

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Monday, February 9, 2004

1:00 P.M.

BOARD RECONVENED

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

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.

BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

- 1) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!**
- NO ONE HEARD

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 2) Request for Closed Session regarding public employees performance evaluations - Titles: Director of Aging and Adult Services; Agricultural Commissioner/Sealer; Director of Airports; Executive Director of Board of Trade; Director of Child Support Services; Clerk of the Board of Supervisors; County Administrative Officer; County Counsel; Director of Emergency Medical Services; Director of Employers' Training Resources; Fire Chief; Director of Human Services; Chief Executive Officer of Kern Medical Center; Library Director; Director of Mental Health Services; Director of Parks and Recreation; Public Defender; Director of Public Health Services; Director of Resource Management Agency; Veterans Service Officer; Director of Waste Management -

(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; ADJOURNED TO TUESDAY,
FEBRUARY 10, 2004 AT 9:00 A.M.

Maben-Watson: All Ayes

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, February 10, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

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

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.

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming February 2004 as Rural Crime Prevention Month in Kern County - PROCLAIMED; MADE PRESENTATION TO SERGEANT RICK YORKE; ACTING ASSISTANT SHERIFF KEITH NELSON, COMMANDER STEVE DEL TOUR AND AGRICULTURAL COMMISSIONER TED DAVIS INTRODUCED; SERGEANT YORKE HEARD; MEMBERS OF THE RURAL CRIME UNIT INTRODUCED

Patrick-Watson: All Ayes

PUBLIC REQUESTS

- 2) Request from Adrian T. Moore, Vice President, Reason Foundation, to address the Board regarding air quality in the San Joaquin Valley and Kern County - ADRIAN MOORE HEARD; RECEIVED AND FILED WRITTEN MATERIAL

Watson-Patrick: All Ayes

APPOINTMENTS

- *3) Reappointment of Elena Calauastro as Third District Member to the Human Relations Commission, term to expire February 19, 2006 - MADE REAPPOINTMENT

Maben-Watson: All Ayes

- *4) Reappointments of Joel T. Andreesen and Joseph D. Hughes as At-large Members to the Law Library Trustees Board, terms to expire December 31, 2004 - MADE REAPPOINTMENTS

Maben-Watson: All Ayes

- *5) Appointments of Third District Members to the Behavioral Health Board for Kimberly Ann Smith (replacing Ethel Nona Tolentino), term to expire December 31, 2005, and Roseanna McCleary, term to expire December 31, 2006 - MADE APPOINTMENTS

Maben-Watson: All Ayes

PUBLIC PRESENTATIONS

- 6) 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!
- MICHAEL ROUW QUESTIONED THE RECENT APPOINTMENT OF KEITH NELSON TO ASSISTANT SHERIFF WITH THE COUNTY'S HIRING FREEZE IN EFFECT; REFERRED TO CAO TO REPORT BACK THIS AFTERNOON REGARDING THE APPOINTMENT

Watson-Maben: All Ayes

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 7) 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

AGRICULTURE AND MEASUREMENT STANDARDS

- *8) Proposed retroactive Agreement with California Department of Pesticide Regulations for implementing and enforcing pesticide permit regulations adopted under AB 3765 for Fiscal Year 2003-2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 083-2004

Maben-Watson: All Ayes

AIRPORTS

- *9) Proposed Amendment No. 3 to Agreement 168-1999 with Dave Chrouch to increase the size of the lease site at the Taft Airport - MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15301 OF THE STATE CEQA GUIDELINES; DIRECTED DEPARTMENT OF AIRPORTS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 084-2004

Maben-Watson: All Ayes

- *10) Proposed Amendment No. 1 to Agreement 1070-2002 with Clarence Ferguson and Nick Gough to reduce the size of the lease site at the Taft Airport - MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15301 OF THE STATE CEQA GUIDELINES; DIRECTED DEPARTMENT OF AIRPORTS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 085-2004

Maben-Watson: All Ayes

ASSESSOR-RECORDER

- *11) Request to hire retired County employee Shirley Stacey as a Legal Processing Technician II, Range 48.0, Step E, for 120 days or 960 hours, whichever is greater, in the 12-month period following date of employment - APPROVED

Maben-Watson: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *12) Request to hire retired County employees Phil Burch and Holly Gallagher as Administrative Aide I, Range 44.0, Step C, for 120 days or 960 hours, whichever is greater, in the 12-month period following date of employment - APPROVED

Maben-Watson: All Ayes

BOARD OF SUPERVISORS

- 13) Request from Third District Supervisor Barbara Patrick for County to accept donation of \$73,895.66 from Friends of Panorama Park for improvements to Panorama Park, place funds in an interest bearing trust account, and delegate authority to accept all gifts for Panorama Park to Director of Parks and Recreation subject to a quarterly report to the Board - CHRIS FENDRICK, PROJECT MANAGER, FRIENDS OF PANORAMA PARK; BOB LERUDE, ASSISTANT DIRECTOR OF PARKS; FORMER KERN COUNTY SUPERVISOR PAULINE LARWOOD; AND CARL PARK, CHAIRMAN, FRIENDS OF PANORAMA PARK, HEARD; STEPHANIE LYNCH, FIELD REPRESENTATIVE FOR SUPERVISOR PATRICK, WAS ACKNOWLEDGED; MADE PRESENTATIONS TO: CHRIS FENDRICK; CARL PARK; THE TREE FOUNDATION OF KERN; ED SPAULDING, CHEVRONTXACO; LIZ GOMEZ, PG&E; SCOTT BEGIN ON BEHALF OF BART HILL, SAN JOAQUIN BANK; AND CARL AND JEAN PARK; CERTIFICATES OF RECOGNITION WILL ALSO BE SENT TO: KAREN SCHUETT; CLARK PEST CONTROL; JEFF AND CAROL TOWNSEND; ROBERT SMALL; WEST FOUNDATION; ARKELIAN FOUNDATION; KARPE FOUNDATION; DOROTHY SUE GREEN; THE DEAN AND ADAH GAY FAMILY; STAN AHLF; DR. JAMES N. CLARK; CLEO FORAN; SCOTT HAIR, GREEN FROG MARKETS; MRS. BETTY BIDART; THE JIMMIE AND MARJORIE ICARDO FAMILY; AND FRANKIE AND E.G. BERCHTOLD; APPROVED; ACCEPTED DONATION; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Patrick-Watson: All Ayes

EMERGENCY MEDICAL SERVICES

- 14) Proposed revisions to EMS Aircraft Operational Areas for improved helicopter response times to emergency scenes - LINDA WHITE, KERN WIND ENERGY ASSOCIATION, HEARD IN SUPPORT; APPROVED; REFERRED TO EMERGENCY MEDICAL SERVICES TO REPORT BACK TO THE BOARD IN SIX MONTHS ON THE PROGRESS OF THIS REVISION; RECEIVED AND FILED DOCUMENT

Maben-Parra: All Ayes

FIRE DEPARTMENT

- *15) Request for sole source procurement of four bomb suits from Med-Eng Systems for Kern County Operational Area Agencies in an amount not to exceed \$85,000 - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Maben-Watson: All Ayes

- *16) Proposed addition of Business Manager position and deletion of Accountant III position to Budget Unit 2415, effective February 10, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Watson: All Ayes

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

Maben-Watson: All Ayes

KERN MEDICAL CENTER

- *18) Proposed retroactive Amendment No. 5 to Agreement 010-2001 with Kern Health Systems, for physicians employed by KMC who are on the provider panel with Kern Health Systems (prior notification December 16, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 086-2004

Maben-Watson: All Ayes

- *19) Proposed retroactive Amendment No. 5 to Agreement 011-2001 for hospital services with Kern Health Systems (prior notification December 16, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 087-2004

Maben-Watson: All Ayes

- *20) Proposed retroactive Amendment No. 4 to Agreement 012-2001 with Kern Health Systems, for Home Health, pharmacy, and infusion therapy services provided by KMC to members of Kern Health Systems (prior notification December 16, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 088-2004

Maben-Watson: All Ayes

- *21) Proposed retroactive Agreement with R. Mark Root, D.O., for clinic and surgery coverage in the department of OB/GYN, from January 8, 2004 through January 7, 2005, in an amount not to exceed \$100,000 (prior notification January 8, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 089-2004

Maben-Watson: All Ayes

- 22) Proposed retroactive Agreement with Bakersfield Dialysis Center Medical Group, Inc., for dialysis treatments and related services for KMC patients, from June 1, 2003 through May 31, 2006, in an amount not to exceed \$360,000 - CONTINUED TO MONDAY, MARCH 8, 2004 AT 2:00 P.M. AT KERN MEDICAL CENTER; REFERRED TO CAO, COUNTY COUNSEL AND KERN MEDICAL CENTER TO PROVIDE A BRIEFING AT THAT TIME REGARDING RESPONSIBILITY FOR MALPRACTICE LIABILITY

Patrick-Maben: All Ayes

PROBATION

- *23) Revision of effective date for previously approved offer of additional service credits (Golden Handshake) under Government Code Section 31641.04 for one (1) Administrative Coordinator position from February 27, 2004 to June 25, 2004 and related position deletion also effective June 25, 2004 - APPROVED; ADOPTED RESOLUTION 2004-033; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Watson: All Ayes

PUBLIC HEALTH SERVICES

- *24) Proposed retroactive Agreement with the State Department of Health Services for the Chlamydia Screening Project, in an amount not to exceed \$87,500, from October 1, 2003 through June 30, 2005 (prior notification October 28, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 090-2004

Maben-Watson: All Ayes

- *25) Proposed Ordinance setting fees for Public Health Services related to immunization, laboratory services and clinic services - SET HEARING DATE FOR TUESDAY, MARCH 16, 2004 AT 9:00 A.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND SUMMARY OF PROPOSED ORDINANCE

Maben-Watson: All Ayes

SHERIFF

- *26) Proposed policy for heroism recognition of Sheriff's personnel - APPROVED SHERIFF'S MEDAL OF VALOR RECOGNITION PROGRAM

Maben-Watson: All Ayes

- *27) Donation of surplus vehicle (1987 GMC Safari) to the United Way of Indian Wells Valley - APPROVED DONATION OF SURPLUS PROPERTY

Maben-Watson: All Ayes

- *28) Request to appropriate unanticipated revenue from CALMMET set aside funding for the purpose of purchasing surveillance, computer, and drug testing equipment - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$14,061 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO SHERIFF'S DEPARTMENT BUDGET UNIT 2210 IN THE AMOUNT OF \$14,061

Maben-Watson: All Ayes

- *29) Unusual travel request for Deputy Mark Warren, a member of the Sheriff's grant funded CALMMET Task Force, to attend a two-week training course in Sacramento, California, from February 22, 2004 to March 6, 2004, in an amount not to exceed \$2,130 - APPROVED

Maben-Watson: All Ayes

- *30) Unusual travel request for Senior Deputy Gilbert Valdez to attend a training course in Anaheim, California, from April 25, 2004 to May 1, 2004, in an amount not to exceed \$2,417 - APPROVED

Maben-Watson: All Ayes

- *31) Expenditure by the Sheriff of Inmate Welfare Funds pursuant to Penal Code Section 4025 for repairs, remodeling, and major maintenance work at Sheriff's Pre-Trial Facility and Male Minimum Security Facility at Lerdo (no impact on General Fund) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$791,100 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO SHERIFF'S BUDGET UNIT 2210 IN THE AMOUNT OF \$791,100

Maben-Watson: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 34: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER AGENDA WAS POSTED ON FEBRUARY 5, 2004 BECAUSE THE COUNTY CLERKS IN KERN, SAN DIEGO, SOLANO AND SAN JOAQUIN COUNTIES LEARNED ON FEBRUARY 9, 2004 THAT THE SECRETARY OF STATE, KEVIN SHELLEY, IS REFUSING TO APPROVE THE LATEST FUNCTIONAL ENHANCEMENTS IN THE DIEBOLD TOUCH SCREEN SOFTWARE FOR THEIR VOTING MACHINES IN TIME FOR THE MARCH 2ND VOTING; NEGOTIATIONS WITH THE SECRETARY OF STATE, DIEBOLD, AND COUNTY CLERKS HAVE BEEN ONGOING FOR SEVERAL MONTHS AND REACHED AN IMPASSE FINALLY ON MONDAY, FEBRUARY 9, 2004, WHEN ALL TESTING OF THE ENHANCEMENTS WAS COMPLETED. APPROVAL BY THE SECRETARY OF STATE IS BEING WITHHELD.

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 32) Request for Closed Session regarding Meet and Confer, All Unions -
- 33) Request for Closed Session regarding public employee performance evaluation - Title: Interim Director of Emergency Medical Services -

NON-AGENDA ITEM

COUNTY COUNSEL

- 34) Request for Closed Session regarding a determination of whether the County will initiate litigation on behalf of the County Clerk (Government Code Section 54956.9(c)) -

(If public reporting is required by Government Code Section 54957.1 relating to the above matters, the public reporting of any action taken in closed session will be made at the beginning of the 2:00 p.m. session of the Board of Supervisors.)

RECONVENED FROM CLOSED SESSION; RECESSED TO 2:00 P.M.

Parra-Watson: All Ayes

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, February 10, 2004

2:00 P.M.

BOARD RECONVENED

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

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

BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

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- THOMAS MESHACK, CHIEF NEGOTIATOR, UNITED DOMESTIC WORKER'S OF AMERICA, CHERYL CLAYTON, AND EVELYN BROGDAN, HEARD REGARDING LABOR NEGOTIATIONS

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]) - COUNTY ADMINISTRATIVE OFFICER, SCOTT JONES, REPORTED SHERIFF'S COMMANDER KEITH NELSON HAS BEEN TEMPORARILY ASSIGNED ACTING ASSISTANT SHERIFF; THE PERMANENT ASSISTANT SHERIFF POSITION HAS NOT BEEN AUTHORIZED TO BE FILLED (REFERRED FROM FEBRUARY 10, 2004, 9:00 A.M. SESSION)

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Miscellaneous

S.D. #2

- *3) Request by Solanki Harkishan for Determination of Public Convenience for the issuance of an off-sale general liquor license at 731 South H Street, Bakersfield, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code - APPROVED; ADOPTED RESOLUTION 2004-034

Watson-Maben: All Ayes

S.D. #3

- *4) Request by Labna A. Ahmed for Determination of Public Convenience for the issuance of an off-sale beer and wine license at 2701 Alta Vista Drive, Bakersfield, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code - APPROVED; ADOPTED RESOLUTION 2004-035

Watson-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

S.D. #2

- *5) Public Hearing to amend the Fiscal Year 2002-2003 Annual Action Plan for Community Development programs to revise the project scope of Tehachapi Northside Neighborhood Park, Phase I (Activity No. 20.02.1) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENT TO COUNTY'S FISCAL YEAR 2002-2003 ANNUAL ACTION PLAN TO REVISE ACTIVITY NO. 20.02.1; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION RELATED TO AMENDMENT TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Watson-Maben: All Ayes

S.D. #2

- *6) Proposed Finding of No Significant Impact (FONSI), Mitigated Negative Declaration, and Request for Release of Funds (RROF) for Tehachapi Northside Neighborhood Park, Multi-Phase (Activity No. 20.02.1) - APPROVED FONSI AND MITIGATED NEGATIVE DECLARATION; AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF DETERMINATION AND CERTIFICATE FEE EXEMPTION; AUTHORIZED CHAIRMAN TO SIGN RROF AND CERTIFICATION; AUTHORIZED DIRECTOR TO SUBMIT RROF AND CERTIFICATION TO HUD

Watson-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #4

- *7) Request to set public hearing to consider levying assessments within Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71 and proposed Resolution of Intention to extend Zone of Benefit Nos. 7, 8 and 10, Tract 5858, west Bakersfield, located south of Johnson Road and west of Wegis Avenue - APPROVED; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) AND SECTION 15273 OF THE STATE CEQA GUIDELINES; SET PUBLIC HEARING FOR TUESDAY, MARCH 30, 2004, AT 2:00 P.M. TO RECEIVE PUBLIC COMMENT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO THE PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC INFORMATIONAL MEETING IN COMPLIANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION, IF REQUESTED; ADOPTED RESOLUTION 2004-036

Watson-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

All S.D.'s

- *8) Proposed Amendment No. 2 to Contract No. 641217 with Caltrans for an extension of time for the purchase and installation of bicycle racks - APPROVED; AUTHORIZED ROADS DIRECTOR TO SIGN

Watson-Maben: All Ayes

- *9) Proposed retroactive Agreement with Cascade Software Systems, Inc., for maintenance of Roads' Cost Accounting Management System (CAMS), effective July 1, 2003, in the amount of \$8,488.88 for Fiscal Year 2003-2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 091-2004

Watson-Maben: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *10) Proposed Request for Proposal to provide hydrogeologic consulting services for County waste facilities - APPROVED; AUTHORIZED DISTRIBUTION

Watson-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *11) Standard Agreement for California Healthcare for Indigents Program (CHIP) Funding for Fiscal Year 2003-2004, in the amount of \$555,500 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 092-2004

Watson-Maben: All Ayes

Legislative Matter

- *12) Proposition 57: The Economic Recovery Bond Act and Proposition 58: The California Balanced Budget Act - ADOPTED POSITIONS IN SUPPORT

Watson-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #2

- *13) Proposed Amendment No. 2 to Agreement 797-98 with Orville Handy to extend term of lease for Sheriff's substation at 14654 Caliente Creek Road, Twin Oaks, for an indeterminate term from March 1, 2004 until terminated by either party (\$280 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 093-2004

Watson-Maben: All Ayes

S.D. #3

- *14) Request to ratify actions of Assistant County Administrative Officer for General Services approving an Easement Agreement with Pacific Gas & Electric Company for installation of underground utilities related to the new airport terminal at Meadows Field (8215.8415) - RATIFIED

Watson-Maben: All Ayes

- *15) Proposed License Agreement with Pacific Gas & Electric Company, permitting use of a portion of Metropolitan Recreation Center as staging area for transporting equipment to nearby construction, from February 10, 2004 to April 30, 2004 (\$1,000 flat fee) - MADE FINDING PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 094-2004

Watson-Maben: All Ayes

S.D. #4

- *16) Request to set hearing for granting of pipeline franchise to Pacific Marketing and Transportation, LLC - APPROVED; ADOPTED RESOLUTION 2004-037 SETTING HEARING FOR TUESDAY, MARCH 16, 2004, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Watson-Maben: All Ayes

S.D. #5

- *17) Plans and Specifications for installation of an aboveground fuel tank at the Justice Building (1650.7117) - 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 PURCHASING AGENT TO SOLICIT BIDS

Watson-Maben: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED ON FEBRUARY 3, 2004

- *18) Proposed Ordinance adding Subsection (161) to Section 10.16.04 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone on Lebec Service Road - ENACTED ORDINANCE G-7075

Watson-Maben: All Ayes

- *19) Proposed Ordinance amending Chapter 7.08, Section 7.08.380, of the Kern County Ordinance Code, adding peace officers to enforcement personnel list and increasing the penalties for animals creating a nuisance - ENACTED ORDINANCE G-7076

Watson-Maben: All Ayes

- *20) Proposed Ordinance amending Section 2.04.010 of the Kern County Ordinance Code regarding Board of Supervisors' meetings to provide for meetings at Kern Medical Center - ENACTED ORDINANCE A-344

Watson-Maben: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *21) Budget Transfers - APPROVED NO. 139 THROUGH NO. 146

Watson-Maben: All Ayes

- *22) Minutes for week of January 19, 2004 - APPROVED

Watson-Maben: All Ayes

- *23) Miscellaneous Letters and Documents - FILED

Watson-Maben: All Ayes

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

Watson-Maben: All Ayes

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

Watson-Maben: All Ayes

ADJOURNED TO TUESDAY, FEBRUARY 17, 2004, AT 9:00 A.M.

Maben-

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)**

The Board of Supervisors Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Board of Supervisors may request assistance at the Clerk of the Board of Supervisors, Fifth Floor, 1115 Truxtun Avenue, Bakersfield, California or by calling (661) 868-3585. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

23) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Information Report on 2003-2004 Property Tax Administration Costs, Revenue and Taxation Code 95.2
- B) Spousal Abuser Prosecution Program Audit Report for June 30, 2003
- C) Office of Criminal Justice Planning Grants Audit Report for June 30, 2003

Community and Economic Development

- D) County Loan Agreement, HOME Investment Partnerships Program, Owner Rehabilitation Program, with Maria B. Castro

Local Agency Formation Commission

- E) Report and Recommendation, Proceeding No. 1368, in the matter of City of Delano, Annexation No. 35 (Copies to each Supervisor and CAO)
- F) Notice of Protest Hearing, Proceeding No. 1363, in the matter of City of Bakersfield, Annexation No. 443 (Jewetta No. 3/Jefferson Park)
- G) Notice of Protest Hearing, Proceeding No. 1364, in the matter of City of Bakersfield, Annexation No. 445 (McCutchen No. 1)

- H) Notice of meeting re North Kern Water Storage District, Detachment D, on Friday, February 20, 2004

Roads

- I) Irrevocable Offer of Dedication for street purposes from Landco Properties, LLC, for right-of-way for planned improvements on Landco Drive, County Road 3199
- J) Irrevocable Offer of Dedication for temporary turnaround from Landco Properties, LLC, for right-of-way for planned improvements on Landco Drive, County Road 3199

Waste Management

- K) Letter to Don Wolfe, County of Los Angeles Department of Public Works, re possible agreement to accept limited amount of solid waste from Los Angeles County in Kern County sanitary landfills (Copies to each Supervisor and CAO)

Miscellaneous

- L) Letter from Floyd Cannon re Cannon vs. Bellaire Oil, et al, concerning removal of pipe from his property by Sheriff's Department (Copies to each Supervisor, CAO, Sheriff and County Counsel)
- M) Letter from Ed Riojas, State Department of Health Services, re fully executed Emergency Medical Services Standard Agreement (Copies to each Supervisor, CAO, Public Health and Auditor-Controller-County Clerk)

- N) Letter from Steve A. Perez, Steve A. Perez and Associates, on behalf of Rural Ambulance Operators re annual renewal of Ambulance Operating Permits (Copies to each Supervisor and CAO)
- O) Letter from Alice K. Zatarain re negative and positive impact of budget cuts (Copies to each Supervisor and CAO)
- P) Letter from Emilie Strauss re wildlife resource damage in Butterbredt Springs located within Jawbone Canyon/Dove Springs area (Copies to each Supervisor, CAO, Planning and Roads)
- Q) Notice of Motion and Motion for Approval and Entry of consent Decree between the Department of Toxic Substances Control vs. Whitco Corporation, et al (Copies to each Supervisor, CAO, County Counsel and Environmental Health)
- R) Notice from Los Padres National Forest re schedule of proposed environmental actions, January-March, 2004 (Copies to each Supervisor, CAO and Planning)
- S) Notices from State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses: Fast Stop, 1700 Niles Street, Suite A, Bakersfield; and Tejon Club, 117 El Tejon Avenue, Oildale (Copies to each Supervisor, CAO and Planning)
- 24) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) E-mail from Gloria Wellman re request for report concerning Fay Ranch Road - REFERRED TO ROADS (Copies to each Supervisor, CAO, County Counsel and Planning)
 - B) E-mail from Susan Watkins re status of inquiry concerning removal of clients from L & L Group Home - REFERRED TO HUMAN SERVICES (Copies to each Supervisor and CAO)
- 25) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Kevin Davenport vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Karen S. Lewis vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Ivonne Guzman vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Summons and complaint in the matter of Dorothy Nadine Barnes vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- E) Summons and complaint in the matter of California Association of Sanitation Agencies, a California nonprofit public benefit corporation; Southern California Alliance of Publicly Owned Treatment Works, a California nonprofit public benefit corporation; Responsible Biosolids Management, Inc., a California corporation; County Sanitation District No. 2 of Los Angeles County, a public agency; Orange County Sanitation District, a public agency; and City of Los Angeles, a municipal corporation vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)