

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, July 26, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

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

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution honoring Larry L. Paddock, General Services, upon his retirement with 31 years of service to the County of Kern - **ADOPTED RESOLUTION; MADE PRESENTATION TO LARRY PADDOCK; BILL WILBANKS, ASSISTANT COUNTY ADMINISTRATIVE OFFICER FOR GENERAL SERVICES AND LARRY PADDOCK HEARD; LARRY'S WIFE, KATHERINE, GRANDDAUGHTER, OTHER FAMILY MEMBERS AND FRIENDS WERE RECOGNIZED**

Patrick-Maben: All Ayes

APPOINTMENTS

- *2) Appointments of Mary Davis and Jerry Nikkel as At-large Care Provider Members to the In-Home Supportive Services (IHSS) Advisory Committee, terms to expire June 30, 2007 for Mary Davis and June 30, 2006 for Jerry Nikkel - **MADE APPOINTMENTS**

Patrick-Maben: All Ayes

- *3) Reappointment of Irene Elizabeth Cook as Public Agency Representative, Fourth District Member to the Local Child Care and Development Planning Council, term to expire June 30, 2008 - **MADE REAPPOINTMENT**

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

- 4) 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!
- LIZ LITTLE ADDRESSED THE BOARD REGARDING ASSISTANCE IN OBTAINING A TEMPORARY PERMIT TO ALLOW HER SON TO RESIDE ON HER PROPERTY IN HIS TRAVEL TRAILER WHILE HE IS CARING FOR HER DURING HER ILLNESS

REFERRED TO ENGINEERING AND SURVEY SERVICES DEPARTMENT TO CONTACT MS. LITTLE AND REPORT BACK TO THE BOARD WITH OPTIONS AVAILABLE

McQuiston - Maben: All Ayes

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 5) 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 RUBIO DISCUSSED ISSUES OF CONCERN REGARDING KERN MEDICAL CENTER CONFLICT OF INTEREST, MALPRACTICE COVERAGE, AND TIME REPORTING REQUIREMENTS FOR DOCTORS FOR ACCOUNTING PURPOSES. HE FURTHER REQUESTED CLARIFICATION ON WHAT CRITERIA IS USED TO DETERMINE WHETHER AN ISSUE IS HANDLED IN CLOSED OR PUBLIC SESSION

COUNTY COUNSEL, BERNARD BARMANN, PROVIDED CLARIFICATION ON THE LEGAL ASPECTS OF THE OPEN MEETINGS ACT (BROWN ACT) AS IT PERTAINS TO CLOSED AND PUBLIC SESSIONS

SUPERVISOR WATSON ASKED FOR CLARIFICATION ON PERSONNEL MATTERS BEING HANDLED IN CLOSED SESSION AND MR. BARMANN RESPONDED

SUPERVISOR MCQUISTON COMMENTED ON THE ADHERENCE OF THE BROWN ACT BY THE LEGISLATURE

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- 6) Briefing on departmental operations (Fiscal Impact: None) - HEARD PRESENTATION; RECEIVED AND FILED

Patrick-McQuiston: All Ayes

AGRICULTURE AND MEASUREMENT STANDARDS

- *7) Request for sole source procurement of Glassywinged Sharpshooter sticky traps from Seabright Laboratories for the Kern County Glassywinged Sharpshooter Area Wide Pest Management Program, from August 1, 2005 to June 30, 2006, in an amount not to exceed \$35,000 (Fiscal Impact: \$35,000; State Agreement; Budgeted; Discretionary) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE A SOLE SOURCE PURCHASE ORDER

Patrick-Maben: All Ayes

AIRPORTS

- *8) Proposed Assumption of Lease and Release of Former Lessee Agreement with Agate Bay Holding Company and Martin and Virginia Skiby, dba Data-Communication Services, Inc., (Agreement 280-2000), to permit the County to formally recognize new Lessee, Agate Bay Holding Company, and release former Lessee, Martin and Virginia Skiby, from any future liability or interest in the Lease (Fiscal Impact: \$8,794.95 Revenue; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15301 OF CEQA; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION IF REQUESTED; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 646-2005

Patrick-Maben: All Ayes

- *9) Proposed Amendment to Consent to Assignment (754-2002) for Mercury Air Center-Bakersfield, Inc., Lease Agreement (356-2000) at Meadows Field Airport to substitute Mercury Air Centers for Mercury Air Group as Guarantor of the Lease (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15301 OF CEQA; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION IF REQUESTED; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 647-2005

Patrick-Maben: All Ayes

- *10) Contract No. 05003 Notice of Completion for rehabilitation of Runway 15/33 at Lost Hills Airport (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

- *11) Contract No. 05006 Notice of Completion with Granite Construction Company for construction of Kern Valley Airport Parking Extension (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *12) Proposed calculation of Proposition 4 Appropriations Limit for FY 2005-2006 by selection of the following factors: change in California per capita personal income, and change in population within the incorporated area of the County (Fiscal Impact: None) - ESTABLISHED TUESDAY, AUGUST 23, 2005, AT 9:00 A.M. AS THE DATE AND TIME FOR ADOPTION OF PROPOSED FACTORS FOR CALCULATION OF APPROPRIATIONS LIMIT FOR FY 2005-2006

Patrick-Maben: All Ayes

- *13) Transfer to County General Fund of Unclaimed Refundable Property Tax Payments in the amount of \$59,202.56 (Fiscal Impact: \$59,202.56 Revenue; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

- *14) Request to employ retired County employee, Neil Bennett, as Office Services Assistant, Step E, Range 43.2, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$12,633.60; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

- *15) 2004-2005 Fund Balances available for financing 2005-2006 Budget (Fiscal Impact: None) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER TO RE-ESTABLISH APPROPRIATIONS IN PRIOR YEARS AS PRESENTED

Patrick-Maben: All Ayes

COUNTY COUNSEL

- *16) Proposed Order for Change in Boundaries of the Richland School District and Norris School District as a result of the transfer of territory from the Richland School District to the Norris School District (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-304

Patrick-Maben: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *17) Notification of anticipated retroactive approval of Agreement with the Tulare County Workforce Investment Board, Inc., for Nurse Workforce Initiative Grant Program, to provide incumbent workers upgrade training as psychiatric technicians and licensed vocational or registered nurses in order to address regional shortages, from July 1, 2005 through June 30, 2006 (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

FIRE DEPARTMENT

- 18) Proposed Reserve Firefighter Program - RECEIVED AND FILED REPORT; APPROVED PROGRAM MODIFICATION IN CONCEPT; REFERRED TO FISCAL YEAR 2005-2006 BUDGET FILE; REFERRED TO COUNTY ADMINISTRATIVE OFFICE AND FIRE DEPARTMENT TO REPORT BACK TO THE BOARD DURING BUDGET HEARINGS ON IMPLEMENTATION COSTS AND POSSIBLE ALTERNATIVES

McQuiston-Maben: All Ayes

HUMAN SERVICES

- *19) Proposed Amendment No. 2 to Agreement 798-2004 with SumTotal Systems, Inc., for implementation, training and user licensing of systems enhancements to Aspen Learning to coincide with term of the original Agreement and to increase compensation by \$69,900 to an amount not to exceed \$221,235 (Fiscal Impact: \$69,900; \$66,405 State/Federal; \$3,495 County; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 648-2005

Patrick-Maben: All Ayes

KERN MEDICAL CENTER

- *20) Proposed retroactive request to employ retired County employee, Chaleo Wongrassamee, as a Per Diem Nurse II, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period May 6, 2003 to May 5, 2004 (Fiscal Impact: \$34,560; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Patrick-Maben: All Ayes

- *21) Proposed retroactive request to employ retired County employee, Chaleo Wongrassamee, as a Per Diem Nurse II, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period May 6, 2004 to May 5, 2005 (Fiscal Impact: \$34,560; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Patrick-Maben: All Ayes

- *22) Proposed retroactive request to employ retired County employee, Chaleo Wongrassamee, as a Per Diem Nurse II, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period May 6, 2005 to May 5, 2006 (Fiscal Impact: \$34,560; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Patrick-Maben: All Ayes

- *23) Proposed changes in clinical privilege status for 23 members of Kern Medical Center's Medical Staff (Fiscal Impact: None) - APPROVED

Patrick-Maben: All Ayes

- *24) Proposed approval of Amendment No. 6 to Provider Services Agreement 012-2001 with Kern Health Systems, an independent contractor, for Home Health, pharmacy, and infusion therapy services provided by KMC to members of Kern Health Systems (Fiscal Impact: Confidential per Health and Safety Code Section 1457(C)(1)) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 649-2005

Patrick-Maben: All Ayes

- *25) Proposed approval of Amendment No. 7 to Physician Services Agreement 010-2001 with Kern Health Systems, an independent contractor, for professional medical services of physicians employed by KMC who are on the provider panel with Kern Health Systems (Fiscal Impact: Confidential per Health and Safety Code Section 1457(C)(1)) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 650-2005

Patrick-Maben: All Ayes

- *26) Proposed approval of Amendment No. 8 to Hospital and Other Facility Services Agreement 011-2001 with Kern Health Systems, an independent contractor, for hospital services provided by KMC to members of Kern Health Systems (Fiscal Impact: Confidential per Health and Safety Code Section 1457(C)(1)) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 651-2005

Patrick-Maben: All Ayes

- *27) Proposed retroactive Agreement for Professional Services with Steven Lovestrand, Ph.D., a contract employee, for psychotherapeutic and teaching services in the Department of Family Practice from July 16, 2005 through July 15, 2007, in an amount not to exceed \$162,256 (Prior Notification July 5, 2005) (Fiscal Impact: \$162,256; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 652-2005

Patrick-Maben: All Ayes

- *28) Proposed Provider Services Agreement with Medical Development International Ltd., Inc., an independent contractor, for hospital and professional medical services to inmates of correctional facilities located in Taft and California City (Fiscal Impact: Confidential per Health and Safety Code Section 1457(C)(1)) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 653-2005

Patrick-Maben: All Ayes

- *29) Proposed sole source Managed Services Agreement with ARAMARK Healthcare Support Services, Inc., an independent contractor, for managerial supervision of support services at KMC from August 1, 2005 through July 31, 2008 (Fiscal Impact: \$1,464,628 - first year; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 654-2005

Patrick-Maben: All Ayes

LIBRARY

- *30) Proposed Resolution authorizing closure of the Shafter Branch of the Kern County Library from August 15, 2005 through November 7, 2005, for a roof and HVAC system replacement (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-305

Patrick-Maben: All Ayes

MENTAL HEALTH SERVICES

- *31) Proposed Request for Proposal (RFP) for pharmacy prescription services for County referred clients, which will result in multiple contracts for FY 2006-2007 (Fiscal Impact: None) - APPROVED; AUTHORIZED ISSUANCE OF RFP FOR PHARMACY PRESCRIPTION SERVICES

Patrick-Maben: All Ayes

- *32) Proposed Agreement with Jessica Jones Steed for mental health services provided in accordance with the Association of Psychology Postdoctoral and Internship Center/Kern County Psychology Internship Consortium, from August 1, 2005 through July 31, 2006, in an amount not to exceed \$25,045 (Fiscal Impact: \$25,045, State, Realignment; Discretionary; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 655-2005

Patrick-Maben: All Ayes

- *33) Proposed Agreement with United In Christ Ministries dba Hadassah House Treatment Facility, for perinatal residential drug free treatment services for adults in the Bakersfield area, from July 26, 2005 through June 30, 2006, in an amount not to exceed \$150,379 (Fiscal Impact: \$150,379 Drug Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 656-2005

Patrick-Maben: All Ayes

PARKS AND RECREATION DEPARTMENT

- *34) Proposed retroactive Agreement with Buena Vista Water Storage District to purchase low cost water for Buena Vista Aquatic Recreation Area from July 6, 2005 through December 31, 2005, in an amount not to exceed \$22,440 (Fiscal Impact: \$22,440; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 657-2005

Patrick-Maben: All Ayes

PERSONNEL

- *35) Classification of positions recommended by Civil Service Commission effective August 6, 2005 (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

PROBATION

- *36) Request to employ retired County employee, Terry Ashley, as Group Counselor III, Range 52.9, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$20,486; General Fund; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

- *37) Request for relief from accountability of 407 delinquent Kern County Juvenile Traffic Court accounts, totaling \$289,283 (Fiscal Impact: None) - APPROVED

Patrick-Maben: All Ayes

PUBLIC HEALTH SERVICES

- *38) Proposed retroactive Agreement with QS Technologies, Inc., for ongoing software maintenance services of the Patient Care Management System, from July 1, 2005 through June 30, 2006, in an amount not to exceed \$19,270.20 (Prior notification June 28, 2005) (Fiscal Impact: \$19,270.20; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 658-2005

Patrick-Maben: All Ayes

- *39) Proposed Children's Medical Services Plan and budgets for Child Health and Disability Prevention and California Children Services for Fiscal Year 2005-2006 (Fiscal Impact: \$7,517,521; \$6,871,888 State/Federal Allocation; \$297,557 Grant Funding; \$348,076 Realignment; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 659-2005

Patrick-Maben: All Ayes

- *40) Proposed retroactive Agreement with State Department of Health Services for the Chlamydia Screening Project, from July 1, 2005 through June 30, 2007, in an amount not to exceed \$130,000 (Prior notification June 28, 2005) (Fiscal Impact: \$130,000; State Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 660-2005

Patrick-Maben: All Ayes

- *41) Proposed retroactive Agreement with State Department of Health Services for Immunization Registry Development Subvention funds, from July 1, 2005 through June 30, 2006, in an amount not to exceed \$140,000 (Prior notification June 28, 2005) (Fiscal Impact: \$140,000; State Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 661-2005

Patrick-Maben: All Ayes

- *42) Proposed Agreement with the State of California for Healthy Families applications (Fiscal Impact: \$70,000 - \$50 per application; State funded; Discretionary) - APPROVED; AUTHORIZED DIRECTOR OF PUBLIC HEALTH SERVICES TO SIGN RELATED DOCUMENTS

Patrick-Maben: All Ayes

- *43) Proposed Agreement with American Indian Health Project Bakersfield for Operation Car Seat Services, beginning August 1, 2005, in an amount not to exceed \$6,300 (Fiscal Impact: \$6,300; Car Seat Voucher Program; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 662-2005

Patrick-Maben: All Ayes

SHERIFF

- *44) Proposed expenditure of funds from Sheriff's Budget Unit 2210 to cover miscellaneous expenditures for non-County employees for Fiscal Year 2005-2006 (Fiscal Impact: Approximately \$60,000; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

- *45) Proposed retroactive Agreement with State of California, Commission on Peace Officer Standards and Training, for training services by Kern County Sheriff's Department from July 1, 2005 to June 30, 2006 in an amount not to exceed \$31,600 (Fiscal Impact: \$31,600 Revenue; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 663-2005

Patrick-Maben: All Ayes

- *46) Application to hold a parade - Fall Farm Festival - Buttonwillow Chamber of Commerce & Agriculture on September 17, 2005, in Buttonwillow, California (Fiscal Impact: None) - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

- *47) Proposed Agreement with Sheriff Deputy Sean Pratt (Dog handler) for transfer of ownership of Sheriff's K-9, Nando (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 664-2005

Patrick-Maben: All Ayes

- *48) Proposed retroactive Agreement with the City of Tehachapi for law enforcement services, from July 1, 2005 to June 30, 2010, in an amount not to exceed \$927,065 for FY 2005/2006 (Fiscal Impact: \$927,065 Revenue; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 665-2005

Patrick-Maben: All Ayes

- *49) Proposed retroactive Agreement with the City of Wasco for law enforcement services, from July 1, 2005 to June 30, 2010, in an amount not to exceed \$2,019,344 for FY 2005/2006 (Fiscal Impact: \$2,019,344 Revenue; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 666-2005

Patrick-Maben: All Ayes

- *50) Proposed Agreement with the State of California Department of Alcohol Beverage Control in the amount of \$100,000 for the purpose of establishing an Alcohol Control Enforcement (ACE) Program and proposed Resolution authorizing Sheriff to sign grant Agreement (Fiscal Impact: \$100,000; State Grant; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-306

Patrick-Maben: All Ayes

VETERANS' SERVICE DEPARTMENT

- *51) Participation in Fiscal Year 2005/2006 County Subvention Programs, Military and Veterans Code Sections 972, 972.1, and 972.2 and Medi-Cal Cost Avoidance Program, Military and Veterans Code Section 972.5 (Fiscal Impact: \$111,004; State Subvention; Discretionary; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CERTIFICATES OF COMPLIANCE FORMS

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Rubio

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 52) Request for Closed Session re Meet and Confer, All Unions -
- 53) Request for Closed Session re public employee performance evaluation - Title: Chief Executive Officer Kern Medical Center -
- 54) Request for Closed Session re public employee performance evaluation - Title: County Administrative Officer - CONTINUED TO CLOSED SESSION ON 8/2/05 AT 9:00 A.M.

COUNTY COUNSEL

- 55) Request for Closed Session regarding a lawsuit entitled Enrique Salazar v. County of Kern, et al. (Government Code Section 54956.9(a)) -
- 56) Request for Closed Session regarding a lawsuit entitled Anita Harding v. County of Kern, WCAB #VNO 0467351 (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-McQuiston

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Ray Watson
Chairman, Board of Supervisors

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PUBLIC PRESENTATIONS

- 1) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!
- NO ONE HEARD

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]) - NO ONE HEARD

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- *3) **Request from MMR Bakersfield, LLC, by San Joaquin Engineering to change the permitted uses from agriculture to residential and to exclude approximately 16.64 acres from an Agricultural Preserve on 16.64 acres located at the northeast corner of Noreiga Avenue and Heath Road, Bakersfield (SD #4)**

Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Codes R-IA to Map Codes SR or a more restrictive map code designation (SPA #57, Map #101)
- (b) A change in zone classification from A to E (1/4) or a more restrictive district (ZCC #146, Map #101)
- (c) Exclusion of approximately 16.64 acres from the boundaries of an Agricultural Preserve (Ag Pres #9 - Excl)

(Negative Declaration; Published Bakersfield Californian)
(from 6/14/2005) - REFERRED BACK TO STAFF

McQuiston-Patrick: All Ayes

HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- 4) **Request from Jan Bishop and Eleanor Arnold to change the permitted uses by adding the residential suburban combining district which will accommodate the keeping of large animals in a residential area on 5.4 acres located at 130 Rim Road, Bodfish (SD #1)**

Specific Request:

A change in zone classification from E (1) MH to E (1) RS MH or a more restrictive district (ZCC #4, Map #63-13)
(Categorically Exempt, Section 15305; Published Kern Valley Sun) - OPENED HEARING; JAN BISHOP HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-307 AND ENACTED ORDINANCE G-7267 APPROVING ZONE CHANGE AS REQUESTED

McQuiston-Maben: All Ayes

- 5) **Request from Ken Weir by Thomas Roddy to change the permitted uses from 2-1/2-acre residential to 1-acre residential on approximately 3.94 acres located on the north side of Lene Place, 1/4 mile east of Valley Street, northeast Bakersfield (SD #1)**

Specific Request:

A change in zone classification from E (2-1/2) RS to E (1) RS or a more restrictive district (ZCC #11, Map #104-16)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-308 AND ENACTED ORDINANCE G-7268 APPROVING ZONE CHANGE AS REQUESTED

McQuiston-Patrick: All Ayes

- 6) **Request from Jesse Leal by Jerry L. Hendricks to change the permitted uses from 2-1/2-acre residential to 1-acre residential on 2.57 acres located at 4348 Comanche Drive, Bakersfield (SD #1)**

Specific Request:

A change in zone classification from E (2-1/2) RS to E (1) RS or a more restrictive district (ZCC #12, Map #104-16) (General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-309 AND ENACTED ORDINANCE G-7269 APPROVING ZONE CHANGE AS REQUESTED

McQuiston-Patrick: All Ayes

- 7) **Request from Pine Tree Wind Development Project by Wind Turbine Prometheus, LLC, to change the permitted uses from 20-acre residential to agriculture on approximately 7,800 acres and to agriculture-wind energy on approximately 425 acres; allow the construction of a temporary batch plant; approve an Agreement with the City of Los Angeles acting by and through the Los Angeles Department of Water and Power binding them to all the requirements of the A WE Zoning Ordinance, the Final EIR/EIS, adopted Mitigation Measure Monitoring Program, and conditional use permit conditions regardless of any exemption under California State Government Code, Section 53091, on property located approximately 15 miles northeast of Tehachapi (SD #2)**

Specific Request:

(a) (b) (c) A change in zone classification from E (20) to A and A WE or more restrictive districts on approximately 8,000 acres; (ZCC #4, Map #131; ZCC 12, Map #150; ZCC #3, Map #151)

(d) (e) Conditional Use Permits to allow construction of a temporary batch plant (Section 19.12.030.G) in an A District; (CUP #1, Map #131; CUP #4, Map #150)

(f) Proposed Agreement with the City of Los Angeles acting by and through the Los Angeles Department of Water and Power to agree to be bound by all the requirements of the A WE (Exclusive Agriculture - Wind Energy) Zoning Ordinance, the Final EIR/EIS, adopted Mitigation Measure Monitoring Program, and conditional use permit conditions regardless of any exemption under California State Government Code, Section 53091 (Agreement City of Los Angeles)

(Environmental Impact Report [prepared by Los Angeles Department of Water and Power]; Published Mojave Desert News) - OPENED HEARING; HEARD IN OPPOSITION TO PROJECT: TERI MIDDLEMISS, KERN CREST AUDUBON SOCIETY; DAVID LAUGHING HORSE ROBINSON; GEORGETTE THEOTIG, KERN-KAWEAH CHAPTER OF THE SIERRA CLUB; WILLIAM NELSON; AND KATHRYN DEVRIES

HEARD IN SUPPORT OF PROJECT: BRENDA LEMAY, WIND TURBINE PROMETHEUS; TONYA BONFIGLIO, LOS ANGELES DEPARTMENT OF WATER AND POWER; SUSAN HANSON; ROBERT GATES, GENERAL ELECTRIC WIND ENERGY; ED WALDHEIM, PRESIDENT, FRIENDS OF JAWBONE; PAUL VERCRUYSEN, CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES; LINDA WHITE, EXECUTIVE DIRECTOR, KERN WIND ENERGY ASSOCIATION; DOUG WILLIAMS, REPRESENTING CONSTRUCTION

(Continued on Page 15)

(Continued from Page 14)

WORKERS; GERRY GARNER, KERN-INYO-MONO BUILDING TRADES; DUANE MORRIS, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS; CLOSED HEARING

DR. MICHAEL MORRISON, AVIAN SPECIALIST, HEARD REGARDING AVIAN STUDIES; MICHAEL KELLY, CULTURAL RESOURCES CONSULTANT, HEARD REGARDING COORDINATED EFFORTS IN IDENTIFYING CULTURAL AND ARCHEOLOGICAL SITES IN THE PROJECT; DWIGHT DEAKIN, AIRFORCE FLIGHT TEST CENTER, ANSWERED QUESTIONS REGARDING HEIGHT REQUIREMENTS FOR MILITARY AIR SPACE; RECEIVED AND FILED DOCUMENTS

PER PLANNING COMMISSION RECOMMENDATION, ADOPTED SECTION 15091 FINDINGS; ADOPTED SECTION 15093 STATEMENT OF OVERRIDING CONSIDERATION; ADOPTED MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-310 AND 2005-311 AND ENACTED ORDINANCES G-7270, G-7271 AND G-7272 APPROVING ZONE CHANGES AS REQUESTED AND APPROVING CONDITIONAL USE PERMITS SUBJECT TO CLARIFIED CONDITIONS 45 AND 56(b); APPROVED AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 667-2005, SUBJECT TO APPROVAL BY COUNTY COUNSEL; ALL APPROVALS NOT TO BECOME EFFECTIVE UNLESS PRIOR TO 5:00 P.M., FRIDAY, JANUARY 27, 2006, BOTH OF THE FOLLOWING EVENTS OCCUR:

- 1) THE PRESENT OPTION AGREEMENTS WITH THE OWNERS OF THE PROJECT SITE ARE AMENDED TO PROVIDE THAT THE RESULTING USE EASEMENT(S) FOR THIS WIND PROJECT PROHIBIT USES NOT IN CONFORMITY WITH THE REQUIREMENTS OF THE KERN COUNTY ZONING ORDINANCE APPLICABLE TO THE A WE (EXCLUSIVE AGRICULTURE - WIND ENERGY) DESIGNATION, AND THE CEQA MITIGATIONS AND OTHER CONDITIONS AS MAY BE IMPOSED BY APPROVALS OF ZONE CHANGE CASE 4, MAP 131, ZONE CHANGE CASE 12, MAP 150, ZONE CHANGE CASE 3, MAP 151, CONDITIONAL USE PERMIT 1, MAP 131, OR CONDITIONAL USE PERMIT 4, MAP 150; AND
- 2) LOS ANGELES DEPARTMENT OF WATER AND POWER SIGNS AND SUBMITS TO THE DIRECTOR AN AGREEMENT TO COMPLY WITH THE REQUIREMENTS OF THE KERN COUNTY ZONING ORDINANCE APPLICABLE TO THE A WE (EXCLUSIVE AGRICULTURE - WIND ENERGY) DESIGNATION, AND THE CEQA MITIGATIONS AND OTHER CONDITIONS AS MAY BE IMPOSED BY THE APPROVALS OF ZONE CHANGE CASE 4, MAP 131, ZONE CHANGE CASE 12, MAP 150, ZONE CHANGE CASE 3, MAP 151, CONDITIONAL USE PERMIT 1, MAP 131, OR CONDITIONAL USE PERMIT 4, MAP 150, REGARDLESS OF ANY EXEMPTION, INCLUDING THEIR STATUS PURSUANT TO GOVERNMENT CODE SECTION 53091

Maben-Patrick: All Ayes

RECESSED FOR 15 MINUTES

RECONVENED WITH ALL MEMBERS PRESENT

- *8) **Request from Donald E. and Elsie E. Suburu by California Land Surveys and Mapping, Inc., to cancel a 3.65-acre portion of an approximate 56.91-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 16.35 acres located at the northwest corner of Houghton Road and Eberle Road, south Bakersfield (SD #2)**
Specific Request:
Cancellation of a 3.65-acre portion of a 56.91-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 16.35 acres (Cancellation 05-1 Map #142)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-312 APPROVING CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE; DIRECTED CLERK OF THE BOARD TO RECORD CONTRACT AMENDING LAND USE CONTRACT; DIRECTED CLERK OF THE BOARD TO ISSUE A TENTATIVE CERTIFICATE OF CANCELLATION AND ISSUE A CERTIFICATE OF CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE AND COMPLIANCE WITH ALL OTHER CONDITIONS CONTAINED IN THE TENTATIVE CERTIFICATE OF CANCELLATION
McQuiston-Patrick: All Ayes
- *9) **Request from Arnold T. Cattani, Jr., by Delmarter and Deifel to change the permitted use from agriculture to general commercial requiring a precise development plan on 4.17 acres located at the southwest corner of Copus Road and Highway 99, north of Mettler (SD #4)**
Specific Request:
A change in zone classification from A to C-2 PD or a more restrictive district (ZCC #8, Map #161)
(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 2005-313 AND ENACTED ORDINANCE G-7273 APPROVING ZONE CHANGE AS REQUESTED
McQuiston-Patrick: All Ayes
- *10) **Request from the Kern County Planning Department for a nonsummary vacation of three 10-foot-wide pedestrian walkway easements off Cheatham and Reese Avenues, north of Casa Loma Drive, and approximately 700 feet west of Cottonwood Road in southeast Bakersfield (SD #5)**
Specific Request:
Nonsummary vacation of three 10-foot-wide pedestrian walkway easements (124-5 3 098; Streets and Highways)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-314 APPROVING VACATION, EXCEPTING AND RESERVING AN EASEMENT FOR EXISTING UTILITIES
McQuiston-Patrick: All Ayes

NOTE: ITEMS NO. 11 AND NO. 12 WERE HEARD CONCURRENTLY

- 11) **Request from The Loop 58 Protective Association, et al (original applicant - H. Lima Company) to appeal the decision of the Planning Commission approving a limestone surface mining operation in an agricultural district on 280 acres located on the east side of State Highway 58, approximately five miles northwest of Tehachapi (SD #2)**

Specific Request:

An appeal to the decision of the Planning Commission to approve Conditional Use Permit 11, Map 147 (Resolution 119-05; approved May 26, 2005) to allow a surface mining operation and reclamation plan in accordance with the Surface Mining and Reclamation Act (SMARA) of 1975 (Section 19.12.030.G) in an A District (Appeal #2, Map #147)

(Environmental Impact Report; Published Tehachapi News) - OPENED HEARING; HEARD IN SUPPORT OF APPEAL: MARIANA TEEL, MAYOR, CITY OF TEHACHAPI; SONJA BRONSON, LOOP 58 PROTECTIVE ASSOCIATION; INA WHATLEY; GARY PEARSON; SOLVEIG THOMPSON; LEAH FONTAINE, FRIENDS OF THE OAKS; ROBERT CHANDLER; JUDY STEPHAN, BEAR VALLEY SPRINGS ASSOCIATION; CHARLES WHITE; GLENN BAUMANN; SUZANNE WALTERS; FRANK MOORE; MARY LEWIS KNOWLES; LINDA SMITH; PIERRE HARTMAN; JAE MCINTYRE; DAN BRONSON, LAUREL FIRESTONE, ATTORNEY WITH CENTER FOR RACE, POVERTY AND THE ENVIRONMENT; JANE BAXTER, CALIFORNIA OAKS FOUNDATION; LORAIN UNGER, KERN-KAWEAH CHAPTER OF THE SIERRA CLUB; JERRY LINDROTH; WILLIAM NELSON; MEL GATES; JERRY PALMER; AND BRIDGETTE BEARD

HEARD IN OPPOSITION TO APPEAL: MARK LIMA, H. LIMA COMPANY; RANDY ABBOTT, REPRESENTING LOOP RANCH; JOHN BROOME; DAL BUNN, MANAGER, LOOP RANCH; SAM YOUNG, MANAGING PARTNER OF KEENE RANCH; WILLIAM ATKINSON; PETE STERN; DAVID WHITNEY, LEHIGH SOUTHWEST CEMENT COMPANY; REX MULLAND; GEORGE SANDY; ED WALDHEIM, REPRESENTING CITY OF CALIFORNIA CITY, CALIFORNIA CITY CHAMBER OF COMMERCE AND FRIENDS OF JAWBONE; KRISTIN VANDENBURG; GLENN MULLER; RICHARD CROSS; AND BRAD LANGER; CLOSED HEARING

MARY JANE WILSON, PRESIDENT, WZI, PROVIDED INFORMATION ON THE CEQA PROCESS AS IT PERTAINS TO AIR QUALITY, HEALTH RISK ASSESSMENT, FIRE PROTECTION, HAZARDOUS MATERIALS, OAK TREE DISTURBANCE AND HABITAT DISTURBANCE; DAVE JONES, AIR POLLUTION CONTROL OFFICER, KERN COUNTY AIR POLLUTION CONTROL DISTRICT, ANSWERED QUESTIONS REGARDING AIR QUALITY EFFECTS OF THE PROJECT; RECEIVED AND FILED DOCUMENTS

PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-315 DISAPPROVING THE APPEAL AND ADOPTING AMENDED SECTION 15091 FINDINGS AND AMENDED SECTION 15093 STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFYING AMENDED ENVIRONMENTAL IMPACT REPORT, ADOPTING AMENDED MITIGATION MEASURE MONITORING PROGRAM, AND APPROVING CONDITIONAL USE PERMIT SUBJECT TO AMENDED CONDITIONS, INCLUDING ADDITIONS TO AND CLARIFICATION OF CONDITION 14 AND INCLUDING A REQUIREMENT THAT APPLICANT AND STAFF REVIEW AVAILABLE NOx CONTROL TECHNOLOGY AFTER THE FIRST TWO YEARS OF OPERATION TO DETERMINE IF ANY NOx CONDITIONS SHOULD BE MODIFIED UNDER KERN COUNTY ORDINANCE CODE SECTION 19.102.020, AND REPORT TO THE BOARD ON STAFF'S DETERMINATION

Maben-McQuiston: 4 Ayes; 1 No - Rubio

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #2

- 12) Proposed Determination of Compatibility for mining on contracted land by H. Lima Company (Fiscal Impact: None) - HEARD IN OPPOSITION: MARIANA TEEL, MAYOR, CITY OF TEHACHAPI; SONJA BRONSON, LOOP 58 PROTECTIVE ASSOCIATION; INA WHATLEY; GARY PEARSON; SOLVEIG THOMPSON; LEAH FONTAINE, FRIENDS OF THE OAKS; ROBERT CHANDLER; JUDY STEPHAN, BEAR VALLEY SPRINGS ASSOCIATION; CHARLES WHITE; GLENN BAUMANN; SUZANNE WALTERS; FRANK MOORE; MARY LEWIS KNOWLES; LINDA SMITH; PIERRE HARTMAN; JAE MCINTYRE; DAN BRONSON, LAUREL FIRESTONE, ATTORNEY WITH CENTER FOR RACE, POVERTY AND THE ENVIRONMENT; JANE BAXTER, CALIFORNIA OAKS FOUNDATION; LORAIN UNGER, KERN-KAWEAH CHAPTER OF THE SIERRA CLUB; JERRY LINDROTH; WILLIAM NELSON; MEL GATES; JERRY PALMER; AND BRIDGETTE BEARD

HEARD IN SUPPORT: MARK LIMA, H. LIMA COMPANY; RANDY ABBOTT, REPRESENTING LOOP RANCH; JOHN BROOME; DAL BUNN, MANAGER, LOOP RANCH; SAM YOUNG, MANAGING PARTNER OF KEENE RANCH; WILLIAM ATKINSON; PETE STERN; DAVID WHITNEY, LEHIGH SOUTHWEST CEMENT COMPANY; REX MULLAND; GEORGE SANDY; ED WALDHEIM, REPRESENTING CITY OF CALIFORNIA CITY, CALIFORNIA CITY CHAMBER OF COMMERCE AND FRIENDS OF JAWBONE; KRISTIN VANDENBURG; GLENN MULLER; RICHARD CROSS; AND BRAD LANGER

ADOPTED RESOLUTION 2005-316 FINDING THAT MINING OPERATION IS COMPATIBLE WITH THE WILLIAMSON ACT PROGRAM AND WITH PROVISIONS OF SECTION 51238.1 OF THE STATE GOVERNMENT CODE

Maben-McQuiston: 4 Ayes; 1 No - Rubio

S.D. #1

- *13) Request for Notice of Nonrenewal Petition No. 05-29 from Kulwant Gadri, by Provost and Pritchard, for 76.36 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD
McQuiston-Patrick: All Ayes
- *14) Request for Notice of Nonrenewal Petition No. 05-30 by Snell Partnership for 64.62 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD
McQuiston-Patrick: All Ayes
- *15) Request for Notice of Nonrenewal Petition No. 05-31 by Joost and Jenny DeMoes for 156.36 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD
McQuiston-Patrick: All Ayes
- *16) Request for notice of Nonrenewal Petition No. 05-32 by Joost and Jenny DeMoes for 233.48 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD
McQuiston-Patrick: All Ayes

S.D. #4

- *17) Request for Notice of Nonrenewal Petition No. 05-21 by Bruce Tiner and Irma Tiner for 74.22 acres within Agricultural Preserve No. 6 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

McQuiston-Patrick: All Ayes

Miscellaneous

S.D. #4

- *18) Request from Grapevine Oil Company, Inc., for Determination of Public Convenience for the issuance of an off-sale beer and wine license at 1841 W. Mettler Frontage Road, Mettler, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-317

McQuiston-Patrick: All Ayes

All S.D.'s

- 19) Response to referral regarding Small Wind Energy Systems permitting requirements (Fiscal Impact: None) - RECEIVED AND FILED REPORT

Maben-Patrick: All Ayes

- *20) Request to enter into a Grant Agreement with the State of California for a \$400,000 Proposition 13 grant to partially fund preparation of the Dairy Animal Facility Zoning Ordinance and Dairy Program Environmental Impact Report (Fiscal Impact: \$400,000 Revenue; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-318 AUTHORIZING PLANNING DIRECTOR TO SIGN, SUBJECT TO APPROVAL BY COUNTY COUNSEL

McQuiston-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department
S.D. #1

- *21) Proposed Amendment No. 1 to Agreement 1068-2004 with the City of McFarland to provide Community Development Block Grant funds in the amount of \$146,100 for the purchase and installation of a back-up generator for the McFarland Wastewater Treatment Plant (CD No. 16.04.3), for a new total project amount not to exceed \$270,800 (Fiscal Impact: \$146,100; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 668-2005

McQuiston-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services
S.D. #2

- *22) Contract No. 04022, Change Order Report and Notice of Completion for Mojave drainage improvements, Phase VIII, a decrease of \$46,953.11, for a new total of \$452,470.89 (Fiscal Impact: \$46,953.11 Decrease; CEDD; Discretionary) - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

S.D. #5

- *23) Contract No. 05020, Plans and Specifications, and Notice to Contractors for construction of east Bakersfield Curb and Gutter Project (Fiscal Impact: \$266,500; CEDD Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20150 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, SEPTEMBER 7, 2005, AT 11:00 A.M.

McQuiston-Patrick: All Ayes

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

- *24) Contract No. 04025, Change Order Report and Notice of Completion for Curb Cut Improvements, east Bakersfield, Taft and Lake Isabella, a decrease of \$17,083.67, for a new total of \$201,853.56 (Fiscal Impact: \$17,083.67 Decrease; CEDD; Discretionary) - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #2

- *25) Contract No. 05018 Notice of Completion with Asphalt Construction Company for asphalt concrete (stockpile) at various locations in east Kern County (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

- *26) Contract No. 05034 with Granite Construction Company for construction on Red Apple Avenue from Westwood Boulevard to State Route 202, in an amount not to exceed \$1,483,841 (Fiscal Impact: \$1,483,841; Road Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 669-2005

McQuiston-Patrick: All Ayes

S.D. #3

- *27) Proposed handicap parking zone on Sequoia Drive, Oildale (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

McQuiston-Patrick: All Ayes

- *28) Easement Deed and proposed Right-of-Way Contract with Gavin R. and Maxine M. Farler for approximately 200 square feet of property for improvement of Pioneer Drive (Fiscal Impact: \$1,320; Road Fund; Budgeted; Discretionary) - ACCEPTED DEED; DIRECTED CLERK OF THE BOARD TO RECORD; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 670-2005; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE PAYMENT

McQuiston-Patrick: All Ayes

- *29) Contract No. 06001, Plans, Specifications and Notice to Contractors for construction on various streets in Oildale (Fiscal Impact: \$450,000; Road Fund; Budgeted; Discretionary) -

WITHDRAWN

S.D. #4

- *30) Irrevocable Offers of Dedication of real property from Rosedale Church of Christ of Bakersfield, California for additional right-of-way and storm drain easement on Allen Road (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO SIGN AND RECORD CONSENT TO RECORDATION

McQuiston-Patrick: All Ayes

S.D. #5

- *31) Proposed no stopping zone along Segrue Road, Lamont (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

McQuiston-Patrick: All Ayes

- *32) Proposed pedestrian crosswalk and bus loading zone east of Santa Rosa Avenue, Lamont (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

McQuiston-Patrick: All Ayes

S.D.'s #3 & #5

- *33) Request to reject all bids for Contract No. 05033 for construction on various streets in Oildale, Alta Vista and Pioneer Park Area, Bakersfield (Fiscal Impact: None) -

WITHDRAWN

All S.D.'s

- *34) Request for approval of Kern Regional Transit Transportation Development Act (TDA) claim, in the amount of \$3,524,410; and authorization to sign Streets and Roads Claim for Fiscal Year 2005-2006 (Fiscal Impact: \$3,524,410; TDA Funds; Budgeted; Discretionary) - APPROVED; AUTHORIZED DIRECTOR OF ROADS TO SIGN BOTH CLAIMS; AUTHORIZED SUBMITTAL OF CLAIM TO KERN COG

McQuiston-Patrick: All Ayes

WASTE MANAGEMENT

S.D.'s #1 & #2

- *35) Proposed Amendment No. 1 to Agreement 1093-2000 with Cullinan Engineering, Inc., to provide operational services at the Mojave Sanitary Landfill, extending the term to February 28, 2007, and increasing the base compensation amount by \$2,500 per month to \$12,500 per month (Fiscal Impact: \$37,500 Increase; Solid Waste Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 671-2005; AUTHORIZED DIRECTOR OF WASTE MANAGEMENT TO RESCIND NOTICE OF TERMINATION FOR AGREEMENTS 1059-2001 AND 132-2002

McQuiston-Patrick: All Ayes

- *36) Proposed Contract No. 05025 with Wood Brothers, Inc., for construction of the South Access Improvements and Module 2 Earthworks at the Bakersfield Metropolitan (Bena) Sanitary Landfill, in an amount not to exceed \$9,043,050.41 (Fiscal Impact: \$9,043,050.41; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 672-2005

McQuiston-Patrick: All Ayes

All S.D.'s

- *37) Proposed Agreement with Community Clean Sweep to provide educational outreach and promotion of waste reduction from July 26, 2005 through June 30, 2006, in an amount not to exceed \$43,500 (Fiscal Impact: \$43,500; Solid Waste Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 673-2005

McQuiston-Patrick: All Ayes

- *38) Request for Relief from Accountability of Accounts Receivable, in the amount of \$23,472.50 (Fiscal Impact: None) - APPROVED

McQuiston-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *39) Proposed Amendment No. 3 to Agreement 439-96 with Managed Care Systems for County Employee Assistance Program and Mental and Substance Abuse Inpatient Gatekeeping Services extending term for three months through October 31, 2005, and increasing not to exceed amount by \$65,000 (Fiscal Impact: \$65,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 674-2005

McQuiston-Patrick: All Ayes

- *40) Request to continue response on Board's referral of May 9, 2005 regarding proposed implementation measures on findings and recommendations of the Macias Consulting Group to Tuesday, August 30, 2005 (from 6/13/2005 & 6/28/2005) (Fiscal Impact: None) - APPROVED

McQuiston-Patrick: All Ayes

- *41) Quarterly report on authorized positions and vacancies for Fiscal Year 2004-2005, Fourth Quarter (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

- *42) Response to referral of June 28, 2005 regarding review of city contracts for fire protection services - RECEIVED AND FILED; REFERRED TO FIRE DEPARTMENT FOR REPORT BACK IN OCTOBER 2005

McQuiston-Patrick: All Ayes

- *43) Retroactive Standard Agreement for California Healthcare for Indigents Program (CHIP) funding for Fiscal Year 2004-2005 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 675-2005

McQuiston-Patrick: All Ayes

- *44) Report on results of Fiscal Year (FY) 2004-2005 Budget Savings Incentive Program (Fiscal Impact: None) - REFERRED TO FY 2005-2006 BUDGET FILE; DIRECTED COUNTY ADMINISTRATIVE OFFICE TO MAKE APPROPRIATE ADJUSTMENTS TO DEPARTMENTAL OPERATING BUDGETS FOR APPROVAL AT FY 2005-2006 BUDGET HEARINGS

McQuiston-Patrick: All Ayes

- *45) Fiscal Year 2005-2006 Recommended Budget documents for the County of Kern and special districts governed by the Board of Supervisors (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

Legislative Matters

- *46) Proposed Resolution in support of legislation providing State reimbursement to counties in Fiscal Year 2005-2006 for November 8, 2005 special election costs (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-319; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

McQuiston-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- 47) Request to reject bid received from I Con Construction for the Lerdo Minimum Security Holding Cells in the amount of \$365,860 (2210.7001ACC) (Fiscal Impact: None) - LUIS VALENZUELA, OWNER-OPERATOR, I CON CONSTRUCTION, HEARD; REJECTED BID; AUTHORIZED GENERAL SERVICES TO REDESIGN; RELEASED BID GUARANTEE

McQuiston-Maben: All Ayes

- *48) Report on progress of cable system upgrade by Mediacom for Kern Valley and request by Mediacom California, LLC, for Board to concur the planned upgrade of the Kern Valley Cable System, once completed, will meet the intent of Franchise Ordinance F-435 for the purposes of the term extension on July 1, 2006 (Fiscal Impact: None) - APPROVED; RECEIVED AND FILED

McQuiston-Patrick: All Ayes

S.D. #3

- *49) Proposed Amendment No. 3 to Agreement 225-2004 with Dennis E. Hummel Construction Consulting Services for consultation and inspection services at the New Airport Terminal at Meadows Field, an increase of \$75,000, for a new total of \$200,000 (8215.7500) (Fiscal Impact: \$75,000; Airport Project Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 676-2005

McQuiston-Patrick: All Ayes

- *50) Proposed Amendment No. 3 to Agreement 303-2004 with BSK & Associates, Inc., for the testing and inspection services at the New Airport Terminal at Meadows Field, to extend the contract expiration date to February 28, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 677-2005

McQuiston-Patrick: All Ayes

- *51) Report regarding proposed assessment of penalty against Ace Engineering, Inc., under Public Contract Code Section 4110, Violation of Section 4106 Subcontracting Listing requirement on DiGiorgio Park Upgrade Ball Field Lighting (1960.8159) (Fiscal Impact: \$340; Parkland Grant; Budgeted; Discretionary) - RECEIVED AND FILED; ASSESSED A PENALTY OF \$340 AGAINST ACE ENGINEERING, INC.

McQuiston-Patrick: All Ayes

- *52) Report and proposed authorization for sole source Agreement with A.C. Electric for emergency replacement of electrical transformers at Probation Department's Juvenile Hall Detention Facility, in an amount not to exceed \$80,000 (Fiscal Impact: \$80,000; General Fund; Not Budgeted, Discretionary) - RECEIVED AND FILED; ADOPTED RESOLUTION 2005-320 FINDING THAT THE EMERGENCY WOULD NOT PERMIT A DELAY RESULTING FROM COMPETITIVE BIDDING; AUTHORIZED COUNTY ADMINISTRATIVE OFFICER FOR GENERAL SERVICES TO EXECUTE SOLE SOURCE CONTRACT WITH A.C. ELECTRIC, INC.

McQuiston-Patrick: All Ayes

- *53) Proposed termination of Agreement 412-98 with Miles and Joan Thomas and proposed Agreement with Haagsma Farms for lease of 41.85 acres of land immediately south of Arvin Landfill for farming purposes, from date of execution until December 31, 2007 (Fiscal Impact: \$1,500 Per Year Revenue; Solid Waste Management Enterprise Fund; Not Budgeted; Discretionary) - ACCEPTED TERMINATION LETTER; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 678-2005

McQuiston-Patrick: All Ayes

All S.D.'s

- *54) Proposed Escrow Agreement with Kaweah Construction Company for the Job Order Contract Specialty Wastewater Treatment Plant Maintenance/Repair (Various Projects) (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 679-2005

McQuiston-Patrick: All Ayes

- *55) Report on status of all cable franchises regarding compliance with franchise requirements (Fiscal Impact: None)- RECEIVED AND FILED

McQuiston-Patrick: All Ayes

- *56) Job Order Contracts project listing update (Various Projects) (Fiscal Impact: None) - APPROVED

McQuiston-Patrick: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *57) Minutes for week of June 13, 2005 - APPROVED
McQuiston-Patrick: All Ayes
- *58) Miscellaneous Letters and Documents - APPROVED
McQuiston-Patrick: All Ayes
- *59) Miscellaneous Departmental Referrals by Clerk of the Board -
APPROVED AND FILED
McQuiston-Patrick: All Ayes
- *60) Claims and Lawsuits filed with and referred by Clerk of the
Board - APPROVED AND FILED
McQuiston-Patrick: All Ayes

ADJOURNED TO TUESDAY, AUGUST 2, 2005, AT 9:00 A.M.

Rubio

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Ray Watson
Chairman, Board of Supervisors

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

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

58) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Assessor-Recorder

- A) Response to referral to letter from Robert J. Magarrell re charges to tax bill for Arvin Edison Water Storage District (Copies to each Supervisor and CAO)

Auditor-Controller-County Clerk

- B) Report on Refunds (Government Code Section 26906) of Erroneous Deposits pursuant to Board Resolution 71-4
- C) Report of activity in County Revolving Funds, Cash Difference Funds, Cash Overage Funds and Replenishment of Shortages in County funds for the period of July 1, 2004 through June 30, 2005
- D) Status report on Excess Proceeds from Tax Deeded Land Sales
Clerk of the Board
- E) Letter from Reed Tollefson, South Fork Mosquito Abatement District, re his resignation as Trustee of the District (Copies to each Supervisor and CAO)
- F) Letter from Randy Kyt, Kern River Valley Cemetery District, re resignation of Ollie Vehlewald from the Board of Trustees of the District (Copies to each Supervisor and CAO)

- G) Monthly Referral Report for July, 2005

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

- | | |
|----------------------------|---------|
| 1) Tract Map 5362, Unit 5 | S.D. #2 |
| 2) Tract Map 5918, Phase 1 | S.D. #3 |
| 3) Tract Map 6000, Phase 4 | S.D. #1 |
| 4) Tract Map 6095, Phase 6 | S.D. #2 |
| 5) Tract Map 6095, Phase 7 | S.D. #2 |
| 6) Tract Map 6095, Phase 8 | S.D. #2 |
| 7) Tract Map 6207 | S.D. #3 |
| 8) Tract Map 6210, Phase 1 | S.D. #5 |
| 9) Tract Map 6210, Phase 2 | S.D. #5 |
| 10) Tract Map 6323, Unit 1 | S.D. #4 |
| 11) Parcel Map 10831 | S.D. #2 |
| 12) Parcel Map 11101 | S.D. #1 |
| 13) Parcel Map 11245 | S.D. #4 |

Employers' Training Resource

- I) Workforce Investment Act On-the-Job Training Agreements:
- 1) Bakersfield Cold & Dry Storage, dba BCD Storage, WIA Title 201, dated July 6, 2005
 - 2) Five Pharms, Inc., dba Mercy Plaza Respiratory, WIA Title 501, dated July 5, 2005
 - 3) Mechanical Industries, Inc., WIA Title 201, dated June 21, 2005
 - 4) SmithTech/USA, Inc., WIA Title 201, dated June 15, 2005
 - 5) SmithTech/USA, Inc., WIA Title 201, dated July 5, 2005

Engineering & Survey Services

- J) Received, prepared Certificate of Acceptance and forwarded to Recorder for recordation an Irrevocable Offer of Dedication from Andy Hetzel for Greystone Homes, Inc., for public road easement, Tract 6239
- K) Received, prepared Certificate of Acceptance and forwarded to Recorder for recordation an Irrevocable Offer of Dedication from the Torabi Family Trust Inter Vivos for sewer easement, Parcel 10665

Environmental Health

- L) Seven (7) thank you letters for donations to the Bakersfield Animal Care Center and the Mojave Animal Shelter (Copies to each Supervisor and CAO)

Fire

- M) Thank you letter from Steve Atwater, Pineridge Property Owners, for assistance in reducing fire hazards within their community (Copies to each Supervisor and CAO)

Local Agency Formation Commission

- N) Resolution 05-19, Proceeding No. 1402, in the matter of Berrenda Mesa Water District / Lost Hills Water District, Reorganization No. 1 (Copies to each Supervisor and CAO)
- O) Resolution 05-20, Proceeding No. 1414, in the matter of the City of Bakersfield, Annexation No. 474, McKee No. 4 (Copies to each Supervisor and CAO)
- P) Resolution 05-21, Proceeding No. 1415, in the matter of the City of Bakersfield, Annexation No. 479, Panama No. 15 (Copies to each Supervisor and CAO)

Roads

- Q) Received, prepared Consent to Recordation and transmitted to Recorder for recordation an Irrevocable Offer of Dedication from George and Jennifer J. DeBoer Family Trust for additional right-of-way on Lerdo Highway required for Building Permit No. K200404790
- R) Received, prepared Consent to Recordation and transmitted to Recorder for recordation an Irrevocable Offer of Dedication from the Steven and Vickie Murray Family Trust for additional right-of-way on General Beale Road as required for Precise Development Plan No. 1, Map No. 126

Sheriff

- S) Response to the 2004-2005 Grand Jury Final Report re Kern County Sheriff's Department Taft Substation (Copies to each Supervisor and CAO)
- T) Response to the 2004-2005 Grand Jury Final Report re Kern County Sheriff's Department Frazier Park Substation (Copies to each Supervisor and CAO)

Treasurer-Tax Collector

- U) Cash Receipts and Disbursements for June 2005

Miscellaneous

- V) Letter from Todd Gilman, State Board of Equalization, re Taxpayers' Bill of Rights Hearings on Wednesday, September 21, 2005, and Tuesday, October 25, 2005 (Copies to each Supervisor and CAO)
- W) Letter from David Janes, David Janes Company, in support of proposed inoperable vehicle ordinance (Copies to each Supervisor, CAO, Engineering & Survey Services and County Counsel)
- X) Letter from Allan Henderson, Patrick & Henderson, Inc., in support of Pine Tree Wind Development Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)
- Y) Letters from Sean G. Roberts, Wind Energy Constructors and Renewable Management Corporation; Don Stowell, Mojave Desert Bank; and Teresa Bryant, Derringer Aircraft Company, in support of Pine Tree Wind Development Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)
- Z) Letter from Sean C. Roberts, National Test Pilot School, in support of Pine Tree Wind Development Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)
- AA) Letter from Jeffrey M. Sheets, JMS Electric, in support of Pine Tree Wind Development Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)
- BB) Letter from Kathryn DeVries re issues for consideration concerning the Pine Tree Wind Development Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)
- CC) Letter from Rodney Dees, Dees Construction in support of Pine Tree Wind Development Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)
- DD) Letter from Charles Shelton re fees charged at County golf courses (Copies to each Supervisor, CAO and Parks)
- EE) Letter from Eileen Romines in opposition to the H. Lima Mine Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)

- FF) Letter from Mary Lewis Knowles re concerns about the H. Lima Mine Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)
- GG) Letter from Ina Whatley in opposition to the H. Lima Mine Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)
- HH) Letter from Elaine Thompson, Verizon Wireless, re addition of cell site at Zone Wind Farm, Tehachapi, APN 237-063-27 (Copies to each Supervisor, CAO, Planning and Engineering & Survey Services)
- II) Letter from Michael and Jeanie Adams in opposition to amendment of Zoning Map No. 63-13, Zone Change Case No. 4, Lake Isabella (Copies to each Supervisor, CAO, Planning and County Counsel)
- JJ) Letter from Ara Marderosian, Sequoia ForestKeeper, and Lorraine Unger, Kern-Kaweah Chapter of the Sierra Club, re Draft Master Plan for the Kern Valley Airport (Copies to each Supervisor, CAO, Airports, Planning and County Counsel)
- KK) Letter from Marsha Smith, Kern Valley Sun, in support of expansion of the Kern Valley Airport (Copies to each Supervisor, CAO and Airports)
- LL) Letter from Ron Smith, R. J. Smith Construction, in support of expansion of the Kern Valley Airport (Copies to each Supervisor, CAO and Airports)
- MM) Letter from Edgar "Rodger" Goodbary, Goodbary Inc., re appreciation to the citizens of Kern County (Copies to each Supervisor and CAO)
- NN) Letter from J. R. Odom, California Highway Patrol, re Hazardous Materials Incident Report on Wednesday, June 29, 2005, on north bound I-5, .8 miles south of Grapevine Road (Copies to each Supervisor, CAO, Fire Haz-Mat and Environmental Health)
- OO) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report on Friday, June 24, 2005, on Panama Lane west of Cottonwood Road (Copies to each Supervisor, CAO, Fire Haz-Mat and Environmental Health)
- PP) Letter from Rochelle Howard, Catholic Healthcare West, re termination of license agreement for child immunization tracking and registration system (ITRS) (Copies to each Supervisor, CAO, Public Health and County Counsel)
- QQ) Letter from Kimberly Belshe, State Health and Human Services Agency re concerns about Section 1115 Demonstration Waiver Agreement for Hospital Financing Redesign (HFR) (Copies to each Supervisor, CAO, Kern Medical Center and County Counsel)
- RR) Letter from Senator Barbara Boxer re Medicaid funding (Copies to each Supervisor and CAO)

- SS) Letter from Roy C. Davenport re banning fireworks (Copies to each Supervisor, CAO and Fire)
- TT) Letter from Senator Roy Ashburn re establishment of Mexican consular operations in Bakersfield (Copies to each Supervisor, CAO and County Counsel)
- UU) Letter from Ed Miller re access roads and use of easement to Sun Ridge Development, Dustin Akers Road (Copies to each Supervisor, CAO, Roads, Planning and County Counsel)
- VV) Letter from E. Larson re fines and seizure of vehicles on private property (Copies to each Supervisor, CAO and County Counsel)
- WW) Letter from Mary M. Murdoch, Nextel Communications, Inc., re new cell site on the north side of Lerdo Highway between Scofield and Lenard Streets (Copies to each Supervisor, CAO and Planning)
- XX) E-mail from Robert Danford re West Nile Virus problem in Kern County (Copies to each Supervisor, CAO, Public Health and County Counsel)
- YY) E-mail from Dave Ogden in opposition to H. Lima Mine Project, Tehachapi area (Copies to each Supervisor, CAO, Planning and County Counsel)
- ZZ) E-mail from Ara Marderosian, Sequoia ForestKeeper, re reducing air pollution (Copies to each Supervisor, CAO, Resource Management Agency and Air Pollution Control District)
- AAA) E-mail from Dwight J. Griffith, Griffith Farms, re international flights into Bakersfield (Copies to each Supervisor, CAO, Agricultural Commissioner, Airports and County Counsel)
- BBB) E-mail from Jay Gillette re international flights into Bakersfield (Copies to each Supervisor, CAO, Agricultural Commissioner, Airports and County Counsel)
- CCC) Notice from U.S. Forest Service, Los Padres National Forest, re Schedule of Proposed Action (SOPA) from July 1, 2005 through September 30, 2005 (Copies to each Supervisor, CAO and Planning)
- DDD) Notice from Federal Energy Regulatory Commission re additional information to Initiate Formal Consultation under the Endangered Species Act, Project No. 382-026, Borel Project, Southern California Edison Company (Copies to each Supervisor, CAO, Planning and County Counsel)
- EEE) Notice from Pacific Gas and Electric Company re application for approval of recovery in rates of its costs to complete construction of the Contra Costa Unit 8 Facility and notice requesting funds for full development of its Advanced Metering Infrastructure (AMI) Project (Copies to each Supervisor and CAO)

- FFF) Notices from State Department of Alcoholic Beverage Control for applications for Alcoholic Beverage Licenses from: The Nautical Moose, 29211 Weringer Street, Woody; Billiards San Juan, 2105 Edison Highway, Suite B3, Bakersfield; Abe's, 2243 Highway 58, Mojave (Copies to each Supervisor, CAO and Planning)
- GGG) Agenda of meeting from Kern County Commission on Aging on Monday, July 18, 2005
- HHH) Minutes of meeting from Kern County Commission on Aging, Executive Committee, on Wednesday, June 1, 2005
- III) Agenda of meeting from In-Home Supportive Services Advisory Committee on Thursday, July 14, 2005
- JJJ) Minutes of meeting from In-Home Supportive Services Advisory Committee on Thursday, June 9, 2005
- 59) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Robert J. Magarrell re charges to tax bill for Arvin Edison Water Storage District - REFERRED TO ASSESSOR-RECORDER (Copies to each Supervisor and CAO)
- B) Letter from Kenneth Hoffman re cleaning up his property at 2959 Eva Avenue, Lake Isabella - REFERRED TO ENGINEERING & SURVEY SERVICES (Copies to each Supervisor, CAO and County Counsel)
- C) Letter from Larry E. Reider, Kern County Superintendent of Schools, re transfer of 1,012 acres of uninhabited property northwest of the junction of State Highway 99 and Petrol Road - REFERRED TO COUNTY COUNSEL (Copies to each Supervisor, CAO, Elections, Assessor-Recorder and Treasurer-Tax Collector)
- 60) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of State Farm Insurance vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Juan Galaviz vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Gilton E. Solito vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Stacey Brown vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Linda Munoz vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Shirley T. Ricks and James R. Ricks vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- G) Claim in the matter of Emilio Servin vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Claim in the matter of Michael R. Wencil vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Claim in the matter of Stacy Hodson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Claim in the matter of Valentin Briones, Lucinda Briones and Elisa Briones, a Minor, and Eunice Briones, a Minor by and through their Legal Guardian Valentin Briones vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- K) Claim in the matter of Ruben Bosquez Montez, Jr. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- L) Claim in the matter of Cathie Jackson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- M) Claim in the matter of Robert S. Ochoa vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- N) Claim in the matter of Juan Bernal vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- O) Claim in the matter of Jamie Wayne Atkins vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- P) Claim in the matter of Esteban G. Mendez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- Q) Subrogation claim in the matter of Luthemy Ruffin by Encompass Insurance vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- R) Summons and complaint in the matter of Lorene Oglesby, Mark Randal Oglesby, Christine Susanne Hinkle, Wayne William Oglesby, Julie Michelle Hay, individually and as the Successors in Interest of Robert Oglesby, Deceased vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- S) Summons and complaint in the matter of Joseph F. Etienne as Receiver for Edward O. Tietjen, Tammy L. Tietjen and Ed Tietjen Concrete Construction, Inc. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- T) Summons and complaint in the matter of Gloria Navarro, Erick Navarro, a Minor by and through his Guardian ad Litem, Jose Navarro, Jose Navarro, Individually vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

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