

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, January 28, 2003

9:00 A.M.

#### BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

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

#### PUBLIC REQUESTS

- \*1) Request of Jeanette Richardson, Executive Director, Arts Council of Kern, for the Board to adopt a Resolution approving participation in the 2003-2004 California Arts Council State/Local Partnership Program - APPROVED; ADOPTED RESOLUTION 2003-029

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

#### APPOINTMENTS

- \*2) Reappointment of Bob Hampton to the Assessment Appeals Board, term to expire September 2, 2005 - MADE REAPPOINTMENT

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

- \*3) Appointment of Susan Handy as Education Member, and reappointments of Business Members: Morgan Clayton, James Dozier, and Mike Miller; Education Members: Sherrill Hufnagel and Barry Koerner; Community-Based Organization Members: Irma Carson, Diane Dominguez, Steve Sanders, and David Villarino; Public Agency Members: Beverly Beasley Knight and Pete Parra; and Other Members: Christine Martinez and Debbie Hull to the Workforce Investment Board (WIB) Youth Council, terms to expire December 31, 2005 - MADE APPOINTMENT AND REAPPOINTMENTS

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

- \*4) Appointments of Bob Grove as Business Member, Bill Hatcher as Education Member, and Sanford Nabahe as One-Stop Partner Member, and reappointments of Business Members: Sheryl Barbich, Ken Carter, Morgan Clayton, Jim Crettol, Bill Redman, Mike Miller, Danny Ordiz, and Michael Page; Community-Based Organization Member: Irma Carson; Economic Development Members: James Dozier and Patrick Collins; One-Stop Partners Members: Patti Bumerts, James Diaz, Beverly Beasley Knight, and Diane Koditek; and Other Member: George Lartigue, to the Workforce Investment Board (WIB), terms to expire December 31, 2005 - MADE APPOINTMENTS AND REAPPOINTMENTS

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

- \*5) Appointment of Pauline Larwood as Primary Environmental Member to the San Joaquin Valley Air Pollution Control District Citizens Advisory Committee (replacing Ann Williams), term to expire January 31, 2005 - MADE APPOINTMENT

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

- \*6) Appointment of Bill Miller to the Tehachapi Resource Conservation District, term to expire November 30, 2006 - MADE APPOINTMENT

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

- \*7) Reappointments of Les Clark as Industry/Agriculture Member and Suzanne Noble as Industry/Agriculture Alternate Member to the San Joaquin Valley Air Pollution Control District Citizens Advisory Committee, terms to expire January 31, 2006 - MADE REAPPOINTMENTS

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

- \*8) Reappointments of Pierre St. Amand and Paul Mooney as First District Members to the Water Resources Committee, terms to expire December 31, 2004 - MADE REAPPOINTMENTS

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

- \*9) Appointment of Martha Leaheey as Public Agency Representative, Third District Member (replacing Clarissa (Pat) Cheadle), to the Local Child Care and Development Planning Council, term to expire June 30, 2003 - MADE APPOINTMENT

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

- \*10) Appointment of Laurie L. Flohr to the Behavioral Health Board, term to expire December 31, 2003, and reappointments of Eugene Couture, Ph.D., and Janice Lundy to the Behavioral Health Board, all Fourth District Members, terms to expire December 31, 2005 - MADE APPOINTMENT AND REAPPOINTMENTS

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

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

AGRICULTURE AND MEASUREMENT STANDARDS

- \*13) Proposed retroactive sole source Personal/Professional Agreement for Field Treatment Coordinator in the Kern County Area Wide Pest Management Glassywinged Sharpshooter Program, from July 1, 2002 to June 30, 2003, in an amount not to exceed \$90,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 050-2003

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

AUDITOR-CONTROLLER-COUNTY CLERK

- \*14) Proposed deletion of one (1) Legal Process Clerk III; and addition of one (1) Legal Process Clerk Trainee or one (1) Legal Process Clerk I, Budget Unit 1110, effective January 28, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

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

COUNTY COUNSEL

- \*15) Proposed Amendment to Kern County AAB Rule 9 - APPROVED AMENDMENT TO KERN COUNTY AAB RULE 9 AND REQUESTED THAT THE CLERK OF THE BOARD ENTER THE AMENDMENT IN THE AAB RULE BOOK AND MAKE APPROPRIATE CONFORMING CHANGES TO KERN COUNTY AAB FORMS

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

- \*16) Request from Wheeler Ridge-Maricopa Water Storage District for appointment of Directors for Divisions 2, 4, 5 and 9, pursuant to Water Code section 41307 - ADOPTED RESOLUTION 2003-030 ORDERING APPOINTMENT OF MARK VALPREDO AS DIRECTOR FOR DIVISION 2, ANTONIO COSTAMAGNA AS DIRECTOR FOR DIVISION 4, GEORGE R. CAPPELLO AS DIRECTOR FOR DIVISION 5, AND DENNIS MULLINS AS DIRECTOR FOR DIVISION 9

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

FIRE DEPARTMENT

- \*17) Unusual travel request for Fire Chief Stephen A. Gage to attend Advanced Incident Management Class as an Instructor/Evaluator in Marana, Arizona, from February 1, 2003 to February 14, 2003, with all costs covered by the U.S. Forest Service - APPROVED

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

HUMAN SERVICES

- \*18) 2002 Valley Plaza Holiday Cottage Summary - RECEIVED AND FILED

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

KERN MEDICAL CENTER

- 19) Request to authorize payment of step increments to Gilbert Martinez, Clinical Laboratory Services Management, retroactive to November 20, 1999, in the amount of \$11,884.24 - APPROVED; DIRECTED AUDITOR CONTROLLER TO PAY

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

- \*20) Proposed Amendment No. 4 to Agreement 799-2001 with J&C Nationwide, for physician interim assignments in Department of Psychiatry, adding Exhibit "E" to Agreement, with no change in term of agreement or fiscal amount - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 051-2003

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

- \*21) Proposed Amendment No. 2 to Agreement 329-99 with Cardinal Distribution, to allow for the return of selected medications obtained for emergency preparedness - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 052-2003

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

- \*22) Proposed addition of one (1) full-time Hospital Compliance Coordinator, one (1) full-time Medical Secretary/Trainee, and one (1) full-time Account Clerk I/II; and deletion of one (1) full-time Hospital Compliance Officer and one (1) full-time Word Processing Technician I/II, effective January 28, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

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

MENTAL HEALTH SERVICES

- \*23) Proposed Amendment No. 1 to Agreement 431-2002 with Le Jardin Room and Board, for sober living environment services for adult clients residing in the Bakersfield area, to remove outdated language regarding quarterly fiscal review requirements (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 053-2003

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

- \*24) Proposed Agreement with Montana Academy, Inc., for closely structured mental health services for a County seriously emotionally disturbed (SED) adolescent residing in the facility, from January 28, 2003 to June 30, 2003, in an amount not to exceed \$21,952 (State; Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 054-2003

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

- \*25) Proposed approval of purchase of Mental Health Consumer Handbook from Bakersfield Envelope and Printing Company, in an amount not to exceed \$9,725.67 (Budgeted/Mandated) - APPROVED; AUTHORIZED PURCHASING TO ISSUE CONFIRMING ORDER

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

PARKS AND RECREATION DEPARTMENT

- \*26) Request to appropriate unanticipated revenue from the California Resources Agency through the Sierra Nevada Cascade Grant Program for the Lake Isabella Park Restroom Project - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$150,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$150,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO CAPITAL PROJECT BUDGET UNIT 1960

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

PUBLIC HEALTH SERVICES

- \*27) Proposed retroactive Agreement with Clinica Sierra Vista for Targeted Case Management Services, from July 1, 2002 through June 30, 2003 (prior notification June 25, 2002) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 055-2003

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

- \*28) Proposed Amendment No. 1 to Agreement 658-2002 with Kern County Superintendent of Schools for Child Care Health Consultancy Project, from July 1, 2002, through June 30, 2003, to increase the number of full-time equivalent staff provided by County - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 056-2003

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

SHERIFF

- \*29) Proposed Resolution to authorize the new sheriff of Kern County to sign any and all documents required by any state agency, board or commission in relation to any grant application previously approved by this Board - ADOPTED RESOLUTION 2003-031

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

- \*30) Proposed Resolution to authorize the new sheriff of Kern County to sign any and all documents required by any federal office, department or agency in relation to any grant application previously approved by this Board - ADOPTED RESOLUTION 2003-032

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

- \*31) Request to accept donation of six (6) computers from ARRC Technology, valued at \$4,500 - APPROVED; ORDERED THE SIX (6) COMPUTERS ADDED TO THE SHERIFF'S DEPARTMENT'S INVENTORY; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

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

- \*32) Application to hold a Parade - Kernville Chamber of Commerce on February 15, 2003 - 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

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

TREASURER-TAX COLLECTOR

- \*33) Pooled Cash Quarterly Portfolio Analysis for Month Ended December 2002 - RECEIVED AND FILED

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

ADJOURNED TO CLOSED SESSION

**McQuiston**

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 34) Request for Closed Session regarding public employee recruitment - Title: Director of Child Support Services -

COUNTY COUNSEL

- 35) Request for Closed Session regarding a lawsuit entitled Marina Diaz Monarrez, et al. vs. County of Kern, Kern County Superior Court Case No. 248144 (Government Code Section 54956.9(a)) -

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

**Maben-McQuiston**

/s/ Denise Pennell  
Clerk of the Board

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

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#### BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- \*3) **Request from Tracy Ranch, Inc., by Berry and Associates to cancel a 2.51-acre portion of an approximate 117-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 17.49 acres, located approximately 1/2 mile south of Seventh Standard Road and 1/2 mile east of Tracy Road, Buttonwillow area (SD 4)**

Specific Request:

Cancellation of a 2.51-acre portion of an approximate 117-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 17.49 acres (Cancellation #02-04, Map #99)

(General Rule, Section 15061(b)(3); Published Shafter Press) (from 12/10/02; 1/14/03) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2003-033 APPROVING CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE; DIRECTED CLERK OF THE BOARD TO RECORD CONTRACT AMENDING LAND USE CONTRACT; 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

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

HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- 4) **Request from Windridge, LLC by Barnhill Consulting, Inc., to change the permitted use from Limited Agriculture to Exclusive Agriculture with Wind Energy combining on 585.96 acres; and a zone variance to allow a reduction in setbacks for 45 wind turbines on property located seven miles west of State Highway 14, 1 1/2 miles north of Oak Creek Road, approximately 7 1/2 miles west of Mojave (SD 2)**

Specific Request:

(a) A change in zone classification from A-1 to A WE or a more restrictive district (ZCC #36, Map #197)

(b) A Zone Variance to allow a reduced setback for 45 wind turbine machines the equivalent of one overall machine height of 241.8 feet, where four times the overall height is required (Section 19.64.140.F), in an A WE District (ZV #13, Map #197)

(Negative Declaration; Published Mojave Desert News) - OPENED HEARING; GLENN BARNHILL, BARNHILL CONSULTING, REPRESENTING THE APPLICANT, HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2003-034 AND 2003-035 AND ENACTED ORDINANCE G-6964 APPROVING ZONE CHANGE AS REQUESTED, AND APPROVING ZONE VARIANCE SUBJECT TO CONDITIONS

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

- \*5) **Request from Flintridge Development Company by Ken Lifquist to change the permitted use from Neighborhood Commercial to General Commercial with Precise Development Combining; and approval of a Precise Development Plan for an automotive detail shop on property located at 2727 and 2729 Niles Street, east Bakersfield. (SD 5)**

Specific Request:

(a) A change in zone classification from C-1 to C-2 PD or a more restrictive district (ZCC #28, Map #103-27)

(b) A Precise Development Plan for the development of an auto glass sales and service shop, in a C-2 PD District (PD Plan #9, Map #103-27)

(Categorically Exempt, Section 15303; Published Bakersfield Californian)- OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2003-036 AND 2003-037 AND ENACTED ORDINANCE G-6965 APPROVING ZONE CHANGE AS REQUESTED; APPROVING PRECISE DEVELOPMENT PLAN SUBJECT TO CONDITIONS

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

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

S.D. #4

- \*6) Execution of subordination Agreement with USDA Rural Development for the Sunrise Villa rental housing project, #34.99.12 and #34.00.1, in the City of Wasco - APPROVED; AUTHORIZED DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO SIGN

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

S.D.'s # 1 & #2

- 7) Presentation by the Aerospace Office, Inc., on accomplishments and ongoing efforts for Edwards Air Force Base Retention - PHIL BRADY AND BOB JOHNSTON, THE AEROSPACE OFFICE, INC., INTRODUCED; PHIL BRADY HEARD; RECEIVED AND FILED DOCUMENT

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

RESOURCE MANAGEMENT AGENCY  
Engineering and Survey Services

HEARINGS

S.D. #1

- \*8) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 16828 Mountain View, Onyx, APN 321-181-18, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-038 DECLARING THE ABANDONED STRUCTURE(S) AND REAL PROPERTY A PUBLIC NUISANCE; DIRECTED ENGINEERING AND SURVEY SERVICES TO POST AND MAIL NOTICE OF DETERMINATION PURSUANT TO ORDINANCE CODE 8.44.100; IF NUISANCES ARE NOT ABATED WITHIN 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL AND TO PERFORM THE NECESSARY INSPECTIONS IN THE PERFORMANCE OF THE DEMOLITION CONTRACT

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

S.D. #2

- \*9) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 27157 Nudgent Street, Boron, APN 231-324-17, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; DECLARED BY RESOLUTION 2003-039 THE ABANDONED STRUCTURE(S) AND REAL PROPERTY A PUBLIC NUISANCE; DIRECTED ENGINEERING & SURVEY SERVICES TO POST AND MAIL NOTICE OF DETERMINATION PURSUANT TO ORDINANCE CODE 8.44.100; IF NUISANCES ARE NOT ABATED WITHIN 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL AND TO PERFORM THE NECESSARY INSPECTIONS IN THE PERFORMANCE OF THE DEMOLITION CONTRACT

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

S.D. #3

- \*10) Protest hearing on the proposed confirmation of the costs incurred for nuisance abatement work at 214 Roberts Lane, Oildale, APN 114-042-19, SD 3, \$3,731.25 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-040 CONFIRMING THE COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FOR EACH PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON THE TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH THE NUISANCES WERE ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

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

S.D. #4

- \*11) Protest hearing on the proposed confirmation of the costs incurred for nuisance abatement work at 3729 Arroyo Tr., Frazier Park, APN 259-165-09, SD 4, \$6,457.50 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-041 CONFIRMING THE COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FOR EACH PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON THE TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH THE NUISANCES WERE ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S); RECEIVED AND FILED DOCUMENT

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

- \*12) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 403 Elk Street, Tupman, APN 159-240-10, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-042 DECLARING THE ABANDONED STRUCTURE(S) AND REAL PROPERTY A PUBLIC NUISANCE; DIRECTED ENGINEERING & SURVEY SERVICES TO POST AND MAIL NOTICE OF DETERMINATION PURSUANT TO ORDINANCE CODE 8.44.100; IF NUISANCES ARE NOT ABATED WITHIN 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL AND TO PERFORM THE NECESSARY INSPECTIONS IN THE PERFORMANCE OF THE DEMOLITION CONTRACT

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

S.D. #5

- \*13) Protest hearing on the proposed confirmation of the costs incurred for nuisance abatement work at 12704 Parish Avenue, Lamont, APN 187-131-34, SD 5, \$3,085 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-043 CONFIRMING THE COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FOR EACH PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON THE TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH THE NUISANCES WERE ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

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

S.D.'s #1 and #5

- \*14) Protest hearing on the proposed confirmation of the costs incurred for nuisance abatement work at:
- |                                  |                |       |
|----------------------------------|----------------|-------|
| 74 Adams Road, Wofford Heights   | APN 083-333-35 | SD #1 |
| \$1,550 - REFERRED TO STAFF      |                |       |
| 100 Bodfish Street, Bodfish      | APN 264-062-09 | SD #1 |
| \$2,950                          |                |       |
| 1000 Knotts Street, Bakersfield, | APN 126-252-11 | SD #5 |
| \$1,320 -                        |                |       |

OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-044 CONFIRMING THE COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FOR EACH PROPERTY EXCEPT 74 ADAMS ROAD; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON THE TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH THE NUISANCES WERE ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

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

S.D. #1

- \*15) Tract 5909, Snow Road, 1980 feet east of Calloway Drive, approval of completed street, drainage, water and sewer improvements, reduction of Faithful Performance Security in Subdivision Improvement Agreement, and proposed resolution for acceptance of street and drainage improvements for maintenance - APPROVED COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$1,363,271 TO \$136,327 FOR GUARANTEE AND MAINTENANCE OF THE COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING JANUARY 28, 2003; RECEIVED AND FILED AMENDMENT TO LETTER OF CREDIT #183, ISSUED BY VALLEY INDEPENDENT BANK; ADOPTED RESOLUTION 2003-045 FOR ACCEPTANCE OF THE ROADS WITHIN TRACT 5909 INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE AND ACCEPTANCE OF DRAINAGE IMPROVEMENTS FOR MAINTENANCE

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

S.D. #5

- \*16) Contract No. 02041, proposed Agreement with Mauldin-Dorfmeier for construction of North Lamont Channel in an amount not to exceed \$939,083.05 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 057-2003

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

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D. #3

- \*17) Contract No. 20018, Notice of Completion for construction of improvements to the Fairhaven Fire Protection District on Fairhaven Drive, East Drive and Gibson Street - RECEIVED AND FILED

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

S.D. #5

- \*18) Contract No. 03011, identify apparent low bid of Schweitzer Construction for construction on Flower Street between Haley Street and Mount Vernon Avenue, in an amount not to exceed \$80,141.25 - IDENTIFIED LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASED ALL OTHER BID GUARANTEES

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

- \*19) Proposed Contract No. 03006, with E & M Constructors, for construction on Hall Road between State Highway 184 and San Diego Street, in an amount not to exceed \$64,023.00 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 058-2003

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

WASTE MANAGEMENT

S.D. #4

- \*20) Proposed Plans, Special Provisions and Notice to Contractors to construct the Module 3 Liner System at the Shafter-Wasco Sanitary Landfill (Contract No. 02030) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; AUTHORIZED WASTE MANAGEMENT TO PUBLISH NOTICE TO CONTRACTORS; BID OPENING TO BE WEDNESDAY, MARCH 12, 2003 AT 11:00 A.M.

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

COUNTY ADMINISTRATIVE OFFICE

- 21) Mid-Year Status Report on FY 2002-03 County Budget - RECEIVED AND FILED

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

- \*22) Proposed Resolution authorizing the County, on behalf of the Kern County Operational Area, to submit an application for a Citizen Corps Council and Community Emergency Response Team Program grant in the amount of \$23,421 to the California Office of Emergency Services, Governors Office of Service and Volunteerism and authorizing the County Administrative Officer to sign grant documents - APPROVED; ADOPTED RESOLUTION 2003-046

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

- \*23) Proposed Resolution authorizing the County, on behalf of the Kern County Operational Area, to submit an application for an Emergency Operations Plan Update grant in the amount of \$164,444 to the California Office of Emergency Services and authorizing the County Administrative Officer to sign grant documents - APPROVED; ADOPTED RESOLUTION 2003-047

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

Legislative Matters

- 24) Proposed Resolution opposing Governor's budget proposal to end reimbursements to local governments for loss of vehicle license fees - BOB BERGER HEARD; APPROVED; ADOPTED RESOLUTION 2003-048 TO FURTHER INCLUDE SUPPORT FOR AB 4X; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

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

- \*25) Response to referral re proposed merger of State Emergency Medical Services Authority into California Department of Health Services - AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

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

- \*26) Proposed support for continued Valley Fever research funding in State budget - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

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

COUNTY ADMINISTRATIVE OFFICE  
General Services Division

S.D. #1

- \*27) Plans and Specifications for tot lot improvements at Wofford Heights, Mountain Mesa & Inyokern Parks (1960.8247C) - 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 27, 2003, AT 11:00 A.M.

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

- \*28) Request to set hearing date and terms for proposed transfer of the Shafter Experimental Farm to the Regents of the University of California (no cost) - ADOPTED RESOLUTION 2003-049 OF INTENTION FINDING THAT THE SHAFTER RESEARCH AND EXTENSION CENTER IS SURPLUS TO COUNTY NEEDS AND SETTING PROPOSED TERMS; DIRECTED CLERK OF THE BOARD TO PUBLISH A NOTICE OF INTENTION TO TRANSFER; ESTABLISHED A HEARING DATE OF TUESDAY, FEBRUARY 25, 2003 AT 2:00 P.M.

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

S.D. #2

- \*29) Request to extend term of Agreement #038-97 with Orville H. Handy for lease of Sheriff's substation at 14654 Caliente Creek Road #6, Twin Oaks for one year, from February 28, 2003 to February 28, 2004 (\$280.00 per month) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED GENERAL SERVICES TO EXERCISE OPTION TO EXTEND TERM

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

S.D. #3

- \*30) Request for approval of Bid Package and Lease Agreement, and for adoption of Resolution of Intention to lease a portion of Metropolitan Recreation Center located at 3805 Chester Avenue, Bakersfield, setting minimum bid (\$700 per year) and bid opening date of February 19, 2003 - APPROVED; ADOPTED RESOLUTION 2003-050; AUTHORIZED GENERAL SERVICES TO PUBLISH NOTICE AND RECEIVE BIDS

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

S.D.'s #3 & #5

- \*31) Identify apparent low bid from Gospich Construction Company for tot lot improvements at Heritage, Casa Loma, Pioneer & Rexland Acres Parks, in the amount of \$326,000 (1640.71000203) - IDENTIFIED LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND TO PREPARE CONTRACT DOCUMENTS

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

S.D. #4

- \*32) Proposed retroactive Agreement for Lease with Consumnes Professional Buildings for lease of office space at 401 Finley Drive, Taft for the Mental Health Department (December 2, 2002 through December 31, 2005), approximate total cost of \$32,233.49 for fiscal year 2002-2003 - 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 059-2003

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

- \*33) Proposed Agreement with Brinar Construction for the Derby Acres, Ford City, Lost Hills, and Valley Acres Parks tot lot improvements in the amount of \$106,800 (1960.8247B) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 060-2003

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

COUNTY ADMINISTRATIVE OFFICE

Information Technology Services

- \*34) Proposed Agreement with the City of Bakersfield to share high-speed Internet Service Provider access - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 061-2003

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

MATTERS FOR EXECUTIVE APPROVAL

- \*35) Budget Transfers - APPROVED #95 THROUGH #96

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

- \*36) Miscellaneous Letters and Documents - FILED

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

- \*37) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

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

ADJOURNED TO TUESDAY, FEBRUARY 4, 2003, AT 9:00 A.M.

**Patrick**

/s/ Denise Pennell  
Clerk of the Board

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

36) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Spousal Abuser Prosecution Program Audit Report for June 30, 2002
- B) Office of Criminal Justice Planning Grants Audit Report for June 30, 2002
- C) Community Gun Violence Prosecution Program Grant Audit Report for September 30, 2002
- D) Statement of Money in the County Treasury as of December 12, 2002

Clerk of the Board

- E) Received, certified and forwarded to Recorder for recordation as follows:
  - 1) Tract Map 6024 S.D. 4

Resource Management Agency

- F) Quarterly Status Report on key issues (Copies to each Supervisor and CAO)

Treasurer-Tax Collector

- G) Declaration of Intent to seize property pursuant to Section 2953 of the California Revenue and Taxation Code, located at Mojave Airport, Mojave, California, Rotary Rocket Company (Copies to each Supervisor, CAO, and County Counsel)

Miscellaneous

- H) Letter from Thomas Paxson, Kern County Air Pollution Control District re 2002 Air Toxics Annual Report (Copies to each Supervisor and CAO)
- I) Letter from Jack Boyd re State Budget issues (Copies to each Supervisor and CAO)
- J) Letter from Joseph C. Jones, Jr., Alternative Solutions Educational Clinicians, re Rebuttal for proposed authorization for Chairman to send notification to State Department of Alcohol and Drug programs that the County of Kern declines contract with Alternative Solutions Educational Clinicians for drug Medi-Cal services (Copies to each Supervisor, CAO, Mental Health, and County Counsel)
- K) Letter from Caroline Farrell, Center on Race, Poverty and the Environment, California Rural Legal Assistance Foundation, re Vanderham Dairy, Map #78, CUP #9 (Copies to each Supervisor, CAO, Planning, and County Counsel)
- L) Letter from Arthur Unger re dairy cows in the San Joaquin Valley and anaerobic digestion (Copies to each Supervisor, CAO, Planning, and County Counsel)
- M) Pond-Shafter-Wasco Resource Conservation District annual report from Brian W. Hockett (Copies to each Supervisor and CAO)

- N) Letter from Harry Love re Tejon Ranch project (Copies to each Supervisor, CAO, Planning, and County Counsel)
- O) Letter from Ed Riojas, State Department of Health Services, re Fiscal Year 2002-03 Standard Agreement for California Healthcare for Indigents Program (CHIP) (Copies to each Supervisor and CAO)
- P) Notice from Alcoholic Beverage Control re Application for Alcoholic Beverage License for Valley Market, 3007 Virginia Avenue, Bakersfield (Copies to each Supervisor, CAO, and Planning)
- 37) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
  - A) Claim in the matter of Denese Davidson vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Claim in the matter of Pacific Gas and Electric Company vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - C) Claim in the matter of West Kern Water District vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - D) Claim in the matter of Alex Veloz vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - E) Claim in the matter of Charles Horn vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - F) Summons and Complaint in the matter of Cleophus Calloway vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - G) Summons and Complaint in the matter of Save Our Shafter, an unincorporated association, vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - H) Summons and Complaint in the matter of Stephen D. Shepard vs. County of Kern - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

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