

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Monday, January 5, 2004

12:00 NOON

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

#### PUBLIC PRESENTATIONS

- 1) 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
- 2) Board of Supervisors reorganization and selection of Chairman and Vice Chairman - SELECTED SUPERVISOR JON MCQUISTON AS CHAIRMAN FOR 2004; CONFIRMED SUPERVISOR PETE PARRA AS VICE CHAIRMAN FOR 2004

**Patrick-Watson: All Ayes**

ADJOURNED TO TUESDAY, JANUARY 6, 2004 AT 9:00 A.M.

**Maben**

/s/ Denise Pennell  
Clerk of the Board

/s/ Jon McQuiston  
Chairman, Board of Supervisors

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, January 6, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Parra

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) Resolution honoring Fifth District Supervisor Pete H. Parra for his numerous accomplishments as 2003 Chairman of the Board of Supervisors - ADOPTED RESOLUTION; MADE PRESENTATION TO SUPERVISOR PETE PARRA; SUPERVISOR PARRA HEARD

**Maben-Patrick: All Ayes**

- 2) Proclamation proclaiming January 7-14, 2004 as Architectural Awareness Week in Kern County - PROCLAIMED; MADE PRESENTATION TO ARIN RESNICKE; ARIN RESNICKE HEARD; JOE COVINGTON AND JOE CLARK INTRODUCED

**Patrick-Maben: All Ayes**

- 3) Certificates of Recognition recognizing Maricopa High School Indians Football Team for winning second place in the Coast Valley League and CIF Southern Section Eight Man Championship - MADE PRESENTATIONS TO COACH CHIP ARNOLD, JACK MC DONALD, MATT MC CORD, ROCKY KIRK, JAMES CAMPOS, MOISES ROBLES, DAVID SCALF, ALEX ALVARADO, AND BRIAN POMEROY; COACH CHIP ARNOLD HEARD

APPOINTMENTS

- \*4) Appointments of Eric Matlock as Police Chief's Association At-large Member and Jack Griggs as Police Chief's Association At-large Alternate Member to the Emergency Medical Care Advisory Board, terms to expire at the Pleasure of the Board - MADE APPOINTMENTS

**Parra-Watson: All Ayes**

- \*5) Appointment of Carmen Angela Handy as Second District Member to the Behavioral Health Board, term to expire December 31, 2006 - MADE APPOINTMENT

**Parra-Watson: All Ayes**

- \*6) Reappointment of Barbara Patrick as At-large 4th Member to the Retirement Board, term to expire December 31, 2006 - MADE REAPPOINTMENT

**Parra-Watson: All Ayes**

- \*7) Reappointment of Doug Zimmerman as an At-large Member to the Greater Bakersfield Separation of Grade District, term to expire January 11, 2008 - MADE REAPPOINTMENT

**Parra-Watson: All Ayes**

PUBLIC PRESENTATIONS

- 8) 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! - CLIFF BROWNLEE ADDRESSED THE BOARD REGARDING CODE COMPLIANCE ISSUES IN HIS NEIGHBORHOOD.

REFERRED TO ENGINEERING AND SURVEY SERVICES/CODE COMPLIANCE TO COORDINATE WITH SUPERVISOR PARRA'S OFFICE REGARDING THIS MATTER; RECEIVED AND FILED

**Parra-Watson: All Ayes**

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 9) 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

AIRPORTS

- \*10) Proposed Consent to Assignment of Lease Agreement at Meadows Field Airport from Alta Vista Partners, LLC and Loyd's Aviation, Inc., to Skyway Partners - MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15301 OF CEQA; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 001-2004

**Parra-Watson: All Ayes**

AUDITOR-CONTROLLER-COUNTY CLERK

- \*11) Proposed Resolutions for temporary transfer of funds in or after January 2004 to the County General Fund, in the amount of \$200,000,000, and to the County Fire Fund, in the amount of \$21,000,000 - APPROVED; ADOPTED RESOLUTIONS 2004-001 AND 2004-002

**Parra-Watson: All Ayes**

- \*12) Request from Midway School District to provide certain election services for their Special Bond Election and to consolidate with any other Election within this District to be held March 2, 2004 - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES REQUESTED

**Parra-Watson: All Ayes**

- \*13) Request from Rosamond Community Services District to provide certain election services for their Special Tax Election and to consolidate with any other Election within this District to be held March 2, 2004 - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES REQUESTED

**Parra-Watson: All Ayes**

- \*14) Request from Elk Hills School District to provide certain election services for their Special Bond Election and to consolidate with any other Election within this District to be held March 2, 2004 - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES REQUESTED

**Parra-Watson: All Ayes**

- \*15) Request from Tehachapi Valley Healthcare District to provide certain election services for their Special Bond Election and to consolidate with any other Election within this District to be held March 2, 2004 - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES REQUESTED

**Parra-Watson: All Ayes**

- \*16) Request from Arvin Union School District to provide certain election services for their Special Bond Election and to consolidate with any other Election within this District to be held March 2, 2004 - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES REQUESTED

**Parra-Watson: All Ayes**

- \*17) Request from Kernville Union School District to provide certain election services for their Special Bond Election and to consolidate with any other Election within this District to be held March 2, 2004 - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES REQUESTED

**Parra-Watson: All Ayes**

- \*18) Request from McFarland Unified School District to provide certain election services for their Special Bond Election and to consolidate with any other Election within this District to be held March 2, 2004 - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES REQUESTED

**Parra-Watson: All Ayes**

BOARD OF TRADE

- 19) Report regarding Kern County Tourism Promotion Voluntary Self-Assessment Program to allow businesses benefiting from tourism to contribute to a cooperative marketing fund and participate on the Kern County Tourism Advisory Council - BOARD OF TRADE STAFF DAVE HOOK AND AIMEE BARAJAS, AND PAT MARCHBANKS, CHAIRMAN OF THE BOARD OF DIRECTORS, RECOGNIZED; PAT MARCHBANKS AND ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS ASSOCIATION, HEARD; APPROVED IN CONCEPT; REFERRED TO BOARD OF TRADE FOR IMPLEMENTATION; REFERRED TO BOARD OF TRADE AND CAO TO REPORT BACK REGARDING THE FEASIBILITY OF PLACING AN INCREASE IN TRANSIENT OCCUPANCY TAX BEFORE A VOTE OF THE PEOPLE

**Watson-Maben: All Ayes**

COUNTY COUNSEL

- \*20) Request of the Fire Department for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

**Parra-Watson: All Ayes**

- \*21) Request of the Department of Aging and Adult Services for destruction of records no longer necessary or required for County purposes and eligible for destruction - APPROVED

**Parra-Watson: All Ayes**

EMPLOYERS' TRAINING RESOURCE

- \*22) Notification of anticipated retroactive Agreements with ARBOR E & T, Kern High School District, Mexican American Opportunity Foundation, and Proteus, Inc., to provide paid work experience activities for CalWORKs customers referred by the Department of Human Services - RECEIVED AND FILED

**Parra-Watson: All Ayes**

- \*23) Notification of anticipated retroactive Agreements with ARBOR E & T and Ebony Counseling Center to provide employment and training services to eligible adults, and with the West Side Regional Occupational Program to provide employment and training services to eligible adults and youths - RECEIVED AND FILED

**Parra-Watson: All Ayes**

- \*24) Proposed Amendment No. 1 to Agreement 811-2003 with the Mexican American Opportunity Foundation for supportive services for veterans, for an amended total funding level not to exceed \$1,434,588, an increase of \$12,885 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 002-2004

**Parra-Watson: All Ayes**

- \*25) Proposed Amendment No. 2 to Agreement 126-2003 with Proteus, Inc., for a Workforce Investment Act Migrant and Seasonal Farmworker Youth Program, extending the Agreement through June 30, 2004, for an amended total funding amount not to exceed \$53,915, an increase of \$27,879 (prior notification September 30, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 003-2004

**Parra-Watson: All Ayes**

FIRE DEPARTMENT

- 26) Proposed Agreement with Central Valley Occupational Medical Group for medical examinations and fitness assessment program, from January 6, 2004 to December 31, 2006, in an amount not to exceed \$700,000 - MICHAEL ROUW HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 004-2004 AS AMENDED TO REMOVE THE PROVISION TO EXTEND THE TERM OF THE AGREEMENT AN ADDITIONAL THREE YEARS AND REQUIRE AN RFP PROCESS AT THE END OF THE TERM; DIRECTED THE DEPARTMENT TO REPORT BACK TO THE BOARD EVERY SIX MONTHS REGARDING PHYSICAL CONDITION AND FITNESS LEVELS CATEGORIZED BY JOB CLASSIFICATION

**Watson-Parra: All Ayes**

HUMAN SERVICES

- \*27) Proposed Memorandum of Understanding with Kern County Superintendent of Schools Office, as administrator for the Kern County Network for Children, for implementation of the Senate Bill 163 Wraparound Services Plan, from January 6, 2004 to September 30, 2006 (no County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 005-2004

**Parra-Watson: All Ayes**

KERN MEDICAL CENTER

- \*28) Request for increase of encumbrance of Sole Source Blanket Purchase Order with Musculoskeletal Tissue Foundation from \$50,000 to a maximum of \$84,000 for Fiscal Year 2003-04 - AUTHORIZED PURCHASING AGENT TO INCREASE BPO #043435 UP TO A MAXIMUM OF \$84,000

**Parra-Watson: All Ayes**

- \*29) Notification of anticipated retroactive approval of Agreement with Rodney Root, D.O., for clinic and surgery coverage in KMC's Department of OB/GYN - RECEIVED AND FILED

**Parra-Watson: All Ayes**

- \*30) Proposed retroactive Amendment No. 3 to Agreement 041-2003 with Comprehensive Rehab Services, Inc., for continuing back-up physical therapy and occupational therapy, changing their name from Comprehensive Physical Medicine, Inc., effective October 28, 2003 to May 28, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 006-2004

**Parra-Watson: All Ayes**

- \*31) Proposed Amendment No. 6 to Agreement 473-96 with Financial Credit Network, for debt collection services, extending the term from February 6, 2004 to February 5, 2006 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 007-2004

**Parra-Watson: All Ayes**

- \*32) Proposed retroactive Amendment No. 1 to Agreement 1163-2002 with Access Nurses, Inc., for temporary nurse staffing, increasing the maximum not to exceed amount by \$80,000 from \$200,000 to \$280,000 for the period December 17, 2002 through December 16, 2003, and increasing the maximum not to exceed amount by \$80,000 from \$200,000 to \$280,000 for the period December 17, 2003 through December 16, 2004, for a maximum increase of \$160,000 from \$400,000 to \$560,000 (prior notification December 16, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 008-2004

**Parra-Watson: All Ayes**

MENTAL HEALTH SERVICES

- \*33) Proposed Amendment No. 2 to Agreement 402-2003 with Therese Foley for Hearing Officer services and 5150 training activities, to develop a tool for Department's use in monitoring provider's contractual responsibilities involving the recognition and protection of patients/client's rights and increase compensation from \$13,000 to an amount not to exceed \$23,000 (an increase of \$10,000) (State [Realignment]; Discretionary/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 009-2004

**Parra-Watson: All Ayes**

- \*34) Proposed Amendment No. 1 to Agreement 488-2003 with Anne Sippi Clinic for augmented board and care services, to decrease the number of clients who will be served by the contractor and decrease compensation from \$492,750 to an amount not to exceed \$214,920 (a decrease of \$277,830) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 010-2004

**Parra-Watson: All Ayes**

- \*35) Proposed Amendment No. 1 to Agreement 487-2003 with Anne Sippi Clinic for outpatient services to clients residing in Kern County, to provide additional treatment services, increase the number of clients receiving services from 60 to 100 and increase compensation from \$960,000, to an amount not to exceed \$1,172,490 (an increase of \$212,490, which will come from the decreased compensation from Agreement No. 488-2003) (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 011-2004

**Parra-Watson: All Ayes**

PUBLIC HEALTH SERVICES

- \*36) Notification of retroactive Agreement with University of Colorado for technical assistance and training for the Nurse-family Partnership Program from January 7, 2004, through December 31, 2004 - RECEIVED AND FILED

**Parra-Watson: All Ayes**

SHERIFF

- 37) Proposed addition of one Undersheriff position and the deletion of one vacant Assistant Sheriff position - ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYER'S ASSOCIATION, HEARD; APPROVED ADDITION OF ONE UNDERSHERIFF - CONFIDENTIAL ASSISTANT POSITION AT SALARY RANGE 69.7 AND DELETION OF ONE ASSISTANT SHERIFF POSITION EFFECTIVE JANUARY 6, 2004; REFERRED TO PERSONNEL DEPARTMENT TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**Parra-Watson: All Ayes**

- \*38) Unusual travel request for Senior Deputy Craig Rennie and Deputy Shaun Beasley to attend a two-week narcotics investigation training course in Rancho Cordova, California, from January 25, 2004 to February 6, 2004, in an amount not to exceed \$1,968 - APPROVED

**Parra-Watson: All Ayes**

- \*39) Proposed retroactive Agreement with agencies participating in the Grant-funded California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET), Kern County Task Force, from November 1, 2003 to October 31, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 012-2004

**Parra-Watson: All Ayes**

- \*40) Request to appropriate unanticipated revenue from the Sheriff's State Asset Forfeiture Trust Fund #22137, in the amount of \$32,400, for the purchase of body armor - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$32,400 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO SHERIFF'S BUDGET UNIT 2210 IN THE AMOUNT OF \$32,400

**Parra-Watson: All Ayes**



- \*41) Proposed Professional Services Agreement with Intergraph Public Safety for the purchase of services to include upgrading of CLETS, Firelink, SMS and SupPro interfaces with the Computer Aided Emergency Dispatch System, in an amount not to exceed \$35,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 013-2004

**Parra-Watson: All Ayes**

TREASURER-TAX COLLECTOR

- \*42) Pooled Cash Portfolio Analysis for Month Ended November 2003 - RECEIVED AND FILED

**Parra-Watson: All Ayes**

- \*43) Notice of Intention to Sell Tax-Defaulted Property Subject to the Power of Sale - APPROVED; ADOPTED RESOLUTION 2004-003

**Parra-Watson: All Ayes**

ADJOURNED TO CLOSED SESSION

**Patrick-**

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 44) Request for Closed Session regarding Meet and Confer, All unions -
- 45) Request for Closed Session regarding public employee performance evaluation - Title: Director of Human Services -

COUNTY COUNSEL

- 46) Request for Closed Session regarding a lawsuit entitled Chedva Federman, et al. vs. County of Kern, et al., United States District Court Case No. CIV-99-05533-AWI (Government Code Section 54956.9(a)) -
- 47) Request for Closed Session regarding a lawsuit entitled North of the River Sanitary District No. 1 vs. County of Kern, Kern County Superior Court Case No. 249044 RJA (Government Code Section 54956.9(a)) -

- 48) Request for Closed Session regarding a lawsuit entitled Brandon Gladden and Candace Gladden vs. County of Kern, Kern County Superior Court Case No. 249222 SPC (Government Code Section 54956.9(a)) -

(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.

**Parra-Maben**

/s/ Denise Pennell  
Clerk of the Board

/s/ Jon McQuiston  
Chairman, Board of Supervisors

**SUMMARY OF PROCEEDINGS**

**BOARD OF SUPERVISORS - COUNTY OF KERN**

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Bakersfield, California

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BOARD RECONVENED

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

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 PRESENTATIONS

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BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 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]) - NO ONE HEARD

CONTINUED HEARINGS

NOTE: ITEMS NO. 3 AND NO. 4 WERE HEARD CONCURRENTLY

RESOURCE MANAGEMENT AGENCY

Planning Department

- 3) **Request from U.S. Borax, Inc., to amend the Kern County General Plan with respect to permitted land uses and future road alignments; rescind the Jay Hubbard Specific Plan; change the permitted uses from agriculture to industrial; and allow the expansion of an existing surface mining operation and development of a reclamation plan within an area of 11,580 acres located approximately two miles northwest of Boron, eastern Kern County (SD 2)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 1.1, 4.1, and 8.4 to Map Code(s) 8.3, 8.4, 8.5, and 7.3 or more restrictive map code designations; amend the Circulation Element of the Kern County General Plan to eliminate future road reservations on section and midsection lines within the property as major highway and secondary highway alignments; and rescind the Jay Hubbard Specific Plan (GPA #1, Map #191; GPA #1, Map #191-18; GPA #4, Map #191-30; GPA #4, Map #192; GPA #2, Map #192-26)
- (b) A change in zone classification from A-1 to M-3 or a more restrictive district (ZCC #5, Map #192)
- (c) Conditional Use Permits to allow the expansion of an existing surface mining operation and development of a reclamation plan in accordance with the Surface Mining and Reclamation Act (SMARA) of 1975 (Sections 19.14.030.G; 19.16.030.H; 19.40.030.G; and 19.18.030.E) in A-1, E (20), M-3, A-1 MH, and R-1 Districts (CUP #5, Map #191; CUP #4, Map #191-18; CUP #4, Map #191-19; CUP #3, Map #191-29; CUP #3, Map #191-30; CUP #14, Map #192; CUP #1, Map #192-26)

(Environmental Impact Report; Published Mojave Desert News) (from 9/9/2003; 10/21/2003; and 12/2/2003) - OPENED HEARING; HEARD IN OPPOSITION TO RECOMMENDATION: MARY ANN MILLER AND ROBERT MILLER; HEARD IN SUPPORT OF RECOMMENDATION: GREG WAGNER, ENVIRONMENTAL MANAGER, U.S. BORAX, INC.; AND MARY JANE WILSON, PRESIDENT, WZI; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, CERTIFIED ENVIRONMENTAL IMPACT REPORT; ADOPTED SECTION 15091 FINDINGS AND SECTION 15093 STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTED MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2004-004, 2004-005 AND 2004-006 RESCINDING THE JAY HUBBARD SPECIFIC PLAN FOUND WITHIN THE PROJECT BOUNDARY, APPROVING GENERAL PLAN AMENDMENTS, APPROVING ZONE CHANGE, AND APPROVING CONDITIONAL USE PERMITS SUBJECT TO CONDITIONS, WITH REVISED CONDITION NO. 18 RELATING TO RECLAMATION OF THE SIDE SLOPES TO COMMENCE IMMEDIATELY AFTER THE DISPOSAL PILE HAS BEEN CONSTRUCTED TO THE MAXIMUM ALLOWABLE HEIGHT AND RESTRICT IT TO NO FURTHER SOUTH THAN WHAT CURRENTLY EXISTS; ALL APPROVALS NOT TO BECOME EFFECTIVE UNLESS BY THE END OF THE WORK DAY ON APRIL 1, 2004, THE PROPERTY OWNER(S) OR THEIR REPRESENTATIVE SIGNS AND FILES WITH THE KERN COUNTY PLANNING DEPARTMENT AN INDEMNITY AGREEMENT APPROVED BY COUNTY COUNSEL; RECEIVED AND FILED

**Maben-Watson: All Ayes**

- 4) **Request from U.S. Borax, Inc., to vacate a portion of Boron Avenue located approximately two miles northwest of Boron, eastern Kern County (SD 2)**

Specific Request:

Nonsummary vacation of a portion of Boron Avenue (#191-30 3 098; Streets and Highways)

(Environmental Impact Report; Published Mojave Desert News) (from 9/9/2003; 10/21/2003; and 12/2/2003) - OPENED HEARING; HEARD IN OPPOSITION TO RECOMMENDATION: MARY ANN MILLER AND ROBERT MILLER; HEARD IN SUPPORT OF RECOMMENDATION: GREG WAGNER, ENVIRONMENTAL MANAGER, U.S. BORAX, INC.; AND MARY JANE WILSON, PRESIDENT, WZI; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, CERTIFIED ENVIRONMENTAL IMPACT REPORT; ADOPTED SECTION 15091 FINDINGS AND SECTION 15093 STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTED MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2004-007 APPROVING VACATION OF PUBLIC ACCESS EASEMENT RESERVING AND EXCEPTING APPROPRIATE UTILITY EASEMENTS, WITH RESOLUTION TO BE RECORDED UPON WRITTEN CONFIRMATION FROM THE KERN COUNTY PLANNING DEPARTMENT TO THE CLERK OF THE BOARD THAT THE ASSOCIATED CONDITIONS OF APPROVAL RELATING TO A NEW CUL-DE-SAC AND PRIVATE ACCESS EASEMENT HAVE BEEN SATISFIED

**Maben-Watson: All Ayes**

- 5) **Request from Needham, et al, by Delmarter and Deifel to change the permitted uses from agriculture and residential with ten-acre minimum lot size to residential with 2-1/2-acre minimum lot size on 20 acres located at 6942 and 7040 Cobb Road in Bakersfield (SD 2)**

Specific Request:

(a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) R-IA to Map Code(s) RR or a more restrictive map code designation (GPA #18, Map #142)

(b) A change in zone classification from E (10) RS to E (2 1/2) RS or a more restrictive district (ZCC #60, Map #142)

(c) Exclusion of approximately 20 acres (gross) from the boundaries of an Agricultural Preserve (Ag Pres #10 - Excl)

(Negative Declaration; Published Bakersfield Californian) (from 12/2/2003) - OPENED HEARING; ARTHUR UNGER, SIERRA CLUB, HEARD; WAYNE DEIFEL, REPRESENTING THE APPLICANTS AND MRS. NEEDHAM, HEARD IN OPPOSITION TO STAFF'S RECOMMENDATION

MOTION TO APPROVE GENERAL PLAN AMENDMENT, ZONE CHANGE AND EXCLUSION WITH AN ADDED CONDITION THAT THE ROAD WILL BE PAVED UPON PROJECT DEVELOPMENT, AND TO REFER TO PLANNING TO REPORT BACK TO THE BOARD IN 45 DAYS REGARDING THE FEASIBILITY OF DEVELOPING A SPECIFIC PLAN FOR THIS AREA AND ESTABLISHING COUNTY SERVICE AREAS IN ALL DISTRICTS TO MAINTAIN EQUESTRIAN TRAILS

**Maben-Parra: 2 Ayes; 3 Noes - Patrick, Watson, McQuiston**

MOTION FAILED

PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-004 DISAPPROVING GENERAL PLAN AMENDMENT, ZONE CHANGE, AND EXCLUSION

**Patrick-Watson: 3 Ayes; 2 Noes - Maben, Parra**

MOTION CARRIED

- \*6) **Request from Carl G. Olbinger by Marino and Associates to change the permitted uses from residential to commercial to allow a mini-warehouse facility with outside storage and variances to allow a reduction in the amount of required parking and an increase in sign height and size on property located on the north side of Stockdale Highway, approximately 3/8 mile west of Renfro Road, west Bakersfield (SD 4)**

Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Code(s) SR to Map Code(s) GC or a more restrictive map code designation (GPA #5, Map #101-34)
- (b) A change in zone classification from E (1/4) to C-2 or a more restrictive district (ZCC #22, Map #101-34)
- (c) A Conditional Use Permit to allow a mini-warehouse facility with outside storage (Section 19.32.030.C.1) (CUP #11, Map #101-34)
- (d) A Zone Variance to allow a reduction in the number of required parking spaces from 28 to ten for a mini-warehouse facility and a ten-foot-high monument sign with 80 square feet of sign area, where eight feet and 48 square feet of sign height and area, respectively, are the maximum allowed (Sections 19.32.110.A.8 and 19.84.020.B), in a C-2 District (ZV #5, Map #101-34)

(Negative Declaration; Published Bakersfield Californian) (from 12/2/2003) - REFERRED BACK TO STAFF

**Maben-Patrick: All Ayes**

- 7) **Request from Lori Potter (original applicant - Isaac Martin) to appeal the decision of the Planning Commission for the approval of a church with an accessory cemetery on 32.8 acres located at Lebec Oaks Road and Lance Drive, Lebec (SD 4)**

Specific Request:

An appeal to the decision of the Planning Commission for the approval of Conditional Use Permit 38, Map 237 (Resolution 190-03; approved October 9, 2003) to allow a church with an accessory cemetery (Section 19.14.030.I) in an A-1 (Limited Agriculture) District (Appeal #3, Map #237)

(Negative Declaration; Published Mountain Enterprise) (from 12/9/2003) - LORI POTTER AND ART BENCE, HEARD; REFERRED BACK TO STAFF; RECEIVED AND FILED

**Watson-Parra: All Ayes**

#### HEARINGS

#### RESOURCE MANAGEMENT AGENCY Planning Department

- \*8) **Request from Carco Development Company by Nelms Surveying to cancel 2.51 acres of a Land Use Contract and a Contract Amending Land Use Contract on 17.49 acres located on the south side of Peterson Road, one mile east of Famoso-Porterville Highway, northeast of McFarland (SD 1)**

Specific Request:

Cancellation of a 2.51-acre portion of an approximate 40-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 17.49 acres (Cancellation #03-7; Map #34)

(General Rule, Section 15061(b)(3); Published Delano Record)

(Continued on Page 14)

(Continued from Page 13)

- OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2004-008 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

**Maben-Patrick: All Ayes**

- \*9) **Request from County of Kern and City of Shafter for adoption of a Specific Plan Line for Seventh Standard Road, a 110-foot-wide arterial road alignment, between Santa Fe Way and Coffee Road, in the County of Kern (SD 1)**

Specific Request:

Adoption of a Specific Plan Line for Seventh Standard Road in order to preserve right-of-way for future widening; the Specific Plan Line is required because of the proposed 126-foot-wide right-of-way and because of offsets from the present centerline (Adopt Seventh Standard Road SP Line; 80-00 3 096; 81-00 3 096; 101-00 3 096; 102-00 3 096) (Exempt, Section 15183 and General Rule, Section 15061(b)(3); Published Bakersfield Californian and Shafter Press) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-009 APPROVING SPECIFIC PLAN LINE FOR SEVENTH STANDARD ROAD

**Maben-Patrick: All Ayes**

- \*10) **Request from Ron Burgess by Patrick and Henderson, Inc., to change the permitted uses from agriculture to natural resource on 20 acres located at the northwest corner of Snow Road and Superior Road, northwest Bakersfield (SD 1)**

Specific Request:

- (a) A change in zone classification from A to NR (5) or a more restrictive district (ZCC #46, Map #100)
  - (b) Exclusion of approximately 20 acres from the boundaries of an Agricultural Preserve (Ag Pres #9 - Excl)
- (Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2004-010 AND 2004-011 AND ENACTED ORDINANCE G-7067 APPROVING ZONE CHANGE AND EXCLUSION AS REQUESTED

**Maben-Patrick: All Ayes**

- \*11) Request from Merle and Catherine Hallmark by Bruce Anderson to cancel three acres of a Land Use Contract and a Contract Amending Land Use Contract on 17 acres located on the northwest corner of Palm Avenue and Woollomes Avenue, west of Delano (SD 4)

Specific Request:

Cancellation of a three-acre portion of an approximate 40-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 17 acres (Cancellation #03-8, Map #8)

(General Rule, Section 15061(b)(3); Published Delano Record) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2004-012 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

**Maben-Patrick: All Ayes**

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY  
Planning Department

Miscellaneous

S.D. #2

- \*12) Request by Solanki Harkishan, etc., for the Determination of Public Convenience for the issuance of an off-sale beer and wine license at 731 South "H" Street, Bakersfield, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code - REFERRED BACK TO STAFF

**Maben-Patrick: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Engineering and Survey Services

Hearings

S.D. #1

- \*13) Hearing for the abatement of a public nuisance involving demolition of abandoned and dangerous structure(s) at APN 485-020-06, Lake Isabella, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-013 DECLARING 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 NECESSARY INSPECTIONS IN PERFORMANCE OF THE DEMOLITION CONTRACT

**Maben-Patrick: All Ayes**



S.D. #4

- \*14) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 23313 Cloud Avenue, Derby Acres, APN 183-090-18, \$7,620.75 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2004-014 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM 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 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 NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO THE PROPERTY OWNER(S)

**Maben-Patrick: All Ayes**

- \*15) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 206 Polk Street, Taft, APN 199-203-08, \$6,885 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2004-015 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM 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 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 NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO THE PROPERTY OWNER(S)

**Maben-Patrick: All Ayes**

S.D. #1

- \*16) Request for approval to issue Request for Proposal for the Riverside Ranch Water System Improvements - APPROVED; AUTHORIZED ENGINEERING & SURVEY SERVICES TO SOLICIT PROPOSAL

**Maben-Patrick: All Ayes**

S.D. #2

- \*17) Proposed Contract No. 03026 with McLaughlin Construction, Inc., for construction of curb cut improvements for Mojave and Rosamond, in an amount not to exceed \$116,729.20 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 014-2004

**Maben-Patrick: All Ayes**

S.D. #5

- \*18) Contract No. 02041, Change Order No. 2, for construction of North Lamont Channel, an increase of \$7,935.50, for a new total of \$957,801.32 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-Patrick: All Ayes**

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #1

- \*19) Quitclaim deed from Lake Isabella Community Services District releasing and quitclaiming their interest in a road easement necessary for the widening of Lake Isabella Boulevard - APPROVED; ACCEPTED QUITCLAIM DEED; DIRECTED CLERK OF THE BOARD TO RECORD

**Maben-Patrick: All Ayes**

S.D. #2

- \*20) Contract No. 03013, Notice of Completion for bridge repair on Bena Road - RECEIVED AND FILED

**Maben-Patrick: All Ayes**

S.D. #5

- \*21) Proposed Resolution to accept offers of dedication, declaration as public highway and incorporation into the County road system as a portion of East Belle Terrace and Cottonwood Road - APPROVED; ADOPTED RESOLUTION 2004-016; DIRECTED CLERK OF THE BOARD TO RECORD

**Maben-Patrick: All Ayes**

S.D.'s #3 & #5

- \*22) Proposed Contract No. 02016 with Granite Construction Company for reconstruction on East Brundage Lane from 0.4 miles east of Fairfax Road to 0.7 miles east of Fairfax Road, in an amount not to exceed \$127,721 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 015-2004

**Maben-Patrick: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

- \*23) Proposed retroactive Memorandum of Understanding with Kern County Superior Courts pursuant to the Trial Court Funding Act for support services, effective July 1, 2003, and continuing on a year-to-year basis - CONTINUED TO TUESDAY, JANUARY 20, 2004, AT 2:00 P.M.

**Maben-Patrick: All Ayes**

- \*24) Transfer of property tax entitlement related to City of Shafter Annexation No. 75, Local Agency Formation Commission (LAFCO) Proceeding No. 1373 - ADOPTED RESOLUTION 2004-017 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF SHAFTER COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

**Maben-Patrick: All Ayes**

- \*25) Proposed request for qualifications for municipal finance consulting services - APPROVED; DESIGNATED COUNTY ADMINISTRATIVE OFFICER TO DISTRIBUTE AND SERVE AS COUNTY CONTACT POINT

**Maben-Patrick: All Ayes**

- 26) Update on State actions regarding backfill of Vehicle License Fee (VLF) revenues - HEARD PRESENTATION; RECEIVED AND FILED

**Parra-Patrick: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

General Services Division

Hearings

S.D. #1

- \*27) Proposed Resolution and Ordinance granting pipeline franchise to Oxy Resources California LLC - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2004-018 AND ENACTED ORDINANCE F-465

**Maben-Patrick: All Ayes**

S.D. #5

- \*28) Proposed Resolution and Ordinance granting pipeline franchise to Casa Loma Water Company - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2004-019 AND ENACTED ORDINANCE F-466

**Maben-Patrick: All Ayes**

S.D. #1

- \*29) Proposed Consent to the assignment of interest in Oil and Gas Lease Agreement No. 748-98 for the Shafter Experimental Farm from Chevron U.S.A., Inc. to Oxy Resources California, LLC (no cost) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN CONSENT TO ASSIGNMENT

**Maben-Patrick: All Ayes**

- \*30) Proposed Agreement with Kenneth Mebane Ranches for lease of communications site on Mebane Peak from date of execution through November 30, 2013 (\$300 a year) - 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 016-2004

**Maben-Patrick: All Ayes**

- \*31) Proposed Agreement with Graham Prewett for reroof of the North Kern Court Building, in an amount not to exceed \$120,100 (1960.8267) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 017-2004

**Maben-Patrick: All Ayes**

- \*32) Plans and Specifications for remodel of the Shafter Veteran's Hall (8920.18032) - 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 5, 2004, AT 11:00 A.M.

**Maben-Patrick: All Ayes**

- \*33) Change Order No. 2 for remodel of Superior Court North Division, Prisoner Transfer, an increase of \$754, for a new total of \$156,983 (1960.8257) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-Patrick: All Ayes**

S.D. #2

- \*34) Proposed Agreement with the Smeed Family Trust to provide road access through portions of Sand and Horse Canyon during construction phase of the new Thumb Mountain communications site (no cost) - 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 018-2004

**Maben-Patrick: All Ayes**

S.D. #4

- \*35) Change Order No. 3 for improvements at the BVARA Boat Launching Facilities, an increase of \$9,200, for a new total of \$1,355,256.31 (1960.8195 & 1960.8163) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-Patrick: All Ayes**

CONSIDERATION OF ORDINANCES INTRODUCED DECEMBER 16, 2003

- \*36) Proposed Ordinance adding Subsection (157) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone on Ross Street - ENACTED ORDINANCE G-7068

**Maben-Patrick: All Ayes**

- \*37) Proposed Ordinance adding Subsections (158) and (159) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning no stopping zones on Meacham Road and Renfro Road - ENACTED ORDINANCE G-7069

**Maben-Patrick: All Ayes**

- \*38) Proposed Ordinance adding Subsection (156) to Section 10.16.041, Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone on Fairfax Frontage Road East - ENACTED ORDINANCE G-7070

**Maben-Patrick: All Ayes**

MATTERS FOR EXECUTIVE APPROVAL

- \*39) Budget Transfers - APPROVED NO. 71 THROUGH NO. 74

**Maben-Patrick: All Ayes**

- \*40) Minutes for week of December 1, 2003 - APPROVED WITH CORRECTION TO ITEM NO. 32 P.M. TO READ, AUTHORIZED CHAIRMAN TO SIGN "**AGREEMENT 1037-2003 AND**" REQUIRED DOCUMENTS

**Maben-Patrick: All Ayes**

- \*41) Miscellaneous Letters and Documents - FILED

**Maben-Patrick: All Ayes**

- \*42) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED

**Maben-Patrick: All Ayes**

- \*43) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

**Maben-Patrick: All Ayes**

ADJOURNED TO TUESDAY, JANUARY 13, 2004, AT 9:00 A.M.

**Maben-**

/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.

41) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Letter re vacancy in Local Child Care and Development Planning Council re ineligibility of Jan Hensley (Copies to each Supervisor and CAO)
- B) Received, certified and forwarded to Recorder for recordation as follows:
  - 1) Tract Map 5966, Unit 1, S.D. #4

County Administrative Office
- C) Fiscal Year 2002-2003 Annual Disclosure Report

County Counsel

- D) Letter to Mario Gonzalez, Wells Fargo Bank, re Kern County Pension Plan for Physician Employees (Copies to each Supervisor and CAO)

Employers' Training Resource

- E) WIA OJT Agreements:
  - 1) Pleasant Holidays, LLC, WIA Title 201, dated December 1, 2003
  - 2) Pleasant Holidays, LLC, WIA Title 501, dated December 1, 2003

Engineering & Survey Services
- F) Certificate of Acceptance for Temporary Road Easement from Joann Mendiburu and Sharon Banks, Tracts 6097 and 6143
- G) Certificate of Acceptance for Landscape and Wall Easement from Heath Road Partners, LLC, Tract 6025

Human Services

- H) Response to referral to Senator Dean Florez re concerns within Kern County Child Protective Services (Copies to each Supervisor, CAO and County Counsel)

Local Agency Formation Commission

- I) Report and recommendation, Proceeding No. 1361, in the matter of North Kern Water Storage District, Detachment D
- J) Report and recommendation, Proceeding No. 1363, in the matter of City of Bakersfield, Annexation No. 443 (Jewetta No. 3/Jefferson Park)
- K) Report and recommendation, Proceeding No. 1364, in the matter of City of Bakersfield, Annexation No. 445
- L) Agenda of meeting on Tuesday, December 23, 2003
- M) Minutes of meeting on Tuesday, November 25, 2003

Roads

- N) Consent to Recordation re Irrevocable Offer of Dedication from Indcom Properties, LLC, for additional right-of-way for planned improvements at the southwest corner of Downing Street and Wear Street

Miscellaneous

- O) Letter from Nancy Chaffin, The Bakersfield Californian, re notification of plans to close an operating unit at 3700 Pegasus Road, Bakersfield (Copies to each Supervisor, CAO and Employers' Training Resource)
- P) Letter from Ernie Johnson, Taft Area Pilots' Association, re request to house jumpers in the pilots' lounge (Copies to each Supervisor and CAO)
- Q) Letter from Jim Chapman, Chairman, Lassen County Board of Supervisors, to Governor Schwarzenegger re returning property tax revenues to local government (Copies to each Supervisor and CAO)
- R) Letter from Dallas Jones, Governor's Office of Emergency Services, re declaring primary counties of Fresno, Kern and Tulare, and contiguous counties of Inyo, Kings, Los Angeles, Monterey, San Benito, San Bernardino, San Luis Obispo, Santa Barbara and Ventura a disaster area as a result of damages caused by excessive rain which caused Wheat Stripe Rust (Copies to each Supervisor, CAO and Emergency Services)
- S) Letter from John V. Silva, Madera County Supervisor, to Governor Schwarzenegger re returning property tax revenues to local government (Copies to each Supervisor and CAO)
- T) Letter from Bud Burrow, Kern County Superintendent of Schools, re transfer of territory from the Fillmore Unified School District (Ventura County) to the El Tejon Unified School District (Kern County) (Copies to each Supervisor, CAO and County Counsel)
- U) Notices from Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses: Thais Liahn Restaurant, 9 Big Blue Road, Kernville; Alta Sierra Café, 10720 Pine Drive, Wofford Heights; The Great Zuma Restaurant, 2701 Sierra Highway, Rosamond; Mugg's Pub & Eatery, 1302-08 Airport Drive, Bakersfield; Mini Mart, 717 Sterling Road, Bakersfield; and Los Amigos Tacos (Amended), 1837 Niles Street, Bakersfield (Copies to each Supervisor, CAO and Planning)
- 42) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
  - A) Letter from Glenn R. Medina, State Department of Transportation, re vacation of and offer to relinquish part of segment of old State Route 58 in Mojave - REFERRED TO PLANNING (Copies to each Supervisor, CAO, County Counsel and Roads)
  - B) E-mail from Lloyd Wiens, Internet Outdoors Unlimited, re fire protection at Tejon Industrial Complex - REFERRED TO PLANNING (Copies to each Supervisor, CAO and Fire)

- 43) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Gloria Devora vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Claim in the matter of Stacy L. Kaiser vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - C) Claim in the matter of Eddie Martinez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - D) Claim in the matter of Claudia Medina vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - E) Claim in the matter of Monirot Mon, a Minor, through her parent Bunny Keo vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - F) Claim in the matter of Bunny Keo vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - G) Claim in the matter of Maria Zavala as Guardian ad Litem of Brian Daniel Villalba, a Minor, and Jennifer Villalba, a Minor vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - H) Claim in the matter of Lesley R. Greer vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - I) Claim in the matter of Peter Mok vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - J) Claim in the matter of Maor Mizrache vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - K) Claim in the matter of Aaron Yeomans vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - L) Claim in the matter of Charles Cota vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - M) Claim in the matter of James Frye vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - N) Late claim in the matter of James Frye vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - O) Late claim in the matter of Michael Gonzales vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - P) Claim in the matter of Mark Charles DeVries (Appellant's Rebuttal) vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)



- Q) Claim in the matter of Mark Charles DeVries (Appellant's Affidavit in Support of Rebuttal) vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  
- R) Subrogation claim in the matter of Danny Johnson by State Farm Insurance Company vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)