

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, July 29, 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.

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution honoring and commending Gilbert Salazar upon his retirement after 39½ years of service to Kern County - ADOPTED RESOLUTION; MADE PRESENTATION TO GILBERT SALAZAR; DR. B. A. JINADU, DIRECTOR OF PUBLIC HEALTH; GILBERT SALAZAR AND LUCINDA WASSON, DIRECTOR OF NURSING, HEARD; MRS. ERNESTINE SALAZAR INTRODUCED

McQuiston-Patrick: All Ayes

PUBLIC REQUESTS

- 2) Request of Pam Sanders, Past Chairperson, Kern County Child Care Council, to address the Board regarding the activities report for April 1, 2003 to June 30, 2003 - PAM SANDERS HEARD
- 3) Request of Larry Moxley, Chairman, Solid Waste Management Advisory Committee, to address the Board to honor Supervisor Barbara Patrick for her years of service as a member of the Solid Waste Management Advisory Committee - LARRY MOXLEY HEARD

APPOINTMENTS

- *4) Appointment of Ralph E. Martinez as Fourth District Member to the Comprehensive Economic Development Strategy Committee, term to expire at the pleasure of the Board - MADE APPOINTMENT

Patrick-Maben: All Ayes

- *5) Appointment of Darrell Pete Fauke as Fourth District Member to the Heritage Commission, term to expire at the pleasure of the Board - MADE APPOINTMENT

Patrick-Maben: All Ayes

- *6) Reappointment of Wilfred "Hezzy" Brown to the In-Home Supportive Services (IHSS) Advisory Committee, term to expire June 30, 2004 - MADE REAPPOINTMENT

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

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

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 8) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

- *9) Request for sole source procurement of Glassywinged Sharpshooter sticky traps for the Kern County Glassywinged Sharpshooter Area Wide pest Management Program, from July 1, 2003 to June 30, 2004, in an amount not to exceed \$55,000 - AUTHORIZED PURCHASING AGENT TO ISSUE SOLE SOURCE PURCHASE ORDER

Patrick-Maben: All Ayes

- *10) Proposed retroactive Agreement with California Department of Food and Agriculture (No. 03-0127) for 2003/2004 Workplan, Pierce's Disease Program (GWSS) Kern County Area Wide Management Program, in an amount not to exceed \$1,103,563.64 (prior notification 7/22/2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 665-2003

Patrick-Maben: All Ayes

- *11) Proposed retroactive Agreement with California Department of Food and Agriculture (No. 03-0021) to reimburse for Citrus Maturity Inspection Services within Kern County, for Fiscal Year 2003/2004, in an amount not to exceed \$85,855.60 (prior notification 7/22/2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 666-2003

Patrick-Maben: All Ayes

- *12) Proposed retroactive Agreement with California Department of Food and Agriculture (No. 03-0089) to reimburse for providing Standardization Program, Experimental Container Permit Audits within Kern County, for Fiscal Year 2003/2004, in an amount not to exceed \$4,432.63 (prior notification 7/22/2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 667-2003

Patrick-Maben: All Ayes

- *13) Proposed retroactive Agreement with California Department of Food and Agriculture (No. 03-0030) to reimburse for Trapping Exotic Insect Pests within Kern County, for Fiscal Year 2003/2004, in an amount not to exceed \$251,622.99 (prior notification 7/22/2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 668-2003

Patrick-Maben: All Ayes

- *14) Proposed retroactive Agreement with California Department of Food and Agriculture (No. 03-0092) to reimburse for providing inspection services to Fruit and Vegetable Standardization Program, for Fiscal Year 2003/2004, in an amount not to exceed \$41,275.30 (prior notification 7/22/2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 669-2003

Patrick-Maben: All Ayes

- *15) Proposed retroactive Agreement with California Department of Food and Agriculture (No. 03-0201) to reimburse for enforcement activities in accordance with the Organic Food Act, for Fiscal Year 2003/2004, in an amount not to exceed \$1,700 (prior notification 7/22/2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 670-2003

Patrick-Maben: All Ayes

- *16) Proposed retroactive Agreement with California Department of Food and Agriculture (No. 03-0223) to reimburse for services performed for supervision and enforcement of the Nematode Control Program, Fiscal Year 2003/2004, in an amount not to exceed \$6,000 (prior notification 7/22/2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 671-2003

Patrick-Maben: All Ayes

AIRPORTS

- *17) Proposed Fixed Base Operator Lease with Gene Nelson and Jeltje Nelson at Kern Valley Airport, Kernville, for a term of ten years with two separate and successive five-year options, at a monthly rate of \$341, to be reviewed annually - MADE FINDING THAT THIS PROJECT IS EXEMPT UNDER SECTION 15301 OF CEQA GUIDELINES; DIRECTED CLERK OF THE BOARD TO COMPLETE AND FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 672-2003

Patrick-Maben: All Ayes

- *18) Proposed month-to-month Lease Agreement with Skip Ruff to rent Hangar #17 at Taft Airport, Taft, at a monthly rate of \$65, to be reviewed annually - MADE FINDING THAT THIS PROJECT IS EXEMPT UNDER SECTION 15301 OF CEQA GUIDELINES; DIRECTED CLERK OF THE BOARD TO COMPLETE AND FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 673-2003

Patrick-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *19) Proposed calculation of Proposition 4 Appropriations Limit for FY 2003-2004 by selection of "the percentage change in assessed valuation which is attributable to non-residential new construction" in determining the FY 2003-2004 appropriations limit and selection of "change in population within the incorporated area of the County" as the population factor - ESTABLISHED TUESDAY, AUGUST 26, 2003, AT 9:00 A.M. AS THE TIME AND DATE FOR CONSIDERATION OF SELECTION OF PROPOSED FACTORS FOR CALCULATION OF APPROPRIATIONS LIMIT FOR FY 2003-2004

Patrick-Maben: All Ayes

- *20) Transfer to County General Fund of Unclaimed Refundable Property Tax Payments, in the amount of \$4,275.01 - APPROVED TRANSFER

Patrick-Maben: All Ayes

COUNTY COUNSEL

- *21) Report on workshops regarding implementation of Kern County Campaign Finance Ordinance scheduled for August 20, 2003 at 10:00 A.M. - RECEIVED AND FILED

Patrick-Maben: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *22) Notification of anticipated retroactive approval of Agreement with the Tulare County Workforce Investment Board, Inc. to upgrade incumbent health care workers to licensed or registered nurses through a Nurse Workforce Initiative grant from July 1, 2003 through June 30, 2004, in an amount not to exceed \$95,888 - RECEIVED AND FILED

Patrick-Maben: All Ayes

FIRE DEPARTMENT

Hearing

- 23) Public Hearing for proposed Ordinance amending Chapter 17.08, 17.20 and 17.32, clarifying provisions for water hammer control in new occupancies and making revisions to the fire sprinkler requirements in the Building Code and Fire Code to include requiring all new buildings classified for use by public assemblies to be equipped with a fire sprinkler system, and other minor changes as recommended; and adding a new Chapter 17.34 to Title 17 of the Kern County Code, including the adoption of the 2000 Edition of the Urban Wildland Interface Code - OPENED HEARING; ROY WEYGAND, PRESIDENT, KERN COUNTY TAX PAYERS ASSOCIATION; FRED PORTER; AND PHILIP FIELD, EXECUTIVE MANAGER, KERN

(Continued to page 5)

(Continued from page 4)

COUNTY BUILDERS' EXCHANGE, HEARD; CLOSED HEARING; MADE FINDING THAT THE PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(B)(3) OF THE CEQA GUIDELINES; MADE FINDING THAT THE PROJECT IS COMPATIBLE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN; AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; WAIVED READING AND INTRODUCED ORDINANCE; ADOPTED RESOLUTION 2003-308 MAKING FINDING THAT LOCAL AMENDMENTS TO CALIFORNIA BUILDING STANDARDS CODE ARE REASONABLE AND NECESSARY; REFERRED REVIEW OF THE BUILDING PERMIT PROCESS RELATING TO RETROFITTING EXISTING STRUCTURES IN HAZARDOUS FIRE AREAS WITH FIRE RESISTIVE MATERIALS TO THE FIRE AND BUILDING DEPARTMENTS FOR REPORT BACK TO THE BOARD

McQuiston-Watson: All Ayes

- *24) Proposed Request for Proposals for Fire Department physicals and fitness assessments -

WITHDRAWN

HUMAN SERVICES

- *25) Request approval to select Moss Beach Homes, Inc./Aspira Foster and Family Services as Kern County's SB 163 Wraparound Services provider - APPROVED

Patrick-Maben: All Ayes

KERN MEDICAL CENTER

- *26) Proposed Amendment No. 1 to Agreement 126-99 with Bright House Networks, LLC for Cable Television Maintenance, requesting name change from Time Warner Entertainment-Advance/Newhouse Partnership to Bright House Networks, LLC - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 674-2003

Patrick-Maben: All Ayes

- *27) Proposed Amendment No. 2 to Agreement 126A-99 with Bright House Networks, LLC for Cable Television Services, requesting a name change from Time Warner Entertainment-Advance/Newhouse Partnership to Bright House Networks, LLC - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 675-2003

Patrick-Maben: All Ayes

- *28) Proposed Agreement with Daniel Broeske, M.D., for neurology coverage as needed, from July 29, 2003 through July 28, 2005, in an amount not to exceed \$100,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 676-2003

Patrick-Maben: All Ayes

- *29) Proposed retroactive Agreement with Clinica Sierra Vista for provision of nutritional assessments/interventions to Comprehensive Perinatal Services Program participants, from October 1, 2002 through September 30, 2004, in an amount not to exceed \$202,268 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 677-2003

Patrick-Maben: All Ayes

MENTAL HEALTH SERVICES

- *30) Proposed Agreement with Henrietta Weill Memorial Child Guidance Clinic, Inc., for mental health services for children and adolescents residing in the North Bakersfield area, from August 1, 2003 to June 30, 2004, in an amount not to exceed \$1,792,084 (Federal Medicaid, State EPSDT, Realignment, Healthy Families Funds; Mandated, Budgeted) -

WITHDRAWN

- *31) Proposed Agreement with College Community Services, Inc., for mental health services for children and adolescents residing in the Wasco area, from August 1, 2003 to June 30, 2004, in an amount not to exceed \$770,442 (Federal Medicaid, State EPSDT, Realignment, Healthy Families Funds; Mandated, Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 678-2003

Patrick-Maben: All Ayes

PROBATION

- *32) Proposed Agreement with Kern County Superintendent of Schools Substance Abuse Prevention Education Partnership for delinquency prevention/truancy reduction services, from September 1, 2003 through August 21, 2004, in an amount not to exceed \$140,820 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 679-2003

Patrick-Maben: All Ayes

- *33) Request for relief from accountability of 165 delinquent Kern County Juvenile Traffic Court accounts, totaling \$136,317 - APPROVED

Patrick-Maben: All Ayes

PUBLIC HEALTH SERVICES

- *34) Proposed retroactive Agreement with City of Ridgecrest for Medi-Cal Administrative Activities, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$25,000 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 680-2003

Patrick-Maben: All Ayes

- *35) Proposed retroactive Agreement with El Tejon Unified School District for Medi-Cal Administrative Activities, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$80,000 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 681-2003

Patrick-Maben: All Ayes

- *36) Request for approval of the absence of Dr. B. A. Jinadu, Director of Public Health Services, from August 4, 2003 through August 10, 2003 - APPROVED

Patrick-Maben: All Ayes

- *37) Request to amend Kern County AIDS Advisory Board By-laws to reduce number of meetings from nine to six, change membership roster from 30 to 28 positions, and limit absences per year to three (3) - APPROVED

Patrick-Maben: All Ayes

SHERIFF

- *38) Annual Report Itemizing Expenditures of Inmate Welfare Funds - RECEIVED AND FILED

Patrick-Maben: All Ayes

- *39) Proposed Agreement with 15th District Agricultural Association for law enforcement services (Deputy Sheriffs) at the 2003 Kern County Fair, from September 24, 2003 through October 5, 2003, in an amount not to exceed \$92,766.64 (revenue to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 682-2003

Patrick-Maben: All Ayes

- *40) Proposed Agreement between the 15th District Agricultural Association and the Kern County Sheriff's Reserves for law enforcement services at the 2003 Kern County Fair, from September 24, 2003 through October 5, 2003, in an amount not to exceed \$37,800 (revenue to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 683-2003

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 41) Request for Closed Session regarding public employee performance evaluation (establish performance goals) - Title: Director of Child Support Services -
- 42) Request for Closed Session regarding public employee performance evaluation (establish performance goals) - Title: Director of Public Health Services -

COUNTY COUNSEL

- 43) Request for Closed Session regarding a lawsuit entitled Garibay v. County of Kern, Kern County Superior Court Case No. 248384 (Government Code Section 54956.9(a)) -
- 44) Request for Closed Session regarding a lawsuit against the County (one case) (Government Code Section 54956.9(b)(3)) -

(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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BOARD OF SUPERVISORS - COUNTY OF KERN

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Bakersfield, California

Regular Meeting
Tuesday, July 29, 2003

2:00 P.M.

BOARD RECONVENED

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

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

BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Patrick-Watson: All Ayes

KERN SANITATION AUTHORITY

- #1) Proposed Amendment No. 6 to Agreement 76-153 with the City of Bakersfield and East Niles Community Services District to correct an imbalance in Kern Sanitation Authority's capacity and allow East Niles Community Services District to purchase additional capacity from the City of Bakersfield - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 684-2003

McQuiston-Watson: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Maben-Watson: All Ayes

PUBLIC REQUESTS

- 2) Request of Arthur L. Gaffrey, Forest Supervisor, U.S. Department of Agriculture, to address the Board regarding the Giant Sequoia National Monument Draft Environmental Impact Statement - ARTHUR GAFFREY HEARD; RECEIVED AND FILED

McQuiston-Watson: All Ayes

PUBLIC PRESENTATIONS

- 3) 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

- 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]) - **NO ONE HEARD**

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- 5) **Request from Richard Allison to change the permitted uses from 5-acre residential to exclusive agriculture to allow an outdoor paintball park on 19.49 acres located at the northwest corner of Sopp Road and 20th Street West, north of Rosamond (S.D. #2)**

Specific Request:

- (a) A change in zone classification from E (5) to A or a more restrictive district (ZCC #52, Map #213)
(b) A Conditional Use Permit to allow an outdoor paintball park (Section 19.12.030.D) in an A District (CUP #55, Map #213)

(Negative Declaration; Published Mojave Desert News) - OPENED HEARING; HEARD IN SUPPORT OF STAFF RECOMMENDATION: MICHAEL ROBINSON, TERRY PIERCE, JERRY CALIFF AND AL PONTIOUS; HEARD IN OPPOSITION TO STAFF RECOMMENDATION: BRIAN MOREL, CO-OWNER, DESERT OASIS PAINTBALL; RICHARD ALLISON, APPLICANT, AND LOUIE ALLISON, CO-OWNER, DESERT OASIS PAINTBALL; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2003-309 DISAPPROVING ZONE CHANGE; DISAPPROVED CONDITIONAL USE PERMIT AS INCOMPATIBLE WITH EXISTING ZONING; RECEIVED AND FILED

Maben-Watson: All Ayes

- *6) **Request from Moreland Consulting, Inc., to change the permitted uses from agriculture to 1/2-acre residential on approximately 20 acres located at the southeast corner of Johnson Road and Manon Drive, Rosedale (S.D. #4)**

Specific Request:

A change in zone classification from A to E (1/2) or a more restrictive district (ZCC #20, Map #101-34) (Statutorily Exempt, Sections 15162 and 15182; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2003-310 AND ENACTED ORDINANCE G-7028 APPROVING ZONE CHANGE, TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL MAP SUBDIVISION

Maben-Watson: All Ayes

- *7) **Request from Lloyd Sidney Unruh and Aldean June Reimer by The Lusich Company to change the permitted uses from limited agriculture to 2-1/2-acre residential, 1/2-acre residential, and drilling island on 71.35 acres located at the southwest corner of Meacham Road and Heath Road, Rosedale area (S.D. #4)**

Specific Request:

A change in zone classification from A-1 to E (2-1/2) RS, E (1/2) RS, and DI or more restrictive districts (ZCC #130, Map #101)

(Negative Declaration; Published Bakersfield Californian) -
CONTINUED TO TUESDAY, SEPTEMBER 2, 2003, AT 2:00 P.M.

Maben-Watson: All Ayes

- 8) **Request from Wade B. Moor to appeal the decision of the Planning Commission to allow a church facility for El Camino Pines Lutheran Church in a 20-acre residential district on property located at the northwest corner of Frazier Mountain Parkway and Lakewood Place, Frazier Park (S.D. #4)**

Specific Request:

An appeal to the decision of the Kern County Planning Commission to approve Conditional Use Permit 10, Map #238-33 (Resolution 87-03; approved May 22, 2003) to allow a church facility (Section 19.16.030.J) in an E (20) GH (Estate - 20 acres - Geologic Hazard Combining) District (Appeal #1, Map #238-33)

(General Rule, Section 15061(b)(3); Published Mountain Enterprise) - OPENED HEARING; HEARD IN SUPPORT OF STAFF RECOMMENDATION: BILL JETER AND RONNIE THOMASON; HEARD IN OPPOSITION TO STAFF RECOMMENDATION: WADE MOOR, CARRIE MOOR, MARK CALDRON, PAUL HELLWEG, BRITTANY BAQUET AND DONNA BEATTY; WADE MOOR HEARD IN RESPONSE TO QUESTIONS BY SUPERVISOR WATSON; CLOSED HEARING; CONTINUED TO TUESDAY, AUGUST 26, 2003, AT 2:00 P.M.; RECEIVED AND FILED DOCUMENTS

Watson-Maben: All Ayes

NOTE: NON-AGENDA ITEM NO. 24A WAS HEARD OUT OF ORDER AFTER ITEM NO. 8.

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

All S.D.'s

- 9) Report regarding proposed Illegal Dumping Program - APPROVED IN CONCEPT; REFERRED BACK TO RESOURCE MANAGEMENT AGENCY TO DEVELOP IMPLEMENTATION PLAN; REFERRED TO BUDGET FILE EXPENDITURES AND STAFFING NEEDS FOR NEW ILLEGAL DUMPING PROGRAM

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

S.D. #5

- *10) Proposed Agreement with the Housing Authority of the County of Kern to conditionally commit \$600,000 in HOME Program funds for costs in connection with the proposed Ruben Blunt Village, Phase II project in Lamont, Project No. 33.02.6 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 685-2003

Maben-Watson: All Ayes

- *11) Proposed Agreement with Self-Help Enterprises to obligate \$1,000,000 in HOME Program funds for partial financing of Project No. 37.01.1, Lamont Village Apartments - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 686-2003; AUTHORIZED DIRECTOR TO SIGN REQUIRED DOCUMENTS TO IMPLEMENT PROJECT, INCLUDING A DEED RESTRICTION AGREEMENT, A SECURITY AGREEMENT, ESCROW INSTRUCTIONS, AND OTHER DOCUMENTS AS REQUIRED, ALL IN A FORM APPROVED BY COUNTY COUNSEL

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearing

All S.D.'s

- *12) Proposed confirmation of unpaid Administrative Penalties and imposition of Liens and Special Assessments on approximately twenty-six (26) properties - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2003-311 CONFIRMING THE ADMINISTRATIVE PENALTY AMOUNT FOR EACH REMAINING PROPERTY AND ORDERING THAT EACH PENALTY NOT PAID WITHIN TEN (10) DAYS BE DECLARED A SPECIAL ASSESSMENT TO THEREAFTER BE A LIEN AGAINST THE RESPECTIVE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON THE TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY PERTAINING TO EACH; DIRECTED ENGINEERING AND SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO THE RESPONSIBLE PARTIES; RECEIVED AND FILED REPORT AS REVISED

Maben-Watson: All Ayes

S.D. #3

- *13) Contract No. 03005, Notice of Completion for North Beardsley Street Improvements, Phase IV - RECEIVED AND FILED

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #1

- *14) Proposed Resolution to accept portions of Offers of Dedication, and Declaration as Public Highway and Incorporation into County Road System as a portion of Lake Isabella Boulevard - APPROVED; ADOPTED RESOLUTION 2003-312; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Watson: All Ayes

- 15) Proposed Agreement with Union Pacific Railroad for improvements to Famoso Avenue Railroad Crossing, County share of cost \$15,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 687-2003; REFERRED TO ROADS DEPARTMENT TO DEVELOP A PROGRAM FOR IMPROVING MORE SUBSTANDARD RAILROAD CROSSINGS IN THE COUNTY AND REPORT BACK TO THE BOARD

Patrick-McQuiston: All Ayes

NOTE: SUE ELLEN BOWMAN HEARD REGARDING AGENDA ITEM NO. 12, PREVIOUSLY APPROVED ON THE CONSENT AGENDA, REGARDING INCONSISTENCIES IN POLICY ENFORCEMENT FOR LIENS AND SPECIAL ASSESSMENTS ON PROPERTIES.

S.D. #3

- *16) Proposed Resolution to establish a public road over a parcel of County property at Meadows Field - APPROVED; ADOPTED RESOLUTION 2003-313; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Watson: All Ayes

- *17) Proposed Facility Access Agreement with Doyle Ellis, to provide County employee and vehicle access to Doyle Ellis' property to collect asphalt-related product; no fiscal impact - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 688-2003

Maben-Watson: All Ayes

WASTE MANAGEMENT

All S.D.'s

- 18) Annual report concerning the Waste Management Department's 2003-2004 Strategic Goals and Status of 2002-2003 Goals - RECEIVED AND FILED

Patrick-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *19) Proposed transfer of funds to participate in Emergency Services Supplemental Payments Program - AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE INTERGOVERNMENTAL TRANSFER TO STATE FROM BUDGET UNIT 4204 IN AN AMOUNT UP TO \$10,000,000

Maben-Watson: All Ayes

- *20) Proposed position corrections to Compensation and Classification Study - Phase II Implementation -
- A) APPROVED ADDITION OF ONE (1) PROGRAM TECHNICIAN-CONFIDENTIAL POSITION, CONCURRENT WITH DELETION OF ONE (1) PROGRAM SPECIALIST I, II-CONFIDENTIAL POSITION IN BUDGET UNIT 1020;
 - B) APPROVED ADDITION OF ONE (1) OFFICE SERVICES TECHNICIAN-CONFIDENTIAL POSITION, CONCURRENT WITH DELETION OF ONE (1) OFFICE SERVICES SPECIALIST-CONFIDENTIAL POSITION IN BUDGET UNIT 1210;
 - C) APPROVED ADDITION OF ONE (1) SENIOR OFFICE SERVICES SPECIALIST POSITION, CONCURRENT WITH DELETION OF ONE (1) OFFICE SERVICES SPECIALIST POSITION AND ADDITION OF TWO (2) OFFICE SERVICES ASSISTANT POSITIONS, CONCURRENT WITH DELETION OF TWO (2) OFFICE SERVICES TECHNICIAN POSITIONS IN BUDGET UNIT 2210;
 - D) APPROVED ADDITION OF TWO (2) OFFICE SERVICES TECHNICIAN POSITIONS, CONCURRENT WITH DELETION OF TWO (2) OFFICE SERVICES ASSISTANT POSITIONS IN BUDGET UNIT 2340;
 - E) APPROVED ADDITION OF ONE (1) PROGRAM TECHNICIAN POSITION, CONCURRENT WITH DELETION OF ONE (1) OFFICE SERVICES TECHNICIAN POSITION IN BUDGET UNIT 4300;

(Continued on Page 13)

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- F) APPROVED ADDITION OF ONE (1) FISCAL SUPPORT TECHNICIAN POSITION, CONCURRENT WITH DELETION OF ONE (1) FISCAL SUPPORT ASSISTANT POSITION IN BUDGET UNIT 6300;
- G) REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Watson: All Ayes

- *21) Proposed thirty-day extension of Administrative Services Agreement with Pharmaceutical Care Network to September 1, 2003 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 689-2003

Maben-Watson: All Ayes

- *22) Report on results of Fiscal Year 2002-2003 Budget Savings Incentive Program - REFERRED MATTER TO FISCAL YEAR 2003-2004 BUDGET FILE; DIRECTED COUNTY ADMINISTRATIVE OFFICE TO MAKE NECESSARY ADJUSTMENTS

Maben-Watson: All Ayes

- *23) Final report by PricewaterhouseCoopers regarding Kern Medical Center - RECEIVED AND FILED; REFERRED TO KERN MEDICAL CENTER AND COUNTY ADMINISTRATIVE OFFICE

Maben-Watson: All Ayes

- *24) Fiscal Year 2003-2004 recommended budget documents for the County of Kern and special districts governed by the Board of Supervisors - RECEIVED AND FILED

Maben-Watson: All Ayes

NOTE: NON-AGENDA ITEM NO. 24A WAS HEARD OUT OF ORDER AFTER ITEM NO. 8.

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE THE STATE SENATE ADOPTED A PROPOSED STATE BUDGET THAT WOULD ELIMINATE COUNTIES' AUTHORITY TO CHARGE CITIES A FEE FOR CITY ARRESTEES WHO ARE BOOKED INTO COUNTY JAILS, AND THAT WOULD REQUIRE COUNTIES TO HELP THE STATE PAY A FEDERAL PENALTY FOR THE STATE'S FAILURE TO INTEGRATE THE COLLECTION AND DISTRIBUTION OF CHILD SUPPORT PAYMENTS INTO A SINGLE STATEWIDE COMPUTERIZED SYSTEM. YOUR BOARD'S OPPOSITION TO THESE TWO PROVISIONS IS REQUESTED DURING THE JULY 29 BOARD SESSION IN ORDER TO PERMIT TIMELY COMMUNICATIONS TO MEMBERS OF THE LEGISLATURE AND THE GOVERNOR BEFORE THE STATE BUDGET IS ENACTED

McQuiston-Patrick: All Ayes

Legislative Matter

- 24A) Proposed State Budget actions to end counties' authority to charge jail booking fees and to require counties' participation in federal penalty for State's failure to integrate child support payments - ADOPTED POSITION IN OPPOSITION; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #2

- *25) Proposed extension of Lease Agreement 609-95 with William R. Pengilley and Betty G. Pengilley for use of 1379 Sierra Highway, Rosamond as a Sheriff's substation for an additional year (\$6,186 per month) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; AUTHORIZED GENERAL SERVICES TO NOTIFY WILLIAM R. PENGILLEY, ET AL., OF COUNTY'S INTENTION TO EXTEND TERM OF LEASE AGREEMENT

Maben-Watson: All Ayes

S.D. #3

- *26) Proposed Agreement with Kleinfelder, Inc., to provide testing and inspection services for the new Airport Terminal at Meadows Field, in an amount not to exceed \$250,000 (8215.8415) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 690-2003

Maben-Watson: All Ayes

- *27) Proposed Agreement for Lease with Bakersfield Mt. Vernon #4 LTD, for 2201 Mt. Vernon Avenue, Suite 106, Bakersfield, renewing lease for Kern Medical Center Satellite X-ray and Lab from August 1, 2003 to July 30, 2006 (\$550 monthly rent) - 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 691-2003

Maben-Watson: All Ayes

S.D. #4

- *28) Request to set hearing for purchase of 2.20 acres of land at the former Lebec burn dump site from California Department of Transportation (Caltrans), for remediation and control of burn ash, in the amount of \$132,000 - ADOPTED RESOLUTION 2003-314 SETTING HEARING FOR TUESDAY, AUGUST 26, 2003, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF PUBLIC HEARING

Maben-Watson: All Ayes

All S.D.'s

- *29) Proposed amendment to Kern County Ordinance Code, Section 10.50.020, relating to citations for failure to display disabled placard - WAIVED READING AND INTRODUCED ORDINANCE

Maben-Watson: All Ayes

- 30) Proposed policy establishing criteria and procedures for naming of County facilities - APPROVED WITH PROVISION TO REQUIRE A FOUR-FIFTHS (4/5) VOTE OF APPROVAL BY THE BOARD OF SUPERVISORS

McQuiston-Watson: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED ON JULY 22, 2003

- *31) Proposed Ordinance adding Subsection (152) to Section 10.16.041, Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone on Santa Fe Way - ENACTED ORDINANCE G-7029

Maben-Watson: All Ayes

- *32) Proposed Ordinance adding Subsection (153) to Section 10.16.041, Chapter 10.16, Title 16 of the Kern County Ordinance Code concerning a no stopping zone on Mount Vernon Avenue - ENACTED ORDINANCE G-7030

Maben-Watson: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *33) Minutes for week of June 16, 2003 - APPROVED

Maben-Watson: All Ayes

- *34) Miscellaneous Letters and Documents - FILED

Maben-Watson: All Ayes

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

Maben-Watson: All Ayes

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

Maben-Watson: All Ayes

ADJOURNED TO WEDNESDAY, JULY 30, 2003, AT 8:30 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.

34) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Status of the "Repair and Demolition Fund"
- B) Report on activity in County Revolving Funds, Cash Difference Funds, Cash Overage Funds and Replenishment of Shortages in County Funds for the period of July 1, 2002 to June 30, 2003
- C) Audit Report of the Grand Jury for fiscal years ended June 30, 2002 and 2001

Clerk of the Board

- D) Letter from Margarita B. Comer re resignation from the Commission on Aging (Copies to each Supervisor and CAO)

Community Development

- E) County Loan Agreement, HOME Investment Partnerships Program, Owner Rehabilitation Program, with David E. Jackson and Sharon K. Jackson

Fire

- F) 2003 Operating Plan (Agreement 213-2002) - Kern County Fire Department, U.S. Forest Service and Bureau of Land Management
- G) 2003 Operating Plan (Agreement 1114-2002) - Kern County Fire Department and California Department of Forestry and Fire Protection

Local Agency Formation Commission

- H) Report and Recommendation, Proceeding No. 1354, in the matter of Cawelo Water District, Reorganization No. 1 (Copies to each Supervisor and CAO)

Personnel

- I) Memorandum from Kay F. Madden re resignation of Fred Medrano Sanchez from the Human Relations Commission (Copies to each Supervisor and CAO)

Miscellaneous

- J) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report on Saturday, July 5, 2003, on northbound State Route 99, County Line Road off ramp (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)
- K) Letter from Leroy C. Weygand, Kern County Taxpayers Association, re honoring elected officials (Copies to each Supervisor and CAO)
- L) Letter from Mel Williams regarding children's health (Copies to each Supervisor and CAO)
- M) Letter from Ed Riojas, State Department of Health Services, re California Healthcare for Indigents Program (CHIP) and Rural Health Services (RHS) application for Fiscal Year 2003-2004 (Copies to each Supervisor, CAO and Public Health)

- N) Letter from Charlene Aboytes, State Board of Corrections re James G. Bowles Juvenile Hall Crowding Assessment Reports (CAR's) for June and July, 2003 (Copies to each Supervisor and CAO)
- O) Two (2) letters in opposition to Universal Collection fees in east Kern
- P) E-mail from Peter Frick re Caliente Creek flood problems (Copies to each Supervisor, CAO, Resource Management Agency and Engineering & Survey Services)
- Q) Notice from Los Padres National Forest re Schedule of Proposed Environmental Actions, July-September, 2003 (Copies to each Supervisor, CAO and Planning)
- R) Notice from T.D. Service Company re Substitution of Trustee (California) from Chicago Title Company to T.D. Service Company (Loan No. F-195859) (Copy to Property Management)
- S) Notice from Alcoholic Beverage Control re Application for Alcoholic Beverage License: Oasis, 16900 Highway 14, Mojave (Copies to each Supervisor, CAO and Planning)
- T) News release from U.S. Department of the Interior, Bureau of Reclamation, re release of Draft Environmental Impact Statement/Environmental Impact Report covering operation of CALFED Bay-Delta Program's Environmental Water Account (Copies to each Supervisor, CAO and Planning)
- 35) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Charles G. Meyer, Bakersfield Museum of Art, re financial assistance for Art Smart Program - REFERRED TO CAO-BUDGET FILE (Copies to each Supervisor and CAO)
- 36) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Greg Tovar vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Ventura Macias, Jr. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Jose G. Serrano vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Eric Bjorlin vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Sonya Yvette Sherrard vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Subpoena and complaint in the matter of James J. Owen vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- G) Summons and complaint in the matter of William Bernie Belford and Evelyn Cheatem-Belford vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Summons and complaint in the matter of Nathaniel David Cheadle vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Notice of case closure in the matter of William Charles Purdy vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)