

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, March 23, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

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

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

BOARD ACTION SHOWN IN CAPS

- 1) Welcoming address by Chairman Jon McQuiston to Teen Government Day Representatives - TEEN GOVERNMENT STUDENTS WERE WELCOMED AND INTRODUCED: SUPERVISOR WATSON - JESSICA GRAVES, TAFT HIGH SCHOOL; SUPERVISOR PATRICK - MARK POWELL, CENTENNIAL HIGH SCHOOL; SUPERVISOR MABEN - DIRECK WATKINS, SOUTH HIGH SCHOOL; SUPERVISOR PARRA - FIONA KELLEY, BAKERSFIELD HIGH SCHOOL; SUPERVISOR MCQUISTON - WESTLEY HEIDELBERGER, KERN VALLEY HIGH SCHOOL; DENISE PENNELL, CLERK OF THE BOARD - TATIANA BELTRAN, SHAFTER HIGH SCHOOL; SCOTT JONES, COUNTY ADMINISTRATIVE OFFICE - THELMA CASTRO, FOOTHILL HIGH SCHOOL, BERNARD BARMANN, COUNTY COUNSEL - YANIKKA MARRS, FOOTHILL HIGH SCHOOL; BEVERLY BEASLEY JOHNSON, DIRECTOR OF HUMAN SERVICES - CAITLIN MATTIAS, EAST HIGH SCHOOL; MACK WIMBISH, SHERIFF - JULIE WILLIS, TAFT HIGH SCHOOL; VERNA LEWIS, DIRECTOR OF EMPLOYERS' TRAINING RESOURCE - KATIE DUNN, BAKERSFIELD HIGH SCHOOL; DR. B. A. JINADU, PUBLIC HEALTH OFFICER - WENDY LAZO, ARVIN HIGH SCHOOL; AND RICK DAVIS, KGOV STATION MANAGER - ROBIN JOHNSON, CENTENNIAL HIGH SCHOOL

RESOLUTIONS/PROCLAMATIONS

- 2) Proclamation proclaiming March 27, 2004 as Smoke Detector Awareness Day in Kern County - PROCLAIMED; MADE PRESENTATION TO KERN COUNTY FIRE CHIEF DENNIS THOMPSON; CHIEF THOMPSON HEARD; KERN COUNTY FIRE CAPTAIN DOUG JOHNSTON, PUBLIC INFORMATION OFFICER, AND CHERYL MARSHALL INTRODUCED

Maben-Watson: All Ayes

- *3) Proclamation proclaiming March 31, 2004 as Cesar E. Chavez Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Maben-Watson: All Ayes

- *4) Resolution honoring Ruby Kelley upon her retirement from Employers' Training Resource after 34 years of dedicated service to Kern County - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

Maben-Watson: All Ayes

- *5) Resolution honoring Janet S. Cummings upon her retirement from Employers' Training Resource after 42 years of dedicated service to Kern County - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

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!
- 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 MABEN REPORTED ON A MEETING HE ATTENDED AT LEMOORE NAVAL AIR STATION RELATIVE TO ENVIRONMENTAL IMPACTS ON AIR SPACE AND DISCUSSED SENATOR DEAN FLOREZ' RECENT PRESS CONFERENCE RELATIVE TO EMERGENCY MEDICAL SERVICES POLICIES AND PROCEDURES

DEPARTMENTAL REQUESTS

AIRPORTS

- *8) Appropriation of unanticipated revenue in the amount of \$270,000 from Federal Aviation Administration Grant 3-06-0017-023-2002 for completion of a FAR Part 150 Airport Noise Compatibility Study at Meadows Field Airport - APPROVED
APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$270,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED
TRANSFER OF \$30,000 FROM AIRPORTS ENTERPRISE FUND RETAINED EARNINGS TO APPROPRIATIONS FOR CONTINGENCIES WITHIN THE AIRPORTS ENTERPRISE FUND; APPROVED
BUDGET TRANSFER IN THE AMOUNT OF \$300,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 8994

Maben-Watson: All Ayes

BOARD OF SUPERVISORS

- 9) Request from First District Supervisor Jon McQuiston, regarding proposed Amendment to Rule 19 of Kern County Administrative and Procedural Rules for Proceedings of the Board of Supervisors, to require a simple majority vote to adopt a resolution in support of or opposition to pending legislation - ROY WEYGAND, PRESIDENT, KERN COUNTY TAX PAYERS ASSOCIATION, AND PETE BELLUOMONI, PRESIDENT, KERN COUNTY FARM BUREAU, HEARD; APPROVED

Watson-Parra: 4 Ayes; 1 No - Patrick

DISTRICT ATTORNEY

- *10) Proposed Resolution authorizing submission of application to California Office of Emergency Services for the Paul Coverdell National Forensic Sciences Improvement Act Program in the amount of \$8,721 and execution of Grant Award Agreement - APPROVED; ADOPTED RESOLUTION 2004-065

Maben-Watson: All Ayes

- *11) Proposed Resolution authorizing submission of application to California Victim Compensation and Government Claims Board for Criminal Restitution Compact in the amount of \$105,440 and execution of Grant Award Agreement - APPROVED; ADOPTED RESOLUTION 2004-066

Maben-Watson: All Ayes

- *12) Request for authorization for payment of a confirming order to Sherman Consulting Services for technical support services in the amount of \$760 - APPROVED

Maben-Watson: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *13) Request to employ retired County employee Janet S. Cummings as Business Manager, Range 59.3, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following the date of employment - APPROVED

Maben-Watson: All Ayes

- *14) Proposed retroactive Amendment No. 2 to Agreement 125-2003 with La Cooperativa Campesina de California for a Dislocated Agricultural Worker Program, extending the term through December 31, 2003 (prior notification on September 30, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 178-2004

Maben-Watson: All Ayes

- *15) Proposed retroactive Agreement with La Cooperativa Campesina de California for a Agricultural Dislocated Worker Program, from October 1, 2003 through June 30, 2004, in an amount not to exceed \$173,230 (prior notification on October 28, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 179-2004

Maben-Watson: All Ayes

- *16) Proposed retroactive Agreement with Ebony Counseling Center, Inc., to provide outreach and pre-employment services to unemployed individuals who qualify as members of needy families as defined by the Department of Human Services, from November 10, 2003 through June 30, 2004, in an amount not to exceed \$47,500 (prior notification on January 6, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 180-2004

Maben-Watson: All Ayes

MENTAL HEALTH SERVICES

- *17) Proposed Amendment No. 1 to Agreement 403-2003 with Dean Haddock LMFCC, dba Community Counseling and Psychological Services, for hearing officer services for Kern County clients, for correction of fiscal language to remove reference to Riese capacity hearing duties and include language allowing contractor to be compensated for attending quarterly trainings provided by County Counsel (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 181-2004

Maben-Watson: All Ayes

- *18) Proposed Amendment No. 1 to Agreement 547-2003 with College Community Services, Inc., for outpatient drug free services for clients residing in the Ridgecrest area, for increased parolee services and compensation from \$214,785 to an amount not to exceed \$246,451 (an increase of \$31,666) (Grant; Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 182-2004

Maben-Watson: All Ayes

- *19) Proposed Amendment No. 1 to Agreement 549-2003 with College Community Services, Inc., for outpatient drug free services for clients residing in the Lake Isabella area, for increased parolee services and compensation from \$249,572 to an amount not to exceed \$281,238 (an increase of \$31,666) (Grant; Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 183-2004

Maben-Watson: All Ayes

- *20) 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 - APPROVED

Maben-Watson: All Ayes

- *21) Request for authorization for payment of a confirming order to Seaquest Technologies for TIER software programming in an amount not to exceed \$6,463.24 - APPROVED

Maben-Watson: All Ayes

PERSONNEL

- *22) Classification of positions recommended by Civil Service Commission effective April 3, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITION AND SALARY SCHEDULE

Maben-Watson: All Ayes

SHERIFF

- 23) Recommended ratification of extra pay for four Sheriff's Commanders (from March 9, 2004) - ROY WEYGAND, PRESIDENT, KERN COUNTY TAX PAYERS ASSOCIATION, HEARD; REFERRED TO AUDITOR-CONTROLLER-COUNTY CLERK AND KERN COUNTY EMPLOYEES RETIREMENT ASSOCIATION TO TAKE APPROPRIATE ACTION TO CORRECT UNAUTHORIZED PAY FOR CURRENT AND RETIRED EMPLOYEES PURSUANT TO COUNTY POLICY

Patrick-Watson: All Ayes

- 24) Appropriation of unanticipated revenue in the amount of \$899,297 from the Sheriff's High Technology and Training Trust Funds for Reduction of Sheriff's Net General Cost - ROY WEYGAND, PRESIDENT, KERN COUNTY TAX PAYERS ASSOCIATION, HEARD; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$899,297 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$899,297 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210; REFERRED TO COUNTY ADMINISTRATIVE OFFICE GRANTS UNIT TO RESEARCH FUND AVAILABILITY FOR PURCHASE OF MOBILE DATA TERMINALS FOR SHERIFF'S DEPARTMENT VEHICLES

Maben-Parra: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSIONS

COUNTY COUNSEL

- 25) Request for Closed Session regarding a lawsuit entitled Norma Jeanne Chavez vs. County of Kern, Kern County Superior Court Case No. 250150 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.

Maben-Watson

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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ROLL CALL: All Present

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

BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Maben-Parra: All Ayes

KERN SANITATION AUTHORITY

- #1) Proposed Amendment No. 1 to Personal/Professional Services Agreement 207-2003 with Environmental Services Research Institute, Inc., to provide technical assistance and upgrades to the ArcView software program, extending the term to April 1, 2005, an increase of \$1,800, for a total amount not to exceed \$3,600 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 184-2004

Maben-Parra: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Maben-Parra: All Ayes

PUBLIC PRESENTATIONS

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BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 3) 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 WATSON REPORTED ON A VISIT TO TEVELDE DAIRY, WHICH IS THE FIRST DAIRY IN KERN COUNTY TO BE CERTIFIED BY THE CALIFORNIA DAIRY QUALITY ASSURANCE PROGRAM

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *4) **Request from FF&E Family Limited Partnership by Frank Salvucci, Sr., to vacate an approximate 497-foot-long portion of the Golden State Highway frontage road, Oildale area (SD 1)**
Specific Request:
A nonsummary vacation of an approximate 497-foot-long portion of the Golden State Highway frontage road (102-4 3 098; Streets and Highways)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - CONTINUED TO TUESDAY, MAY 4, 2004, AT 2:00 P.M.
Patrick-Parra: All Ayes
- *5) **Request from Judy Lagerstrom by Maurice Etchechury to vacate a portion of Mandy Street, Bakersfield (SD 1)**
Specific Request:
A nonsummary vacation of a portion of Mandy Street (103-2 3 098; Streets and Highways)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - REFERRED BACK TO STAFF
Patrick-Parra: All Ayes

- *6) **Request from Jasman Development LP for adoption of an ordinance rescinding Kern County Ordinance G-6097 approving Development Agreement No. 1, Map No. 122, on 2,070 acres located on the north side of Panama Lane, west of the extension of the Allen Road alignment, southwest Bakersfield area (SD 4)**

Specific Request:

Adoption of an ordinance rescinding, at the owners' request, Kern County Ordinance G-6097 enacted on June 2, 1994, approving Development Agreement No. 1, Map No. 122 (Resc Dev Agt. #1, Map #122)

(Statutorily Exempt, Section 15183; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ENACTED ORDINANCE G-7086 REPEALING KERN COUNTY ORDINANCE G-6097 WHICH APPROVED DEVELOPMENT AGREEMENT 1, MAP 122, AND AUTHORIZED CLERK OF THE BOARD TO RECORD A NOTICE OF RESCISSION; RESCINDED RESOLUTION 94-363 ESTABLISHING CONDITIONAL WAIVER OF SIGNATURE PROCESS FOR FUTURE MCALLISTER RANCH SPECIFIC PLAN SUBDIVISION MAPS

Patrick-Parra: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

S.D. #5

- *7) Proposed Agreement with the Housing Authority of the County of Kern to obligate \$600,000 in HOME Program funds for partial financing of Project No. 33.02.6, Ruben Blunt Village, Phase II, Lamont - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 185-2004; AUTHORIZED DIRECTOR TO EXECUTE REQUIRED DOCUMENTS TO IMPLEMENT PROJECT, INCLUDING A DEED RESTRICTION AGREEMENT, A SECURITY AGREEMENT, ESCROW INSTRUCTIONS, SUBORDINATION AGREEMENTS, AND OTHER DOCUMENTS AS REQUIRED, ALL IN A FORM APPROVED BY COUNTY COUNSEL

Patrick-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #1

- *8) Request for approval of completed street, drainage, water, sewer and landscape improvements, Lot Line Adjustment 113-01, northeast corner of Calloway Drive and Etchart Road, and proposed Resolution for acceptance of roads into the County Road System for maintenance as County Road No. 3948 - APPROVED; ADOPTED RESOLUTION 2004-067

Patrick-Parra: All Ayes

S.D. #4

- *9) Proposed Resolution of Intention and request to set hearing to consider levying assessments and extending Zone of Benefit Nos. 3, 5, 8 and 10 within County Service Area No. 71, Parcel Map 10935 and 10.15 acre designated remainder, west Bakersfield, located north of Rosedale Highway and east of Renfro Road - APPROVED; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTIONS 15061(B)(3) AND 15273 OF THE STATE CEQA GUIDELINES; SET PUBLIC HEARING FOR TUESDAY, MAY 11, 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 AND TO FILE NOTICE OF EXEMPTION, IF REQUESTED; ADOPTED RESOLUTION 2004-068

Patrick-Parra: All Ayes

- *10) Request to approve final map for Tract No. 5858, southwest corner Johnson Road and Wegis Avenue, western Rosedale area, type "A" subdivision, John R. Wilson for JST Smith, Inc., a California Corporation - ADOPTED RESOLUTION 2004-069 FINDING OF FACT PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNER WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE); APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; APPROVED CONSENT TO COMMON USE AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 186-2004; ACCEPTED SEWAGE MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; CONSENTED TO MAKING OF IRREVOCABLE OFFER OF DEDICATION FOR TEMPORARY TURNAROUND EASEMENT; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Patrick-Parra: All Ayes

All S.D.'s

- *11) Proposed Resolution directing preparation of written report for all County Service Area charges - APPROVED; ADOPTED RESOLUTION 2004-070

Patrick-Parra: All Ayes

- *12) Proposed appointment of Granville Ussery to position of Acting County Surveyor, effective March 23, 2004, to serve until a permanent replacement is appointed - APPROVED

Patrick-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY
Environmental Health Services

All S.D.'s

- *13) Proposed Resolution approving California Integrated Waste Management Board Waste Tire Enforcement Grant Agreement in an amount not to exceed \$255,616, for Fiscal Year 2004-2005, - APPROVED; ADOPTED RESOLUTION 2004-071; AUTHORIZED ENVIRONMENTAL HEALTH SERVICES TO SUBMIT WASTE TIRE ENFORCEMENT GRANT PROGRAM APPLICATIONS ANNUALLY THROUGH FISCAL YEAR 2006-2007; AUTHORIZED DIRECTOR TO SIGN ALL NECESSARY DOCUMENTS RELATED TO GRANT APPLICATIONS AND AGREEMENTS

Patrick-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY
Environmental Health Services - Animal Control Services

All S.D.'s

- *14) Proposed Amendment No. 3 to Agreement 1073-2003 with the City of Bakersfield for animal care services, extending term to June 30, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 187-2004

Patrick-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #3

- *15) Proposed Resolution for Calloway Drive railway underpass, final accounting and supplemental allocation request - APPROVED; ADOPTED RESOLUTION 2004-072; AUTHORIZED DIRECTOR TO SUBMIT APPLICATION FOR SUPPLEMENTAL ALLOCATION

Patrick-Parra: All Ayes

S.D.'s #3 & #5

- *16) Contract No. 03023, Notice of Completion for construction on Oswell Street median modification and signal interconnect (East Brundage Lane to Bernard Street) - RECEIVED AND FILED

Patrick-Parra: All Ayes

All S.D.'s

- 17) Proposed deletion of two (2) vacant Engineer I/II/III and six (6) vacant Road Maintenance Worker II positions and addition of ten (10) Road Maintenance Worker I, one (1) Supervising Heavy Equipment Mechanic, and one (1) Senior Traffic Signal Technician positions, effective April 3, 2004; and deletion of two (2) additional Road Maintenance Worker II positions upon their vacation - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *18) Proposed Resolution to set public hearing for Tuesday, May 11, 2004, at 2:00 p.m., to consider the Ordinance establishing the schedule of Solid Waste Management Program Service Charges for residential property for Fiscal Year 2004-2005 - APPROVED; ADOPTED RESOLUTION 2004-073; DIRECTED COUNTY COUNSEL TO PREPARE, AND CLERK OF THE BOARD TO PUBLISH, NOTICE OF HEARING AND ORDINANCE SUMMARY

Patrick-Parra: All Ayes

- *19) Proposed Agreement with Meyer Civil Engineering, Inc., to provide burn dump remediation design services, in an amount not to exceed \$250,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 188-2004

Patrick-Parra: All Ayes

NOTE: ITEMS 20 AND 21 WERE HEARD CONCURRENTLY

COUNTY ADMINISTRATIVE OFFICE

- 20) Report on proposed Fiscal Year 2004-2005 budget development process - RECEIVED AND FILED

Watson-Patrick: All Ayes

- 21) Progress report on departmental performance measurements/ indicators development and request to extend requirement for departmental reports to first quarter of Fiscal Year 2004-2005 - APPROVED; REFERRED TO COUNTY ADMINISTRATIVE OFFICE FOR REPORT BACK TO THE BOARD INDICATING THE LEVEL TO WHICH PERFORMANCE BASED BUDGETING CAN BE IMPLEMENTED IN FISCAL YEAR 2004-2005 AND WHERE REPORTING SYSTEMS ARE NOT IN PLACE, INCLUDING ESTIMATE OF COST AND TIMETABLE FOR IMPLEMENTATION

Watson-Patrick: All Ayes

- 22) Report on malfunction of election results web page - ROY WEYGAND, PRESIDENT, KERN COUNTY TAX PAYERS ASSOCIATION, HEARD; RECEIVED AND FILED

Parra-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- *23) Change Order No. 8 for the new Juvenile Treatment Facility, an increase of \$68,230.73, for a new total of \$17,106,859.22 (1960.8166) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Parra: All Ayes

S.D.'s #1, #2 & #3

- *24) Request for repeal of Franchise Ordinances F-258, F-268, F-299, F-303, F-314 and F-388 by Leisure Industries, Inc., the Cherokee Strip Neighborhood Association, the Ashtown Mutual Water Company, the Isabella Mutual Water Company, the Sellers Water Service and the Rancho Verdugo Mutual Water Company, respectively - APPROVED; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); ADOPTED RESOLUTIONS 2004-074 THROUGH 2004-079 AND ENACTED ORDINANCES F-468 THROUGH F-473 REPEALING FRANCHISE ORDINANCES F-258, F-268, F-299, F-303, F-314 and F-388

Patrick-Parra: All Ayes

All S.D.'s

- *25) Proposed Agreement with Equiserve, a division of IDSC Holdings, Inc., a Snap-On company, for one (1) year full coverage service for the California emission inspection system operated by General Services Garage, in an amount not to exceed \$4,590 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 189-2004

Patrick-Parra: All Ayes

- *26) Proposed Request for Proposal (RFP) for countywide agreement for auction services - APPROVED; AUTHORIZED PURCHASING AGENT TO DISTRIBUTE RFP

Patrick-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE
Information Technology Services

- *27) Proposed Amendment No. 1 to Agreement with Computer Associates for sole source extension of subscription for mainframe software in an amount not to exceed \$437,904, plus sales tax, for the period March 31, 2004 through March 31, 2007 - APPROVED; AUTHORIZED PURCHASING AGENT TO SIGN AND ISSUE ANNUAL PURCHASE ORDERS IN THE AMOUNTS REFLECTED IN THE AMENDMENT

Patrick-Parra: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *28) Budget Transfers - APPROVED NO. 165 THROUGH NO. 171

Patrick-Parra: All Ayes

- *29) Minutes for week of February 23, 2004 - APPROVED

Patrick-Parra: All Ayes

- *30) Miscellaneous Letters and Documents - FILED

Patrick-Parra: All Ayes

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

Patrick-Parra: All Ayes

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

Patrick-Parra: All Ayes

ADJOURNED TO WEDNESDAY, MARCH 24, 2004, AT 10:30 A.M.

Patrick-

/s/ Tracey E. Cody
Administrative Coordinator

/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.

30) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

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

- 1) Tract Map 6194, Phase 2 S.D. #1
- 2) Parcel Map 10785 S.D. #4
- 3) Parcel Map 10911 S.D. #1

Environmental Health

- B) Three (3) thank you letters to individuals for donations to the Bakersfield Animal Care Center and Mojave Animal Shelter

Local Agency Formation Commission

- C) Report and Recommendation, Proceeding No. 1367, in the matter of Mojave Public Utility District, Annexation No. 26 (Copies to each Supervisor and CAO)
- D) Report and Recommendation, Proceeding No. 1373, in the matter of City of Shafter, Annexation No. 75 (Copies to each Supervisor and CAO)

- E) Agenda of meeting on Tuesday, March 23, 2004

- F) Minutes of meeting on Tuesday, February 24, 2004

Roads

- G) Consent to Recordation re Irrevocable Offer of Dedication from John Ernest Thomas by Oglebay Norton Industrial Sands, Inc., for additional right-of-way for planned improvements on Imperial Street at State Highway 43
- H) Consent to Recordation re Irrevocable Offer of Dedication from Fairfax School District for additional right-of-way for Ross Street

Veterans Services

- I) Letter from Charles N. Bikakis re status of Veterans National Cemetery in Bakersfield area (Copies to each Supervisor and CAO)

Miscellaneous

- J) Letter from Paul Matulich, Del Oro Water Company, re rate case for the Country Estates Water District (Copies to each Supervisor, CAO and Resource Management Agency)
- K) Letter from C. H. Williams, Kern River Watermaster, re intention to prepare draft environmental assessment for proposed designation of critical habitat for the southwestern willow flycatcher (Federal Register Notice Vol. 69, Number 13, Wednesday, January 21, 2004, Pages 2940-2943) (Copies to each Supervisor, CAO, Planning and County Counsel)

- L) Letter from J. Edward Duggan, Oak Creek Energy Systems, Inc., re extension of Interim Ordinance G-7072 amending permitted height structures in eastern Kern County (Copies to each Supervisor, CAO, Planning and County Counsel)
- M) Letter from William L. Nelson in opposition to extension of Interim Ordinance G-7072 amending permitted height structures in eastern Kern County (Copies to each Supervisor, CAO, Planning and County Counsel)
- N) Letter from S. Douglas Levitt, CalWind Resources, Inc., re comments concerning procedural implementation of extension of Interim Ordinance G-7072 amending permitted height structures in eastern Kern County (Copies to each Supervisor, CAO, Planning and County Counsel)
- O) Letter from Patricia and Harold Lockey re proposed zone change at southeast corner of Heath Road and Hageman Road (Copies to each Supervisor, CAO, Planning and County Counsel)
- P) Letter from Elaine L. Thompson, Verizon Wireless, re notification of addition/modification of Arvin Cell Site, 15311 Cuda Drive, APN 189-220-43 (Copies to each Supervisor and CAO)
- Q) Notice from U.S. Environmental Protection Agency re permit modification for the Elk Hills Power Prevention of Significant Deterioration (PSD) air permit (Copies to each Supervisor, CAO and Planning)
- R) Notice from Tehachapi Unified School District re 14-day notice of proposal to implement developer fees, hearing date Tuesday, March 23, 2004 (Copies to each Supervisor, CAO, Resource Management Agency and County Counsel)
- S) Notices from Alcoholic Beverage Control re applications for alcoholic beverage licenses: Jose Angel Ramirez, 557 Wainright Court, Lebec; Antojitos Michoacan, 2105 Edison Highway, Suite P1, Bakersfield; Sage and Cinnamon, 16241 Askin Drive, Suites 1-3, Pine Mountain Club; and Oswell Mini Mart, 3101 Niles Street, Bakersfield (Copies to each Supervisor, CAO and Planning)
- T) Agenda of meeting from Central Valley Regional Water Quality Control Board on Thursday and Friday, March 18 and 19, 2004 (Copies to each Supervisor and CAO)
- 31) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Marsha A. Burch, Attorney at Law, representing Michael J. Klinkenberg, requesting status of review of the Fay Canyon residents appeal - REFERRED TO PLANNING (Copies to each Supervisor, CAO and County Counsel)
 - B) Letter from Helen Dennis, City of California City, re Resolution 03-04-2099 for a Special Municipal Election for a special tax - REFERRED TO ELECTIONS (Copy to County Counsel)

- 32) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Brian O'Neill vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Jeff Harp vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Lezley Pumphrey vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Doris E. Robertson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Tiffany Clary and Daunte Rush, through their mother, Ruth Rodriguez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Claim in the matter of Ruth Rodriguez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Claim in the matter of Toni Worthy vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - H) Claim in the matter of Adolfo B. Aguilar vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - I) Claim in the matter of Anabella Morales vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - J) Claim in the matter of Richard Eric Taggart vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - K) Claim in the matter of Bruce Gibbons vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - L) Claim in the matter of Maria N. Avilez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - M) Claim in the matter of Maria Veronica Renteria vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - N) Claim in the matter of Gladys Fair vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - O) Summons and complaint in the matter of Luis Rodriguez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - P) Summons and complaint in the matter of Matthew Keys, a Minor, by and through his Guardian ad Litem, Debi Keys vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

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SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Wednesday, March 24, 2004

10:30 A.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

Watson

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 2) Request for Closed Session regarding public employees performance evaluations - Titles: 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 RESOURCE; 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

RECONVENED FROM CLOSED SESSION

Maben-Patrick

NOTE: Chairman announced all members present

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 3) Results of Closed Session regarding public employees performance evaluations - APPOINTED ROSS ELLIOTT AS DIRECTOR OF EMERGENCY MEDICAL SERVICES, EFFECTIVE IMMEDIATELY

Patrick-Parra: All Ayes

(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 9:00 a.m. session of the Board of Supervisors.)

ADJOURNED TO TUESDAY, MARCH 30, 2004 AT 9:00 A.M.

Patrick

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Jon McQuiston
Chairman, Board of Supervisors