

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Monday, November 10, 2003

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

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

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- *1) Proclamation proclaiming December 1, 2003 as World AIDS Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Watson-Maben: All Ayes

- *2) Proclamation proclaiming the week of November 10-16, 2003 as Day of the Americas in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Watson-Maben: All Ayes

PUBLIC REQUESTS

- 3) Request of the Kern County Child Care Council to address the Board regarding the Summary of Council Activities Report for July 1, 2003 to September 30, 2003 - MICHAEL COLEMAN, CHAIRMAN, KERN COUNTY CHILD CARE COUNCIL, HEARD; RECEIVED AND FILED

Maben-Watson: All Ayes

PUBLIC PRESENTATIONS

- 4) 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

- 5) 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

- *6) Proposed deletion of two (2) Senior Nutrition Site Supervisor and one (1) Senior Home Delivery Driver positions in Aging and Adult Services Department Ridgecrest Senior Nutrition Program; and addition of two (2) Senior Nutrition Site Supervisor (part time), one (1) Senior Home Delivery Driver (part time), and one (1) Office Services Technician positions in Aging and Adult Services Department, effective November 10, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Watson-Maben: All Ayes

- *7) Proposed retroactive Agreement with Catholic Healthcare West for "Communication Device" service, for Fiscal Year 2003-2004, in an amount not to exceed \$30,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 980-2003

Watson-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

Debt Advisory Committee

Hearing

- 8) TEFRA Hearing and approval for issuance of \$5,000,000 in Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority for 1030 Cottonwood Road, L.P. - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ADOPTED RESOLUTION 2003-504

Watson-Patrick: All Ayes

- 9) Authorization to charge a \$25 documentary handling fee for CEQA documents per Fish and Game Code 711.4 - APPROVED

Maben-Watson: All Ayes

- *10) Proposed transfer in the amount of \$670,000 from Appropriations for Contingencies to Budget Unit No. 1420 to cover expense of October 7, 2003, Governor's Recall Election -

Withdrawn

- *11) Request from City of California City to render certain election services for their special tax measure 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

Watson-Maben: All Ayes

- *12) Certification of results of Special Recall Election held October 7, 2003 - DECLARED RESULTS OFFICIAL AS CERTIFIED BY COUNTY CLERK, PURSUANT TO ELECTIONS CODE SECTION 15400

Watson-Maben: All Ayes

- *13) Proposed Resolution approving application for Help America Vote Act of 2002 funds in the amount of \$1,790,835.81 for replacement of punch card voting system - APPROVED; ADOPTED RESOLUTION 2003-505; AUTHORIZED CHAIRMAN TO SIGN CERTIFICATION

Watson-Maben: All Ayes

BOARD OF SUPERVISORS

- 14) Request by Third District Supervisor Barbara Patrick for consideration of a proposed Resolution opposing sale and re-opening of Kern Power Plant - HEARD IN SUPPORT OF THE RESOLUTION: COUNCILMEMBER DAVID COUCH, CITY OF BAKERSFIELD; ALAN TANDY, CITY MANAGER, CITY OF BAKERSFIELD; HOWARD WEINS, HAZARDOUS MATERIAL SPECIALIST, BAKERSFIELD FIRE DEPARTMENT; DAVID STANTON, RIVERLAKES RANCH MASTER ASSOCIATION; AND LEE JAMESON, OWNER-DEVELOPER, NORTHWEST PROMENADE SHOPPING CENTER; HEARD IN OPPOSITION TO RESOLUTION: MICHAEL BAKER AND STEVE ILIFF, NORTH AMERICAN POWER GROUP

COUNCILMEMBER COUCH; JESSE FREDERICK, WZI, INC.; ALAN TANDY AND CITY ATTORNEY VIRGINIA GENNARO RESPONDED TO QUESTIONS POSED BY THE BOARD

ADOPTED RESOLUTION 2003-506; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE; RECEIVED AND FILED

Patrick-Maben: All Ayes

REFERRED TO COUNTY ADMINISTRATIVE OFFICER AND COUNTY COUNSEL TO DRAFT CORRESPONDENCE TO APPROPRIATE STATE AGENCIES RELATIVE TO LOCAL REVIEW OF POWER PLANTS NOT WITHIN STATE REGULATORY JURISDICTION FOR REPORT BACK TO THE BOARD

McQuiston-Patrick: All Ayes

COUNTY COUNSEL

- *15) Request of Berrenda Mesa Water District that the Board of Supervisors schedule a hearing to sit as Board of Equalization to hear and determine objections to assessments of the District for Fiscal Year 2004 and to assess land which has escaped assessment in prior years - APPROVED; ADOPTED RESOLUTION 2003-507 SETTING HEARING FOR TUESDAY, DECEMBER 2, 2003, AT 9:00 A.M.

Watson-Maben: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 15A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER AGENDA WAS POSTED ON NOVEMBER 5, 2003 BECAUSE THE KERN COUNTY WATER AGENCY FILED ITS LETTER AND RESOLUTION SETTING FORTH THE AGENCY'S ZONE OF BENEFITS ASSESSMENTS ON NOVEMBER 3, 2003. THE WATER CODE REQUIRES A RESOLUTION SETTING HEARING WITHIN 60 DAYS OF FILING OF THE LETTER AND RESOLUTION. ACTION BY THIS BOARD IS REQUIRED TODAY IN ORDER TO CONDUCT THE HEARING WITHIN STATUTORY TIME PERIOD.

Maben-McQuiston: All Ayes

- 15A) Request of Kern County Water Agency to set hearing on Proposed Zones of Benefit Numbers 7-05, 17-05, 18-05 and 19-05 and assessments to be levied thereon - APPROVED; ADOPTED RESOLUTION 2003-508 SETTING HEARING FOR TUESDAY, DECEMBER 16, 2003 AT 9:00 A.M.

Patrick-Watson: All Ayes

EMERGENCY MEDICAL SERVICES

Hearing

- 16) Public hearing on proposed modification of ambulance rates, effective November 11, 2003, for ambulance service operational areas 2, 4, 5, 8, 9, and 11, which are the areas assigned to Hall Ambulance Service - OPENED HEARING; JACQUIE ATT, CONTROLLER, HALL AMBULANCE, HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-509; REFERRED TO EMERGENCY MEDICAL SERVICES TO REPORT BACK ON TUESDAY, DECEMBER 2, 2003 AT 9:00 A.M. REGARDING COUNTYWIDE AIR AMBULANCE RATES

Watson-Maben: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *17) Notification of anticipated retroactive Agreement with La Cooperativa Campesina de California and various local service providers to provide core, intensive and/or training services under the Agricultural Dislocated Worker Program from October 1, 2003 through June 30, 2004, in an amount not to exceed \$173,230 - RECEIVED AND FILED

Watson-Maben: All Ayes

- *18) Proposed retroactive Agreement with Delano Regional Medical Center for a Nurse Workforce Initiative Employer Reimbursement Employee Upgrade Training 20/20 Program, from August 25, 2003 through January 31, 2005, in an amount not to exceed \$7,926.34 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 981-2003

Watson-Maben: All Ayes

HUMAN SERVICES

- *19) Proposed Agreement with Kern Community College District for Foster and Kinship Care Education Program, from November 11, 2003 to June 30, 2004, in an amount not to exceed \$20,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 982-2003

Watson-Maben: All Ayes

- *20) Proposed Memorandum of Understanding with Naval Air Weapons Station for access to the Naval Station for investigation of suspected child abuse and neglect victims and their families, from November 10, 2003 and remain in effect until terminated by either party (State/Federal; no County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 983-2003

Watson-Maben: All Ayes

KERN MEDICAL CENTER

- 21) Proposed retroactive Amendment No. 2 to Agreement 224-2003 with Pulse Healthcare Services, for temporary nurse staffing, increasing maximum payable by \$2,168,557 from \$1,722,000 to \$3,890,557 from April 23, 2003 through April 22, 2004, and increasing contractual not to exceed amount from \$2,909,000 to \$5,077,557 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 984-2003

Patrick-Watson: All Ayes

- *22) Notification of anticipated retroactive Amendment to Agreement with Medrium, Inc., for physician professional fee billing - RECEIVED AND FILED

Watson-Maben: All Ayes

- *23) Proposed changes in clinical privilege status for 21 members of Kern Medical Center's Medical Staff - APPROVED

Watson-Maben: All Ayes

- *24) Relief of accountability of patients' accounts - DISCHARGED KERN MEDICAL CENTER FROM ACCOUNTABILITY OF 2,372 ACCOUNTS TOTALING \$1,644,748.69; AUTHORIZED ASSIGNING 2,371 ACCOUNTS TOTALING \$1,631,067.18 TO COLLECTION AGENCIES

Watson-Maben: All Ayes

- *25) Request for sole source purchase of Percussionaire Volumetric Diffusive Respiration Ventilator, in an amount not to exceed \$37,500 - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE SOLE SOURCE PURCHASE ORDER

Watson-Maben: All Ayes

- *26) Proposed Agreement with Rossano Bangasan, M.D., for psychiatric services, from November 10, 2003 through November 9, 2005, in an amount not to exceed \$123,500 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 985-2003

Watson-Maben: All Ayes

PROBATION

- *27) Proposed Agreement with Taft Union High School District for truancy reduction program services, from November 12, 2003 to November 11, 2004, in an amount not to exceed \$76,548 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 986-2003

Watson-Maben: All Ayes

PUBLIC HEALTH SERVICES

- *28) Proposed Agreement with National Health Care Services for clinical x-ray services, from December 1, 2003 through November 30, 2004, in an amount not to exceed \$3,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 987-2003

Watson-Maben: All Ayes

- *29) Proposed retroactive Agreement with Kern County Superintendent of Schools for Child Care Health Consultancy services, from October 1, 2003 through September 30, 2004, for revenue in an amount not to exceed \$245,202 (prior notification October 7, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 988-2003

Watson-Maben: All Ayes

SHERIFF

- *30) Application to hold a Parade - Boron Chamber of Commerce on December 13, 2003 - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-Maben: All Ayes

- *31) Application to hold a Parade - Rosamond Old Town Merchants on December 6, 2003 - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-Maben: All Ayes

- *32) Proposed retroactive Agreement with Kern High School District for law enforcement services, for Fiscal Year 2003-2004 from September 1, 2003 to June 30, 2004, in an amount not to exceed \$30,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 989-2003

Watson-Maben: All Ayes

- *33) Proposed retroactive Agreement with Kernville Union School District for law enforcement services, for Fiscal Year 2003-2004 from September 1, 2003 to June 30, 2004, in an amount not to exceed \$10,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 990-2003

Watson-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

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

COUNTY COUNSEL

- 35) Request for Closed Session regarding significant exposure to litigation against the County (two cases) (Government Code Section 54956.9(b)(2)) -
- 35A) Results of Closed Session regarding significant exposure to litigation against the County (two cases) (Government Code Section 54956.9(b)(2)) - CONTINUED TO TUESDAY, NOVEMBER 10, 2003 AT 2:00 P.M.
- 36) Request for Closed Session regarding a lawsuit entitled Villanueva v. County of Kern, Kern County Superior Court Case No. 249983 (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.

Patrick

/s/ Denise Pennell
Clerk of the Board

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

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2:00 P.M.

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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

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

McQuiston-Patrick: All Ayes

KERN SANITATION AUTHORITY

- #1) Requisition No. 000094, Special Provisions for Bernard Street Sewer Main Repair between Anza and Lynn Streets, in an amount not to exceed \$15,000 - APPROVED; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(b); DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; DIRECTED WASTE MANAGEMENT TO PREPARE REQUISITION AND PURCHASING TO SOLICIT BIDS

Maben-Watson: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Patrick-McQuiston: All Ayes

PUBLIC REQUESTS

- 2) Request from the Tejon Ranch Public Facilities Financing Authority for proposed finding of significant public benefit with respect to and approval of the issuance of bonds in the amount of \$6,900,000 by the Authority - OPENED HEARING; PAUL THIMMIG, QUINT & THIMMIG, BOND COUNSEL FOR TEJON RANCH PUBLIC FACILITIES FINANCING AUTHORITY, HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-510

Maben-Watson: All Ayes

PUBLIC PRESENTATIONS

- 3) 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

- 4) 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**

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *5) **Request from Bernard L. Rizzardini to change the permitted uses from estate residential to general commercial on approximately 2.5 acres located at 3565 Inyokern Road, Ridgecrest area (SD 1)**

Specific Request:

A change in zone classification from E (1/4) RS MH to C-2 or a more restrictive district (ZCC 11, Map 47-26) (General Rule, Section 15061(b)(3); Published Daily Independent) - **OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2003-511 AND ENACTED ORDINANCE G-7055 APPROVING ZONE CHANGE AS REQUESTED**

Maben-Watson: All Ayes

- 6) **Request from Lance and Teresa LeGault (original applicant - Richard Mikesell, Esq./Erickson Family Trust by Robert G. Hogue, L.S.) to appeal the decision of the Hearing Officer for the approval of Parcel Map Waiver 1-03 proposing to create one 2.05-acre parcel for residential use located at 23820 Martingale Way, south side of Martingale Way, approximately 200 feet east of San Juan Drive, Bear Valley Springs area (SD 2)**

Specific Request:

An appeal to the decision of the Hearing Officer for the approval of Parcel Map Waiver 1-03 (approved October 2, 2003) proposing to create one 2.05-acre parcel for residential use (PMW 1-03)

(General Rule, Section 15061(b)(3); Published Tehachapi News) - **OPENED HEARING; TERESA LE GAULT, HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, SUSTAINED THE APPEAL ON PROCEDURAL GROUNDS AND DIRECTED STAFF TO RECORD A CORRECTED CONDITIONAL CERTIFICATE OF COMPLIANCE CONTAINING THOSE CONDITIONS AS REQUIRED BY SECTION 66599.35 OF THE SUBDIVISION MAP ACT**

Maben-Watson: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Land Use

S.D. #1

- *7) Notice of Nonrenewal Petition 03-23 by Nelms Surveying, on behalf of Carco Development Company, for 38.05 acres within Agricultural Preserve No. 7 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Watson: All Ayes

- *8) Proposed Williamson Act Land Use Contract 03-12 for 2004 Calendar Year with Young Trust, South Fork area, Agricultural Preserve No. 17, 159 acres - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Watson: All Ayes

- *9) Proposed Williamson Act Land Use Contract 03-7 for 2004 Calendar Year with Rodney H. Wiens and Karen K. Wiens, Shafter area, Agricultural Preserve No. 8, 14 acres - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Watson: All Ayes

S.D. #4

- *10) Notice of Nonrenewal Petition 03-29 by Merle D. Hallmark and Catherine D. Hallmark for 3 acres within Agricultural Preserve No. 7 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Watson: All Ayes

Miscellaneous

S.D. #2

- *11) Request by David Reza Zarrin for Determination of Public Convenience for the issuance of an off-sale beer and wine license at 16900 Highway 14, Mojave, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code - APPROVED; ADOPTED RESOLUTION 2003-512

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

S.D. #5

- *12) Public Hearing to amend the County of Kern's Fiscal Year 2002-2003 Annual Action Plan for Community Development Programs to amend Activity No. 33.02.7, Cottonwood Village Housing Development - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENT; AUTHORIZED COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT TO SUBMIT ALL DOCUMENTATION RELATED TO AMENDMENT TO HUD

Maben-Watson: All Ayes

S.D. #4

- *13) Proposed Agreement with the City of Wasco to provide Community Development Block Grant funds for demolition of a structure in downtown Wasco, in an amount not to exceed \$75,137 (CD No. 21.02.1) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 991-2003

Maben-Watson: All Ayes

S.D. #5

- *14) Proposed Agreement with the City of Arvin to provide Community Development Block Grant funds for street reconstruction improvements, in an amount not to exceed \$451,264 (CD Nos. 12.02.2 & 12.03.1) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 992-2003

Maben-Watson: All Ayes

- *15) Proposed Amendment No. 1 to Agreement 654-2003 with Corporation for Better Housing to modify the project description and proposed HOME Program financing for Cottonwood Village Apartments (Project No. 33.02.7) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 993-2003; AUTHORIZED DIRECTOR TO EXECUTE REQUIRED DOCUMENTS TO IMPLEMENT PROJECT AS AMENDED, INCLUDING NOTE, DEED RESTRICTION AGREEMENT, SECURITY AGREEMENT, ESCROW INSTRUCTIONS AND OTHER DOCUMENTS AS NECESSARY, ALL IN A FORM APPROVED BY COUNTY COUNSEL

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearings

S.D. #1

- *16) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous accessory structure at Ridge Road, Bakersfield, CA, APN 090-120-44, estimated cost \$6,500 (from 11/04/2003) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-513 DECLARING THE ABANDONED ACCESSORY STRUCTURE 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 60 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 CONTRACT

Maben-Watson: All Ayes

S.D. #2

- 17) Proposed Resolution ordering the extension of Zone of Benefit Nos. 1 and 3 within County Service Area No. 63, to provide drainage facilities maintenance and street sweeping and establish assessments for Zone of Benefit Nos. 1 and 3 within County Service Area No. 63, Rosamond, Parcel 1 of Parcel Map 10887, located north of Rosamond Boulevard and west of State Highway 14 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7056 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2003-514 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT, APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$200 PER ACRE FOR DRAINAGE FACILITIES MAINTENANCE-COMMERCIAL/LARGE LOT AND \$75 PER PARCEL FOR STREET SWEEPING-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 NOS. 1 AND 3 IN COUNTY SERVICE AREA NO. 63

Maben-Patrick: All Ayes

S.D. #4

- 18) Proposed Resolution ordering the extension of Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71, determining to adopt and accept an ordinance enacting assessments for the area included within the boundaries extended herein, Tract 6085 and Parcel 1 of Parcel Map 1248, west Bakersfield, located north of Palm Avenue and east of Nord Road - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7057 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2003-515 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT, APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$85 PER PARCEL FOR STREET LIGHT MAINTENANCE, \$6 PER PARCEL FOR SEPTIC MONITORING, \$140 PER PARCEL FOR SEWER SERVICE, \$12 PER PARCEL FOR STREET SWEEPING, \$25 PER PARCEL FOR DRAINAGE FACILITIES MAINTENANCE, \$450 PER PARCEL FOR LANDSCAPE AND WALL MAINTENANCE AND \$200 PER PARCEL FOR MULTI-USE TRAIL, LANDSCAPE AND WALL MAINTENANCE; 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 NOS. 3, 5, 7, 8 AND 10 IN COUNTY SERVICE AREA NO. 71

Watson-Patrick: All Ayes

- *19) Contract No. 03019, Change Order No. 1, for construction of Frazier Park Drain-Phase VII, a decrease of \$4,153.83, for a new total of \$56,965.55 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

All S.D.'s

- *20) Report of proposed Disadvantaged Business Enterprise (DBE) Program for Kern Regional Transit for Federal Fiscal Year 2003-2004 - RECEIVED AND FILED; SET TUESDAY, JANUARY 13, 2004, AT 2:00 P.M., AS THE DATE TO ESTABLISH THE 2003-2004 DBE GOAL

Maben-Watson: All Ayes

WASTE MANAGEMENT

S.D.'s #1 & #2

- *21) Proposed Plans and Special Provisions for construction of modifications to Gate House No. 1 at Bakersfield Metropolitan (Bena) Sanitary Landfill - APPROVED; DIRECTED WASTE MANAGEMENT TO PREPARE REQUISITION AND PURCHASING TO SOLICIT BIDS

Maben-Watson: All Ayes

S.D.'s #2 & #4

- *22) Proposed Amendment No. 2 to Agreement 811-2000 with Mountainside Disposal, Inc., to allow annual rate adjustments and quarterly bulky waste collection events - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 994-2003

Maben-Watson: All Ayes

All S.D.'s

- *23) Proposed Resolution to set public hearing for Tuesday, December 2, 2003, to consider the report entitled, 2004 Solid Waste Administration Fee for Franchise Garbage Haulers, and establish and assess the Administrative Fee - RECEIVED AND FILED; ADOPTED RESOLUTION 2003-516; DIRECTED COUNTY COUNSEL TO PREPARE, AND CLERK OF THE BOARD TO PUBLISH, HEARING NOTICE

Maben-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *24) Proposed Three-Year Capital and Infrastructure Maintenance Plan - APPROVED PLAN SUBJECT TO REGULAR UPDATES AND BOARD FUNDING DECISIONS MADE DURING ANNUAL BUDGET PROCESS

Maben-Watson: All Ayes

- *25) Transfer of property tax entitlement related to City of Delano Annexation No. 32, Local Agency Formation Commission (LAFCO) Proceeding No. 1370 - APPROVED; ADOPTED RESOLUTION 2003-517 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF THE COUNTY'S PROPERTY TAX ENTITLEMENT TO THE CITY OF DELANO COMMENCING FISCAL YEAR 2004-2005 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Maben-Watson: All Ayes

- *26) Transfer of property tax entitlement related to City of Delano Annexation No. 33, Local Agency Formation Commission (LAFCO) Proceeding No. 1371 - APPROVED; ADOPTED RESOLUTION 2003-518 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF THE COUNTY'S PROPERTY TAX ENTITLEMENT TO THE CITY OF DELANO COMMENCING FISCAL YEAR 2004-2005 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Maben-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #4

- *27) Proposed Agreement for Lease with Consumnes Professional Buildings for Mental Health Department's use of office space at 1021 - 4th Street, Taft, for a period of seven (7) years from completion of tenant improvements, approximate total cost of \$45,835 for Fiscal Year 2003-2004 - 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 995-2003

Maben-Watson: All Ayes

All S.D.'s

- *28) Report on radio system project and proposed Amendment No. 1 to Agreement 848-2002 with Motorola, Inc., to provide for various equipment and service changes, a decrease of \$633,471.09, for a new total of \$17,760,677.91 - RECEIVED AND FILED REPORT; APPROVED AMENDMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 996-2003

Maben-Watson: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *29) Budget Transfers - APPROVED NO. 58 THROUGH NO. 61

Maben-Watson: All Ayes

- *30) Minutes for week of October 13, 2003 - APPROVED

Maben-Watson: All Ayes

- *31) Miscellaneous Letters and Documents - FILED

Maben-Watson: All Ayes

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

Maben-Watson: All Ayes

ADJOURNED TO CLOSED SESSION

Watson-

CLOSED SESSION

COUNTY COUNSEL

- 33) Request for Closed Session regarding significant exposure to litigation against the County (two cases) (Government Code Section 54956.9(b)(2)) (from Monday, November 10, 2003, at 9:00 A.M., Item No. 35) -

RECONVENED FROM CLOSED SESSION; ADJOURNED TO TUESDAY,
DECEMBER 2, 2003, AT 9:00 A.M.

McQuiston-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.

31) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

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

- 1) Tract Map 5897 S.D. #1
- 2) Tract Map 6052, Phase 2 S.D. #5
- 3) Tract Map 6053, Phase 7 S.D. #1
- 4) Tract Map 6053, Phase 8 S.D. #1
- 5) Parcel Map 10907 S.D. #1

Employers' Training Resource

B) WIA OJT Agreements:

- 1) Berchtold Equipment Company, WIA Title 201, dated October 17, 2003
- 2) Sideline Enterprises, Inc., dba Premier Lighting, WIA Title 201, dated October 20, 2003

C) Modification No. 2 to Agreement R485279 with the State Employment Development Department to initiate Veterans Special Project funding

D) Modification No. 11 to Agreement R380507 with the State Employment Development Department to extend the term end date of the WIA 25% funding through March 31, 2004

Roads

E) Consent to Recordation, Irrevocable Offer of Dedication from Jerry Hale for additional right-of-way for improvements at 1111 Flower Street, County Road 3932, APN 127-050-04

Miscellaneous

F) Letter from J. L. Betancourt, Department of the Navy, to Governor-Elect Schwarzenegger, re proposed Centennial development near Antelope Valley and its effect on the Department of Defense installations (Copies to each Supervisor, CAO, Planning, County Counsel and Resource Management Agency)

G) Letter from Nancy E. Hayward, State Department of Health Services, re Fiscal Year 2003-2004 description of proposed expenditures (Copies to each Supervisor, CAO and Public Health)

H) Letter from Nancy E. Hayward, State Department of Health Services, re Fiscal Year 2002-2003 trust fund guidelines (Copies to each Supervisor, CAO and Public Health)

I) Seven (7) letters in opposition to termination of agreement with Blue Cross for County employees' health benefits (Copies to each Supervisor and CAO)

J) Fire updates re Piru Fire for October 27, 28, 29 and 30, 2003 (Copies to each Supervisor, CAO and Fire)

- K) Notice from Department of Alcoholic Beverage Control re application for Alcoholic Beverage License: Salis EZ Stop, 506 Charlana Drive, Bakersfield (Copies to each Supervisor, CAO and Planning)
- 32) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Brian Wayne Hudspeth vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Noemi Castillo vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Tammy Sue Lopez on behalf of Freddy D. Lopez, a Minor vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Jeff Foster vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Sammye Richardson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Supplement No. 1 to claim in the matter of Sammye Richardson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Supplement No. 2 to claim in the matter of Sammye Richardson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Summons and complaint in the matter of Peter Collins vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)