 25) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Shirley Georgino vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Government Employees Insurance Company (GEICO) vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Russell A. Hughes vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Kenneth L. Faulkner, Jr. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Monica Mon vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Subrogation claim in the matter of Patricia Hudson by GEICO Direct vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)