

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, March 30, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Parra

NOTE: CHAIRMAN MCQUISTON ANNOUNCED THE APPOINTMENT OF ROSS ELLIOTT AS DIRECTOR OF EMERGENCY MEDICAL SERVICES, EFFECTIVE MARCH 24, 2004; ROSS ELLIOTT HEARD.

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

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming April 2004 as Fair Housing Month in Kern County - PROCLAIMED; MADE PRESENTATION TO LANEICE KERSTEN, CO-CHAIR, EQUAL OPPORTUNITY COMMITTEE, BAKERSFIELD ASSOCIATION OF REALTORS; LANEICE KERSTEN, BOB BORJON, FAIR HOUSING COORDINATOR AND ANGIE TRIGUEIRO, CO-CHAIR, EQUAL OPPORTUNITY COMMITTEE, BAKERSFIELD ASSOCIATION OF REALTORS, HEARD; CASSIE DANIEL RECOGNIZED

Parra-Maben: All Ayes

- 2) Proclamation proclaiming April 24, 2004 as Keep Bakersfield Beautiful Day in Kern County - PROCLAIMED; MADE PRESENTATION TO DAVE TAYLOR; DAVE TAYLOR, SHERRY CORE, AND KEVIN BURTON HEARD

Patrick-Watson: All Ayes

- 3) Proclamation proclaiming April 2004 as Records and Information Management Month in Kern County - PROCLAIMED; MADE PRESENTATION TO ELEANOR OZAETA, PRESIDENT, CENTRAL CALIFORNIA, BAKERSFIELD CHAPTER OF ARMA; ELEANOR OZAETA HEARD

Maben-Watson: All Ayes

- 4) Proclamation proclaiming April 2004 as Child Abuse Prevention Month in Kern County - PROCLAIMED; MADE PRESENTATION TO KRIS GRASTY, ASSISTANT DIRECTOR, DEPARTMENT OF HUMAN SERVICES; KRIS GRASTY AND KAREN COOLEY, EXECUTIVE DIRECTOR, HAVEN COUNSELING CENTER, HEARD

Watson-Patrick: All Ayes

- 5) Proclamation proclaiming April 3 - 9, 2004 as Public Health Week in Kern County - PROCLAIMED; MADE PRESENTATION TO DR. B. A. JINADU, DIRECTOR, PUBLIC HEALTH SERVICES; DR. JINADU HEARD; JEAN STOLL INTRODUCED

Parra-Maben: All Ayes

- *6) Proclamation proclaiming April 1, 2004 as CASA Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Maben-Parra: All Ayes

- *7) Proclamation proclaiming May 9 - 15, 2004 as Peace Officer Memorial Week in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION; APPROVED REQUEST TO OBSERVE NATIONAL PEACE OFFICER MEMORIAL WEEK BY FLYING THE PEACE OFFICER MEMORIAL FLAG; AUTHORIZED SHERIFF'S DEPARTMENT TO FLY THE FLAGS AT ALL SHERIFF'S DEPARTMENT FACILITIES AT HALF-STAFF DURING THE WEEK OF OBSERVANCE

Maben-Parra: All Ayes

- *8) Resolution honoring and commending DeAn Drakos upon her retirement after 26 years of dedicated service to Kern County -

WITHDRAWN

PUBLIC REQUESTS

- 9) Request from Debra Burris-Garofalo, Leaders in Life Youth Conference for Kern County Teens, to address the Board regarding the Leaders in Life Youth Conference - MORGAN CLAYTON, KATIE VALENZUELA, NORTH HIGH SCHOOL SENIOR, AND SARA VALENZUELA, GARCES HIGH SCHOOL SENIOR, HEARD
- 10) Request from John Enriquez, Chairman, Community and Government Relations Committee, Fox Theater Foundation, to address the Board regarding the theater's current operations and restoration status - JIM WHITEHEAD, PRESIDENT, FOX THEATER FOUNDATION, J. B. SELVIDGE AND PHYLLIS ADAMS, FOUNDATION MEMBERS, HEARD; LISA GARZELLI, EXECUTIVE DIRECTOR, FOX THEATER FOUNDATION, INTRODUCED

NOTE: ITEM 29 WAS HEARD PRIOR TO ITEM 11

NOTE: SUPERVISORS MABEN AND PARRA LEFT THE MEETING BEFORE ITEM 11

- 11) Request from Patty Manfredi, Executive Director, Ronald McDonald House Charities of the Central Valley, Inc., to address the Board regarding their 20th Anniversary - PATTY MANFREDI HEARD

APPOINTMENTS

- *12) Appointment of Virginia Rachelle Pilkington as At-large Member to the Sequoia Area VIII Board for Developmental Disabilities, term to expire June 30, 2004 - MADE APPOINTMENT

Maben-Parra: All Ayes

- *13) Reappointment of Esther R. Brandon as Third District Member to the Children and Families Commission, term to expire March 31, 2006 - MADE REAPPOINTMENT

Maben-Parra: All Ayes

- *14) Reappointment of Larry Phelps as Second District Member to the Children and Families Commission, term to expire March 31, 2006 - MADE REAPPOINTMENT

Maben-Parra: All Ayes

PUBLIC PRESENTATIONS

- 15) 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

- 16) 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 PATRICK DISCUSSED PROPOSITION 90 RELATIVE TO PROPERTY TAXES AND RELOCATION

REFERRED TO CAO, ASSESSOR, AND COUNTY COUNSEL TO REPORT ON THE FISCAL IMPACT OF PROPOSITION 90

Patrick-Watson: 3 Ayes; 2 Absent - Parra, Maben

DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

- *17) Proposed retroactive Agreement with California Crop Improvement Association to reimburse County of Kern for certified seed work for Fiscal Year 2003-2004, in an amount not to exceed \$1,000 (prior notification July 22, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 190-2004

Maben-Parra: All Ayes

- *18) Proposed Amendment No. 1 to Agreement 03-0223 (Kern County Agreement 671-2003) with California Department of Food and Agriculture for supervision and enforcement of the Nematode Control Program to increase reimbursement by \$12,000 for Fiscal Year 2003-2004, for a new not to exceed amount of \$18,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 191-2004

Maben-Parra: All Ayes

AIRPORTS

- *19) Request for authorization to expend funds to support the Hayward Proficiency Air Exercise to be held May 13-16, 2004, in an amount not to exceed \$800 - APPROVED

Maben-Parra: All Ayes

- *20) Request for approval in concept of new positions of Airport Security Officer and Law Enforcement Supervisor - APPROVED; REFERRED TO PERSONNEL DEPARTMENT FOR DEVELOPMENT OF JOB SPECIFICATIONS

Maben-Parra: All Ayes

- *21) Proposed selection of Coffman Associates for the completion of a Master Plan Update for Meadows Field Airport - APPROVED; AUTHORIZED DEPARTMENT OF AIRPORTS TO DEVELOP AGREEMENT

Maben-Parra: All Ayes

- *22) Appropriation of unanticipated revenue in the amount of \$450,000 from Federal Aviation Administration Grant 3-06-0017-24 for completion of a Master Plan Update for Meadows Field Airport - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$450,000 TO APPROPRIATIONS FOR CONTINGENCIES (AIRPORT ENTERPRISE FUND); APPROVED CANCELLATION OF \$50,000 FROM AIRPORTS ENTERPRISE FUND RETAINED EARNINGS TO APPROPRIATIONS FOR CONTINGENCIES AND AUTHORIZED AUDITOR-CONTROLLER TO MAKE NECESSARY ADJUSTMENTS; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$500,000 FROM AIRPORTS ENTERPRISE FUND APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 8994

Maben-Parra: All Ayes

- *23) Proposed Agreement with Continental Airlines to expend \$747,000 in proceeds from the Small Community Air Service Development Pilot Program Grant to assist in funding costs of new air service between Bakersfield and Houston for a term from April 4, 2004 to April 4, 2005 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 192-2004

Maben-Parra: All Ayes

- *24) Proposed Amendment No. 1 to Agreement 931-2003 with the United States Department of Transportation for the Small Community Air Service Development Pilot Program Grant to reallocate funds within the existing program budget - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 193-2004

Maben-Parra: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *25) Certification of results of the Consolidated Primary Election held March 2, 2004 -

WITHDRAWN

- *26) Resolution from Stallion Springs Community Services District requesting Elections to render certain election services for their Special Tax Election to be held August 31, 2004 - AUTHORIZED THE ELECTIONS OFFICE TO PERFORM THE ELECTION RELATED SERVICES REQUESTED

Maben-Parra: All Ayes

- *27) Resolution from City of California City requesting Elections to render certain election services for their Special Tax Election to be held June 8, 2004 - AUTHORIZED THE ELECTIONS OFFICE TO PERFORM THE ELECTION RELATED SERVICES REQUESTED

Maben-Parra: All Ayes

- *28) Proposed Amendment No. 1 to Agreement 1027-2002 with Diebold Election Systems, Inc., amending terminology, and Proposed Amendment No. 1 to Proposition 41 Funding Application with Voting Modernization Board to obtain the release of remaining Kern County Proposition 41 Funds Allocation of \$2,278,284.52 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 194-2004 SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL

Maben-Parra: All Ayes

NOTE: ITEM 29 WAS HEARD PRIOR TO ITEM 11

BOARD OF SUPERVISORS

- 29) Request from Second District Supervisor Don Maben regarding proposed Resolution supporting HR 3142, Agricultural Job Opportunity, Benefits, and Security Act - LORON HODGE, EXECUTIVE DIRECTOR, KERN COUNTY FARM BUREAU, AND GUSTAVO AGUIRE, NATIONAL VICE-PRESIDENT, UNITED FARM WORKERS, HEARD; APPROVED; ADOPTED RESOLUTION 2004-080; AUTHORIZED CHAIRMAN TO SIGN LETTERS OF SUPPORT

Maben-Parra: 3 Ayes; 2 Noes - Patrick, McQuiston

COUNTY COUNSEL

- *30) Request of the Office of County Counsel for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

- *31) Status of the Clean Harbors, Inc., Class I Hazardous Waste Facility and its acceptance of radioactive waste - RECEIVED AND FILED

Maben-Parra: All Ayes

- *32) Proposed cancellation and appropriation of retained earnings in Workers' Compensation Internal Service Fund (Budget Unit 8990, Fund 30018) to meet costs for Fiscal Year 2003-04 in the amount of \$3,131,650 - APPROVED CANCELLATION OF RETAINED EARNINGS FROM WORKERS' COMPENSATION INTERNAL SERVICE FUND TO APPROPRIATIONS FOR CONTINGENCIES IN THE AMOUNT OF \$3,131,650 AND REFERRED TO AUDITOR/CONTROLLER TO MAKE NECESSARY ADJUSTMENTS; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 8990, FUND 30018, FISCAL YEAR 2003-04 BUDGET IN THE AMOUNT OF \$3,131,650

Maben-Parra: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *33) Appropriation of unanticipated revenue in the amount of \$1,796,275 from Department of Human Services for employment and training services - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$1,796,275 TO APPROPRIATIONS FOR CONTINGENCIES, FUND 29060; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$1,796,275 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 8907; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$134,070 TO APPROPRIATIONS FOR CONTINGENCIES, FUND 00001; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$134,070 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 5923

Maben-Parra: All Ayes

- *34) Proposed retroactive Agreement with Employment Development Department to reimburse telephone services costs at the Shafter Career Services Center, from July 1, 2003 through June 30, 2005, in an amount not to exceed \$2,808 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 195-2004

Maben-Parra: All Ayes

- *35) Proposed retroactive Agreement with Employment Development Department to reimburse telephone services costs at the Lamont Career Services Center, from July 1, 2003 through June 30, 2005, in an amount not to exceed \$4,618 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 196-2004

Maben-Parra: All Ayes

FIRE DEPARTMENT

- 36) Request for authorization to apply for Assistance to Firefighters Grant Funding for the purchase of Vehicle Exhaust Extraction Systems - APPROVED; AUTHORIZED COUNTY ADMINISTRATIVE OFFICER TO SIGN ALL DOCUMENTS RELATED TO GRANT APPLICATION

Patrick-Watson; 3 Ayes; 2 Absent - Parra, Maben

- *37) Request to hire retired Fire Captain Robert Custer, Range 61.9, 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-Parra: All Ayes

KERN MEDICAL CENTER

- *38) Notification of retroactive Agreement with Pulse Healthcare Services, for temporary nurse staffing - RECEIVED AND FILED

Maben-Parra: All Ayes

- *39) Notification of retroactive Agreement with California Nurses Bureau, for temporary nurse staffing - RECEIVED AND FILED

Maben-Parra: All Ayes

- *40) Notification of retroactive Agreement with Central Cardiology Medical Clinic, for cardiac interventional services - RECEIVED AND FILED

Maben-Parra: All Ayes

- *41) Notification of retroactive Agreement with Golden Empire Transit District, for transportation services for ElderLife participants - RECEIVED AND FILED

Maben-Parra: All Ayes

NOTE: ITEM 42 WAS ORIGINALLY APPROVED ON CONSENT BUT WAS RECONSIDERED AT THE 2:00 P.M. SESSION. (SEE ITEM 1A AT 2:00 P.M.)

- 42) Proposed Amendment No. 33 to Medi-Cal Contract for Hospital Inpatient Services - APPROVED; AUTHORIZED ANY SUPERVISOR TO SIGN AGREEMENT 197-2004 SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL

Parra-Patrick: All Ayes

- *43) Proposed retroactive Agreement with Schaller Anderson of California, LLC, for hospital services - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 198-2004

Maben-Parra: All Ayes

- *44) Proposed Agreement with California State University, Bakersfield Foundation, for the provision of a hospital ethics consultant, from April 10, 2004 through April 9, 2006, in an amount not to exceed \$24,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 199-2004

Maben-Parra: All Ayes

- *45) Proposed Agreement with Asereth Medical Services, Inc., for locum tenens pharmacists, from April 1, 2004 through March 31, 2004, in an amount not to exceed \$200,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 200-2004

Maben-Parra: All Ayes

- *46) Proposed Amendment No. 3 to Agreement 217-2002 with Hansa Patel, M.D., for obstetrical and gynecological services, extending the term for two years from April 17, 2002 through April 16, 2006, increasing the amount by \$153,550 for a new not to exceed amount of \$307,100 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 201-2004

Maben-Parra: All Ayes

- *47) Proposed retroactive Agreement with Psychiatrists Only, for locum tenens psychiatrists, from March 12, 2004 through March 11, 2006, in an amount not to exceed \$900,000 (prior notification March 8, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 202-2004

Maben-Parra: All Ayes

- *48) Proposed retroactive Agreement with Genetics Center, Inc., for genetics counseling, from March 14, 2004 through March 13, 2006, in an amount not to exceed \$31,200 (prior notification March 8, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 203-2004

Maben-Parra: All Ayes

- *49) Proposed Amendment No. 1 to Agreement 428-2002 with Mark L. Nystrom, M.D., for orthopedic services, extending term for two years through June 3, 2006, increasing the amount by \$264,000 for a new not to exceed amount of \$336,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 204-2004

Maben-Parra: All Ayes

- *50) Proposed Amendment No. 3 to Agreement 170-2001 with Annette M. Frostad, for support of the McKesson STAR Financial system, extending the term by six months through October 2, 2004, increasing the amount by \$39,520 for a new not to exceed amount of \$276,640 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 205-2004

Maben-Parra: All Ayes

- *51) Proposed Amendment No. 2 to Agreement 921-2003 with Superior Consultant Company, Inc., for the improvement of cash flow from collections associated with patient services at KMC, amending the Agreement to adjust the performance fee as set forth in Amendment No. 1 to the Agreement as of April 1, 2004; to provide monthly compensation for management services, in an amount not to exceed \$1,680,000; amending Exhibit "A" to the Agreement to reflect the scope of work to be performed by Superior as of April 1, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 206-2004

Maben-Parra: All Ayes

LIBRARY

- *52) Proposed 3-year Memorandum of Understanding (MOU) with Retired & Senior Volunteer Program (RSVP) for Volunteer Support at Kern County Library Branches (no cost to County) - APPROVED; AUTHORIZED DIRECTOR OF LIBRARIES TO SIGN THE MOU AND FUTURE MOU'S WITH RSVP SUBSTANTIALLY IN FORM APPROVED SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL

Maben-Parra: All Ayes

MENTAL HEALTH SERVICES

- *53) Proposed Amendment No. 2 to Agreement 337-2003 with Nankil Enterprises, Inc., dba Union Villa, to provide board and care services for homeless mentally ill consumers in the Bakersfield area, to increase services and funding levels to match actual service provision, an increase from \$40,000 to an amount not to exceed \$55,000 (an increase of \$15,000) (Grant, Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 207-2004

Maben-Parra: All Ayes

- *54) Proposed Amendment No. 1 to Agreement 447-2003 with Restoration Village Treatment Center, Inc., dba Hannah's Haven, to provide sober living environment housing services for dually diagnosed homeless clients in the Bakersfield area, to increase service and compensation from \$50,000 to an amount not to exceed \$69,000 (an increase of \$19,000) (Grant, Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 208-2004

Maben-Parra: All Ayes

- *55) Proposed Amendment No. 1 to Agreement 448-2003 with American Health Services L.L.C., dba Bakersfield Medical and Mental Health Services, to provide methadone maintenance services for Kern County consumers, to delete non-applicable cost report language, add language for County to collect allowable administrative fees, revise contractor's mailing address and increase services, an increase in compensation from \$600,000 to an amount not to exceed \$665,000 (an increase of \$65,000) (Drug Medi-Cal, State; Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 209-2004

Maben-Parra: All Ayes

- *56) Proposed approval of relief from accountability of 104 patient accounts in the amount of \$17,493.97 - APPROVED

Maben-Parra: All Ayes

- *57) Proposed addition of three (3) Mental Health Recovery Specialist I/II/III positions and deletion of one (1) Substance Abuse Specialist I/II and two (2) Outreach Worker positions from Budget Unit 4120, effective March 30, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITION AND SALARY SCHEDULE

Maben-Parra: All Ayes

- *58) Proposed letter to the Department of Alcohol and Drug for approval of Driving Under the Influence Program Application for Special Treatment Education and Prevention Services (STEPS) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

- 59) Proposed expansion of Department of Mental Health's Mobile Evaluation Team (MET) - REFERRED TO FISCAL YEAR 2004-2005 BUDGET FILE

Watson-Patrick: 3 Ayes; 2 Absent - Parra, Maben

PUBLIC HEALTH SERVICES

- *60) Proposed retroactive Agreement with State Department of Corrections for Transitional Case Management Pre-Release Program, from January 1, 2004 through December 31, 2008, in an amount not to exceed \$4,696,426 (prior notification March 16, 2004); request for appropriation of unanticipated revenue in the amount of \$306,000; request the addition of two (2) full-time Social Services Supervisor I/II and eleven (11) Social Services Worker I/II/III/IV/V positions for the Department of Public Health Salary Schedule 4110C, effective March 30, 2004 (fully grant funded) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 210-2004; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$306,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 4110 IN THE AMOUNT OF \$306,000; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Parra: All Ayes

- *61) Proposed retroactive Agreement with The Regents of the University of Colorado to provide technical assistance and training for the County Department of Public Health's Nurse-Family Partnership Program, from January 7, 2004 through December 31, 2004, in an amount not to exceed \$11,151 (prior notification January 6, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 211-2004

Maben-Parra: All Ayes

- *62) Proposed Agreement with State Department of Health Services for Medi-Cal Targeted Case Management Services from July 1, 2004 through June 30, 2007 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 212-2004

Maben-Parra: All Ayes

SHERIFF

- *63) Application to hold Parade - Saint Augustine Church, Lamont, on April 9, 2004 - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

- *64) Proposed Memorandum of Understanding with the Federal Bureau of Investigation, Sacramento Division, Fresno Joint Terrorism Task Force (JTTF) and Reimbursement Agreement between the Federal Bureau of Investigation and the Kern County Sheriff's Department, for JTTF participation and overtime reimbursement, in an amount not to exceed \$10,719.48 per officer per year - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 213-2004

Maben-Parra: All Ayes

- *65) Proposed Agreement with State of California Department of Corrections to house state parole violators in the Kern County Jail System; County to receive up to \$2,075,488, from April 1, 2004 to June 30, 2006 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 214-2004

Maben-Parra: All Ayes

- *66) Proposed Agreement with Northern Mojave Lands Incorporated for land use for off-highway vehicle training, from March 30, 2004 through June 30, 2004 (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 215-2004

Maben-Parra: All Ayes

TREASURER-TAX COLLECTOR

- *67) Pooled Cash Portfolio Analysis for Month ended February 2004 - RECEIVED AND FILED

Maben-Parra: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 70: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER AGENDA WAS POSTED ON MARCH 25, 2004, BECAUSE THE MATTER WAS REFERRED TO MEDIATION AND A SETTLEMENT REQUIRING BOARD APPROVAL WAS REACHED ON FRIDAY, MARCH 26, 2004, AND FINAL ACTION BY THE BOARD OF SUPERVISORS IS NECESSARY BEFORE THE NEXT SESSION ON APRIL 20, 2004

Watson-Patrick: 3 Ayes; 2 Absent - Maben, Parra

ADJOURNED TO CLOSED SESSION AT 1:00 P.M.

Watson

NOTE: ALL MEMBERS WERE PRESENT FOR CLOSED SESSION

1:00 P.M.

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

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

- 69) Request for Closed Session regarding public employees performance evaluations - Titles: Director of Aging and Adult Services, Director of Waste Management, County Administrative Officer, County Counsel -

COUNTY COUNSEL

- 70) 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/ Tracey E. Cody
Administrative Coordinator

/s/ Jon McQuiston
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, March 30, 2004

2:00 P.M.

BOARD RECONVENED

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

- 1A) MOTION TO RECONSIDER ITEM NO. 42 FROM 9:00 A.M. SESSION TO CHANGE THE SIGNATURE AUTHORITY FROM THE "CHAIRMAN" TO "ANY SUPERVISOR" (SEE ITEM NO. 42, 9:00 A.M.)

Patrick-Maben: 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 REQUESTS

- 1) Request from Mayor Harvey L. Hall to address the Board regarding the Mayor's Youth Advisory Council - MAYOR HARVEY L. HALL, CAREY DIMAS, STOCKDALE HIGH SCHOOL, DAVID HORNING, VALLEY CHRISTIAN HIGH SCHOOL, AND DANIELLE VILLALOVOS, EAST BAKERSFIELD HIGH SCHOOL, HEARD

PUBLIC PRESENTATIONS

- 2) 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!
- TOM MESHACK, UNITED DOMESTIC WORKERS ASSOCIATION (UDWA), HEARD REGARDING ONGOING LABOR NEGOTIATIONS.

(Continued on Page 14)

(Continued from Page 13)

RON JOHNSTON, SR., HEARD REGARDING ERRORS ON KERN COUNTY MAP AND RESULTING PROBLEMS WITH LAKE ISABELLA BOULEVARD BEAUTIFICATION PROJECT; CRAIG POPE, ROAD COMMISSIONER, AND CHUCK LACKEY, DIRECTOR, ENGINEERING & SURVEY SERVICES, EXPLAINED THE PROJECT.

DORA MARTINEZ, UDWA, HEARD REGARDING ONGOING LABOR NEGOTIATIONS.

DEBBIE FULLER THANKED THE BOARD FOR THEIR EFFORTS IN MAKING DECISIONS REGARDING ONGOING LABOR NEGOTIATIONS.

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]) - NO ONE HEARD

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- 4) **Request from Angel Newman (original applicant - Carriage Homes by Moreland Consulting, Inc.) appealing the decision of the Planning Commission approving Vesting Tentative Tract 6096 dividing a 9.4-acre site into 15 residential lots and approving an 18,513-square-foot minimum lot size, where 21,780 square feet are required, on property located on the east side of Cindy Drive, approximately 200 feet south of Bonanza Drive, southeast Bakersfield area (SD 5)**

Specific Request:

- (a) An appeal to the decision of the Planning Commission for the approval of Vesting Tentative Tract 6096 (Resolution 191-03; approved October 9, 2003) proposing to divide a 9.4-acre site into 15 residential lots ranging in size from 19,900 square feet to 28,600 square feet for single-family residential development; two limited design variations (TR #6096 - Appeal)
- (b) An appeal to the decision of the Planning Commission for the approval of Zone Modification 4, Map 124-12 (Resolution 192-03; approved October 9, 2003) to allow an 18,513-square-foot minimum lot size, where 21,780 square feet are required (Section 19.16.050 and Section 19.54.050.A.3), in an E (1/2) RS District (Appeal #2, Map #124-12)

(Negative Declaration; Published Bakersfield Californian) (from 12/9/2003 & 1/27/2004) - JOHN KIND, GENERAL MANAGER OF CARRIAGE HOMES, AND FRED WOODY, HEARD; CONTINUED TO TUESDAY, APRIL 20, 2004, AT 2:00 P.M.

Parra-Patrick: All Ayes

- 5) **Request from Andy Sharp by Bruce Anderson to change the permitted uses from mineral and petroleum to industrial on 20 acres for development of shop/warehouse facilities on four contiguous, five-acre parcels located at the northeast corner of Shafter Road and Coberly Road, approximately three miles south of Shafter (SD 1)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.4 to Map Code(s) 7.2 or a more restrictive map code designation (GPA #12, Map #79)
- (b) A change in zone classification from NR (5) PD to M-2 PD or a more restrictive district (ZCC #34, Map #79)
- (c) A Precise Development Plan for a phased development of four separate shop/warehouse facilities on four contiguous five-acre parcels (Section 19.38.020.D.5 and Section 19.38.020.E.2), in an M-2 PD District (PD Plan #24, Map #79)

(Negative Declaration; Published Shafter Press) (from 3/9/2004) - OPENED HEARING; TOM FALLGATTER, REPRESENTING J.P. OIL COMPANY, INC.; BRUCE ANDERSON, AGENT FOR ANDY SHARP; AND BARRY HANSON, J.P. OIL COMPANY, INC., HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-081 DISAPPROVING GENERAL PLAN AMENDMENT, ZONE CHANGE, AND PRECISE DEVELOPMENT PLAN

Patrick-Maben: All Ayes

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *6) **Request from Doug Baerg to change the permitted uses from agriculture to low-density residential on 14,040 square feet located on the east side of Poplar Avenue, approximately 640 feet south of Riverside Street, Shafter (SD 1)**

Specific Request:

A change in zone classification from A to R-1 or a more restrictive district (ZCC #4, Map #79-21)

(General Rule, Section 15061(b)(3); Published Shafter Press) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-082 AND ENACTED ORDINANCE G-7087 APPROVING ZONE CHANGE AS REQUESTED

Watson-Patrick: All Ayes

- *7) **Request from Jasman Development LP for adoption of an ordinance approving Development Agreement 2, Map 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:

- (a) Adoption of an ordinance approving a Development Agreement with Jasman Development LP fixing current rules, regulations, and official policies for a period of ten years in exchange for additional benefits to the County that exceed the benefits normally derived from development projects of this type, applicable to the following projects: McAllister Ranch Specific Plan and related approvals
- (b) Request to waive the requirement for signatures of mineral rights owners on the Development Agreement pursuant to Section 19.103.030(D) of the Zoning Ordinance (Dev Agr. #2, Map #122)

(Special Situation, Section 15183; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2004-083 AND ENACTED ORDINANCE G-7088 APPROVING DEVELOPMENT AGREEMENT 2, MAP 122; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 216-2004; APPROVED WAIVER OF SIGNATURES OF MINERAL RIGHTS OWNERS AS RECOMMENDED BY STAFF

Watson-Patrick: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #1

- *8) Proposed Notice of Nonrenewal Petition 04-10 by the Kermeth and Patricia Anderson Trust for approximately 39 acres within Agricultural Preserve No. 8 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Patrick: All Ayes

Miscellaneous

All S.D.'s

- *9) Proposed Amendment No. 5 to Agreement 910-2003 with Garcia and Associates for completion of the Kern County Valley Floor Habitat Conservation Plan to expand duties and increase compensation by \$21,700 for a new total not to exceed \$101,200 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 217-2004

Watson-Patrick: All Ayes

- *10) Request to set hearing for the Rosamond Community Services District proposal to amend the Kern County Land Division Ordinance (Title 18 of the Kern County Ordinance Code) to add a new Chapter 18.102 Park Land Dedication Ordinance for the Rosamond Community Services District - SET HEARING FOR TUESDAY, APRIL 20, 2004, AT 2:00 P.M.; DIRECTED COUNTY COUNSEL TO PREPARE A FAIR AND ADEQUATE SUMMARY; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH THE SUMMARY AND NOTICE IN ACCORDANCE WITH SECTION 25124(b)(1) OF THE CALIFORNIA GOVERNMENT CODE

Watson-Patrick: All Ayes

AIR POLLUTION CONTROL DISTRICT

All S.D.'s

- *11) Request to appropriate unanticipated revenue from the District to cover increased salary costs - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$16,300 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO AIR QUALITY CONTROL, BUDGET UNIT 4112, IN THE AMOUNT OF \$16,300

Watson-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

Hearing

S.D. #5

- 12) Public Hearing for proposed amendments to the County of Kern's Fiscal Year 2003-2004 Annual Action Plan to create Community Development Block Grant (CDBG) Activity No. 29.03.2, Lamont Curb and Gutter Improvements (Phase I); cancel CDBG Activity No. 29.03.1, Lamont Pedestrian Pathway Improvements, and direct use of budget balances from Activities Nos. 29.98.2, Lamont Panama Road Drainage Improvements, 29.00.1, Lamont Drain Field Improvements, and 29.03.1, Lamont Pedestrian Pathway Improvements - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENTS TO COUNTY'S FISCAL YEAR 2003-2004 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT PROGRAMS TO CREATE CD ACTIVITY NO. 29.03.2, LAMONT CURB AND GUTTER IMPROVEMENTS (PHASE I), AND CANCEL CD ACTIVITY NO. 29.03.1, LAMONT PEDESTRIAN PATHWAY IMPROVEMENTS; AUTHORIZED THE NECESSARY HUD AND COUNTY BUDGET ADJUSTMENTS; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Parra-Patrick: All Ayes

S.D. #2

- *13) Proposed Agreement with the City of Tehachapi for design and land acquisition of Northside Neighborhood Park, Activity No. 20.02.1, in an amount not to exceed \$124,200 in Community Development Block Grant funds - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 218-2004

Watson-Patrick: All Ayes

S.D. #3

- *14) Proposed Agreement with the North Bakersfield Recreation and Park District for design and construction of Willow Tree Day Care Center Expansion, Activity No. 1.03.2, in an amount not to exceed \$165,000 in Community Development Block Grant funds - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 219-2004

Watson-Patrick: All Ayes

S.D. #5

- *15) Proposed Agreement with National Farm Workers Service Center, Inc., to obligate \$1,600,000 in HOME Program funds for partial financing of Project No. 33.03.4, Comunidad 16 de Septiembre, 1965 (Bakersfield Apartments) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 220-2004; AUTHORIZED DIRECTOR TO EXECUTE REQUIRED DOCUMENTS TO IMPLEMENT THE PROJECT, INCLUDING A DEED RESTRICTION AGREEMENT, A SECURITY AGREEMENT, ESCROW INSTRUCTIONS, SUBORDINATION AGREEMENTS, ASSIGNMENT AND ASSUMPTION AGREEMENTS, AND OTHER DOCUMENTS AS REQUIRED, ALL IN A FORM APPROVED BY COUNTY COUNSEL

Watson-Patrick: All Ayes

All S.D.'s

- *16) Authorization for Reconveyance of Security Interest in real property for Z-E Enterprises (CD No. 36.82.4a) - AUTHORIZED DIRECTOR TO TAKE ALL ACTIONS NECESSARY TO RELEASE THE COUNTY'S REAL PROPERTY LIEN

Watson-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

Hearings

S.D. #1

- *17) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at Scodie Canyon Road, Onyx, APN 321-181-03, \$7,650 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2004-084 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)

Watson-Patrick: All Ayes

S.D. #2

- *18) Hearing for the abatement of a public nuisance involving demolition of abandoned and dangerous structure(s) at 16967 Bellaire Avenue, North Edwards, APN 230-161-14, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-085 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

Watson-Patrick: All Ayes

S.D. #3

- *19) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 508 Willow Drive, Bakersfield, APN 115-110-24, \$949 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2004-086 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)

Watson-Patrick: All Ayes

S.D. #4

- 20) Proposed Resolution ordering the extension of Zone of Benefit Nos. 7, 8 and 10 in County Service Area No. 71 and establishing assessments within County Service Area No. 71, Zone of Benefit Nos. 3, 5, 7, 8 and 10 within the boundaries of Tract 5858, located west of Bakersfield, south of Johnson Road, west of Wegis Avenue, Bakersfield - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED ARE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7089 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2004-087 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$130 PER PARCEL FOR STREET LIGHT MAINTENANCE, \$12 PER PARCEL FOR SEPTIC MONITORING, \$36 PER PARCEL FOR STREET SWEEPING - LARGE LOT, \$50 PER PARCEL FOR DRAINAGE FACILITIES MAINTENANCE - LARGE LOT, \$1,500 PER PARCEL FOR LANDSCAPE AND WALL MAINTENANCE, \$450 PER PARCEL FOR MULTI-USE TRAIL, LANDSCAPE AND WALL MAINTENANCE; DETERMINING TO ADOPT AND ACCEPT AN ORDINANCE ENACTING ASSESSMENTS FOR THE AREA INCLUDED WITHIN THE BOUNDARIES EXTENDED HEREIN; ORDERING THE EXTENSION OF ZONE OF BENEFIT NOS. 7, 8 AND 10 IN COUNTY SERVICE AREA NO. 71

Watson-Maben: All Ayes

NOTE: AGENDA ITEM NO. 21 WAS ORIGINALLY APPROVED ON THE CONSENT AGENDA BUT WAS RECONSIDERED IN ITS NORMAL SEQUENCE.

MOTION TO RECONSIDER AGENDA ITEM NO. 21 WAS APPROVED

Watson-Maben: All Ayes

- 21) Hearing for the abatement of a public nuisance involving demolition of abandoned and dangerous structure(s) at 5152 Cannon Street, Bakersfield, APN 104-153-10, estimated cost \$6,500 - OPENED HEARING; JESUS R. GARZA, HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-088 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 60 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF THE DEMOLITION CONTRACT

Watson-Maben: All Ayes

- *22) Hearing for the abatement of a public nuisance involving demolition of abandoned and dangerous structure(s) at 324 Valley Trail, Frazier Park, APN 260-124-06; estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-089 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

Watson-Patrick: All Ayes

S.D. #5

- *23) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 1309 and 1311 Flower Street, Bakersfield, APN 127-030-03, \$1,425 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2004-090 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)

Watson-Patrick: All Ayes

- *24) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 1026-1028 Lincoln Street, Bakersfield, APN 127-160-11, \$1,093.75 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2004-091 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)

Watson-Patrick: All Ayes

S.D. #1

- *25) Request to release Oildale Planned Drainage Area fee lien, Lot 2 of Parcel Map No. 7121, because fee has been paid - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Patrick: All Ayes

- *26) Request to release Oildale Planned Drainage Area fee lien, Lot C of Parcel Map No. 8814, because fee has been paid - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Patrick: All Ayes

- *27) Contract No. 03018, Final Plans, Specifications, and Notice to Contractors for proposal and contract for construction of Rand Water Tank Replacement - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20150 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, MAY 5, 2004, AT 11:00 A.M.

Watson-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #3

- *28) Easement Deed and proposed Right-of-Way contract from Janis G. Pursel providing for the purchase of approximately 72 square feet of property necessary for the improvement of Eucalyptus Drive, in the amount of \$500 - ACCEPTED DEED; DIRECTED CLERK OF THE BOARD TO RECORD; AUTHORIZED CHAIRMAN TO SIGN RIGHT-OF-WAY CONTRACT (AGREEMENT 221-2004); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE PAYMENT

Watson-Patrick: All Ayes

S.D.'s #1 & #2

- *29) Contract No. 04013, Plans, Specifications, and Notice to Contractors for manufacturing and delivering asphalt concrete (stockpile) at various locations in east Kern County - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM REQUIREMENTS OF CALIFORNIA ENVIRONMENTAL QUALITY ACT, PER SECTION 15301(c) OF STATE CEQA GUIDELINES; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, APRIL 21, 2004, AT 11:00 A.M.

Watson-Patrick: All Ayes

All S.D.'s

- *30) Contract No. 04012, Plans, Specifications, and Notice to Contractors for manufacturing and delivering asphalt concrete (stockpile) at various locations in Kern County - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM REQUIREMENTS OF CALIFORNIA ENVIRONMENTAL QUALITY ACT, PER SECTION 15301(c) OF STATE CEQA GUIDELINES; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, APRIL 21, 2004, AT 11:00 A.M.

Watson-Patrick: All Ayes

WASTE MANAGEMENT

S.D. #4

- *31) Proposed Plans and Special Provisions for construction of the landfill gas collection system at Shafter-Wasco Sanitary Landfill - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15330; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; AUTHORIZED WASTE MANAGEMENT TO PUBLISH NOTICE TO CONTRACTORS; BID OPENING TO BE WEDNESDAY, APRIL 28, 2004, AT 11:00 A.M.

Watson-Patrick: All Ayes

All S.D.'s

- *32) Proposed Amendment to Agreement 209-2003 with Bakersfield Association of Retarded Citizens to provide Cathode Ray Tube Recycling Services to extend the term for up to seven months, with no change in compensation - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 222-2004

Watson-Patrick: All Ayes

- *33) Proposed 2004 Agreement with Clean Harbors Environmental Services, Inc., to provide household hazardous waste collection services, in an amount not to exceed \$750,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 223-2004

Watson-Patrick: All Ayes

- *34 Proposed Resolution to authorize submission of an application to the California Integrated Waste Management Board for the Household Hazardous Waste Discretionary Grant Program for Fiscal Year 2004-2005, in an amount not to exceed \$300,000 - APPROVED; ADOPTED RESOLUTION 2004-092

Watson-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *35) Proposed response to Grand Jury Report entitled Kern County Fire Department - APPROVED; AUTHORIZED CHAIRMAN TO SIGN APPROPRIATE CORRESPONDENCE

Watson-Patrick: All Ayes

- *36) Transfer of property tax entitlement related to City of Delano Annexation No. 34, Local Agency Formation Commission (LAFCO) Proceeding No. 1378 - ADOPTED RESOLUTION 2004-093 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF DELANO COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Watson-Patrick: All Ayes

- *37) Proposed transfer of funds for participation in Medi-Cal Disproportionate Share Hospital Program for Fiscal Year 2003-2004 - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE TO APPROPRIATIONS FOR CONTINGENCIES IN THE AMOUNT OF \$24,774,212; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES IN THE AMOUNT OF \$24,774,212 TO BUDGET UNIT 4204; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE INTERGOVERNMENTAL TRANSFER

Watson-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- *38) Proposed retroactive Sublease Agreement with State of California, Employment Development Department (EDD), for EDD's use of a portion of 113 North Central Valley Highway, Shafter, to provide employment services, from July 1, 2003 through June 30, 2005 (\$1,420.71 monthly rent) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 224-2004

Watson-Patrick: All Ayes

- *39) Find that apparent low bid submitted by M & D Construction is non responsive and reject all bids for the Shafter Veteran's Hall remodel (8920.18032) - MADE FINDING; REJECTED ALL BIDS; AUTHORIZED GENERAL SERVICES TO REVISE BID DOCUMENTS

Watson-Patrick: All Ayes

- *40) Change Order No. 1 for reroof of the North Kern Court Building, a decrease of \$6,277, for a new total of \$113,823 (1960.8267) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-Patrick: All Ayes

S.D. #3

- *41) Change Order No. 3 for the new airport terminal at Meadows Field, an increase of \$135,568.17, for a new total of \$19,706,700.06 (8215.8415) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-Patrick: All Ayes

- *42) Proposed Agreement with Dennis Hummel to provide construction consultant and inspection services until June 30, 2005, for the new airport terminal at Meadows Field, in an amount not to exceed \$125,000 (8215.7500) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 225-2004

Watson-Patrick: All Ayes

S.D. #5

- *43) Proposed retroactive Sublease Agreement with State of California, Employment Development Department (EDD) for EDD's use of a portion of 10215 Stobaugh Street, Lamont to provide employment services, from July 1, 2003 through June 30, 2005 (\$2,578.66 monthly rent) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 226-2004

Watson-Patrick: All Ayes

All S.D.'s

- *44) Proposed sole source Agreement with The Gordian Group to administer the Job Order Contract system until March 30, 2007, in an amount not to exceed \$250,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 227-2004

Watson-Patrick: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *45) Budget Transfers - APPROVED NO. 172 THROUGH NO. 181

Watson-Patrick: All Ayes

- *46) Minutes for week of March 8, 2004 - APPROVED WITH CORRECTION TO TUESDAY, MARCH 9, ITEM NO. 7 A.M., TO ADD WORDING, REFERRED TO "**COUNTY ADMINISTRATIVE OFFICE**" AND ELECTIONS; AND CORRECTION TO TUESDAY, MARCH 9, ITEM NO. 14 P.M., TO INSERT WORDING "**AND FOR TUESDAY, MARCH 30, 2004, AT 2:00 P.M.**" BEFORE "AND FOR CONSIDERATION OF DEVELOPMENT AGREEMENT 2, MAP 122"

Watson-Patrick: All Ayes

- *47) Miscellaneous Letters and Documents - FILED

Watson-Patrick: All Ayes

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

Watson-Patrick: All Ayes

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

Watson-Patrick: All Ayes

ADJOURNED TO TUESDAY, APRIL 20, 2004, AT 9:00 A.M.

Patrick-

/s/ Tracey 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.

47) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

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

- 1) Tract Map 6185, Unit 1 S.D. #4
- 2) Tract Map 6185, Unit 2 S.D. #4
- 3) Tract Map 6185, Unit 3 S.D. #4
- 4) Tract Map 6185, Unit 4 S.D. #4
- 5) Tract Map 6185, Unit 5 S.D. #4
- 6) Tract Map 6185, Unit 6 S.D. #4
- 7) Tract Map 6185, Unit 7 S.D. #4
- 8) Tract Map 6185, Unit 8 S.D. #4

Environmental Health

B) Four (4) thank you letters to individuals for donations to the Bakersfield Animal Care Center and Mojave Animal Shelter

General Services

C) Bond No. 6153324 by National Fire Insurance Company of Hartford for Kinder Morgan, Inc., Franchise Ordinance F-248, replacing National Fire Bond No. 929-140-412

Grand Jury

D) 2003-2004 Final Report re Medical Transportation Services in Kern County (Copies to each Supervisor, CAO, Emergency Medical Services, Aging & Adult Services, Roads and Kern COG)

Public Defender

E) Response to minor findings re 2003-2004 audit

Miscellaneous

F) Letter from Russell P. Massaro, Joint Commission on Accreditation of Healthcare Organizations, re Official Accreditation Decision Report (Copies to each Supervisor, CAO and County Counsel)

G) Letter from Senator Dean Florez re distribution of public dollars from the Maddy Emergency Medical Services (EMS) fund (Copies to each Supervisor, CAO, Emergency Medical Services and County Counsel)

H) Letter from Assemblywoman Nicole M. Parra in support of General Plan Amendment for the Miguel and Maria Sanchez commercial site in Lamont (Copies to each Supervisor, CAO, Planning and County Counsel)

I) Letter from L. R. Duncan, California Highway Patrol, re Hazardous Materials Incident Report on Wednesday, March 3, 2004, at 32829 I-5, Lebec (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)

- J) Letter from Doyle Green, California Highway Patrol, re Hazardous Materials Incident Report on Tuesday, March 16, 2004, north bound I-5, north of Copus Road (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)
- K) Letter from Linda Torn, State Department of Health Services, re Child Health and Disability Prevention (CHDP) Program plan and budget approval and local CHDP program administrative allocation for Fiscal Year 2003-2004 (Copies to each Supervisor and CAO)
- L) Letter from Paul Matulich, Del Oro Water Company, re revised engineer's report for Country Estates District General Rate Case (Copies to each Supervisor, CAO and Resource Management Agency)
- M) Letter from Elaine M. Howle, California State Auditor re audit report of counties' administration of Emergency Medical Services (EMS) funds (Copies to each Supervisor, CAO, Emergency Medical Services and County Counsel)
- N) Letter from Wesley M. Crawford, Sr., Martin Luther King Legacy Association, re request for zero tolerance policy concerning tougher gun laws (Copies to each Supervisor, CAO and County Counsel)
- O) Notice from U.S. Environmental Protection Agency re three (3) draft permit modifications which regulate the emission of air pollutants (Public Notice No. SJ 84-01, SJ 85-06 and SJ 85-07) (Copies to each Supervisor, CAO, Resource Management Agency and Planning)
- P) Minutes of meeting from State Department of Fish and Game, Wildlife Conservation Board, on Tuesday, November 18, 2003 (Copies to each Supervisor and CAO)
- 48) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Glenn R. Medina, State Department of Transportation, re Caltrans intent to vacate State highway right-of-way no longer needed along State Route 58 near Mojave - REFERRED TO ROADS (Copies to each Supervisor, CAO and Planning)
- 49) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Patrick Welch vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Karen Shelby vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Walter E. Hartman vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Perry L. Bruce vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- E) Claim in the matter of Robert Oglesby and Lorene Oglesby vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- F) Summons and complaint in the matter of Anabelle Salazar, a Minor, by and through her Guardian Elizabeth Salazar vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- G) Discrimination complaint in the matter of Maria I. Peinado vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)