

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

KERN MEDICAL CENTER  
1830 Flower Street  
Conference Room 1058  
Bakersfield, California

Regular Meeting  
Monday, March 8, 2004

2:00 P.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra  
ROLL CALL: 4 Present; 1 Absent: Patrick

NOTE: Supervisor Patrick was absent due to jury duty.

SALUTE TO FLAG - Led by Supervisor Parra

NOTE: Chairman McQuiston expressed appreciation to the following County staff for their hard work and efforts in coordinating this initial off-site Board meeting at Kern Medical Center:

Denise Pennell, Clerk of the Board; Kern Medical Center staff: Peter Bryan, CEO; Arlene Ramos-Aninion, Office Services Coordinator; Bob Kinsella, KMC Facility Manager; Patty Henry, Public Information Officer; Jeff Eubank, Housekeeping Manager; Saul Betten, General Manager of Support Services; Tony Rizos, Information Systems Manager; Mario Casamalhuapa, Information Systems Analyst; and KGOV staff Rick Davis, Station Manager and Marc Jones, KGOV Editor

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

BOARD ACTION SHOWN IN CAPS

#### PUBLIC PRESENTATIONS

- 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!  
- MICHAEL ROUW ADDRESSED THE BOARD REGARDING COSTS FOR INMATE MEDICAL CARE BEING ABSORBED BY KERN MEDICAL CENTER; COUNTY ADMINISTRATIVE OFFICER SCOTT JONES RESPONDED THAT A REQUEST FOR PROPOSAL IS CURRENTLY BEING DEVELOPED TO ADDRESS THIS ISSUE FOR FUTURE CONSIDERATION BY THE BOARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - AT THE REQUEST OF SUPERVISOR MABEN, REFERRED TO KERN MEDICAL CENTER TO REPORT BACK TO THE BOARD ON MONDAY, MAY 10, 2004 AT 2:00 P.M. REGARDING THE COST EFFECTIVENESS OF THE BARIATRIC SURGERY PROGRAM AT KMC

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

DEPARTMENTAL REQUESTS

COUNTY COUNSEL

- 3) Report on Board referral of February 17, 2004, relating to medical malpractice coverage for Kern Medical Center physicians - RECEIVED AND FILED

**Watson-Parra: 4 Ayes; 1 Absent - Patrick**

COUNTY COUNSEL WAS DIRECTED TO REPORT BACK TO THE BOARD WITH A COST BENEFIT ANALYSIS OF THE LEVEL OF COVERAGE FOR MEDICAL MALPRACTICE INSURANCE

KERN MEDICAL CENTER

- 4) Update report regarding Kern Medical Center's financial condition - RECEIVED AND FILED

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

KERN MEDICAL CENTER WAS DIRECTED TO REVIEW DISPROPORTIONATE SHARE HOSPITAL PAYMENTS FOR REPORT BACK TO THE BOARD

- 5) Acceptance of restricted donation in the amount of \$98,000 from Kern Medical Center's Auxiliary - DIANA KLEIWER, KERN MEDICAL CENTER AUXILIARY HEARD; CONTINUED TO TUESDAY, MARCH 16, 2004 AT 9:00 A.M.

**Watson-Parra: 4 Ayes; 1 Absent - Patrick**

- 6) Proposed retroactive Agreement with Bakersfield Dialysis Center Medical Group, Inc., for dialysis treatments and related services for KMC patients, from June 1, 2003 though May 31, 2006, in an amount not to exceed \$360,000 (from February 10, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 129-2004

**Parra-Watson: 4 Ayes; 1 Absent - Patrick**

- 7) Report regarding Kern Medical Center's Level II Trauma Center - DR. RAY CHUNG, MEDICAL DIRECTOR OF THE TRAUMA CENTER, MADE A VERBAL PRESENTATION; RECEIVED AND FILED

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

- \*8) Proposed retroactive Agreement with Jamshid Jamshidian, M.D., for radiology services, from February 18, 2004 through February 17, 2005, in an amount not to exceed \$174,000 (from February 17 and February 24, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 130-2004

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

- \*9) Notification of retroactive Agreement with Bright House Networks, LLC, for Cable Television Maintenance - RECEIVED AND FILED

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

- \*10) Notification of retroactive Agreement with Bright House Networks, LLC, for Cable Television Services - RECEIVED AND FILED

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

- \*11) Notification of retroactive Agreement with Psychiatrists Only, for temporary physician staffing in the Department of Psychiatry - RECEIVED AND FILED

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

- \*12) Notification of retroactive Agreement with Genetics Center, Inc., for the provision of genetics counseling to OB/GYN clinic patients at KMC - RECEIVED AND FILED

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

- \*13) Proposed changes in clinical privilege status for nine (9) members of Kern Medical Center's Medical Staff - APPROVED

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

NOTE: ITEMS 14 AND 17 WERE HEARD CONCURRENTLY

- 14) Proposed retroactive Amendment No. 4 to Agreement 693-2000 with Jack H. Bloch, M.D., for professional surgical services, extending the term of the Agreement for one year through July 2, 2004, and increasing the not to exceed amount by \$435,000 to \$1,160,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 131-2004

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

COUNTY STAFF WAS DIRECTED TO CONTINUE ADVANCE NOTIFICATION OF ANTICIPATED RETROACTIVE AGREEMENTS PRIOR TO THE BOARD'S CONSIDERATION OF THE FINAL RETROACTIVE AGREEMENT

- 15) Proposed Amendment No. 1 to Agreement No. 531-2003 with Sher Institute, for reproductive endocrinology and infertility services to KMC patients, adding two additional physicians to provide professional services, and clarifying contract language - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 132-2004

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

- \*16) Proposed Amendment No. 3 to Agreement No. 1038-2002 with Kenneth Newcomb, for consultation and technical review of charging and charge master compliance, extending the term six months from March 26, 2004 through September 26, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 133-2004

**Watson-Parra: 4 Ayes; 1 Absent - Patrick**

- 17) Proposed retroactive Agreement with Jim Malone, DPM, dba California Foot Doctors, for podiatry services, from August 3, 2003 through August 2, 2005, in an amount not to exceed \$300,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 134-2004

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

NOTE: ITEMS 18-26 WERE HEARD CONCURRENTLY

NOTE: MICHAEL ROUW ADDRESSED THE BOARD ON ITEMS 18 THROUGH 23 AND ITEM 25 RELATIVE TO REIMBURSEMENT TO PHYSICIANS FOR TRAVEL OUT OF THE COUNTRY AND REQUESTED ELIMINATION OF THOSE BENEFITS; KMC CEO PETER BRYAN RESPONDED TO QUESTIONS BY THE BOARD

NOTE: AGENDA ITEMS 18 THROUGH 26 WERE APPROVED WITH A 4-0 VOTE UPON MOTION BY SUPERVISOR WATSON AND SECONDED BY SUPERVISOR MABEN WITH SUPERVISOR PATRICK ABSENT.

MOTION TO RECONSIDER AGENDA ITEMS 18 THROUGH 26 WAS APPROVED

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

SCOTT MCHONE, CPA, EXPRESSED CONCERNS REGARDING CONTRACTS AND REIMBURSEMENTS AT KERN MEDICAL CENTER; FOLLOWING MR. MCHONE'S COMMENTS, THE BOARD TOOK FINAL ACTION ON AGENDA ITEMS 18 THROUGH 26

- 18) Proposed Agreement with David M. Moore, M.D., for family practice coverage, from March 20, 2004 through March 19, 2009, in an amount not to exceed \$716,590 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 135-2004

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

- 19) Proposed Agreement with J. Paul Miller, M.D., for family practice coverage, from March 20, 2004 through March 19, 2009, in an amount not to exceed \$674,335 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 136-2004

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

- 20) Proposed Agreement with Mansukh R. Ghadiya, M.D., for family practice coverage, from March 20, 2004 through March 19, 2009, in an amount not to exceed \$558,195 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 137-2004

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

- 21) Proposed Agreement with Fidel B. Huerta, M.D., for family practice coverage, from March 20, 2004 through March 19, 2009, in an amount not to exceed \$691,630 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 138-2004

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

- 22) Proposed Agreement with Richard E. Frelinger, D.O., for family practice coverage, from March 20, 2004 through March 19, 2009, in an amount not to exceed \$668,490 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 139-2004

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

- 23) Proposed Agreement with Nurun N. Khandaker, M.D., for family practice coverage, from March 20, 2004 through March 19, 2009, in an amount not to exceed \$686,005 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 140-2004

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

- 24) Proposed Agreement with Cary H. Freeman, M.D., for ophthalmology services, from March 20, 2004 through March 19, 2009, in an amount not to exceed \$407,955 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 141-2004

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

- 25) Proposed Agreement with Mia C. M. Lagunda, M.D., for pediatric services, from April 5, 2004 through April 4, 2009, in an amount not to exceed \$135,000 per the 12-month term of the interim agreement - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 142-2004

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

- 26) Proposed Agreement with Anna A. Chan, M.D., for radiology coverage, from March 15, 2004 through March 14, 2005, in an amount not to exceed \$50,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 143-2004

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

- 27) Proposed Agreement with TWIN Medical Transaction Services, Inc., for revenue enhancement services, from March 8, 2004 through March 7, 2006, (contractor to be paid based on schedule of accounts specified in agreement) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 144-2004

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

- \*28) Proposed addition of one (1) full-time Clinical Manager position, and deletion of one (1) full-time Medical Records Manager position, effective March 8, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

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

- \*29) Proposed transfer of funds for State Emergency Services and Supplemental Payments Program - AUTHORIZED KMC'S PARTICIPATION IN SB1255 SUPPLEMENTAL PROGRAM; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$20,000,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO CONTRIBUTIONS TO MEDICAL CARE, BUDGET UNIT 4204, IN THE AMOUNT OF \$20,000,000; APPROVED PAYMENT TO THE STATE DEPARTMENT OF HEALTH SERVICES EMERGENCY SERVICES AND SUPPLEMENTAL PAYMENTS FUND IN AN AMOUNT NOT TO EXCEED \$20,000,000 FROM CONTRIBUTIONS TO MEDICAL CARE, BUDGET UNIT 4204

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

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

**Parra-**

/s/ Denise Pennell  
Clerk of the Board

/s/ Jon McQuiston  
Chairman, Board of Supervisors

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

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

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, March 9, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

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 March 29 - April 4, 2004 as Scottish Heritage Week in Kern County - PROCLAIMED; MADE PRESENTATION TO KENNETH MCMASTER; KENNETH MCMASTER HEARD

**Watson-Maben: All Ayes**

- 2) Proclamation proclaiming March as Professional Social Work Appreciation Month in Kern County - PROCLAIMED; MADE PRESENTATION TO BEVERLY JOHNSON; BEVERLY JOHNSON, ISAAC CRAWFORD, AND ROD MUNOZ, HEARD

**Maben-Patrick: All Ayes**

#### PUBLIC REQUESTS

- \*3) Request from Tammy Burns, Child Care Facilitator, Kern County Child Care Council to submit October 1 - December 31, 2003 quarterly report - RECEIVED AND FILED

**Maben-Parra: All Ayes**

APPOINTMENTS

- \*4) Appointment of Robert Allen Shankerman, M.D. as Medical Professional Member of the Acquired Immune Deficiency Advisory Board, term to expire August 16, 2005 - MADE APPOINTMENT

**Maben-Parra: All Ayes**

- \*5) Appointment of Marti Overfield as Second District Member to the Commission on Aging, term to expire September 29, 2005 - MADE APPOINTMENT

**Maben-Parra: All Ayes**

- \*6) Appointment of Chad Hathaway as Urban Consumer Member to the Emergency Medical Care Advisory Board, term to expire at the pleasure of the Board - MADE APPOINTMENT

**Maben-Parra: All Ayes**

PUBLIC PRESENTATIONS

- 7) 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!  
- JOE DREW, CHAIRMAN, AND DANIELLE MCKINNEY, VICE-PRESIDENT, KERN ECONOMIC DEVELOPMENT CORPORATION (KEDC), PRESENTED SUPERVISOR PETE PARRA WITH A PLAQUE IN APPRECIATION FOR HIS INVESTMENT OF TIME, TALENT AND TREASURE IN THE KEDC AND THE ECONOMIC GROWTH OF KERN COUNTY DURING HIS TENURE AS 2003 CHAIRMAN OF THE BOARD OF SUPERVISORS

ROY WEYGAND, PRESIDENT OF KERN COUNTY TAX PAYER'S ASSOCIATION, DISCUSSED THE SUCCESS OF THE AUTOMATED ELECTION PROCESS DURING THE MARCH ELECTION AND EXPRESSED CONCERN REGARDING THE ELECTION RESULTS WEB SITE FAILURE

REFERRED TO ELECTIONS TO REPORT BACK TO THE BOARD ON THE STATUS OF THE ELECTION RESULTS WEB PAGE

**Maben-Patrick: All Ayes**



BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 8) 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 ANNOUNCED THAT SHE WAS ON JURY DUTY ON MONDAY, MARCH 8, 2004, AND EXPRESSED DISAPPOINTMENT IN MISSING THE MEETING AT KERN MEDICAL CENTER

DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

- \*9) Request for authorization to submit Application for Federal Assistance in the amount \$500,000 to the United States Department of Agricultural Animal and Plant Health Inspection Service, Plant Protection and Quarantine for the development of Pest Management Strategies for the Glassywinged Sharpshooter in Kern County - APPROVED; AUTHORIZED CHAIRMAN TO SIGN APPLICATION AND ACCOMPANYING CERTIFICATION IN SUBSTANTIALLY THE FORM SUBMITTED, SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL; AUTHORIZED DEPARTMENT TO SUBMIT APPLICATION

**Maben-Parra: All Ayes**

AIRPORTS

- \*10) Proposed month-to-month Hangar Lease Agreement with Steve Davis for Cloverleaf Hangar #22 at Meadows Field Airport, Bakersfield, at a monthly rate of \$130, to be reviewed annually - MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15301 OF CEQA; DIRECTED CLERK OF THE BOARD TO FILE A COPY OF THE NOTICE OF EXEMPTION IF REQUESTED; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 145-2004

**Maben-Parra: All Ayes**

ASSESSOR-RECORDER

- \*11) Request to hire retired County employee, James Resseguie, as an Appraiser III, Range 56, Step E, for not more than 120 working days or 960 hours, whichever is greater, in the 12-month period following the date of employment - APPROVED

**Maben-Parra: All Ayes**

AUDITOR-CONTROLLER-COUNTY CLERK

- \*12) Request to eliminate the ACO-Road Fund (00008), and authorize the Auditor-Controller-County Clerk to transfer all remaining funds to the Road Fund (00007) - APPROVED

**Maben-Parra: All Ayes**

BOARD OF TRADE

- \*13) Request to approve eighteen (18) Tourism Promotion Grants recommended by the Tourism Promotion Grant Committee in the amount of \$100,000, and authorize Executive Director to prepare the necessary contracts - APPROVED

**Maben-Parra: All Ayes**

CHILD SUPPORT SERVICES

- \*14) Proposed Amendment No. 1 to Agreement 923-2002 with Laboratory Corporation of America Holdings for genetic testing to establish parentage, to increase compensation from \$50,000 to \$140,000, Fiscal Year 2003-2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 146-2004

**Maben-Parra: All Ayes**

COUNTY COUNSEL

- \*15) Proposed Ordinance adding Subsections (162) and (163) to Section 10.16.041, Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning no stopping zones on the north and south sides of Olive Drive - WAIVED READING; INTRODUCED ORDINANCE

**Maben-Parra: All Ayes**

- \*16) Proposed Ordinance adding Subsection (4) to Section 10.16.057 and adding Subsection (3) to Section 10.16.205 of Chapter 10.16, Title 10, of the Ordinance Code of the County of Kern establishing a no stopping zone and a three-minute loading zone on O Street in Mojave, California - WAIVED READING; INTRODUCED ORDINANCE

**Maben-Parra: All Ayes**

EMPLOYERS' TRAINING RESOURCE

- \*17) Proposed Resolution approving additional service credit (Golden Handshake) under Government Code Section 31641.04 for the purpose of encouraging early retirement for one (1) Program Coordinator and one (1) Deputy Director; and deletion of (1) Program Coordinator and one (1) Deputy Director positions, effective March 28, 2004 - APPROVED; ADOPTED RESOLUTION 2004-048; REFERRED TO PERSONNEL DEPARTMENT TO AMEND DEPARTMENTAL POSITION AND SALARY SCHEDULE

**Maben-Parra: All Ayes**

- \*18) Request for authorization to submit an application for Employers' Training Resource's regional healthcare training collaboration as a model site for the High Growth Job Training Initiative - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF SUPPORT; AUTHORIZED ETR AS FISCAL AGENT FOR RECEIPT OF AWARD FUNDS; AUTHORIZED ETR DIRECTOR TO SIGN REQUIRED DOCUMENTS

**Maben-Parra: All Ayes**

- \*19) Request for authorization to apply for Workforce Investment Act Governor's 25% Discretionary Funding to provide dislocated worker and rapid response services - APPROVED; AUTHORIZED ETR AS FISCAL AGENT; AUTHORIZED ETR DIRECTOR TO SIGN REQUIRED DOCUMENTS

**Maben-Parra: All Ayes**

- \*20) Proposed Agreement with the Kern County Network for Children for the Leaders in Life Youth Conference from March 9, 2004 through June 30, 2004, in an amount not to exceed \$5,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 147-2004

**Maben-Parra: All Ayes**

- \*21) Proposed retroactive Agreement with ARBOR E&T to provide paid work experience opportunities to eligible CalWORKs customers from November 10, 2003 through June 30, 2004, in an amount not to exceed \$77,896 (prior notification on January 6, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 148-2004

**Maben-Parra: All Ayes**

- \*22) Proposed retroactive Agreement with West Side Regional Occupational Program to provide paid work experience opportunities to eligible customers in Taft and its surrounding areas from November 10, 2003 through June 30, 2004, in an amount not to exceed \$25,447 (prior notification on January 6, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 149-2004

**Maben-Parra: All Ayes**

HUMAN SERVICES

- \*23) Request for clarification that the positions titles approved on February 3, 2004 are for 15 Human Services Technician I/II/III - APPROVED

**Maben-Parra: All Ayes**

- \*24) Proposed retroactive approval of submission of response to First 5 Kern's "Certified Application Assistants" request for proposal - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-Parra: All Ayes**

MENTAL HEALTH SERVICES

- \*25) Proposed addition of one (1) Office Services Technician position in Budget Unit 4120; and deletion of one (1) Office Services Assistant position in Budget Unit 4123, effective March 9, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**Maben-Parra: All Ayes**

- \*26) Proposed Amendment No. 1 to Agreement No. 446-2003 with Restoration Village Treatment Center, Inc., dba Hannah's Haven, for outpatient drug free services for clients residing in Kern County, to increase the number of treatment slots available and allow for Substance Abuse Prevention Act (SACPA) funded services to be provided, and increase compensation from \$107,524 to an amount not to exceed \$162,136 (an increase of \$54,612) (Medi-Cal, Grant; Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 150-2004

**Maben-Parra: All Ayes**

PARKS AND RECREATION DEPARTMENT

- \*27) Appropriation of unanticipated revenue in the amount of \$26,250 from Proposition 12, Roberti Z'Berg-Harris funds for rehabilitation of the Lake Webb Campground Area - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$26,250 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$26,250 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 1960

**Maben-Parra: All Ayes**

PUBLIC HEALTH SERVICES

- \*28) Request for approval of unusual travel for the Director of Kern County Public Health Laboratory to attend the Annual Coccidioidomycosis (Valley Fever) Study Group Meeting in Rosarita, Baja California, Mexico from April 2, 2004 through April 4, 2004, in an amount not to exceed \$1,000 (travel costs reimbursed through special grant funds) - APPROVED

**Maben-Parra: All Ayes**

- \*29) Proposed retroactive Agreement with the County of Kings for epidemiology services, from February 24, 2004 through June 30, 2004, in an amount not to exceed \$21,000 (prior notification October 28, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 151-2004

**Maben-Parra: All Ayes**

- \*30) Proposed Memorandum of Understanding with California Children's Services for the Universal Care for the Healthy Families Program - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 152-2004

**Maben-Parra: All Ayes**

RETIREMENT ASSOCIATION

- 31) Revised Kern County Employees' Retirement Association Rules of Procedure for Disability Retirement, combining Rules 10 and 11 regarding administrative reports and administrative action - APPROVED; REFERRED TO COUNTY COUNSEL TO REPORT BACK TO THE BOARD ON THE LEVEL OF AUTHORITY AND DISCRETION OF THE BOARD OF SUPERVISORS, BOARD OF RETIREMENT, PERSONNEL DEPARTMENT, AND WORKERS COMPENSATION IN DEALING WITH INJURED AND DISABLED COUNTY EMPLOYEES

**Watson - Patrick: All Ayes**

SHERIFF

- \*32) Unusual travel request for Senior Deputy Tim Melanson to attend a training course in Parkway, Virginia, from April 19, 2004 to April 30, 2004, at no cost to County - APPROVED

**Maben-Parra: All Ayes**

- 33) Recommended ratification of extra pay for four sheriff's commanders - CONTINUED TO TUESDAY, MARCH 23, 2004 AT 9:00 A.M.

**Maben-Watson: All Ayes**

SUPERIOR COURT

- \*34) Request to employ retired County employee Larry Rhoades effective March 22, 2004 in the position of Chief Probation Officer, Salary Range 70.4, Step E, to include payment of KernFlex management benefits and department head automobile allowance, 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**

ADJOURNED AS BOARD OF SUPERVISORS AND RECONVENED AS IHSS PUBLIC AUTHORITY

**Parra**

ADJOURNED TO CLOSED SESSION

**Parra**

CLOSED SESSION

IHSS PUBLIC AUTHORITY

- 35) In-Home Supportive Services Public Authority Request for Closed Session regarding Meet and Confer, UDWA -

RECONVENED FROM CLOSED SESSION WITH ALL MEMBERS PRESENT;  
ADJOURNED AS IHSS PUBLIC AUTHORITY AND RECONVENED AS BOARD OF SUPERVISORS

**Parra-Maben**

ADJOURNED TO CLOSED SESSION

**Watson**

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

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

COUNTY COUNSEL

- 38) Request for Closed Session regarding significant exposure to litigation against the County (one case) (Government Code Section 54956.9(b)(3)(B)) -
- 39) Request for Closed Session regarding a lawsuit or proceeding formally initiated (Government Code Section 54956.9(a)) -
- 40) Request for Closed Session regarding a lawsuit entitled California Farm Bureau Federation, et al vs. California Department of Forestry and Fire Protection, County of Kern, et al (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-Patrick**

/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 9, 2004

2:00 P.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra  
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

PUBLIC REQUESTS

DEBT ADVISORY COMMITTEE

Hearing

S.D. #5

- 1) TEFRA hearing and proposed Resolution to approve issuance of \$7,000,000 in multifamily housing revenue bonds by the California Statewide Communities Development Authority for Corporation for Better Housing, Cottonwood Village Phase II - OPENED HEARING; BEN LINGO HEARD ON BEHALF OF CORPORATION FOR BETTER HOUSING; CLOSED HEARING; APPROVED ISSUANCE OF BONDS FOR PURPOSES OF TEFRA BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY; APPROVED ISSUANCE FOR PURPOSES OF JOINT POWERS AGREEMENT WITH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY; ADOPTED RESOLUTION 2004-049  
**Parra-Watson: All Ayes**

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!**  
- RACHEL MILLER ADDRESSED THE BOARD REGARDING RADIATION AND SOIL CONTAMINATION CONCERNS AT SAFETY-KLEEN

REFERRED TO COUNTY COUNSEL AND PLANNING TO REPORT BACK TO THE BOARD REGARDING THIS MATTER

**Watson-Patrick: All Ayes**

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

HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- \*4) **Request from AB Energy, Inc., to change the permitted uses from 20-acre residential to exclusive agriculture with wind energy combining on 80 acres and a request to allow various setback reductions for four wind turbines located approximately seven miles west of Mojave, approximately one mile north of Oak Creek Road, Mojave area (SD 2)**

Specific Request:

- (a) A change in zone classification from E (20) RS to A WE or a more restrictive district (ZCC #57, Map #198)  
(b) A Zone Variance to allow various setback reductions for four wind turbines (Section 19.64.140.F) in an A WE District (ZV #29, Map #198)

(Negative Declaration; Published Mojave Desert News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2004-050 AND 2004-051 AND ENACTED ORDINANCE G-7079 APPROVING ZONE CHANGE AS REQUESTED AND APPROVING ZONE VARIANCE SUBJECT TO REVISED CONDITIONS

**Patrick-Parra: All Ayes**



- \*5) **Request from Sikander Jassar by Patrick and Henderson, Inc., to change the permitted uses from 20-acre residential to 5-acre residential on 60 acres located on the south side of East Panama Lane, approximately 1/2 mile east of Cottonwood Road, southeast Bakersfield (SD 5)**

Specific Request:

A change in zone classification from E (20) RS to E (5) RS or a more restrictive district (ZCC #68, Map #124) (Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2004-052 AND ENACTED ORDINANCE G-7080 APPROVING ZONE CHANGE AS REQUESTED

**Patrick-Parra: All Ayes**

GENERAL PLAN AMENDMENT HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

Amendment of the Land Use, Open Space and Conservation Element, Maximum Allowed Land Use Density Table of the Kern County General Plan; Metropolitan Bakersfield General Plan; Western Rosedale Specific Plan; Willow Springs Specific Plan; Amendment of Kern County Airport Land Use Compatibility Plan; Alteration of Agricultural Preserve 13; and other items which include amendments of certain zoning maps and applications and proceedings

- \*6) **Request from Andy Sharp by Bruce Anderson to change the permitted uses from mineral and petroleum to industrial 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) - CONTINUED TO TUESDAY, MARCH 30, 2004, AT 2:00 P.M.

**Patrick-Parra: All Ayes**

- 7) Request from Copa de Oro Land Company by R. L. Abbott and Associates to change the permitted land uses to residential and commercial to allow the development of 1,201 dwelling units on various lot sizes, an 18-hole golf course with accessory uses, and a three-acre neighborhood commercial area; to rescind the existing Special Plan and Development Agreement for the north 300 acres; to adopt a new Special Plan and Development Agreement ordinance fixing current rules, regulations, and official policies for a period of ten years in exchange for additional benefits to the County on 632.23 acres located at the northwest corner of Avenue A and 110th Street West, bounded by Avenue A on the south, Gaskell Road on the north, 110th Street West on the east, and 120th Street West on the west, Willow Springs, eastern Kern County area (SD 2)

Specific Request:

- (a) Amend the Willow Springs Specific Plan from Map Code(s) 5.5/2.8 to Map Code(s) 5.5/4.4/2.8; from Map Code(s) 5.3/4.4/2.8 to Map Code(s) 6.2/4.4/2.8; from Map Code(s) 6.2/4.4/2.8 to Map Code(s) 5.3/4.4/2.8; from Map Code(s) 3.3/2.8 to Map Code(s) 3.3/4.4/2.8 or more restrictive map code designations and to amend the Maximum Allowed Land Use Density Table for the Kern County General Plan; amend the Willow Springs Specific Plan to delete the designated collector alignments along the east-west/north-south midsection lines of the south 1/2 of Section 35, T9N, R14W, SBB&M (SPA #12, Map #232)
  - (b) A change in zone classification from A FPS to SP or a more restrictive district for the south 1/2 of Section 35, T9N, R14W, SBB&M (ZCC #29, Map #232)
  - (c) Rescind Special Plan 1, Map 232, adopted as Ordinance G-6066 on July 22, 1999 (Rescind Special Plan #1, Map #232)
  - (d) Adopt Special Plan 2, Map 232, as an ordinance, in accordance with Chapter 19.52 of the Kern County Zoning Ordinance (Special Plan #2, Map #232)
  - (e) Rescind Development Agreement 2, Map 232 between Kern County and Copa de Oro Land Company, approved on June 3, 2003, as Ordinance G-6998 and recorded as Document No. 0203112937. This Development Agreement is for the approved project on 300 acres of the proposed project, which includes a total of 933 dwellings units on various lot sizes, an 18-hole golf course and accessory uses, and a three-acre neighborhood commercial area (Rescind Dev. Agt. #2, Map #232)
  - (f) Adopt new Development Agreement 3, Map 232 for the entire 632.23 project site (Dev. Agt. #3, Map #232)
- (Negative Declaration; Published Rosamond Weekly News) - WILLIAM NELSON HEARD; CONTINUED TO TUESDAY, APRIL 27, 2004, AT 2:00 P.M.

**Maben-Parra: All Ayes**

- \*8) **Request from C & R Vanderham Dairy to eliminate midsection lines as future collector alignments and a conditional use permit to allow a dairy located on the southeast corner of Riverside Street and Palm Avenue, southwest of Shafter (SD 4)**

Specific Request:

(a) Amend the Circulation Element of the Kern County General Plan to eliminate the midsection lines of Section 24, T28S, R24E, MDB&M, as future collector alignments (GPA #3, Map #78)

(b) A Conditional Use Permit to allow the construction of a dairy (Section 19.12.030.A.2) in an A District (CUP #9, Map #78)

(Environmental Impact Report; Published Bakersfield Californian and Shafter Press) - CONTINUED TO TUESDAY, MAY 11, 2004, AT 2:00 P.M.

**Patrick-Parra: All Ayes**

- 9) **Request from Hageman Northwest, LP by SmithTech/USA, Inc., to change the permitted uses from limited agricultural to suburban residential (1/4 acre) on 160.47 acres located at the southeast corner of Hageman Road and Heath Road, Rosedale (SD 4)**

Specific Request:

(a) Amend the Western Rosedale Specific Plan from Map Code(s) UER to Map Code(s) SR or a more restrictive map code designation (GPA #51, Map #101)

(b) A change in zone classification from A-1 to E (1/4) or a more restrictive district (ZCC #137, Map #101)

(Negative Declaration; Published Bakersfield Californian) - REFERRED BACK TO STAFF

**Watson-Maben: All Ayes**

- \*10) **Request from Miguel and Maria Sanchez by Cannon Associates to change the permitted uses from agriculture to residential and commercial and to exclude approximately 19.07 acres from the boundaries of an Agricultural Preserve located approximately 1/2 mile south of Mountain View Road, west side of Weedpatch Highway, Lamont area (SD 5)**

Specific Request:

(a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) ER to Map Code(s) GC or a more restrictive map code (GPA #18, Map #124)

(b) A change in zone classification from A to E (1) RS FPS and C-2 PD FPS or more restrictive districts (ZCC #69, Map #124)

(c) Exclusion of approximately 19.07 acres from the boundaries of an Agricultural Preserve (Ag Pres #13 - Excl)

(Negative Declaration; Published Lamont Reporter) - CONTINUED TO TUESDAY, APRIL 20, 2004, AT 2:00 P.M.

**Patrick-Parra: All Ayes**

- \*11) **Request from Kern County Planning Department to amend the text of the Kern County Airport Land Use Compatibility Plan to add a Zone E and to amend the text and maps for Mojave Airport to add a Zone E in order to accommodate the future expansion of the Mojave-Rosamond Sanitary Landfill (All SD's)**

Specific Request:

Amend the Kern County Airport Land Use Compatibility Plan to add Zone E to the Compatibility Criteria and related text to create an airport influence zone that allows special circumstance land uses and to add a Zone E to the Comprehensive Land Use Plan and related text for the Mojave Airport to accommodate the expansion of the existing sanitary landfill within the airport influence area (ALUCP Amendment #2, Map #500)

(Categorically Exempt, Section 15305; Published Bakersfield Californian and Mojave Desert News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-053 AMENDING THE KERN COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

**Patrick-Parra: All Ayes**

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY  
Planning Department

Hearing

All S.D.'s

- 12) Proposed extension of Interim Urgency Ordinance regulating structure and tower height within military restricted airspace and low-level flight routes and corridors - OPENED HEARING; WILLIAM NELSON; ED DUGGAN, VICE PRESIDENT OF OPERATIONS, OAK CREEK ENERGY SYSTEMS; AND TONY PARISI, CHINA LAKE NAVAL AIR SYSTEMS COMMAND, WEAPONS DIVISION, HEARD; CLOSED HEARING; WAIVED READING; ENACTED ORDINANCE G-7081 EXTENDING INTERIM ORDINANCE G-7072 FOR A PERIOD OF 10 MONTHS AND 15 DAYS

**Maben-Parra: All Ayes**

Land Use

S.D. #1

- \*13) Proposed Notice of Nonrenewal Petitions 04-4 and 04-5 for Warren and Karen Plaskett by Delmarter and Deifel for approximately 240 acres within Agricultural Preserve No. 14 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

**Patrick-Parra: All Ayes**

S.D. #4

- \*14) Request to set hearing for Jasman Development, LP, proposal to rescind existing Development Agreement and approval of a new Development Agreement, by Ordinance on a 2,070-acre residential/commercial development on the north side of Panama Lane, west of the Allan Road extension, southwest Bakersfield - SET HEARING DATE FOR TUESDAY, MARCH 23, 2004, AT 2:00 P.M. FOR THE RESCISSION OF DEVELOPMENT AGREEMENT 1, MAP 122 AND FOR CONSIDERATION OF DEVELOPMENT AGREEMENT 2, MAP 122; DIRECTED COUNTY COUNSEL TO PREPARE A FAIR AND ADEQUATE SUMMARY; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH SUMMARY AND NOTICE IN ACCORDANCE WITH REQUIREMENTS OF SECTIONS 25124(B)(1) AND 65091 OF THE GOVERNMENT CODE

**Patrick-Parra: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Community and Economic Development Department

S.D. #4

- \*15) Proposed Agreement with the Buttonwillow County Water District for construction of water system improvements, in an amount not to exceed \$293,881 (Activity No. 23.03.1) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 153-2004

**Patrick-Parra: All Ayes**

S.D. #5

- \*16) Subordination Agreement with Bank of America in connection with Cottonwood Village Apartments, Project No. 33.02.7 - AUTHORIZED DIRECTOR TO SIGN SUBORDINATION AGREEMENT AND OTHER ASSOCIATED DOCUMENTS AS MAY BE REQUIRED, ALL IN A FORM APPROVED BY COUNTY COUNSEL

**Patrick-Parra: All Ayes**

All S.D.'s

- \*17) Consistency of Housing Authority of the County of Kern Agency Plan and Annual Plan with the County Consolidated Plan for Community Development Programs - FOUND HOUSING AUTHORITY OF THE COUNTY OF KERN AGENCY PLAN AND ANNUAL PLAN ARE CONSISTENT WITH THE COUNTY'S CONSOLIDATED PLAN; AUTHORIZED CHAIRMAN TO SIGN CERTIFICATION FORM

**Patrick-Parra: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Engineering and Survey Services

Hearing

S.D. #3

- 18) Proposed Resolution ordering the extension of Zone of Benefit No. 2 in County Service Area No. 60 and establishing assessments within County Service Area No. 60, Zone of Benefit Nos. 1 and 2, Parcels 8 and 9 of Parcel Map 10684, located east of Highway 99, south of Seventh Standard road and west of Pegasus Road, Oildale - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7082 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2004-054 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT, APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$80 PER GROSS ACRE FOR STREET LIGHT MAINTENANCE-COMMERCIAL/LARGE LOT, \$24 PER PARCEL FOR STREET SWEEPING-COMMERCIAL/LARGE LOT AND \$200 PER GROSS ACRE FOR DRAINAGE FACILITIES MAINTENANCE-COMMERCIAL/LARGE LOT; 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 NO. 2 IN COUNTY SERVICE AREA NO. 60

**Patrick-Watson: All Ayes**

S.D. #1

- \*19) Request to reduce bonds for Tract 6014, North Hills Drive, approval of completed street, drainage, water and sewer improvements; reduction of Faithful Performance Security in Subdivision Improvement Agreement; and proposed Resolution for acceptance of North Hills Drive for maintenance - APPROVED COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$80,863 TO \$8,090 FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING MARCH 9, 2004; RECEIVED AND FILED LETTER OF CREDIT NO. 2004-21, ISSUED BY MISSION BANK, IN THE AMOUNT OF \$8,090; RELEASED LETTER OF CREDIT NO. 2003-16, IN THE AMOUNT OF \$80,863, TO ISSUING BANK, MISSION BANK; ADOPTED RESOLUTION 2004-055 FOR ACCEPTANCE OF NORTH HILLS DRIVE, WITHIN TRACT 6014, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

**Patrick-Parra: All Ayes**

S.D. #3

- \*20) Proposed Resolution of Intention and request to set public hearing to consider levying assessments and extending Zone of Benefit Nos. 3, 5 and 7 within County Service Area No. 71, west Bakersfield, 11.69 acres, located north of Rosedale Highway and west of Landco Drive - APPROVED; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B) (3) AND SECTION 15273 OF THE STATE CEQA GUIDELINES; SET PUBLIC HEARING FOR TUESDAY, APRIL 27, 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 XIIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION, IF REQUESTED; ADOPTED RESOLUTION 2004-056

**Patrick-Parra: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D. #1

- \*21) Contract No. 04009, Plans, Specifications and Notice to Contractors for construction on Kimberlina Road between State Route 99 and Zerker Road - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT PER SECTIONS 15302 AND 15301(C) OF STATE CEQA GUIDELINES; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION; BID OPENING DATE TO BE WEDNESDAY, MARCH 31, 2004, AT 11:00 A.M.

**Patrick-Parra: All Ayes**

- \*22) Contract No. 04004, Plans, Specifications and Notice to Contractors for construction on Wallace Road and Zachary Avenue between Garces Highway and County Line Road - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT PER SECTIONS 15302 AND 15301(C) OF STATE CEQA GUIDELINES; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION; BID OPENING DATE TO BE WEDNESDAY, MARCH 31, 2004, AT 11:00 A.M.

**Patrick-Parra: All Ayes**

- \*23) Proposed cooperative Agreement with the State of California Department of Transportation (Caltrans) for signal and roadway improvements to State Highway 65 at Seventh Standard Road - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 154-2004

**Patrick-Parra: All Ayes**

S.D. #3

- \*24) Proposed Agreement with Greater Bakersfield Separation of Grade District transferring Calloway Drive Separation of Grade project to the County; acceptance of Grant Deed and proposed Resolution declaring portions of Calloway Drive and Art Street, Slikker Drive and Country Breeze Place as a public highway and incorporating them into the County road system - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 155-2004; ACCEPTED GRANT DEED; DIRECTED CLERK OF THE BOARD TO RECORD; ADOPTED RESOLUTION 2004-057

**Patrick-Parra: All Ayes**

WASTE MANAGEMENT

S.D.'s #1, #2 and #4

- \*25) Proposed transfer of remaining funds from the Lebec Sanitary Landfill Eastin Reserve Account 2190, Fund 35050, in the amount of \$591,615, to Eastin Reserve Account 2184 (\$148,165) and Account 2194 (\$443,450) in Fund 35050 - AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER FUNDS IN THE AMOUNT OF \$591,615 FROM FUND 35050, ACCOUNT 2190 TO FUND 35050, ACCOUNTS 2184 AND 2194

**Patrick-Parra: All Ayes**

All S.D.'s

- \*26) Proposed deposit of funds into Eastin Reserve Accounts (Acct. 2183 - \$36,052; Acct. 2184 - \$234,313; Acct. 2195 - \$199,323; Acct. 2197 - \$330,312), in a total amount not to exceed \$800,000 - AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO INCREASE FUND 35050, EASTIN RESERVE ACCOUNTS, IN THE AMOUNT OF \$800,000 FROM EXPENDITURE SUB-OBJECT 7885, FUND 35050, BUDGET UNIT 8999

**Patrick-Parra: All Ayes**

- \*27) Proposed Agreement with T. J. Cross Engineers, Inc., to provide design, construction and operational services for County waste facilities from March 9, 2004 through July 31, 2006, in an amount not to exceed \$100,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 156-2004

**Patrick-Parra: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

- \*28) Request for appropriation of unanticipated revenue for payment of County's obligation under AB 1759, Court undesignated fee payment to State of California - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$750,200 IN BUDGET UNIT 2170; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO CONTRIBUTION TO TRIAL COURT FUNDING BUDGET UNIT 2110 IN THE AMOUNT OF \$750,200

**Patrick-Parra: All Ayes**

- \*29) Proposed Amendment No. 1 to Agreement 682-2002 with David M. McCleerey for County employee health benefits consulting services to increase not to exceed annual amount from \$175,000 to \$225,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 157-2004

**Patrick-Parra: All Ayes**



Legislative Matters

- \*30) Proposed Resolution supporting HR 3142: Agricultural Job Opportunity, Benefits, and Security Act -  
**WITHDRAWN**

- \*31) Proposed Resolution agreeing to implement reasonably available control measures in the extreme ozone attainment demonstration plan for the San Joaquin Valley - APPROVED; ADOPTED RESOLUTION 2004-058

**Patrick-Parra: All Ayes**

- \*32) Proposed Resolution supporting the Workers' Compensation Reform and Accountability Act Initiative - APPROVED; ADOPTED RESOLUTION 2004-059; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

**Patrick-Parra: All Ayes**

COUNTY ADMINISTRATIVE OFFICE  
General Services Division

S.D. #3

- \*33) Change Order No. 2 for the new Airport Terminal at Meadows Field, an increase of \$28,731.16, for a new total of \$19,571,131.89 (8215.8415) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Patrick-Parra: All Ayes**

- \*34) Request for subcontractor substitution for the new Airport Terminal at Meadows Field (1960.8166) -  
**WITHDRAWN**

S.D. #4

- \*35) Proposed Request for Proposal (RFP) for site characterization at the former Frank Uhler Fire Training Facility (1650.7252G) - APPROVED; AUTHORIZED GENERAL SERVICES TO ISSUE RFP

**Patrick-Parra: All Ayes**

- \*36) Proposed bid documents and Resolution of Intention to lease 1/2-acre of land located at the southeast corner of State Route 46 and Woodward Avenue (former Lost Hills fire station site) - APPROVED TERMS; ADOPTED RESOLUTION 2004-060; BID OPENING TO BE FRIDAY, APRIL 16, 2004, AT 2:00 P.M.; DIRECTED GENERAL SERVICES TO PUBLISH PURSUANT TO GOVERNMENT CODE 6066

**Patrick-Parra: All Ayes**

- \*37) Proposed utility easement in favor of Pacific Gas & Electric Company for portion of Buena Vista Aquatic Recreation Area to allow tie-in to an existing power line on County property (\$1,600 flat fee) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; MADE FINDING THAT EASEMENT IS IN THE PUBLIC INTEREST AND DOES NOT SUBSTANTIALLY CONFLICT OR INTERFERE WITH COUNTY'S USE OF THE PROPERTY; APPROVED EASEMENT; AUTHORIZED CHAIRMAN TO SIGN

**Patrick-Parra: All Ayes**

All S.D.'s

- \*38) Proposed management reorganization in the Property Management Division of General Services - APPROVED ADDITION OF ONE (1) SUPERVISING REAL PROPERTY AGENT POSITION TO BUDGET UNIT 1620 AND DELETION OF ONE (1) REAL PROPERTY AGENT III POSITION IN BUDGET 1620 EFFECTIVE UPON VACANCY OF THAT POSITION; REFERRED TO PERSONNEL DEPARTMENT TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**Patrick-Parra: All Ayes**

- 39) Proposed procedures for donation of surplus computer equipment - RACHEL MILLER HEARD; APPROVED; AUTHORIZED PURCHASING AGENT TO MAKE DONATIONS CONSISTENT WITH THE PROCEDURES

**Parra-Patrick: All Ayes**

MATTERS FOR EXECUTIVE APPROVAL

- \*40) Budget Transfers - APPROVED NO. 153 THROUGH NO. 159

**Patrick-Parra: All Ayes**

- \*41) Minutes for week of February 9, 2004 - APPROVED

**Patrick-Parra: All Ayes**

- \*42) Miscellaneous Letters and Documents - FILED

**Patrick-Parra: All Ayes**

- \*43) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED

**Patrick-Parra: All Ayes**

- \*44) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

**Patrick-Parra: All Ayes**

ADJOURNED TO TUESDAY, MARCH 16, 2004, AT 9:00 A.M.

**Watson-**

/s/ Denise Pennell  
Clerk of the Board

/s/ Jon McQuiston  
Chairman, Board of Supervisors

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

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

42) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Statement of Money in the County Treasury as of December 18, 2003

Clerk of the Board

- B) Letter from Bernita Jenkins, Kern County Human Relations Commission, re notification of vacancy created by Frank Ramirez on the Human Relations Commission (Copies to each Supervisor and CAO)

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

- |                            |         |
|----------------------------|---------|
| 1) Tract Map 5987, Phase A | S.D. #1 |
| 2) Tract Map 6019, Phase 2 | S.D. #3 |
| 3) Tract Map 6082, Unit 4  | S.D. #4 |
| 4) Parcel Map 10966        | S.D. #4 |

Community & Economic Development

- D) County Loan Agreement, HOME Investment Partnerships Program, Owner Reconstruction Program, with Asencio G. and Rosa Elia Constancia

Environmental Health

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

Fire Department

- F) Kern County Office of Emergency Services' Terrorism Response and Recovery Contingency Plan

General Services

- G) Rider No. 1 to RLI Insurance Company Franchise Bond No. RLB0004527, re Franchise Ordinance F-269, concerning name change from All American Pipeline, LP, to Plains Pipeline, LP

- H) Platte River Insurance Company Bond No. 4008373, effective January 16, 2004, replacing Lumberman's Mutual Casualty Company Bond No. 059093, re Pastoria Energy Facility, LLC, Franchise Ordinance F-429

Grand Jury

- I) Final report re Kern County Sheriff Department's Substation, Ridgecrest (Copies to each Supervisor, CAO and Sheriff)

- J) Final report re Lamont Pesticide Drift (Copies to each Supervisor, CAO, Ag Commissioner and Environmental Health)

Human Services

- K) Response to referral re letter from Evelyn Tolbert concerning early childhood pictures of children in protective custody (Copies to each Supervisor and CAO)

Local Agency Formation Commission

- L) Resolution 04-05, Proceeding No. 1361, in the matter of North Kern Water Storage District, Detachment D (Copies to each Supervisor and CAO)
- M) Resolution 04-06, Proceeding No. 1363, in the matter of City of Bakersfield, Annexation No. 443, Jewetta No. 3/Jefferson Park (Copies to each Supervisor and CAO)
- N) Resolution 04-07, Proceeding No. 1364, in the matter of City of Bakersfield, Annexation No. 445, McCutchen No. 1 (Copies to each Supervisor and CAO)
- O) Report and Recommendation, Proceeding No. 1366, in the matter of City of Bakersfield, Annexation No. 448
- P) Report and Recommendation, Proceeding No. 1365, in the matter of City of Bakersfield, Annexation No. 446

Personnel

- Q) Response to February 24, 2004, audit report of the Personnel Department, Fiscal Year 2003-2004, Executive Summary
- R) Memo to Auditor-Controller-County Clerk re resolution of minor audit findings

Roads

- S) Consent to Recordation re Irrevocable Offer of Dedication from Wanda Nickell for additional right-of-way for planned improvements on Fruitvale Avenue

Treasurer-Tax Collector

- T) Declaration of intent to seize property pursuant to Section 2953 of the California Revenue and Taxation Code re Rotary Rocket Company, located at the Mojave Airport (Copies to each Supervisor and CAO)

Veterans Services

- U) Letter from Charles N. Bikakis re Department of Veterans Affairs intent to establish a new national cemetery in the Bakersfield area and initiating process to identify suitable land (Copies to each Supervisor and CAO)

Miscellaneous

- V) Letter from Senators Roy Ashburn and Wm. J. "Pete" Knight, Senate Select Committee on Defense & Aerospace Industry, re facilitating a meeting between Tejon Ranch and Department of the Navy concerning the proposed Tejon Ranch development (Copies to each Supervisor, CAO, Planning and County Counsel)
- W) Letter from William L. Carter, Housing Authority of the County of Kern (HACK), recommending reappointment of Charles E. Smith as Commissioner to HACK's Board of Commissioners (Copies to each Supervisor and CAO)

- X) Letter from Linda Torn, State Department of Health Services, re Child Health and Disability Prevention (CHDP) program allocation for Fiscal Year 2003-2004 (Copies to each Supervisor, CAO and Public Health)
- Y) Letter from Roy A. Bernardi, U.S. Department of Housing and Urban Development, re enactment of Fiscal Year 2004 HUD budget (Copies to each Supervisor, CAO and Community & Economic Development)
- Z) Letter from Martha Ozonoff, California ReLeaf, re Arbor Day as an opportunity to highlight efforts of the Tree Foundation of Kern and National Tree Trust (Copies to each Supervisor and CAO)
- AA) Letter from John Garamendi, State Insurance Commissioner, re Auto Rating Workshops Schedule for public discussions (Copies to each Supervisor and CAO)
- BB) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report on Monday, February 23, 2004, at State Route 58, west bound to State Route 99 south bound (Copies to each Supervisor, CAO, Environmental Health and Fire HazMat)
- CC) Letter from Jon D. Snellstrom, State Fish and Game Commission, re notices of proposed regulatory actions and text of regulations relative to "Mammal Hunting and Trapping Regulations" (Copies to each Supervisor, CAO and Planning)
- DD) Notices from State Alcoholic Beverage Control re applications for alcoholic beverage licenses as follows: VIS, 14145 Rosedale Highway, Bakersfield; Carboyan Koko, 3500 Mt. Pinos Way, Frazier Park; Cataldo's Pizzeria, 650 Roberts Lane, Bakersfield; Sabor A Mexico Mexican Food, 2115 E. California Avenue, Bakersfield; and Marianos Discount Store, 2011 Niles Street, Bakersfield (Copies to each Supervisor, CAO and Planning)
- EE) News release from Senator Barbara Boxer re S 1956, the "HOPE Youth Pregnancy Prevention Act" (Copies to each Supervisor and CAO)
- FF) Agenda of meeting from Kern County Child Care Council on Wednesday, March 3, 2004
- GG) Minutes of meeting from Kern County Child Care Council on Wednesday, February 4, 2004
- 43) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Resolution 04-01 from Edison Elementary School District Board of Trustees ordering a bond election to be held in the District on Tuesday, May 25, 2004 - REFERRED TO ELECTIONS (Copy to County Counsel)

- 44) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Bruce G. Gibbons vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Claim in the matter of Richard Hart and Donna Bunch vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - C) Claim in the matter of Doris E. Robertson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - D) Claim in the matter of Angel I. Vargas vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - E) Claim in the matter of Billy Gene Miller vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - F) Claim in the matter of Fernando Verdoza vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - G) Claim in the matter of Stefanie A. Spencer vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - H) Claim in the matter of The Bakersfield Californian vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - I) Claim in the matter of Robert B. Stone vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - J) Claim in the matter of Heliodora McConico vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - K) Claim in the matter of Fred Haynes vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - L) Claim in the matter of Shellie Moore vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - M) Claim in the matter of Robert Louis Reynaga vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - N) Summons and complaint for refund of State assessed property taxes in the matter of All American Pipeline, LP vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Auditor)
  - O) Summons and complaint in the matter of Bernard Gross vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - P) Subrogation claim in the matter of Sam Mon by Farmers Insurance Group vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- Q) Subrogation claim in the matter of Mandy Simmons by Bristol West Insurance Group vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  
- R) Notice of Case Closure in the discrimination complaint of Susan Dolores Priest vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)