

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, November 4, 2003

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor McQuiston

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) Resolution honoring Patricia Anderson upon her retirement with 27 years of service to Kern County - ADOPTED RESOLUTION; MADE PRESENTATION TO PATRICIA ANDERSON; PATRICIA ANDERSON; RON ERREA, DIRECTOR OF AGING AND ADULT SERVICES; AND MARGARET MOONEY, PRESENT CHAIR, COMMISSION ON AGING, HEARD; COMMISSION ON AGING MEMBERS RECOGNIZED

Maben-Patrick: All Ayes

- 2) Proclamation proclaiming November 2003 as National Adoption Awareness Month in Kern County - PROCLAIMED; MADE PRESENTATION TO CHRIS GRASTY, ASSISTANT DIRECTOR, DEPARTMENT OF HUMAN SERVICES; CHRIS GRASTY; CARL GUILFORD, PROGRAM DIRECTOR, DEPARTMENT OF HUMAN SERVICES; AND DANIELLE OLIVER HEARD; RECOGNIZED STAFF FROM DEPARTMENT OF HUMAN SERVICES ADOPTION UNIT

Patrick-McQuiston: All Ayes

- 3) Certificate of Recognition honoring the West High Viking Aviators team for its first place win at the Kern County Air Show Aerospace Science Competition - MADE PRESENTATION TO SCOTT OLIVER AND TRENT COMBS, TEAM ADVISORS; SCOTT OLIVER HEARD AND INTRODUCED MEMBERS OF THE WEST HIGH VIKING AVIATORS TEAM; TRENT COMBS AND EFRAM CONTRERAS, PILOT, HEARD

- *4) Proclamation proclaiming November 2-8, 2003 as National Diabetes Education Week in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Maben-Patrick: All Ayes

PUBLIC PRESENTATIONS

- 5) 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

- 6) 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

- 7) Annual message from Commission on Aging Chairperson, Bea Smith - BEA SMITH, CHAIR, COMMISSION ON AGING, AND RON ERREA, DIRECTOR OF AGING AND ADULT SERVICES DEPARTMENT, HEARD; RECEIVED AND FILED

Maben-Watson: All Ayes

- *8) Proposed retroactive Amendment No. 1 to Agreement 207-2002 with Homemaker Services of Indian Wells Valley for Caregiver Support Services, for Fiscal Year 2003-2004, in an amount not to exceed \$11,230 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 960-2003

Maben-Patrick: All Ayes

- *9) Proposed addition of one (1) Office Services Coordinator position, effective November 4, 2003, and deletion of one (1) Office Services Specialist position, effective April 1, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

AGRICULTURE AND MEASUREMENT STANDARDS

- *10) Proposed retroactive Agreement with California Department of Food and Agriculture (03-0538) to reimburse Kern County for Scientific Evaluation Trapping Activities within Kern County, for Fiscal Year 2003-2004, in an amount not to exceed \$21,601 (prior notification July 23, 2003) - APPROVED; AUTHORIZE CHAIRMAN TO SIGN AGREEMENT 961-2003

Maben-Patrick: All Ayes

COUNTY COUNSEL

- *11) Proposed Amendments to Kern County Assessment Appeals Board (AAB) Rules to add rules for complex assessment appeals and updates for recent legislative amendments - APPROVED; DIRECTED CLERK OF THE BOARD TO ENTER AMENDMENTS IN THE AAB RULE BOOK AND MAKE APPROPRIATE CONFORMING CHANGES TO KERN COUNTY AAB FORMS

Maben-Patrick: All Ayes

FIRE DEPARTMENT

- *12) Proposed retroactive Amendment No. 1 to Agreements 246-2003, 247-2003, and 248-2003 with California Department of Forestry & Fire Protection for public education and hazard reduction, to extend term of each agreement to March 31, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 962-2003, 963-2003, AND 964-2003

Maben-Patrick: All Ayes

- *13) Request for retroactive approval of unusual travel for Captain Heidi Dinkler to attend the National Fire Academy in Emmitsburg, Maryland, from October 18, 2003 through November 3, 2003, in an amount not to exceed \$200 - APPROVED; AUTHORIZED AUDITOR-CONTROLLER TO PAY

Maben-Patrick: All Ayes

KERN MEDICAL CENTER

- *14) Notification of retroactive Amendment to Agreement with Blue Cross of California Medi-Cal Managed Care and Healthy Families Program for hospital services - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *15) Proposed Agreement with Maureen Martin, M.D., Department of Surgery Chairperson, for surgery services, from November 15, 2003 through November 14, 2008, in an amount not to exceed \$1,499,575- APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 965-2003

Maben-Patrick: All Ayes

- *16) Proposed Amendment No. 2 to Agreement 1087-2002 with CompHealth, Inc., for temporary physician staffing, reflecting addition of temporary pediatric staffing and rate schedule (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 966-2003

Maben-Patrick: All Ayes

- *17) Proposed Amendment No. 2 to Agreement 605-2003 with J&C Nationwide for temporary physician staffing, reflecting addition of temporary pediatric staffing and rate schedule (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 967-2003

Maben-Patrick: All Ayes

- *18) Proposed retroactive Amendment No. 1 to Agreement with Matthew M. Malerich, M.D., for orthopedic coverage, increasing annual compensation by \$50,000, to \$150,000, and increasing contractual not to exceed amount by \$100,000, to \$300,000, effective October 1, 2003 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 968-2003

Maben-Patrick: All Ayes

PARKS AND RECREATION DEPARTMENT

- *19) Request for approval of Grant Agreement with Kern County Children and Families Commission to develop playgrounds at six (6) County parks, in the amount of \$482,000 - APPROVED; AUTHORIZE CHAIRMAN TO SIGN AGREEMENT 969-2003

Maben-Patrick: All Ayes

PUBLIC HEALTH SERVICES

- *20) Proposed Agreement with Tehachapi Valley Healthcare District for clinical x-ray services, from December 1, 2003 through November 30, 2004, in an amount not to exceed \$1,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 970-2003

Maben-Patrick: All Ayes

- *21) Proposed retroactive Agreement with San Diego State University for the Kids' Plate Program from August 18, 2003 through June 13, 2004, in an amount not to exceed \$4,992.88 (prior notification October 28, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 971-2003 IN SUBSTANTIALLY THE FORM SUBMITTED, SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL

Maben-Patrick: All Ayes

- *22) Request to increase sole source Purchase Order 042775 with Aventis Pasteur for vaccines and pharmaceutical supplies by \$20,000, to an amount not to exceed \$60,000 - APPROVED; AUTHORIZED PURCHASING AGENT TO INCREASE PURCHASE ORDER

Maben-Patrick: All Ayes

RETIREMENT ASSOCIATION

- *23) Kern County Employees' Retirement Association (KCERA) updated form Agreement for At-Will Contract Employees to provide services related to Settlement Agreement implementation in the case of Kern Law Enforcement Association et al. v. Board of Retirement, Kern County Employees' Retirement Association - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *24) Request for approval of half-day paid leave for up to 150 qualified employees to participate in the KCERA's Retirement Planning Seminar scheduled for Thursday, December 4, 2003, from 8:30 A.M. to 12 noon - APPROVED

Maben-Patrick: All Ayes

SHERIFF

- *25) Application to hold a Parade - Sikh Temple on November 16, 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

Maben-Patrick: All Ayes

TREASURER-TAX COLLECTOR

- *26) Proposed Resolution and Agreement with Bear Valley Community Services District for the sale of tax defaulted property, in an amount not to exceed \$38,100 plus cost of notice - APPROVED; ADOPTED RESOLUTION 2003-490; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 972-2003

Maben-Patrick: All Ayes

- *27) Proposed Resolution and Agreement with Bakersfield Redevelopment Agency for the sale of tax defaulted property, in an amount not to exceed \$12,250 plus cost of notice - APPROVED; ADOPTED RESOLUTION 2003-491; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 973-2003

Maben-Patrick: All Ayes

- *28) Treasurer's Pooled Cash Quarterly Portfolio reporting for quarter ended September 30, 2003 - RECEIVED AND FILED

Maben-Patrick: All Ayes

ADJOURNED AS BOARD OF SUPERVISORS AND RECONVENED AS IHSS PUBLIC AUTHORITY

Patrick-Watson: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSIONS

IHSS PUBLIC AUTHORITY

- 29) Request for Closed Session regarding Meet and Confer, UDWA -

RECONVENED FROM CLOSED SESSION; ADJOURNED AS IHSS PUBLIC AUTHORITY AND RECONVENED AS BOARD OF SUPERVISORS

Watson-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

COUNTY ADMINISTRATIVE OFFICE

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

COUNTY COUNSEL

- 31) Request for Closed Session regarding a proceeding formally initiated: the title is not disclosed because to do so could jeopardize settlement negotiations (two cases) (Government Code Section 54956.9(a)) -
- 32) Request for Closed Session regarding a lawsuit entitled Ricardo Manuel Cortez-Arroyo, etc., et al. vs. County of Kern, et al., Kern County Superior Court Case No. 248319-RJA (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.

McQuiston-Maben

/s/ Tracey E. Cody
Administrative Coordinator

/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 MABEN DISCUSSED THE NEED FOR SEWER TREATMENT INFRASTRUCTURE IN THE SOUTHERN AND EASTERN PORTIONS OF METROPOLITAN BAKERSFIELD

REFERRED TO RESOURCE MANAGEMENT AGENCY, INCLUDING ENGINEERING AND SURVEY SERVICES AND PLANNING, TO DEVELOP RECOMMENDATIONS INSURING THAT SEWER MASTER PLANS AND SEWER INFRASTRUCTURE PROGRAMS, INCLUDING FUNDING OPTIONS, ARE PROVIDED FOR IN METROPOLITAN GENERAL PLAN AND IMPLEMENTING SEWER ORDINANCES

Maben-Watson: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Streets and Highways

S.D. #1

- *3) Request from Kern County Roads Department for a Summary Vacation of 15-foot excess right-of-way along Lake Isabella Boulevard, east side of Lake Isabella Boulevard, approximately 500 feet south of Turner Avenue, Lake Isabella, Map No. 41-31 - ADOPTED RESOLUTION 2003-492 APPROVING VACATION, EXCEPTING AND RESERVING AN EASEMENT FOR EXISTING UTILITIES

Watson-Maben: All Ayes

Land Use

S.D. #4

- *4) Proposed Williamson Act Land Use Contract 03-6 for Calendar Year 2004 with Richard G. Elrich and Pauline Elrich, Co-Trustees of the Elrich Revocable Living Trust, dated September 17, 1987, west of Bakersfield, Agricultural Preserve No. 9, 133.44 acres - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Maben: All Ayes

- *5) Notice of Nonrenewal Petitions 03-26, 03-27 and 03-28 by Chevron USA, Inc., for 10,412.69 acres within Agricultural Preserve Nos. 2, 5, and 9 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

S.D. #5

- *6) Change Order No. 1 for construction related to Bakersfield Homeless Center, Activity No. 46.98.3, an increase of \$27,317.20, for a new total of \$441,006.20 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-Maben: All Ayes

All S.D.'s

- *7) Appropriation of unanticipated revenue in the amount of \$670,000 from the Housing Authority of the County of Kern and Community Services Organization, due to early loan repayments - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$670,000 TO APPROPRIATIONS FOR CONTINGENCIES IN DEPARTMENT 8920; AUTHORIZED THE NECESSARY HUD AND COUNTY BUDGET ADJUSTMENTS

Watson-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearings

S.D. #1

- *8) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 4116 Perdue, Lake Isabella, APN 485-032-14, \$1,369 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-493 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR-CONTROLLER-COUNTY CLERK AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Watson-Maben: All Ayes

- *9) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 16828 Mountain View, Onyx, APN 321-181-18, \$7,007.50 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-494 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR-CONTROLLER-COUNTY CLERK AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Watson-Maben: All Ayes

MOTION TO RECONSIDER ITEM NO. 10, WHICH WAS PREVIOUSLY APPROVED ON CONSENT

McQuiston-Maben: All Ayes

- 10) 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 - GABRIELLE ROCHE, FOR HER UNCLE WILLIE ABERNATHY, HEARD; CONTINUED TO MONDAY, NOVEMBER 10, 2003, AT 2:00 P.M.

McQuiston-Watson: All Ayes

S.D. #3

- *11) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 2609 Lynwood Street, Bakersfield, APN 132-121-08, \$2,225.18 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-495 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR-CONTROLLER-COUNTY CLERK AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Watson-Maben: All Ayes

S.D. #4

- *12) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 228-1/2 Eastern Avenue, Taft, APN 039-285-16, \$1,712.50 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2003-496 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR-CONTROLLER-COUNTY CLERK AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNERS(S)

Watson-Maben: All Ayes

- 13) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous accessory structure at 251 East 2nd Street, Buttonwillow, APN 101-122-07, estimated cost \$6,500 - OPENED HEARING; CARLOS MENA HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-497 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; DIRECTED STAFF TO REPORT BACK ON STATUS

Watson-Maben: All Ayes

- *14) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous accessory structure at Olive Avenue, Taft, APN 039-286-15, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-498 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 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF CONTRACT

Watson-Maben: All Ayes

- *15) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous accessory structure at Asher Avenue, Taft, APN 039-276-17, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-499 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 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF CONTRACT

Watson-Maben: All Ayes

- *16) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous accessory structure at 510 Lierly Avenue, Taft, APN 039-338-12, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-500 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 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF CONTRACT

Watson-Maben: All Ayes

- *17) Proposed Agreement with Condor, Inc., for construction of Wasco Swimming Pool improvements, in an amount not to exceed \$409,300 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 974-2003

Watson-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

Hearing

S.D.'s #1 & #3

- *18) Petition for proposed Resolution to enforce the California Vehicle Code on private roads within Highland Knolls Mobile Estates, Highland View Mobile Home Park, Lazy H Mobile Ranch and Riverdale Village - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ADOPTED RESOLUTION 2003-501

Watson-Maben: All Ayes

S.D. #2

- *19) Proposed Rosamond/Willow Springs Transportation Impact Fee Program, Reconciliation of Account and request for public hearing - SET TUESDAY, DECEMBER 2, 2003, AT 2:00 P.M., AS HEARING DATE FOR ANNUAL ADOPTION OF CAPITAL IMPROVEMENT PLAN FOR THE ROSAMOND/WILLOW SPRINGS TRANSPORTATION IMPACT FEE PROGRAM; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH REQUIRED NOTICE IN ACCORDANCE WITH SECTION 66002 OF THE CALIFORNIA GOVERNMENT CODE

Watson-Maben: All Ayes

All S.D.'s

- *20) Proposed Metropolitan Bakersfield Transportation Impact Fee Program, Reconciliation of Account and request for public hearing - SET TUESDAY, DECEMBER 2, 2003, AT 2:00 P.M., AS HEARING DATE FOR ANNUAL ADOPTION OF CAPITAL IMPROVEMENT PLAN FOR THE METROPOLITAN BAKERSFIELD TRANSPORTATION IMPACT FEE PROGRAM; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH THE REQUIRED NOTICE IN ACCORDANCE WITH SECTION 66002 OF THE CALIFORNIA GOVERNMENT CODE

Watson-Maben: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *21) Proposed Agreement with Community Clean Sweep for operation of the County Metropolitan Recycling Drop-Off Program from November 4, 2003 through November 4, 2005, in an amount not to exceed \$250,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 975-2003

Watson-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *22) Certificate of Achievement for Excellence in Financial Reporting received by Ann K. Barnett, Auditor-Controller-County Clerk - RECEIVED AND FILED

Watson-Maben: All Ayes

- *23) Proposed Resolution authorizing application for Community Emergency Response Team Grant - APPROVED; ADOPTED RESOLUTION 2003-502; AUTHORIZED COUNTY ADMINISTRATIVE OFFICER TO SIGN APPROPRIATE DOCUMENTS; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE TO APPROPRIATIONS FOR CONTINGENCIES IN THE AMOUNT OF \$21,269; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES IN THE AMOUNT OF \$21,269 TO SPECIAL SERVICES BUDGET UNIT 1040

Watson-Maben: All Ayes

- *24) Update on status of Accumulated Capital Outlay funds - RECEIVED AND FILED; APPROVED TRANSFER OF ALL REMAINING FUNDS IN ACO-FIRE FUND TO ACO-GENERAL FUND ON JUNE 30, 2004

Watson-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

Hearing

S.D. #4

- *25) Proposed Resolution and Ordinance granting pipeline franchise to Dole Enterprises, Inc. - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-503 AND ENACTED ORDINANCE F-463

Watson-Maben: All Ayes

S.D. #1

- *26) Plans and specifications for North Kern Court Building Reroof (1960.8267) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE THURSDAY, DECEMBER 4, 2003, AT 11:00 A.M.

Watson-Maben: All Ayes

- *27) Proposed Lease Agreement with James P. Woollomes, doing business as Kern River Park Concessions, to operate a boat rental and food sales business in Hart Park (\$100 monthly rent or 10% of gross revenue, whichever is greater) - 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 976-2003

Watson-Maben: All Ayes

- *28) Proposed Office and Hangar Sublease Agreement with San Joaquin Helicopters, Inc., for use of hangar space at Delano Airport by the Fire Department for helicopter and airplane storage, estimated termination date of April, 2004 (\$450 monthly rent) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO COMPLETE AND FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 977-2003 UPON FINAL APPROVAL OF COUNTY COUNSEL

Watson-Maben: All Ayes

S.D. #3

- *29) Proposed Feasibility Review for replacement of the Greenacres (Station 65) Fire Station - AUTHORIZED PREPARATION OF FEASIBILITY REVIEW

Watson-Maben: All Ayes

S.D. #4

- *30) Proposed Agreement with Miller Brooks Environmental, Inc., for site characterization at the former Lost Hills Fire Station, in an amount not to exceed \$47,054 (1650.7252F) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 978-2003

Watson-Maben: All Ayes

- *31) Proposed Lease Agreement with A and A Express, LLC, for lease of vacant County land located in Maricopa for use as a parking area (\$150 monthly rent) - 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 979-2003

Watson-Maben: All Ayes

S.D. #5

- *32) Change Order No. 2 for remodel of the Superior Court Juvenile Justice J-1 Courtroom, an increase of \$5,242, for a new total of \$182,597 (9410.7000C) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-Maben: All Ayes

All S.D.'s

- *33) Request for a confirming order for copy paper ordered from XPEDX Paper Company, in the amount of \$19,549.53 - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE PAYMENT

Watson-Maben: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *34) Budget Transfers - APPROVED NO. 53 THROUGH NO. 57

Watson-Maben: All Ayes

- *35) Minutes for week of October 6, 2003 - APPROVED

Watson-Maben: All Ayes

- *36) Miscellaneous Letters and Documents - FILED

Watson-Maben: All Ayes

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

Watson-Maben: All Ayes

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

Watson-Maben: All Ayes

ADJOURNED TO MONDAY, NOVEMBER 10, 2003, AT 9:00 A.M.

Watson-

/s/ Tracey E. Cody
Administrative Coordinator

/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.

36) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) 2003-2004 County of Kern Final Budget
Clerk of the Board
- B) Received, certified and forwarded to Recorder for recordation as follows:
- | | |
|----------------------------|---------|
| 1) Tract Map 5722, Phase 1 | S.D. #2 |
| 2) Tract Map 6011 | S.D. #1 |
| 3) Tract Map 6107, Phase 2 | S.D. #3 |
| 4) Parcel Map 10897 | S.D. #3 |
| 5) Parcel Map 10902 | S.D. #5 |
- Miscellaneous
- C) Letter from Helen Dennis, City of California City, re Resolution 10-03-2083 concerning a special municipal election on Tuesday, March 3, 2004 (Copy to Elections)
- D) E-mail from Lloyd Wiens, Frazier Park Area Adopt A Creek Project, to Los Padres National Forest re lack of response to request for information from the Frazier Park Utility District (Copies to each Supervisor, CAO and County Counsel)
- E) Petition re request to install four-way stop signs at El Toro Drive and Belle Terrace (Copies to each Supervisor, CAO, County Counsel and Roads)
- F) Notice from Alcoholic Beverage Control re applications for alcoholic beverage licenses: Peacock Inn, 21 Sierra Drive, Kernville; Randsburg General Store, 35 Butte Avenue, Randsburg; Harry's Market, 731 South "H" Street, Bakersfield; and Shady Lane Saloon (amended application), 6105 Lake Isabella Boulevard, Suite C, Lake Isabella
- G) News release from U.S. Department of Agriculture, Forest Service, re updates to the Piru and Happy Fires (Copies to each Supervisor, CAO and Fire)

37) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED

- A) Letter from Debby Navarrette, Berrenda Mesa Water District, re estimated 2004 budget - REFERRED TO COUNTY COUNSEL
- B) Letter from Walter G. Lake re design of sidewalks and planters in the northwest subdivisions - REFERRED TO ROADS (Copies to each Supervisor and CAO)

38) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED

- A) Claim in the matter of James Garland, Individually and on behalf of the estate of Rachel Lynn Garland, and Debra McCarthy, Individually vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- B) Claim in the matter of Don Moon vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Fernandez S. Millsap 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 Lena Bozanich vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Rosa Munoz vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Summons and complaint in the matter of Reginald L. Gridiron, Lamont Gridiron, Jason Gridiron, Gerald Gridiron, a minor by and through his Guardian ad Litem, Jamesie Gridiron, Gary Lynn Cole, II, a minor by and through his Guardian ad Litem, Veranda Cole and Eric Barefield - vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Notice of case closure in the matter of Eleanor Gershgorn vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)