

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, September 23, 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) Proclamation proclaiming October 2003 as Paint the Town Pink Month in Kern County - PROCLAIMED; MADE PRESENTATION TO JEANETTE CLEVELAND, CHAIRPERSON, PAINT THE TOWN PINK; JEANETTE CLEVELAND HEARD AND INTRODUCED SHARON WOODS, CEO; SUSAN ESCALANTE, STAFF MEMBER; LESLIE SAWYER, VOLUNTEER; AND DARLENE PHILLIPS, DIRECTOR AND VOLUNTEER; SHARON WOODS HEARD

Patrick-Maben: All Ayes

- *2) Ratify Proclamation proclaiming September 21, 2003 as Cain Memorial African Methodist Episcopal Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Watson-McQuiston: All Ayes

APPOINTMENTS

- *3) Appointments of Darrin C. Acker as At-large Community Service/AIDS Support Organizations Member, Dodie Williams as At-large African-American Member, and Janessica Sanchez as At-large Youth Member to the Kern County AIDS Advisory Board, terms to expire August 16, 2006 - MADE APPOINTMENTS

Watson-McQuiston: 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! - NO ONE HEARD

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]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- *6) Proposed retroactive Amendment No. 2 to Agreement 686-2002 with California Department of Aging (Contract FC-0204-33) for National Family Caregiver Program for Fiscal Years 2002-2004, in an amount not to exceed \$779,199 (an increase of \$21,853 in annual funds, \$16,390 in Federal one-time-only funds) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 827-2003; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$38,243 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$38,243 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 5610

Watson-McQuiston: All Ayes

AGRICULTURE AND MEASUREMENT STANDARDS

- *7) Proposed retroactive Software License Agreement, Addendum to Software License Agreement, Annual Support and Services Agreement, and Software Source Code Escrow Agreement with Streamline Business Solutions, from July 1, 2001 through June 30, 2004, in a total amount not to exceed \$18,040 plus approximately \$5,180 per year in software maintenance costs - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 828-2003, 829-2003, 830-2003, AND 831-2003

Watson-McQuiston: All Ayes

- *8) Proposed retroactive Agreement with California Department of Food and Agriculture for reimbursement of nursery inspection and enforcement activities, for Fiscal Year 2003-2004, in an amount not to exceed \$34,713.90 (prior notification July 22, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 832-2003

Watson-McQuiston: All Ayes

- *9) Proposed retroactive Agreement with California Department of Food and Agriculture for reimbursement of surveillance and certification of eggs and the wire basket program, for Fiscal Year 2003-2004, in an amount not to exceed \$16,577.04 (prior notification July 22, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 833-2003

Watson-McQuiston: All Ayes

- 10) Proposed retroactive Agreement with Willard B. Christiansen, M.D., for medical services and supervision as required by California Department of Pesticide Regulations for County employees who handle pesticides in Toxicity Category I or II containing phosphates or carbamates, for Fiscal Year 2003-2004 (prior notification July 22, 2003) - MICHAEL ROUW HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 834-2003

Maben-Patrick: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *11) Proposed addition of one (1) Systems Analyst II and deletion of one (1) Fiscal Services Technician positions, effective September 23, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Watson-McQuiston: All Ayes

- *12) Proposed Amendment No. 5 to audit Agreement 531-2001 with Brown Armstrong Accountancy Corporation adding audits of the Kern Juvenile Treatment Facility Construction Project (General Services) for the grant period beginning September 19, 1999, with the term remaining in effect until project is completed in accordance with terms specified or unless terminated pursuant to applicable conditions of grant contract (scheduled construction completion date is March 21, 2004), in an amount not to exceed \$4,000; and an audit of the State Department of Corrections Mentally Ill Offender Crime Reduction Grant (Sheriff) for the operation of the Jail Alternatives, Information & Linkage program for June 1999 to March 31, 2004, in an amount not to exceed \$4,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 835-2003

Watson-McQuiston: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *13) Proposed retroactive Agreement with Mojave Unified School District for comprehensive educational and employment readiness activities for in-school and out-of-school youth eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$58,714 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 836-2003

Watson-McQuiston: All Ayes

- *14) Proposed retroactive Agreement with Taft Union High School District for comprehensive educational and employment readiness activities for in-school and out-of-school youth eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$35,000 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 837-2003

Watson-McQuiston: All Ayes

- *15) Proposed retroactive Agreement with Delano Joint Union High School District for comprehensive educational and employment readiness activities for in-school and out-of-school youth eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$168,097 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 838-2003

Watson-McQuiston: All Ayes

- *16) Proposed retroactive Agreement with West Side Regional Occupational Program for comprehensive educational and employment readiness activities for in-school and out-of-school youth eligible under the Workforce Investment Act, from July 1, 2003 through June 30, 2004, in an amount not to exceed \$55,416 (prior notification June 24, 2003) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 839-2003

Watson-McQuiston: All Ayes

FIRE DEPARTMENT

- *17) Request to appropriate unanticipated revenue in the amount of \$130,000 from the Fire Department Helicopter Trust Fund for purchase of main rotor blades for Helicopter 408 - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$130,000 FROM FIRE DEPARTMENT HELICOPTER TRUST FUND TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$130,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2415

Watson-McQuiston: All Ayes

HUMAN SERVICES

- *18) Proposed Amendment No. 2 to Agreement 893-2002 between Kern County Superintendent of Schools Office and the County of Kern as represented by the Department of Human Services for the Promoting Safe and Stable Families (PSSF) Program, to increase maximum amount payable from \$759,066 to \$915,513, an increase of \$156,447 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 840-2003

Watson-McQuiston: All Ayes

- *19) Proposed temporary license Agreement with Castle & Cooke Bakersfield Commercial, Inc., for use of space at the Marketplace Shopping Center for the Holiday Cottage, from November 17, 2003 to December 20, 2003 (no cost to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 841-2003

Watson-McQuiston: All Ayes

KERN MEDICAL CENTER

- *20) Request to create classification for Per Diem Pre-Licensed Pharmacist Interns, to be compensated at \$22.55 per hour (from 9/9/2003 and 9/16/2003) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Watson-McQuiston: All Ayes

- *21) Relief of accountability of patients' accounts - DISCHARGED KERN MEDICAL CENTER FROM ACCOUNTABILITY OF 1,955 ACCOUNTS TOTALING \$3,669,061.03; AUTHORIZED ASSIGNING 1,955 ACCOUNTS TOTALING \$3,669,061.03 TO COLLECTION AGENCIES

Watson-McQuiston: All Ayes

- *22) Report regarding Parkinson's Disease Referral Update - RECEIVED AND FILED

Watson-McQuiston: All Ayes

- *23) Proposed deletion of one (1) full-time Office Services Specialist position, and addition of (1) full-time Senior Office Services Specialist position, effective September 23, 2003 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Watson-McQuiston: All Ayes

- *24) Proposed Amendment No. 1 to Agreement 898-2002 with Murray A. Brown, M.D., Inc., to assist with development of psychiatry residency program, to extend term to September 23, 2004, and increase maximum amount payable from \$75,000 to \$150,000, an increase of \$75,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 842-2003

Watson-McQuiston: All Ayes

- *25) Annual application for renewal of Agreement with State Department of Education to participate in Adult Day Care Food Program, \$53,429 revenue to County - APPROVED; AUTHORIZE CHAIRMAN TO SIGN AGREEMENT 843-2003

Watson-McQuiston: All Ayes

- *26) Proposed sole source Agreement with Certus Corporation for assistance in third party reimbursement analysis and cost report, from September 23, 2003 through September 22, 2005, in an amount not to exceed \$195,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 844-2003

Watson-McQuiston: All Ayes

- *27) Proposed retroactive Agreement with Clinica Sierra Vista to provide residency training program in Department of Obstetrics and Gynecology at Medical Center in exchange for patient coverage, surgical assistance and consultative services for obstetric and gynecologic of Contractor that receive inpatient treatment at Medical Center, during the period of September 1, 2003 through August 31, 2004 - APPROVED; AUTHORIZE CHAIRMAN TO SIGN AGREEMENT 845-2003

Watson-McQuiston: All Ayes

- *28) Proposed retroactive Agreement with Tai P. Yoo, M.D., to serve as Chairman of Department of Psychiatry, from August 9, 2003 through August 8, 2008, in an amount not to exceed \$1,505,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 846-2003

Watson-McQuiston: All Ayes

LIBRARY

Hearing

- 29) Hearing for proposed Amendment to Ordinances G-6691 and G-6065 Kern County Library Fines and Fees Schedule - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ADOPTED RESOLUTION 2003-425; ENACTED ORDINANCE G-7043

Watson-Patrick: All Ayes

MENTAL HEALTH SERVICES

- *30) Proposed retroactive Agreement with California State Department of Mental Health to set terms and condition for provision of specialty mental health services to residents of Kern County, from July 1, 2003 to June 30, 2004, (no fiscal impact) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 847-2003

Watson-McQuiston: All Ayes

- *31) Proposed Amendment No. 2 (02-03) to Agreement No. 357-2001 (State No. County 15 [Kern]) with State of California, Department of Alcohol and Drug Programs, for alcohol and drug services in the County of Kern, for Fiscal Year 2002-2003, increasing funding from \$8,702,781 to an amount not to exceed \$8,984,423 (an increase of \$281,642) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 848-2003

Watson-McQuiston: All Ayes

PARKS AND RECREATION DEPARTMENT

- *32) Request to appropriate unanticipated revenue from Proposition 12 for purchase and installation of Pioneer Park restroom - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$257,300 FROM PROPOSITION 12, ROBERTI-Z-BERG-HARRIS FUNDS TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$257,300 FROM APPROPRIATIONS FOR CONTINGENCIES TO CAPITAL PROJECTS BUDGET UNIT 1960

Watson-McQuiston: All Ayes

PUBLIC HEALTH SERVICES

- *33) Proposed Children's Medical Services (CMS) Plan and Budgets for Child Health and Disability Prevention and California Children Services Fiscal Year 2003-2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CERTIFICATION STATEMENT

Watson-McQuiston: All Ayes

SHERIFF

- *34) Proposed retroactive Amendment No. 1 to Agreement 942-2002 with City of Maricopa for law enforcement services, for Fiscal Year 2003-2004, reducing level of service and decreasing amount payable to \$228,405, effective July 1, 2003 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 849-2003

Watson-McQuiston: All Ayes

- *35) Request to appropriate unanticipated revenue from Sheriff's Trust Account 22142 to provide crime prevention activities (no fiscal impact on General Fund) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE FROM SHERIFF'S TRUST ACCOUNT 22142 IN THE AMOUNT OF \$80,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$80,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210

Watson-McQuiston: All Ayes

- *36) Request to appropriate unanticipated revenue from Sheriff's State Asset Forfeiture Fund 22137 to purchase law enforcement equipment (no fiscal impact on General Fund) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$22,000 FROM SHERIFF'S ASSET FORFEITURE FUND 22137 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$22,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210

Watson-McQuiston: All Ayes

TREASURER-TAX COLLECTOR

- *37) Pooled Cash Portfolio Analysis for month ended August 2003 - RECEIVED AND FILED

Watson-McQuiston: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

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

COUNTY COUNSEL

- 39) Request for Closed Session regarding a lawsuit entitled Matthew R. Ramos vs. County of Kern, et al., United States District Court Case No. CIV-F-03-5790 REC DLB (Government Code Section 54956.9(a) -

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

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

Maben-Watson

/s/ Tracey E. Cody
Administrative Coordinator

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

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ROLL CALL: All Present

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CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- 3) **Request from Ron and Dana Tjaarda by Tom Fallgatter (original applicant - Palvinder Singh) to appeal the decision of the Hearing Officer for the approval of Tentative Parcel Map 10871 proposing to divide two existing parcels of record totaling approximately 237.17 acres into 12 agricultural lots ranging in size from 20.136 acres to 21.146 acres located at the southwest corner of Shafter Road and Ashe Road, south of Bakersfield (SD 2)**

Specific Request:

An appeal to the decision of the Hearing Officer for the approval of Tentative Parcel Map 10871 (approved July 3, 2003) proposing to divide two existing parcels of record totaling 237.17 acres into 12 agricultural lots ranging in size from 20.136 acres to 21.146 acres; one development variation to the Land Division Ordinance to allow a 30-foot-wide private access easement, where a 40-foot-wide part-width public access easement is required (TPM #10871) (Negative Declaration; Published Bakersfield Californian) (from 9/2/2003) - ORIGINAL APPLICATION WITHDRAWN BY PALVINDER SINGH; REFERRED BACK TO STAFF

Maben-Watson: All Ayes

- *4) **Request from Donald T. Toretta and Donna M. Toretta Revocable Trust by Delmarter and Deifel to cancel a one-acre portion of an approximate 45-acre parcel in a Farmland Security Zone Land Use Contract and exclusion of approximately one acre from the boundaries of a Farmland Security Zone located on the north side of Highway 58, approximately 3/4 mile west of Palomas Avenue, two miles west of Buttonwillow (SD 4)**

Specific Request:

(a) Cancellation of a one-acre portion of an approximate 45-acre parcel in a Farmland Security Zone Land Use Contract, and approval of a Contract Amending Land Use Contract on 44.36 acres (Cancellation #03-3)

(b) Exclusion of approximately one acre from the boundaries of a Farmland Security Zone (Farmland Security #9 - Excl)

(General Rule, Section 15061(b)(3); Published Shafter Press) (from 9/2/2003) - REFERRED BACK TO STAFF

McQuiston-Maben: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

All S.D.'s

- *5) **Report from Resource Management Agency Development Process Improvement Team - RECEIVED AND FILED; DIRECTED PLANNING AND ENGINEERING AND SURVEY SERVICES DEPARTMENTS TO CONDUCT PUBLIC WORKSHOPS ON PROPOSED ORDINANCE CODE AND DEVELOPMENT STANDARDS AMENDMENTS**

McQuiston-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

All S.D.'s

- *6) Public Hearing to review the County of Kern's performance during implementation of the federal Community Development Block Grant Program, the Home Investment Partnerships Program, and the Emergency Shelter Grant Program during Fiscal Year (FY) 2002-2003, and review of the County's Consolidated Annual Performance and Evaluation Report (CAPER) for FY 2002-2003, prior to submission to HUD - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED CAPER FOR FY 2002-2003, INCLUDING DOCUMENTATION OF ANY PUBLIC COMMENT; AUTHORIZED DIRECTOR TO SUBMIT COMPLETED DOCUMENT TO HUD

McQuiston-Maben: All Ayes

S.D. #1

- *7) Proposed Agreement with the City of Shafter to provide \$90,000 in Community Development Block Grant funds for construction of Shafter Skate Park Improvements (Activity No. 18.02.2) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 850-2003

McQuiston-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #2

- *8) Proposed Resolution of Intention to extend Zone of Benefit Nos. 1 and 3 and set hearing to consider levying assessments for Zones of Benefit Nos. 1 and 3 in County Service Area No. 63, Rosamond, north of Rosamond Boulevard and west of State Highway 14, Parcel 1 of Parcel Map 10887 - ADOPTED RESOLUTION 2003-426 OF INTENTION TO EXTEND ZONE OF BENEFIT NOS. 1 AND 3 AND SET HEARING TO CONSIDER LEVYING ASSESSMENTS FOR ZONE OF BENEFIT NOS. 1 AND 3 WITHIN COUNTY SERVICE AREA NO. 63; SET PUBLIC HEARING FOR MONDAY, NOVEMBER 10, 2003, AT 2:00 P.M. TO RECEIVE PUBLIC INPUT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC INFORMATIONAL MEETING IN COMPLIANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) AND SECTION 15273 OF THE STATE CEQA GUIDELINES; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION

McQuiston-Maben: All Ayes

S.D. #4

- *9) Proposed Resolution of Intention to extend Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71, Tract 6085 and Parcel 1 of Parcel Map 1248, west Bakersfield, located north of Palm Avenue and east of Nord Avenue - ADOPTED RESOLUTION 2003-427 OF INTENTION TO EXTEND ZONE OF BENEFIT NOS. 3, 5, 7, 8 AND 10 AND SET HEARING TO CONSIDER LEVYING ASSESSMENTS WITHIN COUNTY SERVICE AREA NO. 71, ZONE OF BENEFIT NOS. 3, 5, 7, 8 AND 10; SET PUBLIC HEARING FOR MONDAY, NOVEMBER 10, 2003, AT 2:00 P.M. TO RECEIVE PUBLIC INPUT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC INFORMATIONAL MEETING IN COMPLIANCE WITH ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) AND SECTION 15273 OF THE STATE CEQA GUIDELINES; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION

McQuiston-Maben: All Ayes

All S.D.'s

- *10) Request to accept donation and proposed Agreement for assignment of ArcInfo, ArcTIN and ArcGrid software licenses from Kern County Superintendent of Schools - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 851-2003 AND LETTER OF APPRECIATION

McQuiston-Maben: All Ayes

- *11) Annual Recertification in the Community Rating System (CRS) Program of the National Flood Insurance Program (NFIP) - AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #2

- *12) Contract No. 03022, Notice of Completion for construction of asphalt concrete overlay on various streets in Tehachapi - RECEIVED AND FILED

McQuiston-Maben: All Ayes

S.D.'s #3 & #5

- *13) Proposed Agreement with City of Bakersfield for adjustment of sewer frame covers on Oswell Street - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 852-2003

McQuiston-Maben: All Ayes

All S.D.'s

- *14) Proposed retroactive Grant Agreement with Caltrans (Contract No. 643151) for transit operating assistance, in an amount not to exceed \$292,473, commencing August 13, 2002 to April 15, 2004 - APPROVED; AUTHORIZED ROADS DIRECTOR TO SIGN

McQuiston-Maben: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *15) Proposed Amendment No. 1 to Agreement with Roland Consulting, Inc., for professional services to extend the term from September 30, 2003, to September 30, 2004, with no change in compensation - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 853-2003

McQuiston-Maben: All Ayes

- *16) Proposed Agreement with the 15th District Agricultural Association to waive up to \$5,000 in disposal fees from September 24, 2003, through October 19, 2003, in exchange for public education outreach opportunities at the 2003 Kern County Fair - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 854-2003

McQuiston-Maben: All Ayes

- *17) Proposed Resolution to set public hearing for Tuesday, October 28, 2003, to consider renewing designation of the Recycling Market Development Zone No. 26 Program and application for redesignation to the California Integrated Waste Management Board - APPROVED; ADOPTED RESOLUTION 2003-428; DIRECTED COUNTY COUNSEL TO PREPARE, AND CLERK OF THE BOARD TO PUBLISH, HEARING NOTICE

McQuiston-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

Hearing

- *18) Public hearing to consider funding requests pursuant to AB 1765, Citizen's Option for Public Safety (COPS) Program, and allocation of Supplemental Law Enforcement Services funds - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED ALLOCATING \$613,960 TO SHERIFF'S DEPARTMENT FOR TRAINING, SECURITY, AND JAIL MAINTENANCE COSTS; APPROVED ALLOCATING \$203,417 TO DISTRICT ATTORNEY FOR COUNTYWIDE PROSECUTION COSTS

McQuiston-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- *19) Proposed Amendment No. 1 to Escrow Agreement 997-2002 with S.C. Anderson, Inc., for the new Juvenile Treatment Facility, to provide for a change of signature from the Auditor's Office - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 855-2003

McQuiston-Maben: All Ayes

S.D. #4

- *20) Change Order No. 2 for the boat launching improvements at Buena Vista Aquatic Recreation Area (BVARA), an increase of \$12,000 for a new total of \$1,346,056.31 (1960.8195/4960.8163) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Maben: All Ayes

All S.D.'s

- *21) Appropriation of unanticipated revenue in the amount of \$93,000 from the Mental Health Department to the Fleet Services Budget for the purchase of four vehicles - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$93,000 TO APPROPRIATIONS FOR CONTINGENCIES IN BUDGET UNIT 8950; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 8950 FIXED ASSET ACCOUNTS

McQuiston-Maben: All Ayes

- *22) Proposed Resolution supporting the City of Bakersfield/ County of Kern grant application to the California Public Utilities Commission for the Pacific Gas & Electric/Southern California Edison Companies 2004-2005 Energy Efficiency Program - APPROVED; ADOPTED RESOLUTION 2003-429

McQuiston-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE
Information Technology Services

- *23) Proposed Agreement with Marvin Stahl for specialized telecommunications technician services, in an amount not to exceed \$75,000, from October 1, 2003 to September 30, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 856-2003

McQuiston-Maben: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *24) Budget Transfers - APPROVED NO. 19 THROUGH NO. 22

McQuiston-Maben: All Ayes

- *25) Minutes for week of August 25, 2003 - APPROVED WITH CORRECTION TO ITEM NO. 24A, 9:00 A.M., TO DELETE "for completion of Meadows Field Airport Master Plan Update" AND TO INSERT "*to rehabilitate Runway 15/33 at Lost Hills Airport*"; AND CORRECTION TO ITEM NO. 43, 2:00 P.M., TO ADD "*AND AGREEMENT 769-2003*"

McQuiston-Maben: All Ayes

- *26) Miscellaneous Letters and Documents - FILED

McQuiston-Maben: All Ayes

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

McQuiston-Maben: All Ayes

ADJOURNED TO TUESDAY, SEPTEMBER 30, 2003, AT 9:00 A.M.

Watson-

/s/ Tracey E. Cody
Administrative Coordinator

/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.

26) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Letter from Jim Eiland re resignation from the West Side Recreation and Parks District (Copies to each Supervisor and CAO)
- B) Letter from Jim Eiland rescinding his resignation from the West Side Recreation and Parks District (Copies to each Supervisor and CAO)
- C) Received, certified and forwarded to Recorder for recordation:
 - 1) Tract Map 5898 S.D. #2
 - 2) Parcel Map 10738 S.D. #4

County Administrative Office

- D) Amendments to Administrative Policy and Procedures Manual, Chapters 2 (Payroll) and 7 (Information Technology Services Procedures)

Employers' Training Resource

- E) WIA OJT Agreements:
 - 1) Cantu Enterprises, Inc. dba Central California Consultants, Inc., WIA Title 201, dated September 2, 2003
 - 2) Cantu Enterprises, Inc. dba Central California Consultants, Inc., WIA Title 301, dated September 2, 2003
 - 3) Idleaire Technologies, Inc., WIA Title 201, dated August 20, 2003

General Services

- F) Franchise Bond No. RLB0004527 from RLI Insurance Company re Franchise Ordinance F-269 of All American Pipeline, L.P., by Plain Marketing GP, Inc., replacing Aetna Casualty and Surety Company Bond 2S100215766
- G) Certificate of Acceptance of Easement Deed from El Tejon Unified School District for County Road No. 2127

Local Agency Formation Commission

- H) Letter from Bart J. Thiltgen, City of Bakersfield, re LAFCO Proceeding No. 1362, Annexation No. 441, Allen Road No. 9 (Copies to each Supervisor and CAO)
- I) Proceeding No. 1353, Report and Recommendation in the matter of City of Bakersfield (Annexation No. 439), NOR Sanitary District (Annexation No. 58), and North Kern Water Storage (Detachment F) Reorganization
- J) Proceeding No. 1355, Report and Recommendation in the matter of City of Delano, Annexation No. 31
- K) Proceeding No. 1357, Report and Recommendation in the matter of City of Bakersfield, Annexation No. 442
- L) Agenda of meeting on Monday, September 22, 2003

- M) Minutes of meeting on Tuesday, August 26, 2003
- Miscellaneous
- N) Letter from Robert Siddall, Select Enterprises Incorporated, re comments on the proposed draft of Mojave Specific Plan (Copies to each Supervisor, CAO and Planning)
- O) Letter from Vivian Rosenthal, DAUM Commercial Real Estate Services, re comments on the proposed draft of Mojave Specific Plan (Copies to each Supervisor, CAO and Planning)
- P) Letter from Thomas J. Burke, Kern Community College District (KCCD), re revised Engineer's Report for KCCD 2003-2004 and revised Resolution R-20-03 directing levy and collection of assessments (Copies to Auditor-Controller-County Clerk and Treasurer-Tax Collector)
- Q) Letter from Michele Caswell re Lake Webb/Lake Buena Vista injury and accident report (Copies to each Supervisor, CAO, Parks and County Counsel)
- R) Letter from Jim and Loraine Skaggs in opposition to Palvinder Singh's proposal re Tentative Parcel Map 10871, Shafter Road (Copies to each Supervisor, CAO, Planning and County Counsel)
- S) Letter from R.E. Clemments, California Highway Patrol, re Hazardous Materials Incident Report on Thursday, August 28, 2003, at Norris Road and North Chester Avenue (Copies to each Supervisor, CAO, Fire Haz-Mat and Environmental Health)
- T) Notice from U.S. Department of the Interior, Bureau of Reclamation, re errata information for Environmental Water Account, Draft Environmental Impact Statement/Environmental Impact Report, July 2003 (Copy to Planning)
- U) Agenda of meeting from State Fish and Game Commission on Thursday, September 18, 2003 (Copies to each Supervisor and CAO)
- 27) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Betty Jones and James Jones vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Spring Faulkner vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Carlo I. Kimpo, individually; Carl Michael Kimpo, individually; Carlo C. Kimpo, Jr. and James Victor C. Kimpo, by and through their Guardian ad Litem Carlo I. Kimpo vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Jason Miller and Edwin Miller vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- E) Late claim in the matter of Jason Miller and Edwin Miller vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Amended claim in the matter of Terry Cranfill, individually and as successor in interest for the estate of Terry Cranfill, Jr., deceased vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Letter re claim in the matter of Gloria Hall vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Summons and complaint in the matter of Vidal Velez vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Summons and complaint in the matter of Matthew R. Ramos vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Subrogation claim in the matter of Jennifer Dodd by Sterling Casualty Insurance Company vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- K) Subrogation claim in the matter of Gerry Salum by Geico vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- L) Subrogation claim in the matter of Phillip Fisher by Allied Insurance vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)