

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, October 14, 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 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!** - DONNA THOMAS, MOJAVE DESERT MOUNTAIN RESOURCE CONSERVATION AND DEVELOPMENT, PRESENTED AN AWARD TO SUPERVISORS McQUISTON AND MABEN FOR THEIR SUPPORT OF THE RCD PROGRAMS IN CALIFORNIA. JACK WRIGHT, PROJECT COORDINATOR, AND JANE FISHER, ADMINISTRATIVE ASSISTANT, INTRODUCED; SUPERVISOR McQUISTON PRESENTED A CERTIFICATE OF RECOGNITION TO JANE FISHER

DIRECTED KGOV TO REBROADCAST THIS SEGMENT OF PUBLIC PRESENTATIONS

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

#### 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

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- \*3) Proposed retroactive Amendment No. 2 to Agreement 720-2001 with Shafter Recreation and Park District for nutrition services, for Fiscal Year 2003-2004, in an amount not to exceed \$87,289 (prior notification June 17, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 897-2003

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

AGRICULTURE AND MEASUREMENT STANDARDS

- \*4) Proposed addition of one (1) Office Services Assistant and deletion of one (1) Fiscal Support Assistant, effective October 14, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

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

- \*5) Proposed retroactive Agreement with U.S.D.A., APHIS, Wildlife Services (#04-73-06-0255-RA) for Wildlife Damage Management on properties within the County of Kern, for Fiscal Year 2003-2004 (prior notification June 22, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 898-2003

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

- \*6) Proposed retroactive Agreement with California Department of Pesticide Regulations (#030016C) for electronic submittal of pesticide use reporting records, for Fiscal Year 2003-2004, in an amount not to exceed \$31,932 (prior notification June 22, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 899-2003

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

CHILD SUPPORT SERVICES

- \*7) Proposed Plan of Cooperation (POC) with California Department of Child Support Services, from November 1, 2003 through September 30, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 900-2003

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

CLERK OF THE BOARD

- 8) Selection of California State Association of Counties (CSAC) Board of Directors Members for 2004 - SELECTED SUPERVISOR PETE H. PARRA AS DIRECTOR AND SUPERVISOR JON McQUISTON AS ALTERNATE DIRECTOR; DIRECTED CLERK OF THE BOARD TO PROVIDE NOTIFICATION TO CSAC

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

COUNTY COUNSEL

- \*9) Proposed Ordinance adding Subsection (155) to Section 10.16.041 of Chapter 10.16, Title 10, concerning a no stopping zone on the north and south sides of East Belle Terrace Avenue - WAIVED READING; INTRODUCED ORDINANCE

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

- \*10) Proposed Ordinance adding Subsection (226) to Section 10.16.070 of Chapter 10.16, Title 10, concerning a no parking zone on Bedford Way - WAIVED READING; INTRODUCED ORDINANCE

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

EMPLOYERS' TRAINING RESOURCE

- \*11) Proposed retroactive Agreement with McFarland Unified School District for comprehensive educational and employment readiness activities for in-school and out-of-school youths eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$40,413 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 901-2003

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

- \*12) Proposed retroactive Agreement with Maricopa Unified School District for comprehensive educational and employment readiness activities for in-school and out-of-school youths eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$55,976 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 902-2003

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

- \*13) Proposed retroactive Agreement with Tehachapi Unified School District for comprehensive educational and employment readiness activities for in-school and out-of-school youths eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$35,000 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 903-2003

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

- \*14) Proposed retroactive Agreement with Goodwill Industries of South Central California for work readiness and occupational skills training for customers eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$134,821 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 904-2003

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

- \*15) Proposed retroactive Agreement with Farmworker Institute for Education and Leadership Development for work readiness and occupational skills training for customers eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$91,369 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 905-2003

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

FIRE DEPARTMENT

- \*16) Request for retroactive approval of unusual travel for Fire Marshall Kevin Scott to attend the Fire and Building Code Hearing in Nashville, TN, September 5, 2003 through September 14, 2003, in an amount not to exceed \$731.97 - APPROVED; AUTHORIZED AUDITOR-CONTROLLER TO PAY

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

- \*17) Quarterly report of overtime expenditures - RECEIVED AND FILED

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

KERN MEDICAL CENTER

- \*18) Proposed retroactive confirming purchase order with R. F. MacDonald Company, for repair services performed on January 9, 2003, in an amount not to exceed \$13,780.69 - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE CONFIRMING PURCHASE ORDER

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

- \*19) Proposed Amendment to Agreement with McKesson Information Solutions, LLC, for the Star Hospital Information Systems, and Upgrade Service Agreement for Enterprise Release 7.0 to 8.0, in an amount not to exceed \$79,072 - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 906-2003 AND 907-2003

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

LIBRARY

- 20) Proposed Resolution to temporarily close the Kern County Library system November 10, 2003 through November 15, 2003, for a migration to a new integrated automated system- APPROVED; ADOPTED RESOLUTION 2003-458

**Maben-McQuiston: 3 Ayes; 1 No - Patrick; 1 Absent - Watson**

MENTAL HEALTH SERVICES

- \*21) Proposed Amendment No. 1 to Agreement 402-2003 with Therese Foley for Hearing Officer services for clients residing in Kern County, to expand the scope of work to include preparation and participation in 5150 training activities, for FY 2003-2004 (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 908-2003

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

- \*22) Proposed sole-source Agreement with Devereux Foundation for intensive residential mental health services for a severely mentally ill County client, from October 14, 2003 to April 30, 2004, in an amount not to exceed \$19,313 (State [Realignment]; Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 909-2003

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

PARKS AND RECREATION DEPARTMENT

- \*23) Request for authorization to receive Proposition 40 Per Capita Funding, for various park projects, in the amount of \$1,873,000 - APPROVED; ADOPTED RESOLUTION 2003-459; AUTHORIZED DIRECTOR OF PARKS TO EXECUTE NECESSARY DOCUMENTS

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

- \*24) Request for authorization to receive Proposition 40 Roberti-Z'Berg-Harris Block Grant Funding, for various park projects, in the amount \$1,074,436 - APPROVED; ADOPTED RESOLUTION 2003-460; AUTHORIZED DIRECTOR OF PARKS TO EXECUTE NECESSARY DOCUMENTS

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

PUBLIC HEALTH SERVICES

- \*25) Request to accept from California Department of Health Services, Tuberculosis Control Branch, for Fiscal Year 2003-2004, \$183,310 for local assistance and \$18,000 for the Food, Shelter, Incentives and Enablers Allotment for a total of \$201,310 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN RELATED DOCUMENTS

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

SHERIFF

- \*26) Application to hold a parade - Kern River Valley Chamber of Commerce on November 29, 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 PERMIT; AUTHORIZED CHAIRMAN TO SIGN

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

TREASURER-TAX COLLECTOR

- \*27) Cash Receipts and Disbursements for September 2003 - RECEIVED AND FILED

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

CLOSED SESSIONS

COUNTY COUNSEL

- 28) Request for Closed Session regarding a lawsuit entitled James J. Owen vs. County of Kern, et al., USDC(E) Case No. CIV-02-5545-OWW (Government Code Section 54956.9(a)) -

**WITHDRAWN**

(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.)

RECESSED TO 2:00 P.M.

**Patrick**

/s/ Denise Pennell  
Clerk of the Board

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

**SUMMARY OF PROCEEDINGS**

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CONTINUED HEARING

RESOURCE MANAGEMENT AGENCY  
Planning Department

- \*3) **Request from Derrel's Mini Storage by Marino and Associates to change the permitted uses from residential and agricultural to commercial, exclusion of the site from an Agricultural Preserve, a conditional use permit to allow the outside storage of recreational vehicles in conjunction with a mini-warehouse development, variances to reduce the amount of off-street parking, and to allow a monument sign which exceeds the permitted height and area permitted for that sign type, all on property located at 7805 Calloway Drive in west Bakersfield (SD 1)**

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) SR to Map Code(s) GC or a more restrictive map code designation (GPA 14, Map 102)
- (b) A change in zone classification from A to C-2 PD or a more restrictive district (ZCC 121, Map 102)
- (c) Exclusion of approximately 20.23 acres from the boundaries of an Agricultural Preserve (Ag Pres 9 - Excl)
- (d) A Conditional Use Permit to allow a mini-storage facility that includes the outside storage of recreational vehicles (Section 19.32.030.C.1) and a single-family residence with a private equestrian facility which is not associated with the commercial use (Section 19.32.030.A and Section 19.32.030.B) in a C-2 PD District (CUP 49, Map 102)
- (e) Zone Variance to allow a reduction in the amount of off-street parking spaces required for a mini-storage facility (Section 19.82.020.E.5) and to allow a ten-foot-tall monument sign with 80 square feet of signage, where eight feet high and 48 square feet are the maximum allowable height and area dimensions (Sections 19.84.020.B and 19.32.110.A.8), in a C-2 PD District (ZV 43, Map 102)

(Negative Declaration; Published Bakersfield Californian)  
(from 9/9/2003) - REFERRED BACK TO STAFF

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

HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- \*4) **Request from Windland, Inc., by Anemos Consulting, Inc., to change the permitted uses from limited agriculture to exclusive agriculture with wind energy on 22.5 acres on property located approximately one mile north of Oak Creek Road, 7.5 miles west of Mojave (SD 2)**

Specific Request:

A change in zone classification from A-1 to A WE or a more restrictive district (ZCC 38, Map 197)

(Negative Declaration; Published Mojave Desert News) -  
OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING  
COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND  
MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION  
2003-461 AND ENACTED ORDINANCE G-7046 APPROVING ZONE CHANGE  
AS REQUESTED

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

- \*5) **Request from Delfino Land Company by The Lusich Company to change the permitted uses from exclusive agriculture to residential on 38.18 acres and exclude that acreage from the boundaries of Agricultural Preserve No. 11, for property located at the southeast corner of Nord Avenue and Palm Avenue, Rosedale area, west of Bakersfield (SD 4)**  
Specific Request:  
(a) A change in zone classification from A to E (1) RS or a more restrictive district (ZCC 136, Map 101)  
(b) Exclusion of approximately 38.18 acres from the boundaries of an Agricultural Preserve (Ag Pres 11 - Excl)  
(Special Situation, Section 15182; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2003-462 AND 2003-463 AND ENACTED ORDINANCE G-7047 APPROVING ZONE CHANGE AND EXCLUSION, TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL SUBDIVISION MAP  
**Patrick-McQuiston: 4 Ayes; 1 Absent - Watson**

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY  
Planning Department

Land Use

S.D. #1

- \*6) Notice of Nonrenewal Petition 03-25 by Davison and Associates, for 111 acres within Agricultural Preserve No. 8 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD  
**Patrick-McQuiston: 4 Ayes; 1 Absent - Watson**

S.D. #4

- \*7) Notice of Nonrenewal Petition 03-24 by Ernest Antongiovanni for 78.19 acres within Agricultural Preserve No. 10 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD  
**Patrick-McQuiston: 4 Ayes; 1 Absent - Watson**

Streets and Highways

S.D. #4

- \*8) Request from Mike Hill for a Summary Vacation of a portion of Rowland Avenue, in Bakersfield (101-35 3 098) - ADOPTED RESOLUTION 2003-464 APPROVING VACATION RESERVING AND EXCEPTING AN EASEMENT FOR EXISTING UTILITIES  
**Patrick-McQuiston: 4 Ayes; 1 Absent - Watson**

Miscellaneous

All S.D.'s

- \*9) Proposed Amendment No. 4 to consulting Agreement 114-2000 with Garcia and Associates for completion of the Kern County Valley Floor Habitat Conservation Plan providing for partial payment of milestones - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 910-2003  
**Patrick-McQuiston: 4 Ayes; 1 Absent - Watson**



RESOURCE MANAGEMENT AGENCY  
Community and Economic Development Department

S.D. #4

- \*10) Proposed Amendment No. 3 to Agreement 438-2000 with the City of Wasco for use of Community Development Block Grant funds for Sidewalk Improvements and Street Lighting Improvements (C.D. Activity Nos. 21.99.2 and 21.99.3) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 911-2003

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

- \*11) Proposed Amendment No. 1 to Agreement 039-2001 with the City of Wasco and the Wasco Recreation and Park District for the Wasco Public Swimming Pool Renovation Improvements (C.D. Activity No. 21.00.2) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 912-2003

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

All S.D.'s

- \*12) Proposed reconveyance of the County's interest in property securing the Float Loan Agreement with the Housing Authority of the County of Kern upon payment in full of amounts due the County (C.D. Activity No. 47.00.1) - APPROVED; AUTHORIZED DIRECTOR TO SIGN ESCROW INSTRUMENTS, RECONVEYANCE DOCUMENT, AND OTHER DOCUMENTS AS NECESSARY TO FACILITATE THE LOAN REPAYMENT TRANSACTION, ALL IN A FORM APPROVED BY COUNTY COUNSEL

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

RESOURCE MANAGEMENT AGENCY  
Engineering and Survey Services

Hearing

S.D. #3

- 13) Proposed Resolution ordering the extension of Zone of Benefit No. 2 in County Service Area No. 60, determining to adopt and accept an Ordinance enacting assessments for the area included within the boundaries extended herein, Oildale, Parcel Map 10859, located east of Highway 99, south of Seventh Standard Road and west of Pegasus Road - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7048 ESTABLISHING ASSESSMENTS AND ADOPTED RESOLUTION 2003-465 CONFIRMING THE ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT, APPROVING ANNUAL ASSESSMENTS NOT TO EXCEED \$80 PER GROSS ACRE FOR STREET LIGHT MAINTENANCE-COMMERCIAL/LARGE LOT, \$24 PER PARCEL FOR STREET SWEEPING-COMMERCIAL/LARGE LOT AND \$200 PER GROSS ACRE FOR DRAINAGE FACILITIES MAINTENANCE-COMMERCIAL/LARGE LOT; DETERMINING TO ADOPT AND ACCEPT AN ORDINANCE ENACTING ASSESSMENTS FOR THE AREA INCLUDED WITHIN THE BOUNDARIES EXTENDED HEREIN; ORDERING THE EXTENSION OF ZONE OF BENEFIT NO. 2 IN COUNTY SERVICE AREA NO. 60

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

S.D. #1

- \*14) Tract 6053, Phase 7, north of West Day Avenue, between North Chester Avenue and McCray Street, north Bakersfield, DeWalt Corporation for North Country Meadows, Inc. - ADOPTED RESOLUTION 2003-466 FINDING OF FACT PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNER WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE), RESTORATION OF INGRESS AND EGRESS ACROSS LOT "A" IN TRACT NO. 6053, PHASE 6; APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

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

- \*15) Tract 6053, Phase 8, south side Seventh Standard Road, between North Chester Avenue and McCray Street, north Bakersfield, DeWalt Corporation for North Country Meadows, Inc. - ADOPTED RESOLUTION 2003-467 FINDING OF FACT PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNER WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE); APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

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

S.D. #2

- \*16) Tract 5195, Unit 2, south side of Orange Street, west side 35th Street West, Rosamond area, release of Monument Bond, Kaufman and Broad Land Company - RELEASED MONUMENT SECURITY BOND NO. 700773438 (AMCAS), UNDERWRITTEN BY AMERICAN CASUALTY INSURANCE COMPANY, IN THE AMOUNT OF \$15,710

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

- \*17) Tract 5195, Unit 3, south side of Orange Street, west side 35th Street West, Rosamond area, release of Monument Bond, Kaufman and Broad Land Company - RELEASED MONUMENT SECURITY BOND NO. 11119280235 (AIC), UNDERWRITTEN BY AMERICAN INSURANCE COMPANY, IN THE AMOUNT OF \$18,005

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

- \*18) Tract 5195, Unit 3, south of Orange Street, west side 35th Street West, Rosamond area, 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, Kaufman and Broad Land Company - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$2,722,300 TO \$272,230, FOR GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING OCTOBER 14, 2003; REDUCED FAITHFUL PERFORMANCE BOND NOS. 124049212 (AMCAS), 11119280227 (AIC), 124049176 (AMCAS), 11119280193 (AIC), 124049209 (AMCAS), 11119280219 (AIC), 124049193 (AMCAS) AND 11119280201 (AIC), IN THE AMOUNT OF \$2,722,300, ISSUED BY THE AMERICAN INSURANCE COMPANY AND AMERICAN CASUALTY COMPANY, TO \$272,230; ADOPTED RESOLUTION 2003-468 FOR ACCEPTANCE OF ROADS WITHIN TRACT 5195, UNIT 3, INTO COUNTY ROAD SYSTEM AND ACCEPTANCE OF STREET AND DRAINAGE IMPROVEMENTS FOR MAINTENANCE

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

- \*19) Tract 5842, Phase 1, south of Orange Street, west of 35th Street West, Rosamond area, release of Faithful Performance Security for street, water and sewer one-year guarantee period, Kaufman and Broad Land Company - RELEASED 10% FAITHFUL PERFORMANCE BOND NO. 11119416383, UNDERWRITTEN BY AON RISK MANAGEMENT SERVICES, INC., IN THE AMOUNT OF \$129,916

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

- \*20) Tract 5842, Phase 2, south of Orange Street, west of 35th Street West, Rosamond area, release of Faithful Performance Security for street, water and sewer one-year guarantee period, Kaufman and Broad Land Company - RELEASED 10% FAITHFUL PERFORMANCE BOND NO. 11127392519, UNDERWRITTEN BY AON RISK MANAGEMENT SERVICES, INC., IN THE AMOUNT OF \$121,366

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

- \*21) Tract 5842, Phase 2, south of Orange Street, west of 35th Street West, Rosamond area, release of Monument Bond, Kaufman and Broad Land Company - RELEASED MONUMENT SECURITY BOND NO. 1113394574, UNDERWRITTEN BY FIREMAN'S FUND INSURANCE COMPANY, IN THE AMOUNT OF \$4,630

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

S.D. #4

- \*22) Identify apparent low bid of Condor, Inc., for construction of Wasco Swimming Pool Improvements, in an amount not to exceed \$409,300 - IDENTIFIED LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE NECESSARY CONTRACT DOCUMENTS

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

S.D. #5

- \*23) Contract No. 02041, Change Order No. 1, for construction of North Lamont Channel, an increase of \$10,782.77, for a new total of \$949,865.82 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

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

RESOURCE MANAGEMENT AGENCY  
Environmental Health Services

All S.D.'s

- \*24) Request to appropriate unanticipated revenue from hazardous waste settlement trust - APPROVED TRANSFER OF \$29,000 FROM HAZARDOUS MATERIALS SETTLEMENT TRUST FUND NO. 22125 TO GENERAL FUND NO. 00001; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$29,000 TO APPROPRIATION FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$29,000 FROM APPROPRIATION FOR CONTINGENCIES TO ENVIRONMENTAL HEALTH SERVICES DEPARTMENT BUDGET UNIT NO. 4113

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

WASTE MANAGEMENT

Hearing

S.D. #4

- \*25) Public Hearing to consider an amendment to the Kern County Non-Disposal Facility Element of the Countywide Integrated Waste Management Plan to establish the South Kern Composting Facility - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER PUBLIC RESOURCES CODE SECTION 41735(a); DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-469

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

S.D. #2

- \*26) Proposed Agreement with Havens Grading to provide operational services at the Boron Sanitary Landfill, from October 29, 2003, to October 28, 2008, for a base amount of \$13,500 per month - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 913-2003

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

COUNTY ADMINISTRATIVE OFFICE

- \*27) Response to referral on Westside Hospital District - RECEIVED AND FILED

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

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- \*28) Request to set hearing for granting of pipeline franchise to Sill Properties, Inc. - ADOPTED RESOLUTION 2003-470 SETTING HEARING FOR TUESDAY, DECEMBER 2, 2003, AT 2:00 P.M.; DIRECTED CLERK OF BOARD TO PUBLISH NOTICE

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

CONSIDERATION OF ORDINANCE INTRODUCED ON OCTOBER 7, 2003

- \*29) Proposed Ordinance adding Section 2.130.095 to the Kern County Local Campaign Finance Ordinance requiring intra-candidate transfers to be attributed to specific contributors, providing for a Transfer Report, and exempting intra-candidate carry-overs from the attribution requirement - ENACTED ORDINANCE A-343

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

MATTERS FOR EXECUTIVE APPROVAL

- \*30) Budget Transfers - APPROVED NO. 32 THROUGH NO. 35

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

- \*31) Minutes for week of September 15, 2003 - APPROVED

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

- \*32) Miscellaneous Letters and Documents - FILED

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

- \*33) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED

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

- \*34) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

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

ADJOURNED TO TUESDAY, OCTOBER 21, 2003, AT 9:00 A.M.

**Maben-**

/s/ Denise Pennell  
Clerk of the Board

/s/ Pete H. Parra  
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.

32) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Received, certified and transmitted to Recorder for recordation as follows:

- 1) Tract Map 6124, Unit 2 S.D. #3
- 2) Tract Map 6178, Unit 1 S.D. #2

Employers' Training Resource

- B) WIA OJT Agreements:

- 1) Cantu Enterprises, Inc. dba Central California Consultants, Inc., WIA Title 201, dated September 15, 2003
- 2) Idleaire Technologies, Inc., WIA Title 201, dated September 8, 2003
- 3) The Noodle Vendor, WIA Title 301, dated September 16, 2003
- 4) Sears Logistics Services, Inc., WIA Title 167, dated September 5, 2003
- 5) Sears Logistics Services, Inc., WIA Title 201, dated September 5, 2003
- 6) Sears Logistics Services, Inc., WIA Title 201, dated September 5, 2003
- 7) Manbir Singh M. D. dba Singh Medical Clinic, WIA Title 943, dated September 5, 2003

Environmental Health

- C) Six (6) thank you letters to individuals for donations to the Bakersfield and Mojave animal shelters

General Services

- D) Franchise Bond No. 6195978 in the amount of \$1,000, dated April 1, 2003, from Safeco Insurance Company of America, for Franchise Ordinance F-425, EOG Resources

Local Agency Formation Commission

- E) Resolution No. 03-16, Proceeding No. 1353, in the matter of City of Bakersfield (Annexation No. 439); NOR Sanitary District (Annexation No. 58); North Kern Water Storage District (Detachment F), Reorganization (Allen Road No. 8) (Copies to each Supervisor and CAO)
- F) Resolution No. 03-17, Proceeding No. 1355, in the matter of City of Delano, Annexation No. 31 (Copies to each Supervisor and CAO)
- G) Resolution No. 03-18, Proceeding No. 1357, in the matter of City of Bakersfield, Annexation No. 442 (Oswell No. 9) (Copies to each Supervisor and CAO)

Miscellaneous

- H) Letter from Stuart H. Hurlbert, Rainbow Coalition for Commonalities and Cablinasians, in support of Proposition 54 (Copies to each Supervisor and CAO)

- I) Letter from Harry M. Schueller, State Water Resources Control Board, re Application 17512, order approving petition for temporary transfer of up to 26,428 acre-feet of water to Del Puerto Water District, Panoche Water District, San Luis Water District and Tranquility Irrigation District (Copies to each Supervisor, CAO, Engineering & Survey Services and RMA)
- J) Letter from Shirlene Barrington, Tejon-Castac Water District, re public hearing on Thursday, October 23, 2003, to receive public input on and to potentially adopt an Urban Water Management Plan (Copies to each Supervisor, CAO, County Counsel and RMA)
- K) Letter from Nancy E. Hayward, State Department of Health Services, re Fiscal Year 2003-2004 Certificate and Allocation Table (Copies to each Supervisor, CAO and Public Health)
- L) Memorandum from Kevin Shelley, Secretary of State, re Statewide Special Election on Tuesday, October 7, 2003, and possible need for backup personnel (Copies to each Supervisor, CAO and Elections)
- M) Memorandum from Steven C. Szalay, California State Association of Counties (CSAC), re selection of CSAC Board of Directors members (Copies to each Supervisor and CAO)
- N) Notices from Alcoholic Beverage Control re applications for Alcoholic Beverage Licenses: Joburg Pit Stop, 515 Broadway Avenue, Johannesburg; Lucky 7 Texaco, 700 Roberts Lane, Bakersfield (Copies to each Supervisor, CAO and Planning)
- O) News release from U.S. Department of the Interior, Fish & Wildlife Service, re reopening of public comment period on proposed listing of California tiger salamander as a threatened species (Copies to each Supervisor, CAO and Planning)
- P) Agenda of meeting from In-Home Supportive Services Advisory Committee on Thursday, October 9, 2003
- Q) Minutes of meeting from In-Home Supportive Services Advisory Committee on Thursday, September 11, 2003
- R) Minutes of meeting from In-Home Supportive Services Advisory Committee re California Association of Public Authorities meeting on Thursday, September 25, 2003
- 33) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Lance and Teresa LeGault re opposition and request to appeal Parcel Map Waiver No. 1-03 - REFERRED TO PLANNING (Copies to each Supervisor, CAO and County Counsel)

- 34) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Aurelia B. Moreno vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Claim in the matter of Gerry Salum vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - C) Claim in the matter of Jennifer Dodd vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - D) Claim in the matter of Joanna Osenbaugh, a Minor by and through her Parent, Josephine Osenbaugh vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - E) Claim in the matter of Todd Randall Bloodworth, an individual and Kimberley Rebecca Bloodworth, an individual vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - F) Claim in the matter of Patrick M. Maddox vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - G) Claim in the matter of Matt Hoyt vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - H) Claim in the matter of California Minerals, L.P. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - I) Summons and complaint in the matter of Jamie Martin Ferguson, John Ferguson, Denise Cristobal and Cheryl Ferguson as Guardian ad Litem for minor child Jaiden Cristobal vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - J) Summons and complaint in the matter of John Ferguson and Lisa Arterberry vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - K) Notice of case closure in the matter of Rita Dolores Faz-Essen vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)
  - L) Letter from Larry F. Peake re continuance of civil case Calderon vs. Gill - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

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