

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, May 13, 2003

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.

NOTE: Supervisor Parra introduced Jaime Pazypuente and Marcos Casares of the Mexican Consulate, Fresno office.

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming May 14, 2003 as Day of the Teacher in Kern County - PROCLAIMED; MADE PRESENTATION TO VERNA LEWIS, INTERIM DIRECTOR, EMPLOYERS' TRAINING RESOURCE; VERNA LEWIS HEARD; EDDIE DOMINGUEZ INTRODUCED

Patrick-Maben: All Ayes

- 2) Proclamation proclaiming May 2003 as Water Awareness Month in Kern County - PROCLAIMED; MADE PRESENTATION TO BILL TAUBE, PRESIDENT, WATER ASSOCIATION OF KERN COUNTY; BILL TAUBE; DON MARCUS, KERN COUNTY WATER AGENCY; STEVE DALKE, RAG GULCH AND KERN-TULARE WATER DISTRICTS; AND FLORN CORE, CITY OF BAKERSFIELD, HEARD

McQuiston-Parra: All Ayes

- 3) Certificate of Recognition honoring Wayne Montgomery for eight years of dedicated service to the Civil Service Commission - MADE PRESENTATION TO WAYNE MONTGOMERY; WAYNE MONTGOMERY HEARD

- *4) Proclamation proclaiming May 2003 as Older Americans Month in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Patrick-Watson: All Ayes

- *5) Proclamation proclaiming May 15, 2003 as Fuel Cell Vehicle Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Patrick-Watson: All Ayes

PUBLIC REQUESTS

- 6) Request of Loron Hodge, Manager, Water Association of Kern County, to address the Board regarding their annual report - LORON HODGE HEARD
- 7) Request of John Enriquez, Keep Bakersfield Beautiful Committee, to address the Board regarding Cigarette Litter Program Test Campaign - JOHN ENRIQUEZ AND CARRIE GALLAGHER SUSSMAN HEARD; RECEIVED AND FILED

Patrick-Watson: All Ayes

APPOINTMENTS

- *8) Appointment of Gary Mack Johnson (replacing Carlos Ortiz II) as First District Member to the Civil Service Commission, term to expire July 9, 2005 - MADE APPOINTMENT

Patrick-Watson: All Ayes

- 9) Appointment of Mary Camille Barlow as First District Member to the Children and Families Commission, term to expire March 31, 2005 - MARY BARLOW INTRODUCED; MADE APPOINTMENT

McQuiston-Maben: All Ayes

PUBLIC PRESENTATIONS

- 10) 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! - EDWARD COLE, CANDIDATE FOR HONORARY MAYOR FOR ROSAMOND, HEARD REGARDING UNIVERSAL COLLECTION IN EAST KERN COUNTY

RAY HATCH, MAYOR, CITY OF TAFT, ADDRESSED THE BOARD REGARDING POTENTIAL CLOSURE OF MERCY WESTSIDE HOSPITAL IN TAFT AND THE POTENTIAL IMPACT TO THE COMMUNITY AND MEDICAL FACILITIES IN BAKERSFIELD

JACK HENSLEY HEARD REGARDING UNIVERSAL COLLECTION IN EAST KERN COUNTY

DICK TAYLOR, CENTRAL CALIFORNIA FIELD REPRESENTATIVE FOR CALIFORNIA OFF-ROAD VEHICLE ASSOCIATION, ADDRESSED THE BOARD TO REQUEST A LETTER OF SUPPORT TO ESTABLISH A STATE VEHICULAR RECREATION AREA (SVRA) NEAR BAKERSFIELD

REFERRED TO COUNTY ADMINISTRATIVE OFFICE AND COUNTY COUNSEL TO PREPARE A LETTER OF SUPPORT FOR ESTABLISHMENT OF A STATE VEHICULAR RECREATION AREA NEAR BAKERSFIELD, AND REPORT BACK TO THE BOARD ON TUESDAY, MAY 20, 2003 AT 2:00 P.M.

Maben-McQuiston: All Ayes

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 11) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR MABEN ANNOUNCED HE WILL WITHDRAW THE EAST KERN UNIVERSAL COLLECTION EFFORT FROM CONSIDERATION DUE TO THE STRONG OPPOSITION VOICED BY EAST KERN RESIDENTS, AND HE WILL WORK WITH THE COMMUNITY AND EXISTING RESOURCES TO ADDRESS THE TRASH PROBLEM

SUPERVISOR McQUISTON REPORTED ON HIS TRIP TO WASHINGTON, D.C., TO MEET WITH FEDERAL LEGISLATORS AND AGENCIES

SUPERVISOR PARRA EXPRESSED APPRECIATION TO BARRY ZOELLER AND BOARD OF TRADE STAFF FOR A SUCCESSFUL KERN PRODUCTS DINNER HELD IN SACRAMENTO LAST WEEK

DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

- *12) Submission of 2002 Kern County Agricultural Crop Report - RECEIVED AND FILED

Patrick-Watson: All Ayes

AIRPORTS

- *13) Appropriation of unanticipated revenue in the amount of \$198,150 from California Division of Aeronautics Acquisition and Development Grant Programs for the removal of asbestos in the motel and restaurant buildings at Meadows Field Airport - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$198,150 TO APPROPRIATIONS FOR CONTINGENCIES (AIRPORTS ENTERPRISE FUND BUDGET UNIT 8995); APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$198,150 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 8994

Patrick-Watson: All Ayes

BOARD OF SUPERVISORS

- *14) Request of Supervisor Pete Parra to consider a proposed Resolution urging County agencies to accept Matricula Consular identification cards issued by the Mexican Government to Mexican citizens residing in the United States for identification purposes - APPROVED; ADOPTED RESOLUTION 2003-183

Patrick-Watson: All Ayes

CHILD SUPPORT SERVICES

- *15) Proposed retroactive Agreement with Network Catalyst for performance of a wireless network assessment of Department of Child Support Services building, in an amount not to exceed \$1,600 - APPROVED; AUTHORIZED PURCHASING AGENT TO SIGN

Patrick-Watson: All Ayes

- *16) Unusual travel for three training staff to attend Training for Trainers program provided by California Department of Child Support Services, from June 9, 2003 to June 20, 2003, in an amount not to exceed \$6,420 - APPROVED

Patrick-Watson: All Ayes

CLERK OF THE BOARD

- *17) Amended Conflict of Interest Code for North Bakersfield Recreation & Park District - APPROVED

Patrick-Watson: All Ayes

EMERGENCY MEDICAL SERVICES

- *18) Appropriation of unanticipated revenue in the amount of \$175,000 from State Emergency Medical Services Appropriation monies for payment of qualifying physician and hospital claims for uncompensated care - APPROVED
APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$175,000 TO APPROPRIATIONS FOR CONTINGENCIES (FUND 00187);
APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$175,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 4201

Patrick-Watson: All Ayes

- *19) Proposed Agreement with Robert Barnes, M.D., for medical director services, from May 30, 2003 to May 29, 2004, in an amount not to exceed \$33,600 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 327-2003

Patrick-Watson: All Ayes

FIRE DEPARTMENT

- *20) Appropriation of unanticipated revenue in the amount of \$24,000 from the State Fire Trust Fund 24043 for the design and architecture of an Interagency Fire Station complex in Kernville - APPROVED
APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$24,000 TO APPROPRIATIONS FOR CONTINGENCIES;
APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$24,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO FIRE DEPARTMENT BUDGET UNIT 2415

Patrick-Watson: All Ayes

HUMAN SERVICES

- *21) Request for sole source procurement of Safe Measures Reporting Services for Child Welfare Case Management, in an amount not to exceed \$114,750 (50% Federal/35% State; 15% County cost) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Patrick-Watson: All Ayes

- *22) Proposed Agreement with Kern County Superintendent of Schools for Kern County Network for Children Citizen Review Panel Project, from May 13, 2003 to September 30, 2004, in an amount not to exceed \$22,500 (no County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 328-2003

Patrick-Watson: All Ayes

- *23) Proposed Agreement with Kern Child Abuse Prevention Council, Inc., for Time-Limited Family Reunification Program (Time Flies), from May 13, 2003 to June 30, 2003, in an amount not to exceed \$21,973 (no County cost) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 329-2003

Patrick-Watson: All Ayes

KERN MEDICAL CENTER

- *24) Relief of accountability of patients' accounts - DISCHARGED KERN MEDICAL CENTER FROM ACCOUNTABILITY OF 1,910 ACCOUNTS TOTALING \$4,145,965.89; AUTHORIZED ASSIGNING 1,907 ACCOUNTS TOTALING \$4,092,277.70 TO COLLECTION AGENCIES

Patrick-Watson: All Ayes

- *25) Proposed Amendment No. 31 to Medi-Cal Contract for Hospital Inpatient Services - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 330-2003

Patrick-Watson: All Ayes

- *26) Proposed Agreement with Mitchell Research Group, Inc., for management and coordination of clinical drug trials, from June 18, 2003 through June 17, 2005 (County to be reimbursed for services from study sponsor) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 331-2003

Patrick-Watson: All Ayes

- *27) Proposed Agreement with Manish Amin, D.O., to provide medical services in Department of Emergency Medicine, from July 1, 2003 through June 30, 2008, in a contractual not to exceed amount of \$491,035 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 332-2003

Patrick-Watson: All Ayes

- *28) Proposed Agreement with Ruth Sierra-Smith to provide nuclear medicine technician services in Department of Radiology, from May 19, 2003 through January 18, 2004, in an amount not to exceed \$90,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 333-2003

Patrick-Watson: All Ayes

- *29) Authorization for Auditor-Controller-County Clerk to pay outstanding and future invoices of Merritt, Hawkins & Associates for physician recruitment services, in an amount not to exceed \$34,000 -

WITHDRAWN

LIBRARY

- *30) Request to increase sole source blanket purchase order with Recorded Books for books for Temporary Assistance to Needy Families (TANF) Program, in an amount not to exceed \$110,000 (an increase of \$5,000) - APPROVED; AUTHORIZED PURCHASING AGENT TO INCREASE EXISTING BLANKET PURCHASE ORDER

Patrick-Watson: All Ayes

MENTAL HEALTH SERVICES

- *31) Proposed Amendment No. 1 to Agreement 357-2001 (State's No. County 15) with State of California, Department of Alcohol and Drug Abuse Programs (ADP), for drug prevention and treatment services, to add HIPAA requirements and increase funding from \$7,994,589 to an amount not to exceed \$8,702,781 (an increase of \$708,194) (Federal, State [NNA/Drug Medi-Cal] Substance Abuse Funding) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 334-2003

Patrick-Watson: All Ayes

- *32) Proposed Agreement with Griffin's Gate, Inc., for sober living environment services for clients residing in the Bakersfield area, for Fiscal Year 2003-2004, in an amount not to exceed \$125,000 (Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 335-2003

Patrick-Watson: All Ayes

- *33) Proposed Agreement with Nankil Enterprises, Inc., dba Lakeside Board and Care, for adult board and care services for homeless clients in the Bakersfield area, for Fiscal Year 2003-2004, in an amount not to exceed \$15,000 (State; AB-2034 Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 336-2003

Patrick-Watson: All Ayes

- *34) Proposed Agreement with Nankil Enterprises, Inc., dba Union Villa, for residential services for homeless clients in the Bakersfield area, for Fiscal Year 2003-2004, in an amount not to exceed \$47,500 (State; Jailink & AB-2034 Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 337-2003

Patrick-Watson: All Ayes

- *35) Proposed Agreement with Golden Empire Affordable Housing, Inc., dba Green Gardens, for temporary sheltering and housing services homeless clients in the Bakersfield area, for Fiscal Year 2003-2004, in an amount not to exceed \$15,000 (State; AB-2034 Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 338-2003

Patrick-Watson: All Ayes

- *36) Proposed Agreement with Michelle Montelongo for 2,014 hours of American Sign Language interpretation services for Department hearing impaired staff and clients, for Fiscal Year 2003-2004, in an amount not to exceed \$70,500 (State; Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 339-2003

Patrick-Watson: All Ayes

- *37) Proposed Agreement with Raul Y. Mendoza, M.D., for professional psychiatric inpatient services at Memorial Center Hospital for Medi-Cal beneficiaries residing in the Bakersfield area, for Fiscal Year 2003-2004, in an amount not to exceed \$28,000 (Medi-Cal, State; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 340-2003

Patrick-Watson: All Ayes

- *38) Proposed Agreement with Iyengar Malini, M.D. & Sakrepatna Manohara, M.D., dba Truxtun Psychiatric Medical Group, L.P., for professional psychiatric inpatient services at Memorial Center Hospital for Medi-Cal beneficiaries residing in the Bakersfield area, for Fiscal Year 2003-2004, in an amount not to exceed \$120,000 (Medi-Cal; State; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 341-2003

Patrick-Watson: All Ayes

- *39) Proposed retroactive Agreement with State of California, Department of Mental Health (State's No. 02-72244-000), for usage of State Hospitals for County mental health clients needing this level of care, sets terms and conditions for State Hospital usage, for Fiscal Year 2002-2003 (State Offset) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 342-2003

Patrick-Watson: All Ayes

PUBLIC HEALTH SERVICES

- *40) Request to authorize Auditor-Controller-County Clerk to pay expenditures for food items (including snacks) used in the Tuberculosis, AIDS and Immunization Programs as requested by the Department of Public Health for FY 2003-2004 - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY EXPENDITURES IN AN AMOUNT NOT TO EXCEED \$3,000

Patrick-Watson: All Ayes

- *41) Proposed Amendment No. 4 to Agreement and Memorandums of Understanding with State Department of Health Services for AIDS Master Grant to provide services relative to the prevention and management of AIDS in Kern County, from July 1, 2001, through June 30, 2004, in an amount not to exceed \$2,731,767 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 343-2003

Patrick-Watson: All Ayes

- *42) Proposed retroactive Agreement with California Department of Health Services for Public Health Preparedness and Response to Bioterrorism, from July 1, 2002, through August 31, 2004, in an amount not to exceed \$692,076 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 344-2003

Patrick-Watson: All Ayes

- 43) Kern County Health Vision Report - RECEIVED AND FILED; REFERRED TO COUNTY ADMINISTRATIVE OFFICE AND PUBLIC HEALTH SERVICES FOR FURTHER REVIEW OF RECOMMENDATIONS AND REPORT BACK TO THE BOARD

Maben-McQuiston: All Ayes

RETIREMENT ASSOCIATION

- *44) Proposed Amendment to Departmental Positions and Salary Schedule to reflect salary adjustment for KCERA Assistant Executive Director from Range 65.0 to Range 67.9, as approved by the Kern County Board of Retirement - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Watson: All Ayes

SHERIFF

Hearing

- 45) Public Hearing to consider proposed supplemental law enforcement services Agreement with Shell Oil Products U.S., with full cost reimbursement for one (1) year with automatic annual renewals (from 05/03/2003) - OPENED HEARING; MICHAEL ROUW HEARD; CLOSED HEARING; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 345-2003

McQuiston-Patrick: All Ayes

- *46) Proposed retroactive Agreement with Christian Chaplain Services, Inc., for chaplain services to inmates, from March 26, 2003 to March 26, 2004, in an amount not to exceed \$110,000 (Fiscal Impact: No cost to General Fund) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 346-2003

Patrick-Watson: All Ayes

- *47) Unusual travel request for Aircraft Pilot Etelberto Penalzoza to attend training in Mesa, Arizona, from June 10, 2003 to June 13, 2003, in an amount not to exceed \$4,106 - APPROVED

Patrick-Watson: All Ayes

- *48) Unusual travel request for Deputies Doug Ely and Norm Canby to attend training course in Wichita, Kansas, from July 20, 2003 to July 27, 2003, in an amount not to exceed \$1,500 each - APPROVED

Patrick-Watson: All Ayes

- *49) Application to Hold a Bike Race - Velo Promo and Golden Chain Cyclists on May 16, 2003, at 8:30 A.M., beginning on Bena Road - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE BIKE RACE 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 EVENTS PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE BIKE RACE; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Watson: All Ayes

- *50) Application to hold a Bike Race - Velo Promo and Golden Chain Cyclists on May 16, 2003, at 2:00 P.M., beginning at Breckenridge Road - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE BIKE RACE 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 EVENTS PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE BIKE RACE; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Watson: All Ayes

- *51) Application to hold a Bike Race - Velo Promo and Golden Chain Cyclists on May 17, 2003 - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE BIKE RACE 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 EVENTS PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE BIKE RACE; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Watson: All Ayes

- *52) Application to hold a Bike Race - Velo Promo and Golden Chain Cyclists on May 18, 2003 - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE BIKE RACE 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 EVENTS PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE BIKE RACE; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Watson: All Ayes

TREASURER-TAX COLLECTOR

- *53) Cash Receipts & Disbursements for April 2003 - RECEIVED AND FILED

Patrick-Watson: All Ayes

ADJOURNED TO CLOSED SESSION

McQuiston

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 54) Request for Closed Session regarding public employee performance evaluation - Title: Fire Chief -

COUNTY COUNSEL

- 55) Request for Closed Session regarding a lawsuit entitled Bakersfield Californian vs. County of Kern, et al., KCSC Case No. 247268 NFT (Government Code Section 54956.9(a)) -

- 56) Request for Closed Session regarding significant exposure to litigation against the County (one case) (Government Code Section 54956.9(b)(3)(C)) -

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

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

Watson-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Pete H. Parra
Chairman, Board of Supervisors

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Tuesday, May 13, 2003

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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 VOTE.

BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Watson-Patrick: All Ayes

KERN SANITATION AUTHORITY

- #1) Proposed Ordinance concerning collection on the tax rolls of Fiscal Year 2003-2004 Sewer Service Charges for Kern Sanitation Authority - WAIVED READING; INTRODUCED ORDINANCE

Watson-Maben: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS FORD CITY-TAFT HEIGHTS SANITATION DISTRICT

Watson-Patrick: All Ayes

FORD CITY-TAFT HEIGHTS SANITATION DISTRICT

- #2) Proposed Ordinance concerning collection on the tax rolls of Fiscal Year 2003-2004 Sewer Service Charges for Ford City-Taft Heights Sanitation District - WAIVED READING; INTRODUCED ORDINANCE

Maben-Patrick: All Ayes

ADJOURNED AS FORD CITY-TAFT HEIGHTS SANITATION DISTRICT; RECONVENED AS BOARD OF SUPERVISORS

Watson-Maben: All Ayes

PUBLIC PRESENTATIONS

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BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 4) 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 SEVERAL EVENTS ARE SCHEDULED THIS WEEK IN SUPPORT OF THE CALIFORNIA FUEL CELL RALLY.

SUPERVISOR MABEN EXPRESSED APPRECIATION TO TOM MCCUTCHEON, WASTE MANAGEMENT DEPARTMENT, FOR HIS PARTICIPATION IN THE EAST KERN PUBLIC MEETINGS.

CONTINUED HEARING

RESOURCE MANAGEMENT AGENCY
Planning Department

- *5) **Request from the Kern County Planning Department to approve the Kern River Specific Trails Plan of the Kern River Plan Element of the Metropolitan Bakersfield General Plan involving an approximate 15-mile segment along the Kern River from Manor Street to the eastern side of the Kern County Golf Course; at this time, an informal trail exists in this area (S.D.'s 1 & 3)**

Specific Request:

Adoption of the Specific Trails Plan implementing the Kern River Element of the Metropolitan Bakersfield General Plan requires that a Specific Trails Plan be formulated to further define bicycle paths, pedestrian ways, equestrian trail, and public parking in regard to the Kern River area (GPA #121, Map #500) (Program Environmental Impact Report; Published Bakersfield Californian) (from 3/11/2003) - PER PLANNING DEPARTMENT RECOMMENDATION, REFERRED BACK TO STAFF

Maben-Watson: All Ayes

HEARING

RESOURCE MANAGEMENT AGENCY
Planning Department

- 6) **Request from Clark and Dorothy Harmening by Cornerstone Engineering, Inc., to change the permitted uses from Limited Agriculture to 5-acre minimum Residential with large animals, on 15.04 acres located at 120 Canyon View Road, Caliente (S.D. #1)**

Specific Request:

A change in zone classification from A-1 to E (5) RS or a more restrictive district (ZCC #4, Map #86-15) (General Rule, Section 15061(b)(3); Published Kern Valley Sun) - ROY REED HEARD IN OPPOSITION; DENNIS ELLIOTT, CORNERSTONE ENGINEERING, HEARD ON BEHALF OF THE APPLICANTS; CONTINUED TO TUESDAY, JUNE 3, 2003, AT 2:00 P.M.

McQuiston-Watson: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Land Use

S.D. #4

- *7) Request by TA Operating Corporation for Determination of Public Convenience for the issuance of an Off-Sale Beer and Wine License at 27769 Lagoon Drive, Buttonwillow, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code - APPROVED; ADOPTED RESOLUTION 2003-184

Maben-Watson: All Ayes

Miscellaneous

All S.D.'s

- *8) Proposed revision to Planning Commission By-Laws to require three affirmative votes to take action - APPROVED; RECEIVED AND FILED REPORT

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

All S.D.'s

- 9) Public Hearing to review and approve the County's program performance and the "County of Kern Annual Action Plan for Community Development Programs for Fiscal Year 2003-2004," and projects proposed for funding with Fiscal Year 2003-2004 Community Development Block Grant program funds, Home Investment Partnership program funds, and Emergency Shelter Grant program funds - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; DIRECTED COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT TO MAKE ANY NECESSARY REVISIONS AND APPROVE ACTION PLAN; AUTHORIZED CHAIRMAN TO SIGN APPLICATION FOR FEDERAL ASSISTANCE FORMS AND CERTIFICATIONS; AUTHORIZED DIRECTOR TO SUBMIT ACTION PLAN TO HUD

Watson-Patrick: All Ayes

S.D. #4

- *10) Proposed Agreement with Clinica Sierra Vista to provide funds for construction of a health clinic to serve the Frazier Mountain Park area, in an amount not to exceed \$245,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 347-2003

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #2

- *11) Contract No. 01031, Notice of Completion for construction on Rosamond Boulevard at Union Pacific Railroad - RECEIVED AND FILED

Maben-Watson: All Ayes

- *12) Contract No. 02028, Change Order No. 1 for construction on Twenty Mule Team Road Landscape Improvement project, an increase in the amount of \$43,011, for a new total of \$488,349.10 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: All Ayes

S.D. #3

- *13) Contract No. 03027, Plans, Specifications, and Notice to Contractors for construction of asphalt concrete overlay on Olive Drive area streets - MADE FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(c); AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH PURSUANT TO SECTION 20392 OF THE PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, JUNE 4, 2003, AT 11:00 A.M.

Maben-Watson: All Ayes

S.D. #4

- *14) Contract No. 03021, Plans, Specifications, and Notice to Contractors for construction on Stoner Drive, Trask Street and Kelton Way at Stockdale Highway and Interstate 5 and Grapevine Road at Interstate 5 - MADE FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(c); AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH PURSUANT TO SECTION 20392 OF THE PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, JUNE 4, 2003, at 11:00 A.M.

Maben-Watson: All Ayes

S.D.'s #1 & #2

- *15) Contract No. 03030, Plans, Specifications and Notice to Contractors for acquisition of asphalt concrete (windrow stockpile) at various locations in East Kern County - MADE FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(c); AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH PURSUANT TO SECTION 20392 OF THE PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, JUNE 4, 2003, AT 11:00 A.M.

Maben-Watson: All Ayes

S.D.'s #1, #2, #4 & #5

- *16) Contract No. 03029, Plans, Specifications and Notice to Contractors for acquisition of asphalt concrete (windrow stockpile) at various locations in Kern County - MADE FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(c); AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH PURSUANT TO SECTION 20392 OF THE PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, JUNE 4, 2003, AT 11:00 A.M.

Maben-Watson: All Ayes

WASTE MANAGEMENT

- 17) Proposal for Universal Collection in Lost Hills and proposed Resolution to establish the Lost Hills Universal Collection Area and include Lost Hills in Garbage Franchise Area No. 42; and proposed Ordinance placing basic residential collection service charges on the property tax rolls for Fiscal Year 2003-2004 and establishing a formula for setting charges in future fiscal years (from 5/6/2003) - LUIS ANGEL ALVIDREZ; SALVADOR HIGUERA; AND BOB HAMPTON, WEST SIDE WASTE MANAGEMENT, HEARD; RECEIVED AND FILED REPORT FROM COUNTY COUNSEL REGARDING VALUE OF PROTESTS RECEIVED; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3) OF CEQA GUIDELINES AND SECTION 21080(8) OF PUBLIC RESOURCE CODE; AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-185; WAIVED READING; ENACTED ORDINANCE G-6995

Watson-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

Legislative Matters

- *18) Proposed Resolution supporting designating Central Valley portion of Highway 99 as part of Interstate Highway system - APPROVED; ADOPTED RESOLUTION 2003-186; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

Hearings

S.D. #4

- *19) Proposed Resolution and Ordinance granting an amendment to pipeline Franchise F-434 for Nuevo Energy Company and to receive comments on negative declaration prepared for this project - CONTINUED TO TUESDAY, JUNE 10, 2003, AT 2:00 P.M.

Maben-Watson: All Ayes

- *20) Proposed purchase of two former County-operated burn dumpsites located in Fellows from Chevron U.S.A., Inc., for a purchase price of \$36,856 and \$725 escrow and closing costs, for a total of \$37,581 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-187; ACCEPTED GRANT DEED; AUTHORIZED CHAIRMAN TO SIGN DEED AND SALE ESCROW INSTRUCTIONS; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT TO COMMONWEALTH LAND TITLE COMPANY IN THE AMOUNT OF \$37,581

Maben-Watson: All Ayes

- 21) Proposed purchase of 3.90 acres of vacant land and road easement located in Lebec (former Lebec burn dump) from Tejon Ranch for a purchase price of \$300,000 and \$1,200 escrow and closing costs, for a total of \$301,200 - OPENED HEARING; MICHAEL ROUW HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-188; ACCEPTED GRANT DEED AND AUTHORIZED CHAIRMAN TO SIGN SALE ESCROW INSTRUCTIONS; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT TO COMMONWEALTH LAND TITLE COMPANY IN THE AMOUNT OF \$301,200

Watson-Patrick: All Ayes

- *22) Proposed purchase of 77.27 acres of land adjacent to Shafter/Wasco landfill from Thomas and Kathie Smith, in the amount of \$300,444 and \$1,200 escrow fees and closing costs, for a total of \$301,644 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2003-189; AUTHORIZED CHAIRMAN TO SIGN SALE ESCROW INSTRUCTIONS AND ACCEPT GRANT DEED; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT TO COMMONWEALTH LAND TITLE COMPANY IN THE AMOUNT OF \$301,644

Maben-Watson: All Ayes

S.D. #1

- *23) Identify apparent low bid from Brown & Fowler Construction for the Juvenile Treatment Facility water tank, in an amount not to exceed \$424,498 (1960.8166) - IDENTIFIED LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND TO PREPARE CONTRACT DOCUMENTS

Maben-Watson: All Ayes

S.D. #2

- *24) Proposed Amendment No. 1 to Lease Agreement 094-2002 with Charles R. Klassen Family Trust for the Sheriff's field office at 4705 New Horizon, Bakersfield, changing responsibility for janitorial service from County to Lessor with the added lease payment cost of \$335 per month - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 348-2003

Maben-Watson: All Ayes

S.D. #3

- *25) Report on status of replacement of the uninterruptible power supply system at the Whiting Communications Center - RECEIVED AND FILED

Maben-Watson: All Ayes

- *26) Accept high bid from Northwest Bakersfield Baseball to lease a portion of Metropolitan Recreation Center located at 3805 Chester Avenue, Bakersfield, in the amount of \$6,100 per year (from 5/6/2003) - CONTINUED TO TUESDAY, JUNE 3, 2003, AT 2:00 P.M.

Maben-Watson: All Ayes

S.D. #4

- *27) Proposed Option Agreement to purchase 2.20 acres of land, site of a former County-operated burn dump in Lebec, from the California Department of Transportation, in the amount of \$132,000 plus \$800 escrow fees and closing costs, for a total of \$132,800 - APPROVED TERMS OF OPTION AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 349-2003; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT TO COMMONWEALTH LAND TITLE COMPANY IN THE AMOUNT OF \$132,800

Maben-Watson: All Ayes

- *28) Proposed Lease Agreement with Thomas and Kathie Smith for lease of farmland south of the Shafter/Wasco landfill for farming purposes (initial rent \$3,800 per year) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 350-2003

Maben-Watson: All Ayes

S.D. #5

- *29) Identify apparent low bid from Best Roofing & Waterproofing, Inc., for the Mary K. Shell Mental Health Facility reroof, in an amount not to exceed \$214,490 (4120.7001) - IDENTIFIED LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND TO PREPARE CONTRACT DOCUMENTS

Maben-Watson: All Ayes

All S.D.'s

- *30) Updates in the standard Engineering Services Agreement to revise insurance and indemnity provisions and to add a provision stating County's ownership rights in works for hire - RECEIVED AND FILED

Maben-Watson: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *31) Budget Transfers - APPROVED NO. 183 THROUGH NO. 190

Maben-Watson: All Ayes

- *32) Minutes for week of March 30, 2003 - APPROVED

Maben-Watson: All Ayes

- *33) Miscellaneous Letters and Documents - FILED

Maben-Watson: All Ayes

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

Maben-Watson: All Ayes

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

Maben-Watson: All Ayes

ADJOURNED TO TUESDAY, MAY 20, 2003, AT 9:00 A.M.

Maben-

/s/ Denise Pennell
Clerk of the Board

/s/ Pete H. Parra
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.

33) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Local Agency Formation Commission

- A) Proceeding No. 1348, Resolution No. 03-09, in the matter of City of California City, Reorganization No. 2 (Copies to each Supervisor and CAO)

Sheriff

- B) Response to 2002-2003 Grand Jury's Final Report (Copies to each Supervisor and CAO)

Miscellaneous

- C) Letter from Crystal Barbour re treatment at Kern Medical Center (Copies to each Supervisor and CAO)

- D) Letter from Dr. William Jefferds, Office of Military Support, California Technology, Trade and Commerce Agency, re General Information and Issues Notebook (Copies to each Supervisor and CAO)

- E) Seventy-three (73) letters in support of services provided to veterans and families by Veterans Services Department (Copies to each Supervisor and CAO)

- F) Twelve (12) letters in opposition to Universal Collection fees in Lost Hills (Copies to each Supervisor, CAO, Waste Management and County Counsel)

- G) Three hundred eighty-two (382) letters in opposition to Universal Collection fees in east Kern (Copies to each Supervisor, CAO, Waste Management and County Counsel)

- H) Fourteen (14) cards in opposition to Universal Collection fees in east Kern (Copies to each Supervisor, CAO, Waste Management and County Counsel)

- I) Three (3) e-mail messages in opposition to Universal Collection fees in east Kern (Copies to each Supervisor, CAO, Waste Management and County Counsel)

- J) Seven (7) letters and one (1) e-mail, received and forwarded by Waste Management Department, in opposition to Universal Collection fees in east Kern (Copies to each Supervisor, CAO and County Counsel)

- K) Petition (100 pages) in opposition to Universal Collection fees in east Kern (Copies to each Supervisor, CAO, Waste Management and County Counsel)

- L) One (1) letter and one (1) e-mail in opposition to increased Universal Collection fees in Metropolitan Bakersfield (Copies to each Supervisor, CAO, Waste Management and County Counsel)

- M) E-mail from J. Folger-Brown re SB 952 concerning exempting fund-raising activities in residential areas from local governmental control (Copies to each Supervisor and CAO)

- N) Memorandum from Gary L. Lewis, Board of Supervisors, Lake County, re Resolution 2003-03 opposing the passage of Assembly Bill 1470 and Senate Bill 936 concerning In-Home Supportive Services (IHSS) (Copies to each Supervisor, CAO, Aging & Adult Services and County Counsel)
- O) Notices from the Alcoholic Beverage Control Board re Applications for Alcoholic Beverage Licenses: Skylark Lounge, 1312 Airport Drive, Bakersfield; My Place Lounge, 2763 Sierra Highway, Rosamond (Copies to each Supervisor, CAO and Planning)
- P) Agenda of meeting from State Fish and Game Commission on Wednesday, May 7, 2003 (Copies to each Supervisor and CAO)
- Q) Revised agenda of meeting from Kern County Child Care Council on Wednesday, May 7, 2003
- R) Agenda of meeting from In-Home Supportive Services Advisory Committee on Thursday, May 8, 2003, and minutes to meeting on Thursday, April 10, 2003
- 34) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from William C. Kuhs, Kuhs, Parker & Hughes, re Resolution 840 concerning the Lost Hills Water District's annual estimate for Fiscal Year 2004 - REFERRED TO COUNTY COUNSEL
 - B) Letter from Lynn T. Molina, Kern-Tulare Water District, re Resolution 2003-8 concerning adoption of the Kern-Tulare Water District Budget for 2003, fixing 2003 water tolls, fixing and levying 2003 standby charges, and levying 2003 special assessments - REFERRED TO COUNTY COUNSEL
- 35) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of San Bernardino County Sheriff's Department vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Jose Luis Villanueva and Jose Luis Villanueva, Jr., a minor by and through his Guardian ad Litem Jose Luis Villanueva vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Cassius Clay Whitehead vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Shalaina Barton vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Karmen Marie Bradley vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- F) Claim in the matter of Robert Joseph Pasko vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Summons and complaint in the matter of Milafior Domingo and Fernando Tabucol vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Discrimination complaint in the matter of Debbie Salazar vs. Kern County - REFERRED TO COUNTY COUNSEL (Copies to Risk Management and Personnel)