

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, October 7, 2003

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Watson

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

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

BOARD ACTION SHOWN IN CAPS

#### RESOLUTIONS/PROCLAMATIONS

- 1) Resolutions honoring the Friendship Forces of Cottbus, Germany, and Saitama, Japan - ADOPTED RESOLUTIONS; MADE PRESENTATIONS TO SANDRA LARSON, KERN COUNTY FRIENDSHIP FORCE; SANDRA LARSON; MIKIKO HORIUCKI, SAITAMA, JAPAN; AND SIGRID BRETMANN, COTTBUS, GERMANY, HEARD; RECEIVED AND FILED

**Maben-Patrick: All Ayes**

NOTE: A brief recess was called by the Chairman to arrange photo opportunities for international visitors.

- 2) Proclamation proclaiming October 2003 as Lupus Awareness Month in Kern County - PROCLAIMED; MADE PRESENTATION TO MARIA HENDRICKSON, KERN LUPUS CHAPTER; MARIA HENDRICKSON AND FRANK WATSON HEARD

**McQuiston-Watson: All Ayes**

- 3) Proclamation proclaiming October 5-11, 2003 as Residents' Rights Week in Kern County and Certificates of Recognition honoring volunteers for their years of service and dedication in carrying out their duties as ombudsmen for long term care facilities - PROCLAIMED; MADE PRESENTATION TO NONA TOLENTINO, OMBUDSMAN COORDINATOR; NONA TOLENTINO HEARD AND INTRODUCED VOLUNTEERS; RECEIVED AND FILED

**Patrick-Maben: All Ayes**

- \*4) Proclamation proclaiming October 16-19, 2003 as 2003 Kern County Veterans Stand Down - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

**Watson-Patrick: All Ayes**

- \*5) Proclamation proclaiming October 19-25, 2003 as Childhood Lead Poisoning Prevention Week in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

**Watson-Patrick: All Ayes**

- \*6) Proclamation proclaiming October 9, 2003 as Lights on After School Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

**Watson-Patrick: All Ayes**

APPOINTMENTS

- \*7) Appointment of David J. Mensch as Fifth District Consumer Member to the In-Home Supportive Services (IHSS) Advisory Committee, term to expire June 30, 2005 - MADE APPOINTMENT

**Watson-Patrick: All Ayes**

- \*8) Reappointment of Debra Welch as Fifth District Member to the Kern County Local Child Care and Development Planning Council, term to expire June 30, 2006 - MADE REAPPOINTMENT

**Watson-Patrick: All Ayes**

PUBLIC PRESENTATIONS

- 9) 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

- 10) 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

COUNTY COUNSEL

- 11) Proposed addition of 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 OR proposed alternative regulation 04.400, recommended by the Kern County Local Campaign Finance Panel, clarifying that the Kern County Local Campaign Finance Ordinance regulates inter-candidate transfers and not intra-candidate transfers or carry-overs - WAIVED READING AND INTRODUCED ORDINANCE

**McQuiston-Watson: All Ayes**

- \*12) Proposed regulation 03.301, recommended by the Kern County Local Campaign Finance Panel, requiring the first candidate who exceeds the voluntary expenditure ceiling to repay the registrar of voters the fee to publish the candidate's ballot statement within thirty (30) days after exceeding the ceiling - ADOPTED REGULATION

**Watson-Patrick: All Ayes**

- \*13) Proposed Resolution declaring intention not to cover temporary employees hired through temporary employment agencies or agencies providing trainee workers at no cost to County under the County's Workers' Compensation Insurance Program - ADOPTED RESOLUTION 2003-452

**Watson-Patrick: All Ayes**

DISTRICT ATTORNEY

- \*14) Proposed retroactive Agreement with Bakersfield City School District for District Attorney services for truancy reduction program, from October 1, 2003 to August 27, 2004, in an amount not to exceed \$85,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 872-2003

**Watson-Patrick: All Ayes**

EMPLOYERS' TRAINING RESOURCE

- \*15) Proposed Workforce Investment Act Five-Year Plan Modification and performance negotiations - APPROVED; DESIGNATED ETR DIRECTOR AS POINT OF CONTACT FOR NEGOTIATIONS; AUTHORIZED CHAIRMAN TO SIGN

**Watson-Patrick: All Ayes**

- \*16) Proposed retroactive Agreement with Southern Kern Unified School District to provide comprehensive educational and employment readiness activities for in-school and out-of-school youth 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 873-2003

**Watson-Patrick: All Ayes**

- \*17) Proposed retroactive Agreement with Kern, Inyo, and Mono Counties Building Trades and Construction Council to provide pre-apprenticeship preparation services to customers eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$67,500 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 874-2003

**Watson-Patrick: All Ayes**

FIRE DEPARTMENT

- \*18) Proposed retroactive Agreement with U.S. Fish and Wildlife Service for hazardous fuels reduction, community education, and fire prevention awareness, from September 30, 2003 to September 30, 2008 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 875-2003

**Watson-Patrick: All Ayes**

HUMAN SERVICES

- \*19) Request for approval of expenditure of funds for employee development and recognition activities, from October 2003 to October 2004, in an amount not to exceed \$10,000 (State/Federal; 5% County cost) - APPROVED

**Watson-Patrick: All Ayes**

KERN MEDICAL CENTER

- \*20) Notification of anticipated retroactive Agreement with Precyse Solutions, LLC, for coding services - RECEIVED AND FILED

**Watson-Patrick: All Ayes**

- \*21) Notification of anticipated retroactive Agreement with Bahram Raofi, M.D., for radiology services - RECEIVED AND FILED

**Watson-Patrick: All Ayes**

- \*22) Proposed retroactive Agreement with Donald V. Jagger, M.D., for orthopedic services, from October 1, 2003 through September 30, 2005, in an amount not to exceed \$300,000 (prior notification September 30, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 876-2003

**Watson-Patrick: All Ayes**

- \*23) Proposed Agreement with Xiaoyin Zhou, M.D., for psychiatric services, from October 7, 2003 through October 6, 2005, in an amount not to exceed \$123,500 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 877-2003

**Watson-Patrick: All Ayes**

LIBRARY

- \*24) Request to appropriate unanticipated revenue from Kern County Library Foundation for remodel project at Beale Memorial Library for new teen center - APPROVED ESTABLISHMENT OF MAJOR MAINTENANCE PROJECT FOR REMODEL OF BEALE MEMORIAL LIBRARY TO ACCOMMODATE NEW TEEN CENTER; APPROVED CASH TRANSFER IN THE AMOUNT OF \$30,150 FROM BEALE TEEN CENTER TRUST FUND (22032) TO GENERAL FUND; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$30,150 TO APPROPRIATIONS FOR CONTINGENCIES BUDGET UNIT 1970, ACCOUNT 6045; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$30,150 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 1650, ACCOUNT 7163

**Watson-Patrick: All Ayes**

MENTAL HEALTH SERVICES

- \*25) Proposed retroactive Agreement with California State Department of Rehabilitation for funding for Service Coordinator and Benefits Coordinator to provide support services necessary for individuals chosen to participate in Individual Self Sufficiency Plan (ISSP) to obtain and maintain employment, from October 1, 2003 to June 30, 2004, in an amount not to exceed \$98,596 (revenue to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 878-2003

**Watson-Patrick: All Ayes**

- \*26) Proposed request for sole-source Agreement with Catholic Healthcare West, Bakersfield Memorial Hospital, dba Memorial Center, for psychiatric inpatient hospital services for Medi-Cal funded and indigent minors as required by law, from October 7, 2003 to June 30, 2004 (State set-aside funds) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 879-2003

**Watson-Patrick: All Ayes**

- \*27) Proposed approval to submit Child Mental Health Initiative Grant application to Substance Abuse and Mental Health Services Administration for funding of \$9.5 million over a six-year period, with a graduating match that will consist of existing staff salaries and in-kind services, facilities, and equipment - APPROVED; AUTHORIZED DIRECTOR TO SIGN ALL ASSURANCES AND DOCUMENTATION RELATED TO GRANT APPLICATION

**Watson-Patrick: All Ayes**

- \*28) Proposed approval of overtime pay for Pamela Berryman per County Ordinance 3.08.535, in the amount of \$2,382.23 - APPROVED; AUTHORIZED AUDITOR-CONTROLLER TO MAKE PAYMENT PER REQUEST FOR CORRECTION OF PAYROLL ERROR

**Watson-Patrick: All Ayes**

PROBATION

- \*29) Request to hire retired County employee Sarah L. Webb as Office Services Assistant, Range 42.8, Step C, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment - APPROVED

**Watson-Patrick: All Ayes**

- \*30) Request authorization to submit application to Office of Criminal Justice Planning (OCJP) for Probation Specialized Units Program extended grant funding - APPROVED; AUTHORIZED CHIEF PROBATION OFFICER TO SIGN APPLICATION

**Watson-Patrick: All Ayes**

PUBLIC HEALTH SERVICES

- \*31) Proposed retroactive Agreement with OneWorld International, Inc., for interpreting and translation services, from July 1, 2003 to June 30, 2004, in an amount not to exceed \$7,000 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 880-2003

**Watson-Patrick: All Ayes**

- \*32) Proposed retroactive Agreement with Delano Regional Medical Center for clinical x-ray services, from July 1, 2003 to June 30, 2004, in an amount not to exceed \$6,016 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 881-2003

**Watson-Patrick: All Ayes**

- \*33) Proposed retroactive Agreement with State Department of Health Services for AIDS Drug Assistance Program, from July 1, 2003 to June 30, 2004, in an amount not to exceed \$6,016 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 882-2003

**Watson-Patrick: All Ayes**

- \*34) Proposed retroactive Agreement with State Department of Health Services for entering death certificate data into Automated Vital Statistics System, from July 1, 2003 to June 30, 2004, in an amount not to exceed \$4,643 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 883-2003

**Watson-Patrick: All Ayes**

- \*35) Notification of anticipated retroactive agreements: Kern County Superintendent of Schools for Child Care Health Consultancy services, from October 1, 2003 to September 30, 2004, for revenue in an amount not to exceed \$245,202; Kern County Superintendent of Schools for Child Care Health Linkages Project services, from October 1, 2003 to September 30, 2004, for revenue in an amount not to exceed \$65,094; and Unilab Corporation for laboratory testing services, from July 1, 2003 to June 30, 2005, in an amount not to exceed \$15,000 - RECEIVED AND FILED

**Watson-Patrick: All Ayes**

SHERIFF

- \*36) Proposed Amendment No. 8 to Agreement 613-97 with Intergraph Public Safety for an additional seventeen concurrent user licenses in lieu of vendor programming CJIS interface with I/LEADS records management system, in an amount not to exceed \$463.94 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 884-2003

**Watson-Patrick: All Ayes**

- \*37) Request to appropriate unanticipated revenue from Sheriff's Firearms Trust Fund 22140 for purchase of firearms - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$41,400 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$41,400 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210

**Watson-Patrick: All Ayes**

- \*38) Request to appropriate unanticipated revenue from Sheriff's Civil Automation Trust Fund 22138 for purchase of computer hardware and software upgrades to Civil Division/Property Room Evidence Tracking Program - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$45,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$45,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210

**Watson-Patrick: All Ayes**

- \*39) Unusual travel request for Air Craft Mechanic Adam Valdez to attend two-week training course in Indianapolis, Indiana, from November 30, 2003 to December 13, 2003, in an amount not to exceed \$4,992 - APPROVED

**Watson-Patrick: All Ayes**

- \*40) Proposed Amendment No. 2 to Agreement 878-2001 with Dog Training Center of California, Inc., to increase scope of services to include purchasing canine police dogs on behalf of the Sheriff's Department, at a rate not to exceed \$7,000 per dog - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 885-2003

**Watson-Patrick: All Ayes**

RECESSED TO 2:00 P.M.

**Watson**

/s/ Denise Pennell  
Clerk of the Board

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

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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]) - **SUPERVISOR PATRICK COMMENDED THE ELECTIONS DIVISION, ANN BARNETT, SANDY BROCKMAN, ELECTIONS DIVISION STAFF AND VOLUNTEERS FOR CONDUCTING AN EFFICIENT SPECIAL GUBERNATORIAL ELECTION**



CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- \*3) **Request from Kern County Planning Department to consider certifying the Program Environmental Impact Report; adopting 15091 Findings and 15093 Statement of Overriding Considerations; General Plan Amendment to adopt proposed Mojave Specific Plan; rescission of the Camelot, Cunningham, Abramov, Afshar, Cloud, Domus, Northwest Mojave, Oak Street Road, Superior, and Ventura Westlake Specific Plans within this area; proposing to rezone properties within this area to add overlay zones of H, FPS, and PD in certain area but not regulated universally in the community of Mojave in southeast Kern County (SD 2)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from various map codes to Map Code 4.1 (Accepted County Plan Areas) for a 31,000-acre area around the community of Mojave, eastern Kern County; amend the Circulation Element of the Kern County General Plan (GPA 1, Map 168; GPA 2, Map 169; GPA 2, Map 179; GPA 19, Map 196; GPA 13, Map 196-7; GPA 6, Map 196-8; GPA 1, Map 196-9; GPA 5, Map 196-16; GPA 6, Map 196-17; GPA 6, Map 196-18; GPA 3, Map 197; GPA 20, Map 213)
- (b) Adoption of the Mojave Specific Plan text and maps to allow various land uses and rescind the following adopted Specific Plans and Limited Specific Plans within the Kern County General Plan: Camelot Specific Plan; Cunningham Specific Plan; Abramov Limited Specific Plan; Afshar Limited Specific Plan; Cloud Limited Specific Plan; Domus Limited Specific Plan; Northwest Mojave Limited Specific Plan; Oak Creek Road Limited Specific Plan; Superior Limited Specific Plan; and Ventura Lake Limited Specific Plan (Adopt Mojave Specific Plan)
- (c) Change the zone district classification of various properties located within the Mojave Specific Plan area to add the FPS (Floodplain Secondary Combining) District, the PD (Precise Development Combining) District, and/or the H (Airport Approach Height Combining) District or more restrictive districts (ZCC 9, Map 168; ZCC 17, Map 169; ZCC 2, Map 179; ZCC 40, Map 196; ZCC 11, Map 196-7; ZCC 21, Map 196-8; ZCC 3, Map 196-9; ZCC 17, Map 196-16; ZCC 9, Map 196-17; ZCC 6, Map 196-18; ZCC 39, Map 197; ZCC 53, Map 213)

(Environmental Impact Report; Published Mojave Desert News) (from 9/9/2003) - CONTINUED TO TUESDAY, OCTOBER 28, 2003, AT 2:00 P.M.; DIRECTED COUNTY COUNSEL TO PREPARE A FAIR AND ADEQUATE ORDINANCE SUMMARY; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH

**Patrick-McQuiston: All Ayes**

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY  
Planning Department

Miscellaneous

All S.D.'s

- \*4) Proposed Amendment No. 2 to Agreement 088-99 with the QuadState County Government Coalition Joint Exercise of Powers to create a new category of membership, Associate Member - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 886-2003

**Patrick-McQuiston: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Community and Economic Development Department

S.D. #4

- \*5) Proposed Subordination Agreement with USDA Rural Development for the City of Wasco Housing Authority Housing Rehabilitation project, CD Activity No. 33.99.11 - APPROVED SUBORDINATION OF THE COUNTY HOME LOAN TO THE USDA RURAL DEVELOPMENT REHABILITATION LOAN; AUTHORIZED DIRECTOR TO SIGN SUBORDINATION AGREEMENT AND OTHER DOCUMENTS AS NECESSARY TO IMPLEMENT THE SUBORDINATION, ALL IN A FORM APPROVED BY COUNTY COUNSEL

**Patrick-McQuiston: All Ayes**

S.D. #5

- \*6) Retroactive acceptance of Assignment and Assumption Agreement between Community Services Organization (CSO) and Bakersfield Community Service Organization (BCSO), Inc., for CD Activity No. 48.97.1 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 887-2003

**Patrick-McQuiston: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D. #3

- \*7) Contract No. 03027, Notice of Completion for asphalt concrete overlay on Olive Drive area streets - RECEIVED AND FILED

**Patrick-McQuiston: All Ayes**

S.D. #5

- \*8) Contract No. 03014, Notice of Completion for construction on various streets in Southeast Bakersfield - RECEIVED AND FILED

**Patrick-McQuiston: All Ayes**

All S.D.'s

- \*9) Proposed retroactive Grant Agreements with Caltrans (Nos. 643201 and 643202) for replacement buses, in an amount not to exceed \$663,975 and \$185,913, respectively - APPROVED; AUTHORIZED ROADS DIRECTOR TO SIGN

**Patrick-McQuiston: All Ayes**

WASTE MANAGEMENT

All S.D.'s

- \*10) Proposed Amendment No. 2 to Solid Waste Management Agreement No. 1059-99 with Valley Garbage Service; and Amendments No. 3 to Solid Waste Management Agreement No. 1055-99 with Howard's Garbage Service, Inc., No. 153-2000 with Lamont Sanitation, Inc., No. 1056-99 with Price Disposal, Inc., No. 1057-99 with South Side Sanitation, Inc., 1058-99 with Superior Sanitation, Inc., No. 1061-99 with Varner and Son, Inc., and No. 1060-99 with Varner Brothers, Inc., to permit annual rate adjustments in Metropolitan Bakersfield based on consumer price index, adding bulky waste collection services and increasing illegal dumping cleanup assistance - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 888-2003 THROUGH 895-2003

**Patrick-McQuiston: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

- \*11) Transfer of Property Tax Entitlement related to City of Bakersfield Annexation No. 443, Local Agency Formation Commission (LAFCO) Proceeding No. 1363 - ADOPTED RESOLUTION 2003-453 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2004-2005 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

**Patrick-McQuiston: All Ayes**

- \*12) Transfer of Property Tax Entitlement related to City of Bakersfield Annexation No. 445, Local Agency Formation Commission (LAFCO) Proceeding No. 1364 - ADOPTED RESOLUTION 2003-454 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2004-2005 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

**Patrick-McQuiston: All Ayes**

- \*13) Transfer of Property Tax Entitlement related to City of Bakersfield Annexation No. 446, Local Agency Formation Commission (LAFCO) Proceeding No. 1365 - ADOPTED RESOLUTION 2003-455 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2004-2005 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

**Patrick-McQuiston: All Ayes**

- \*14) Transfer of Property Tax Entitlement related to City of Bakersfield Annexation No. 448, Local Agency Formation Commission (LAFCO) Proceeding No. 1366 - ADOPTED RESOLUTION 2003-456 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2004-2005 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

**Patrick-McQuiston: All Ayes**

- \*15) Proposed License Agreement with J & A Catering for food vendor services in the Southeast Bakersfield Community Services Center - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 896-2003

**Patrick-McQuiston: All Ayes**

COUNTY ADMINISTRATIVE OFFICE  
General Services Division

S.D.'s #1 & #3

- \*16) Proposed Resolution consenting to assignment of Franchise Ordinance F-419 by Golden Bear Acquisition Corporation to Tricor Refining, LLC - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; ADOPTED RESOLUTION 2003-457

**Patrick-McQuiston: All Ayes**

S.D. #4

- \*17) Request to receive and file franchise acceptance and Time Certificate of Deposit from Tricor Energy, LLC - RECEIVED AND FILED ACCEPTANCE; DIRECTED CLERK OF THE BOARD TO FILE WELLS FARGO BANK CERTIFICATE OF DEPOSIT NO. 9629231672, IN THE AMOUNT OF \$1,000, WITH TREASURER-TAX COLLECTOR

**Patrick-McQuiston: All Ayes**

S.D. #5

- \*18) Proposed assessment of penalty against Marelich Mechanical Company, Inc., under Public Contract Code Section 4110, for violation of Section 4107, Subcontractor Substitution Requirement, on the Superior Court Server Room HVAC Upgrade project, and request for subcontractor substitution (9410.7000B) - RECEIVED AND FILED REPORT; MADE FINDING THAT MARELICH MECHANICAL, INC., IS IN VIOLATION OF THE SUBLETTING AND SUBCONTRACTING FAIR PRACTICES ACT; ASSESSED A FINE OF \$330; APPROVED SUBSTITUTION OF PENHALL FOR CONCRETE CUTTING AND A/C SYSTEMS FOR GARCIA ROOFING

**Patrick-McQuiston: All Ayes**

CONSIDERATION OF ORDINANCE INTRODUCED ON SEPTEMBER 30, 2003

- \*19) Proposed Ordinance adding Subsection (154) to Section 10.16.041 of Chapter 10.16 of the Kern County Ordinance Code concerning a no stopping zone on White Lane - ENACTED ORDINANCE G-7045

**Patrick-McQuiston: All Ayes**

MATTERS FOR EXECUTIVE APPROVAL

- \*20) Budget Transfers - APPROVED NO. 29 THROUGH NO. 31

**Patrick-McQuiston: All Ayes**

- \*21) Minutes for week of September 8, 2003 - APPROVED

**Patrick-McQuiston: All Ayes**

- \*22) Miscellaneous Letters and Documents - FILED

**Patrick-McQuiston: All Ayes**

- \*23) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

**Patrick-McQuiston: All Ayes**

ADJOURNED TO TUESDAY, OCTOBER 14, 2003, AT 9:00 A.M.

**Patrick-**

/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.

22) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Letter from Kathy Orrin, Taft City School District, re resignation from Kern County Child Care Council (Copies to each Supervisor and CAO)
- B) Received, certified and transmitted to Recorder for recordation:
  - 1) Tract Map 5762, Unit G S.D. #2
  - 2) Tract Map 5993, Phase 6 S.D. #1
  - 3) Tract Map 6082, Unit 3 S.D. #4
  - 4) Tract Map 6140, Phase 4 S.D. #5
  - 5) Tract Map 6164, Phase 1 S.D. #5
  - 6) Parcel Map 10732 S.D. #1
  - 7) Parcel Map 10885 S.D. #3
  - 8) Parcel Map 10887 S.D. #2
  - 9) Parcel Map 10930 S.D. #4

Local Agency Formation Commission

- C) Letter from Bart J. Thiltgen, City of Bakersfield, re LAFCO Proceeding No. 1363, Annexation No. 443, Jewetta No. 3 (Copies to each Supervisor and CAO)
- D) Letter from Bart J. Thiltgen, City of Bakersfield, re LAFCO Proceeding No. 1364, Annexation No. 445, McCutcheon No. 1 (Copies to each Supervisor and CAO)
- E) Letter from Bart J. Thiltgen, City of Bakersfield, re LAFCO Proceeding No. 1365, Annexation No. 446, Oswell No. 1 (Copies to each Supervisor and CAO)
- F) Letter from Bart J. Thiltgen, City of Bakersfield, re LAFCO Proceeding No. 1366, Annexation No. 448, Coffee Road No. 2 (Copies to each Supervisor and CAO)
- G) Letter from Bart J. Thiltgen, City of Bakersfield, re LAFCO Proceeding No. 1369, Annexation No. 449, Union No. 11 (Copies to each Supervisor and CAO)

Miscellaneous

- H) Letter from Tim Palmer in opposition to Isaac Martin's proposal re Conditional Use Permit No. 38, Map No. 237, Lebec area (Copies to each Supervisor, CAO, Planning and County Counsel)
- I) Letter from Nathan Despain re extending Meacham Road from Allen to Jewetta (Copies to each Supervisor, CAO, Roads and County Counsel)
- J) Letter from Nancy E. Hayward, State Department of Health Services, re California Healthcare for Indigents Program (CHIP)/Rural Health Services Program (RHS) Fiscal Year 2003-2004 County Allocation (Copies to each Supervisor, CAO and Public Health)

- K) Letter from D. E. Leach, California Highway Patrol re corrected hazardous materials incident report on Friday, September 19, 2003, at State Route 14, north of milepost marker 25.00 (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)
- L) Letter from Wayne A. Casper, National Purchasing Institute, re Achievement of Excellence in Procurement Award for 2003 awarded to Kern County Procurement Department (Copies to each Supervisor, CAO and General Services)
- M) Letter from Donna M. Shepherd, Southern California Gas Company, re substitute CPUC Sheet No. 36621-G, Advise No. (AL) 3268, filed on June 12, 2003, requesting approval of an equivalent rate to replace the core subscription cost of gas rate that will be eliminated effective December 1, 2003 (Copies to each Supervisor, CAO, General Services and County Counsel)
- N) E-mail from Dale A. Lackey re increase in rental rates at Mojave airport (Copies to each Supervisor, CAO and Airports)
- O) E-mail from Ken C. James re firefighter wages in Kern County (Copies to each Supervisor, CAO and Fire)
- P) Notice from Alcoholic Beverage Control re applications for Alcoholic Beverage Licenses: Stop & Shop Market, 1007 E. Brundage Lane, Bakersfield; Shady Lane Saloon, 6105 Lake Isabella Boulevard, Suite C, Lake Isabella (Copies to each Supervisor, CAO and Planning)
- Q) Agenda of meeting from Kern County Water Resources Committee Meeting on Monday, October 13, 2003
- R) Agenda of meeting from Kern County Child Care Council on Wednesday, October 1, 2003
- S) Minutes of meeting from Kern County Child Care Council on Wednesday, September 3, 2003
- 23) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
  - A) Claim in the matter of Victoria Lyons for Aaron Samuel vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Claim in the matter of Manuel Alcala Farias and Rosa Alcala vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - C) Claim in the matter of Cristina Athwal vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - D) Claim in the matter of Golden Empire Transit District vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- E) Late claim in the matter of Chris Holt and Cesar Leon vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Amended claim in the matter of San Bernardino County vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Subrogation claim in the matter of Phillip Fisher by Allied Insurance vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)