

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, February 8, 2005

9:00 A.M.

#### BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

NOTE: The vote is displayed in bold below each item. For example, Patrick-Maben denotes Supervisor Patrick made the motion and Supervisor Maben 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 February 2005 as Parent Leadership Month in Kern County - PROCLAIMED; MADE PRESENTATION TO BETHANY CHRISTMAN, CHILD WELFARE SERVICES BUREAU, DEPARTMENT OF HUMAN SERVICES; BETHANY CHRISTMAN AND CHARLOTTE DANIEL, PARENT LEADER HEARD

**Maben-Patrick: All Ayes**

- 2) Certificate of Recognition recognizing the Arvin "We the People" Bicentennial Team for outstanding performance in the "We the People" competition state finals - MADE PRESENTATION TO COACH ROBERT RUCKMAN AND THE BICENTENNIAL TEAM; PRINCIPAL BLANCA CAVASSO AND COACH ROBERT RUCKMAN HEARD

#### PUBLIC REQUESTS

- 3) Request of Kernville Chamber of Commerce to allow the Whiskey Flat Mayor Candidates to present their campaign promises to the Board - SIR BOB, A KNIGHT TO REMEMBER, AND LADY KATHRYN; AND THE HIGH COUNTRY OUTLAWS, ALL-SHOT, BUCKSHOT KEITH, AND DANDY DON, REPRESENTING BUFFALO BUTCH KELLY HEARD

APPOINTMENTS

- \*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, 2005 - MADE REAPPOINTMENTS

**Maben-McQuiston: All Ayes**

- \*5) Reappointment of Lara S. Roma as At-large Member to the Tehachapi Valley Recreation and Park District, term to expire February 3, 2009 - MADE REAPPOINTMENT

**Maben-McQuiston: 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!  
- NO ONE HEARD

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]) -

SUPERVISOR MCQUISTON ANNOUNCED HIS WASHINGTON D.C. TRIP WAS POSTPONED

AT THE REQUEST OF SUPERVISOR RUBIO, REFERRED TO COUNTY STAFF TO REVIEW STRENGTHENING THE COUNTY ORDINANCE CODE REGARDING SEIZURE OF VEHICLES WHOSE DRIVERS ARE IDENTIFIED AS BEING INVOLVED IN ILLEGAL DUMPING, FOR REPORT BACK TO THE BOARD

**Rubio-Maben: All Ayes**

MARIA STEWART QUESTIONED THE COUNTY'S METHOD OF PROVIDING PROOF THAT SPECIFIC VEHICLES AND INDIVIDUALS HAVE BEEN INVOLVED IN ILLEGAL DUMPING, AND SUGGESTED USE OF CAMERAS TO VALIDATE VIOLATIONS

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- \*8) Proposed Amendment No. 1 to Agreement 645-2004 with the California Department of Aging FY 2004-05 Area Plan (State Contract AP-0405-33) for Title III/VII programs, to increase funding by \$383,363 in federal and state funds and related changes in the scope of work (Fiscal Impact: \$383,363; State Grant; Not Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 084-2005; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$383,363 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$383,363 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 5610

**Maben-McQuiston: All Ayes**

AGRICULTURE AND MEASUREMENT STANDARDS

- \*9) Proposed retroactive sole source Personal/Professional Services Agreement for Field Treatment Coordinator in the Kern County Area Wide Pest Management Glassywinged Sharpshooter Program, from July 1, 2004 to June 30, 2005, in an amount not to exceed \$90,000 (Fiscal Impact: \$90,000; State Agreement; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 085-2005

**Maben-McQuiston: All Ayes**

AIRPORTS

- 10) Proposed Memorandum of Agreement with the U.S. Customs and Border Protection Bureau for a User Fee Airport Program at Meadows Field Airport to provide Federal Inspection Services (Fiscal Impact: None in FY 2004-2005) - APPROVED; AUTHORIZED DIRECTOR OF AIRPORTS TO SIGN ON BEHALF OF COUNTY, SUBJECT TO APPROVAL AS TO FORM BY COUNTY COUNSEL

**McQuiston-Patrick: All Ayes**

COUNTY COUNSEL

- \*11) Report on Board referral relating to the significance and propriety of the gold fringe on the U.S. Flag from January 11, 2005 - RECEIVED AND FILED

**Maben-McQuiston: All Ayes**

FIRE DEPARTMENT

- 12) Proposed termination of Local Emergency declared on January 10, 2005 due to flood disaster - APPROVED; ADOPTED RESOLUTION 2005-042; REFERRED TO COUNTY ADMINISTRATIVE OFFICE TO REPORT BACK TO THE BOARD REGARDING THE FISCAL IMPACT TO THE COUNTY FOR THE 25% BALANCE OF NON-REIMBURSABLE FEDERAL FUNDS

**McQuiston-Maben: All Ayes**

HUMAN SERVICES

- 13) Proposed sole source Agreement with Clinica Sierra Vista for the Adolescent Family Life Program Foster Care case management project, from February 8, 2005 through June 30, 2005, in an amount not to exceed \$36,500 (Fiscal Impact: \$36,500; 50% Federal, 35% State and 15% County Funds; Not Budgeted; Discretionary) - TERRY FOLEY HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 086-2005

**Patrick-Maben: All Ayes**

- 14) Request to transfer two (2) Nurse positions from Department of Human Services, Budget Unit 5120, to the Department of Public Health, Budget Unit 4110, effective February 8, 2005 (Fiscal Impact: None; Budgeted; Mandated) - TERRY FOLEY HEARD; APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**Maben-McQuiston: All Ayes**

- \*15) Proposed Amendment No. 1 to Agreement 468-2004 with Kern County Superintendent of Schools for oversight and monitoring of Child Abuse, Prevention, Intervention and the monitoring of Child Abuse, Prevention, Intervention and Treatment (CAPIT) Program Funding, increasing compensation by \$96,037 to an amount not to exceed \$527,696 (Fiscal Impact: additional \$96,037 non-County; State and Federal Grants; CAPIT Budgeted/CWS Non-Budgeted; CAPIT Mandated /CWS Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 087-2005

**Maben-McQuiston: All Ayes**

- 16) Proposed Agreement with Bill Benton and Associates, LTD, for assistance in leveraging Title IV-E and other Federal funding for services to children and their families, from February 8, 2005 through June 30, 2005, in an amount not to exceed \$97,363 (Fiscal Impact: \$97,363; 70% Federal and 30% County Funds; Not Budgeted; Discretionary) - TERRY FOLEY HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 088-2005

**Patrick-Maben: All Ayes**

MENTAL HEALTH SERVICES

- \*17) Proposed Amendment No. 2 to Agreement 379-2004 with North Chester Drugs, Inc., dba North Chester Pharmacy, for pharmacy prescription services for County mentally ill clients located in the greater Bakersfield area, to increase prescription service levels to meet unanticipated needs and increase compensation from \$80,000 to an amount not to exceed \$110,000 (an increase of \$30,000) - (Fiscal Impact: \$30,000; Grant AB2034; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 089-2005

**Maben-McQuiston: All Ayes**

- 18) Proposed authorization to designate specified individuals to initiate application for evaluation and involuntary detention of mentally disordered individuals per Welfare and Institutions Code, Section 5150 (Fiscal Impact: None) - TERRY FOLEY HEARD; APPROVED

**Maben-McQuiston: All Ayes**

PARKS AND RECREATION DEPARTMENT

- \*19) Request for one week extension to report back to the Board on referral of November 30, 2004 regarding fees for non-profit and senior citizens groups (No Fiscal Impact) - APPROVED; CONTINUED TO TUESDAY, FEBRUARY 15, 2005, AT 9:00 A.M.

**Maben-McQuiston: All Ayes**

PUBLIC DEFENDER

- \*20) Proposed addition of one (1) Administrative Coordinator position, and deletion of one (1) Business Manager position, effective February 8, 2005 (Fiscal Impact: \$7,100 Savings, Not Budgeted, Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**Maben-McQuiston: All Ayes**

TREASURER-TAX COLLECTOR

- \*21) Treasurer's Pooled Cash Portfolio Reporting for Quarter Ended December 2004 - RECEIVED AND FILED

**Maben-McQuiston: All Ayes**

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 23: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED AS IT CAME TO THE ATTENTION OF THE CHAIRMAN OF THE BOARD AND COUNSEL ON FRIDAY MORNING, FEBRUARY 4, 2005 THAT A MATTER INVOLVING SIGNIFICANT EXPOSURE TO LITIGATION AGAINST THE COUNTY REQUIRED CONSULTATION WITH THE FULL BOARD AND IMMEDIATE DIRECTION TO STAFF TO PROPERLY MANAGE THE EXPOSURE

**Patrick-McQuiston: All Ayes**

ADJOURNED TO CLOSED SESSION

**Patrick**

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 22) Request for Closed Session regarding Meet and Confer, CCAPE-CJU -

NON-AGENDA ITEM

COUNTY COUNSEL

- 23) Closed session regarding significant exposure to litigation against the County (Government Code Section 54956.9(b)(1))  
-

(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.

**Maben-Patrick**

/s/ Denise Pennell  
Clerk of the Board

/s/ Ray Watson  
Chairman, Board of Supervisors

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CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- 3) **Request from Edison Sand Company by Donald E. Ward to appeal the decision of the Planning Commission to revoke Conditional Use Permit 2, Map 126, due to noncompliance of a surface mine operation located on the south side of Bena Road, 1-1/2 miles east of the intersection of Tower Line Road and State Route 58, east of Bakersfield (SD #2)**

**Specific Request:**

An appeal of the decision of the Planning Commission to revoke Conditional Use Permit 2, Map 126 (Resolution 190-04; revoked October 28, 2004) due to noncompliance of a surface mine operation (State Mine ID No. 91-15-0044) pursuant to Section 19.100.080 of the Kern County Zoning Ordinance (Appeal #1, Map #126)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) (from 1/4/2005) - OPENED HEARING; DONALD E. WARD, CONSULTING ENGINEER, REPRESENTING THE MINE OPERATOR, IRENE BERNAL, AND DENNIS FOX HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-043 UPHOLDING THE APPEAL AND ADDING A CONDITION TO THE RECLAMATION PLAN THAT THE EXTERIOR BOUNDARIES OF THE 20-ACRE SITE BE STAKED AS DIRECTED BY ENGINEERING & SURVEY SERVICES

**Maben-McQuiston: All Ayes**

HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- 4) **Request from Kern County Planning Department to change street name for a portion of Twinleaf Drive to Hibiscus Way, north of West China Grade Loop Extension, east of Airport Drive, Oildale (SD #1)**

**Specific Request:**

A change in street name for a portion of Twinleaf Drive to Hibiscus Way (102-1 3 098; Streets and Highways, Street Name Change)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-044 APPROVING STREET NAME CHANGE AS REQUESTED

**McQuiston-Maben: All Ayes**

DEPARTMENTAL REQUESTS

AIR POLLUTION CONTROL DISTRICT

- \*5) Amendment to departmental position and salary ordinance for Director Air Pollution Control District to change title to Air Pollution Control Officer (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITION AND SALARY SCHEDULE

**Maben-McQuiston: All Ayes**



RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #1

- \*6) Proposed Williamson Act Land Use Contract No. 05-1 with Warren A. and Karen D. Plaskett Trust, by Delmarter and Deifel, for 2006 Calendar Year, south side of South Granite Road, six miles north of Bakersfield, Agricultural Preserve No. 14, 37.82 acres (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

**Maben-McQuiston: All Ayes**

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

Hearings

S.D. #1

- \*7) Hearing for the abatement of a public nuisance involving the demolition of an abandoned and dangerous structure(s) at 8091 Harmony Lane, Onyx, APN 321-271-16, estimated cost \$4,750 (Fiscal Impact: \$4,750; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-045 DECLARING THE 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 CLEANUP AND TOWING OF THE STORED VEHICLES AND REMOVAL OF ALL JUNK, TRASH, DEBRIS AND ALL MISCELLANEOUS ITEMS FROM THIS UNIMPROVED LOT AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF THE CLEANUP

**Maben-McQuiston: All Ayes**

- \*8) Hearing for the abatement of a public nuisance involving the demolition of an abandoned and dangerous structure(s) at 2759 South China Lake Boulevard, Ridgecrest, APN 511-052-06, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-046 DECLARING ABANDONED STRUCTURE(S) 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 THE DEMOLITION CONTRACT

**Maben-McQuiston: All Ayes**

- \*9) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 5711 Hooper Road, Weldon, APN 426-111-08, \$1,062.49 (Fiscal Impact: \$1,062.49; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-047 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE 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 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 THE PROPERTY OWNER(S)

**Maben-McQuiston: All Ayes**

S.D. #2

- \*10) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 26330 Tuolumne Street, California City, APN 470-201-15, \$3,137.50 (Fiscal Impact: \$3,137.50; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-048 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE 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 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 THE PROPERTY OWNER(S)

**Maben-McQuiston: All Ayes**

S.D. #4

- \*11) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 156 West 3rd Street, Buttonwillow, APN 101-091-04, \$1,319.99 (Fiscal Impact: \$1,319.99; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-049 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE 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 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 THE PROPERTY OWNER(S)

**Maben-McQuiston: All Ayes**

- \*12) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 206 Jefferson Street, Taft, APN 199-156-15, \$1,537.49 (Fiscal Impact: \$1,537.49; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-050 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE 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 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 THE PROPERTY OWNER(S)

**Maben-McQuiston: All Ayes**

- \*13) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at Gaylyn and Tommy, east side, Wasco, APN 046-190-30, \$1,292.50 (Fiscal Impact: \$1,292.50; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-051 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE 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 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 THE PROPERTY OWNER(S)

**Maben-McQuiston: All Ayes**

S.D. #5

- \*14) Hearing for the abatement of a public nuisance involving the demolition of an abandoned and dangerous structure(s) at 8206 Blackburn Street, Bakersfield, APN 178-030-18, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-052 DECLARING ABANDONED STRUCTURE(S) 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 THE DEMOLITION CONTRACT

**Maben-McQuiston: All Ayes**

- \*15) Hearing for the abatement of a public nuisance involving the demolition of an abandoned and dangerous structure(s) at 1201 Feliz Drive, Bakersfield, APN 168-091-01, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-053 DECLARING ABANDONED STRUCTURE(S) 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 THE DEMOLITION CONTRACT

**Maben-McQuiston: All Ayes**

- \*16) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 2006 Quincy Street, Bakersfield, APN 138-021-13, \$27,845.27 (Fiscal Impact: \$27,845.27; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-054 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE 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 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 THE PROPERTY OWNER(S)

**Maben-McQuiston: All Ayes**

S.D. #3

- \*17) Proposed Resolution of Application to Local Agency Formation Commission (LAFCO), for formation of County Service Area No. 81, Annexation No. 2, and establishment of Zone of Benefit No. 3, Olive Drive, between Victor Street and Landco Drive, Bakersfield - APPROVED; ADOPTED RESOLUTION 2005-055; AUTHORIZED ENGINEERING & SURVEY SERVICES TO FILE NECESSARY DOCUMENTS WITH LAFCO; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION, IF REQUESTED

**Maben-McQuiston: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Environmental Health Services - Animal Control Services  
All S.D.'s

- 18) Response to Board referral regarding Partnership for Animals Subcommittee Report and Updates (Fiscal Impact: None) - LIZ KEOGH, CHAIR, FOCUS GROUP; MARILYN STEWART; KAREN ANDERSON; RAY WOODS; MERL RASMUSSEN, LESS IN-MORE OUT (LIMO) COMMITTEE; AND ED SALA HEARD; REFERRED DEVELOPMENT OF A NOT-FOR-PROFIT FOUNDATION OR "FRIENDS" GROUP TO THE CAO, COUNTY COUNSEL AND ENVIRONMENTAL HEALTH SERVICES FOR REVIEW AND REPORT BACK TO THE BOARD; PROVIDED GUIDANCE ON THE "GREEN GATE" ISSUE TO ANIMAL CONTROL FOR IMPLEMENTATION; RECEIVED AND FILED

**Maben-Patrick: All Ayes**

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #3

- \*19) Proposed Contract No. 03008 with Granite Construction Company for construction on Pioneer Drive between Oswell Street and Morning Drive, in an amount not to exceed \$544,572 (Fiscal Impact: \$544,572; State Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 090-2005

**Maben-McQuiston: All Ayes**

All S.D.'s

- \*20) Report regarding contract change orders for the fourth quarter of 2004 (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-McQuiston: All Ayes**

WASTE MANAGEMENT

S.D. #1

- \*21) Request by Ken Hoffman for exemption from Land Use Fee and election to use Bin Disposal Fee Payment Method for Assessor's Parcel No. 485-070-30-00-5, Lakeside Village Mobile Home Park (Fiscal Impact: \$1,209.68 decrease; Solid Waste Enterprise Fund; Not Budgeted; Mandated) - APPROVED; AUTHORIZED PAYMENT OF BIN DISPOSAL FEES

**Maben-McQuiston: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

- \*22) Transfer of property tax entitlement related to City of Delano Annexation No. 41, Local Agency Formation Commission (LAFCO) Proceeding No. 1399 (Fiscal Impact: \$1.90 General Fund; \$4.50 Fire Fund beginning Fiscal Year 2006-2007; Discretionary) - ADOPTED RESOLUTION 2005-056 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF DELANO COMMENCING FISCAL YEAR 2006-2007 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

**Maben-McQuiston: All Ayes**

- 23) Response to referral regarding First 5 Kern (Fiscal Impact: None) - RECEIVED AND FILED

**McQuiston-Rubio: All Ayes**

- \*24) Fiscal Year 2004-2005 mid-year budget status report (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-McQuiston: All Ayes**

- \*25) Proposed revision to employee prescription drug benefit plan co-payment benefit structure to allow waiver of co-payments for generic and some brand name drugs for prescriptions filled at Kern Medical Center's outpatient pharmacies (Fiscal Impact: Unknown) - APPROVED

**Maben-McQuiston: All Ayes**

- \*26) Proposed Memorandum of Understanding with Kern County Prosecutors' Association for Bargaining Unit P for a 33-month agreement effective October 1, 2003 through June 30, 2006, to provide a 2% salary increase, effective retroactively to January 8, 2005, enhanced retirement benefit (3% at age 60 tier), effective January 1, 2005, changes in specified employees' retirement contributions, increase in Retiree Health Premium Supplement Program (RHSP) employee contribution rate, effective first full payroll period following date of approval, changes in health and prescription drug plans, effective March 1, 2005, and adjustment in sick leave payoff schedule to be identical to other County employees, effective first full payroll period following date of approval (Fiscal Impact: \$140,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 091-2005; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK, DIRECTOR OF PERSONNEL AND COUNTY ADMINISTRATIVE OFFICER TO IMPLEMENT PROVISIONS OF MEMORANDUM OF UNDERSTANDING

**Maben-McQuiston: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

General Services Division

Continued Hearing

S.D. #2

- 27) Request to order the granting of the petition for revocation of Franchise Ordinance F-342 for DDD Cablevision, also known as Las Americas Broadband, Inc., dba Country Cable, and authorize Clerk of the Board to serve a copy of the Order on Grantee (Fiscal Impact: None)(from 1/4/2005) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; GRANTED PETITION; ADOPTED RESOLUTION 2005-057 AND ENACTED ORDINANCE F-481 REVOKING FRANCHISE F-342, TO BE EFFECTIVE MAY 6, 2005; DIRECTED CLERK OF THE BOARD TO SERVE COPY OF ORDER ON GRANTEE IN MANNER DESCRIBED IN FRANCHISE

**Maben-Patrick: All Ayes**

S.D. #1

- \*28) Change Order No. 2 for the Ridgecrest Administration Building Reroof and HVAC Replacement, an increase of \$1,913.55, for a new total of \$312,312.76 (1650.7131) (Fiscal Impact: \$1,913.55; General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-McQuiston: All Ayes**

S.D. #3

- \*29) Change Order No. 10 for the new airport terminal at Meadows Field, an increase of \$73,329.29, for a new total of \$20,486,636.01 (8215.8415) (Fiscal Impact: \$73,329.29; Airport Enterprise Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-McQuiston: All Ayes**

- \*30) Proposed establishment of a capital project to provide design services to modify the existing airport terminal for use as an international airport terminal (Fiscal Impact: \$150,000; Airport Enterprise Fund; Not Budgeted) - ESTABLISHED DESIGN PROJECT; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$150,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$150,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO THE CAPITAL PROJECTS BUDGET UNIT 1960

**Maben-McQuiston: All Ayes**

S.D. #4

- \*31) Proposed Quitclaim Deed transferring County's interest in surplus road right-of-way, located on north side of Frazier Mountain Park Road, to John A. Lambertson (Fiscal Impact: \$1,500 to Roads Fund) - DECLARED PROPERTY TO BE SURPLUS; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED TRANSFER; AUTHORIZED CHAIRMAN TO SIGN QUITCLAIM DEED; AUTHORIZED CLERK OF THE BOARD TO RECORD

**Maben-McQuiston: All Ayes**

S.D. #5

- \*32) Proposed transfer of real property to California Water Service Company for land situated on three sides of Kern County Parcel No. 128-020-02, to alleviate County of the responsibility for maintaining the strips (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; DECLARED PROPERTY TO BE SURPLUS TO COUNTY; APPROVED; AUTHORIZED CHAIRMAN TO SIGN QUITCLAIM DEED

**Maben-McQuiston: All Ayes**

- \*33) Response to Board referral from local attorney, Terry Foley, on December 14, 2004, regarding the children's play area within the Human Services space in the Juvenile Justice Center (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-McQuiston: All Ayes**

NOTE: SUPERVISOR MABEN LEFT THE MEETING AT 5:12 P.M.

- 34) Proposed Memorandum of Understanding with the Kern County Superior Court for reallocation of space in the Juvenile Justice Center, establishment of a capital project to remodel portions of the Juvenile Justice Center, and appropriation of unanticipated revenue in the amount of \$611,160 from the Kern County Superior Court for additional space in the Juvenile Justice Center (Fiscal Impact: Neutral) - TERRY FOLEY HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 092-2005; AUTHORIZED ESTABLISHMENT OF THE JUVENILE JUSTICE CENTER REMODEL PROJECT IN THE CAPITAL PROJECTS BUDGET; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$611,160 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$611,160 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 1960

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

All S.D.'s

- \*35) Request to release The Aetna Casualty and Surety Company Bond No. 11S100577473 in the amount of \$100,000 to Coxcom, Inc., in accordance with their cable franchise agreement (Fiscal Impact: None) - RELEASED BOND

**Maben-McQuiston: All Ayes**

- \*36) Proposed Agreement with Kaweah Construction Company for the Job Order Contract Wastewater Treatment Plant Maintenance/Repair, in an amount not to exceed \$300,000 (Various Projects)(Fiscal Impact: \$300,000; General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 093-2005

**Maben-McQuiston: All Ayes**

- \*37) Proposed project listing update for all Job Order Contracts (Various Projects) - APPROVED

**Maben-McQuiston: All Ayes**

MATTERS FOR EXECUTIVE APPROVAL

- \*38) Budget Transfers - APPROVED NO. 89 THROUGH NO. 96

**Maben-McQuiston: All Ayes**

- \*39) Minutes for week of January 10, 2005 - APPROVED

**Maben-McQuiston: All Ayes**

- \*40) Miscellaneous Letters and Documents - APPROVED

**Maben-McQuiston: All Ayes**

- \*41) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

**Maben-McQuiston: All Ayes**

ADJOURNED TO MONDAY, FEBRUARY 14, 2005, AT 2:00 P.M., AT  
KERN MEDICAL CENTER

**McQuiston**

/s/ Denise Pennell  
Clerk of the Board

/s/ Ray Watson  
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.

40) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Board of Supervisors

- A) Letter from Supervisor Maben to Senator Dean Florez re use of Class A biosolids (Copies to each Supervisor, CAO, Resource Management Agency, Environmental Health and County Counsel)

Clerk of the Board

- B) Letter from Susie L. Mears re resignation from the Treasury Oversight Committee (Copies to each Supervisor and CAO)

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

- 1) Tract Map 5884, Phase 2      S.D. #3  
2) Tract Map 6213                      S.D. #5

Environmental Health Services

- D) Six (6) thank you letters for donations to the Bakersfield Animal Care Center and the Mojave Animal Shelter

Grand Jury

- E) 2004-2005 Report re County Contract Procedures (Copies to each Supervisor, CAO, Auditor-Controller-County Clerk and County Counsel)

Miscellaneous

- F) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report on Monday, January 10, 2005, on State Route 58, west bound transition to Fairfax Road (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)

- G) Letter from D. E. Leach, California Highway Patrol, re Hazardous Materials Incident Report on Saturday, January 22, 2005, on State Route 58, west of milepost marker 82.00 (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)

- H) Letter from S.A. Netzer, California Highway Patrol, re Hazardous Materials Incident Report on Wednesday, January 19, 2005, at 32829 I-5 (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)

- I) Letter from Johnna Meyer, State Department of Aging, re acceptance of Area Plan Year-End report for Fiscal Year 2003-2004 (Copies to each Supervisor and CAO)

- J) Letter from Wayne K. Horiuchi, Union Pacific Railroad Company, re proposed branch abandonment application of the Sunset Subdivision from milepost 20.00 west of Levee to milepost 36.3 near Taft (Copies to each Supervisor, CAO, Planning, Resource Management Agency and County Counsel)

- K) Letter from Al Wright, State Wildlife Conservation Board, re Tulare Basin Wetland Restoration, Phase III and preliminary agenda for Thursday, February 24, 2005, Wildlife Conservation Board meeting (Copies to each Supervisor and CAO)
- L) Letter from Matthew Barker in support of the Kern County Film Commission (Copies to each Supervisor, CAO and Board of Trade)
- M) Letter from John Hamill and Clarence Everly, Desert Managers Group, re including local government as a partner in the Desert Managers Group (Copies to each Supervisor, CAO, Planning and County Counsel)
- N) E-mail from Robert Danford re suggestions to control the West Nile Virus (Copies to each Supervisor, CAO and Public Health)
- O) E-mail from Sandra Simans re concern for animals in Bakersfield Animal Control facilities (Copies to each Supervisor, CAO and Environmental Health-Animal Control)
- P) Notice from State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses: Vallarta Mexican Grill, 1011 Columbus Street, Bakersfield; Lucky 7 25, 2501 River Boulevard, Bakersfield; and Buttonwillow Chevron, 20656 Tracy Avenue, Buttonwillow (Copies to each Supervisor, CAO and Planning)
- Q) Agenda of meeting from Kern County Child Care Council on Wednesday, February 2, 2005
- R) Minutes of meeting from Kern County Child Care Council on Wednesday, January 5, 2005
- 41) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
  - A) Claim in the matter of Debra Lynn Harris vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Claim in the matter of Piper Sarad and Addie Sarad vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - C) Claim in the matter of Shawn Miller vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - D) Claim in the matter of Martha Cantrell vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - E) Claim in the matter of Kenneth R. Maynard vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - F) Claim in the matter of William Powell, Jr. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- G) Claim in the matter of Bruce Hodges vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Claim in the matter of Denise Perry vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Claim in the matter of Daren Nolan vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Claim in the matter of Rory Chavez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- K) Summons and complaint in the matter of Alan Glover vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- L) Summons and complaint in the matter of Danny L. Curtis vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- M) Subrogation claim in the matter of Denney Strong by State Farm Insurance vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)