

AGENDA

**Kern County Parks and Recreation Commission
Casa Loma Park – 521 East Casa Loma Drive
Bakersfield, CA 93301**

Regular Meeting

Wednesday, May 18, 2022
6:30 P.M.

All agenda items and supporting documentation are available for public review at the Kern County General Services Division, 1115 Truxtun Avenue, 3rd Floor, in Bakersfield, CA 93301 during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, following posting of the agenda. Any supporting documentation that relates to an agenda item that is distributed after the agenda is posted and prior to the meeting will also be available at the same location.

Commissioners: Ryan Abler, District I;
William Chapman, District II;
Kathleen Arnold-Chambers, District III;
Lorena Cervantes, District IV; and
Ucedrah Osby, District V

Disclaimer: This agenda includes the proposed actions and activities with respect to each agenda item as of the date of posting. As such, it does not preclude the Commission from modifying the recommendations of staff or taking different actions than those proposed.

Salute to the Flag

PUBLIC PRESENTATIONS, COMMENTS, AND REQUESTS

1. This portion of the agenda is reserved for persons wishing to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. No response is required from the Commission or staff, and no action can be taken on items not on the agenda; however, Commissioners may respond briefly to statements made or questions posed. Commissioners may ask a question for clarification, make a referral to staff for factual information, or request staff to report back to the Commission at a later meeting. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME FOR THE RECORD.**

- i. Public Comments and Requests.

CONSENT AGENDA

2. All items on the consent agenda are considered to be routine and non-controversial by staff. Consent items will be considered first and may be approved by one motion if no member of the Commission or public wishes to comment or ask questions. If discussion is desired, the item will be removed from the consent agenda and will be considered in the listed sequence.
 - i. Approval of Minutes: Regular meeting on April 20, 2022; **APPROVE**
 - ii. Miscellaneous Correspondence; **RECEIVE AND FILE**

DEPARTMENT REPORTS

3. General Services – This portion of the meeting is reserved for General Services staff to provide a report regarding new and ongoing projects, programs, and plans relating to Kern County Parks, including the items listed below; **INFORMATIONAL**
 - i. Kern River Parkway projects
 - ii. WiFi Installation Program
 - iii. California Ave. property
 - iv. Grant updates
 - v. Off-highway Vehicle (OHV) Park
 - vi. Miscellaneous small projects
4. Park Ranger – Status Update; **INFORMATIONAL**

NEW, UNFINISHED, AND OTHER BUSINESS

5. Referral by Commission Osby related to Parks Master Plan; **INFORMATIONAL**
6. Appointment of additional ad hoc subcommittee membership for the establishment and naming of trails (if needed); **APPOINT ADDITIONAL AD HOC SUBCOMMITTEE MEMBERSHIP FOR THE PURPOSE OF MAKING A RECOMMENDATION TO THE COMMISSION ON THE ESTABLISHMENT AND NAMING OF TRAILS**
7. Upcoming Commission meeting locations as per code §2.50.060(D); **DISCUSS POTENTIAL MEETING LOCATIONS IN EACH SUPERVISORIAL DISTRICT AND SET SCHEDULE**

COMMISSION MEMBER PRESENTATIONS OR ANNOUNCEMENTS

8. On their own initiative, Commission members may make a brief announcement or a brief report on their own activities. Commissioners may request that an item be agendaized at a future meeting, make a referral to staff for factual information, or request that staff report back to the Commission at a later meeting.

ADJOURNMENT

9. Adjourn to next regular meeting, scheduled for June 15, 2022, at 6:30 p.m., to be conducted at the County Administrative Center - 1115 Truxtun Avenue, 1st Floor, Board of Supervisors Chambers, Bakersfield, CA 93301, unless otherwise indicated, changed, and/or cancelled by the Commission.

**Americans with Disabilities Act
(Government Code Section 54953.2)**

The Kern County Administrative Center is accessible to persons with disabilities. Disabled individuals who need assistance to attend or participate in a meeting of the Kern County Parks and Recreation Commission may request assistance at the Kern County Parks and Recreation Division, 1115 Truxtun Avenue, 3rd Floor, Bakersfield, or by calling (661) 868-7000. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternate formats. Requests should be made five (5) working days in advance whenever possible.

To obtain past [Agendas or Minutes](https://www.kerncounty.com/gsd/parks/), please visit our website at:
<https://www.kerncounty.com/gsd/parks/>



Kern County

Parks and Recreation Commission

Public Presentations, Comments and Requests



Kern County
Parks and Recreation Commission

Consent Agenda

MINUTES

**Kern County Parks and Recreation Commission
1115 Truxtun Avenue, 1st Floor
Bakersfield, CA 93301
Board of Supervisors Chambers**

Regular Meeting
Wednesday, April 20, 2022
6:30 p.m.

The Kern County Parks and Recreation Commission meeting was held on Wednesday, April 20, 2022. Chairman Arnold-Chambers presided and called the meeting to order at 6:30 P.M. Flag Salute: Commissioner Cervantes.

- Present:** Commissioner(s): Kathleen Arnold-Chambers, District III; Lorena Cervantes, District IV; and Ucedrah Osby, District V
- Absent:** Ryan Abler, District I; and William Chapman, District II
- Staff:** Brian Van Wyk, Deputy County Counsel; Senior CAO Manager – General Services; and Matt Howard, General Services Manager – General Services; and Shane Denton – Chief Ranger – General Services
- Others:** There were three (3) others present
- NOTE:** Ab, Ch, Ar, Ce, and Os are abbreviations for Commissioners Abler, Chapman, Arnold-Chambers, Cervantes, and Osby. As an example, Ar-Ch denotes Commissioner Arnold-Chambers made a motion and Commissioner Chapman seconded the motion.

PUBLIC PRESENTATIONS

1. This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. No response is required from the Commission or staff, and no action can be taken on items not on the agenda; however, Commissioners may respond briefly to statements made or questions posed. Commissioners may ask a question for clarification, make a referral to staff for factual information, or request staff to report back to the Commission at a later meeting.
 - I. PRESENTATION BY RICH O'NEIL OF THE KERN RIVER PARKWAY FOUNDATION REGARDING EDUCATIONAL AND PROTECTION SIGNAGE – PRESENTATION POSTPONED AT THE REQUEST OF RICH O'NEIL DUE TO NOT BEING ABLE TO ATTEND THE MEETING. PRESENTATION WILL BE RESCHEDULED FOR A FUTURE MEETING.
 - II. DAVID WALKER WAS PRESENT BEFORE THE COMMISSION TO DISCUSS SWIMMING ACTIVITY IN THE BOAT LANES AT LAKE MING AND TO REQUEST THAT THE ORDINANCE FROM TOWABLES BEHIND BOATS BE REEVALUATED.

EDDY LAINE WAS PRESENT BEFORE THE COMMISSION TO DISCUSS THE INVOLVEMENT OF THE COMMISSION IN THE 2022-2023 FISCAL YEAR BUDGET AND TO DISCUSS THE HOW THE BOARD OF SUPERVISORS INTENDS TO SPEND THE AMERICAN RESCUE FUNDS.

CONSENT AGENDA

2. All items on the consent agenda are considered to be routine and non-controversial by staff. Consent items will be considered first and may be approved by one motion if no member of the Commission or public wishes to comment or ask questions. If discussion is desired, the item will be removed from the consent agenda and will be considered in the listed sequence.
 - I. Approval of Minutes: Regular meeting on March 16, 2022. CE-OS TO APPROVE THE MARCH 16, 2022, MEETING MINUTES AS WRITTEN. MOTION CARRIED. 3 AYES – 0 OPPOSED
 - II. MISCELLANEOUS CORRESPONDENCE. CE-OS TO RECEIVE AND FILE THE WRITTEN CORRESPONDENCE DATED MARCH 16, 2022, FROM CAROL LAIR REGARDING THE CAT STATISTICS AT HART MEMORIAL PARK FOR THE MONTH OF February and the written correspondence dated March 23, 2022, FROM EDDY LAINE REGARDING COMMENTS FROM THE MARCH 16, 2022, COMMISSION MEETING. MOTION CARRIED. 3 AYES – 0 OPPOSED

DEPARTMENT REPORTS

3. General Services – Status Updates
 - I. Kern River Parkway projects – CARL BREWER, SENIOR CAO MANAGER, WAS PRESENT BEFORE THE COMMISSION TO PROVIDE AN UPDATE ON THE CURRENT PROJECTS WITHIN THE KERN RIVER PARKWAY.
 - II. California Ave. Property – CARL BREWER, SENIOR CAO MANAGER, WAS PRESENT BEFORE THE COMMISSION TO REPORT ON THE STATUS OF THE CALIFORNIA AVE. PROPERTY. CARL BREWER ADVISED THAT NEGOTIATIONS WITH THE CITY OF BAKERSFIELD ARE IN PROGRESS. THE FINAL AGREEMENT IS SET TO GO TO THE BOARD OF SUPERVISORS IN MAY AND THE PROPERTY TRANSFER DATE IS JUNE.
 - III. Grant updates – CARL BREWER, SENIOR CAO MANAGER, WAS PRESENT BEFORE THE COMMISSION TO PROVIDE AN UPDATE REGARDING RECENT AWARD OF ROUGHLY 19.5 MILLION DOLLARS IN GRANT AWARDS TO THE COUNTY. CARL BREWER ADVISED THAT STAFF IS CURRENTLY WORK WITH THE STATE ON FINALIZED THE AGREEMENTS.
 - IV. Off-highway Vehicle (OHV) Park – CARL BREWER, SENIOR CAO MANAGER, WAS PRESENT BEFORE THE COMMISSION TO PROVIDE AN UPDATE REGARDING THE STATUS OF THE OFF-HIGHWAY VEHICLE (OHV) GRANT FOR A FUTURE OHV PARK IN KERN COUNTY.
4. Park Ranger – Status Update – SHANE DENTON, CHIEF RANGER, WAS PRESENT BEFORE THE COMMISSION TO PROVIDE A REPORT REGARDING THE RECENT

RANGER STATICS. SHANE DENTON FURTHER REPORTED ON OPERATION SAFE PARK.

NEW, UNFINISHED, AND OTHER BUSINESS

5. APPOINTMENT OF ADDITIONAL AD HOC SUBCOMMITTEE MEMBERSHIP FOR THE ESTABLISHMENT AND NAMING OF TRAILS (IF NEEDED); THE COMMISSION UNANIMOUSLY DECIDED TO POSTPONE UNTIL THE MAY MEETING.
6. Upcoming Commission meeting locations as per code §2.50.060(D); OS-CE TO HOLD THE MAY COMMISSION MEETING AT CASA LOMA PARK, SUBJECT TO STAFF CONFIRMING QUORUM DETAILS. 3 AYES – 0 OPPOSED

COMMISSION MEMBER PRESENTATIONS OR ANNOUNCEMENTS

7. On their own initiative, Commission members may make a brief announcement or a brief report on their own activities. Commissioners may request that an item be agendaized at a future meeting, make a referral to staff for factual information, or request that staff report back to the Commission at a later meeting. COMMISSIONER OSBY REQUESTED THAT THE TOPIC, PARKS MASTER PLAN BE ADDED TO THE MAY AGENDA. COMMISSIONER OSBY ALSO REQUESTED THAT STAFF PROVIDE AN UPDATE ON THE \$10M WIFE PROJECT UNDER DEPARTMENT STAFF REPORTS.

ADJOURNMENT

8. Adjourn at 7:56 P.M. to the next regular meeting, scheduled for May 18, 2022, at 6:30 P.M., at Casa Loma Park – 521 East Casa Loma Drive, Bakersfield, CA 93307.

From: [Carol Lair](#)
To: [Geoffrey Hill](#); [Carl Brewer](#); [Matthew Howard](#); [John Pimienta](#); [Jeff Flores](#); [Nicholas Cullen](#); [Shane Denton](#); [Barbara Hays](#)
Subject: REPORT TO GENERAL SERVICES & KCAS FOR MARCH 2022
Date: Sunday, April 17, 2022 9:29:25 PM

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or provide information unless you recognize the sender and know the content is safe.

- 3-2-22 Black/white female pregnant was in foster care briefly then taken to Critters without Litters to be spayed 3-8-22 and returned to the park. TNR
- 3-3-22 Gray tabby losing fur on back legs was taken to KCAS and treated but not adoptable. Taken back to the park and relocated to appropriate feeding location but she returned to her home turf. TNR
- 3-8-22 Gray Tabby briefly in foster care and she was far along in her pregnancy and instead of coming to our sanctuary she went directly [went to a foster home to have her 4 kittens.
- 3-8-22 Pale Tortie was in foster care briefly then went to our sanctuary.
- 3-10-22 White cat at west entrance has disappeared and presumed dead.
- 3-11-22 Kitten removed by park visitor.
- 3-13-22 Gray tabby taken to Critters and returned to the park. TNR
- 3-17-22 Adult German Sheppard abandoned and rescued by park visitor.
- 3-23-22 Long haired gray tabby was sick and taken to KCAS. Found out in April cat had died at KCAS.
- 3 cats TNR back to the park
- 1 cat went to our sanctuary
- 1 cat rescued by park visitor
- 1 sick cat taken to KCAS and died at there
- 1 cat died at the park
- 1 cat had her 4 kittens in foster home

TOTAL CATS REMOVED FROM THE PARK: 9

TOTAL DOGS REMOVED FROM THE PARK: 1

Carol Lair

COMMENTS TO APRIL 20, 2022 KERN COUNTY PARKS AND RECREATION COMMISSION

Thank you for this opportunity.

1. The Kern County budget process will begin in the relatively near future. It would be helpful for this Commission to be integrally involved in this process as it relates to parks. How? Community meetings in each Supervisorial District to engage the community regarding parks and recreational needs. The budget for parks should be based upon the expressed needs of the community—and then should be brought to this Commission for consideration prior to being prepared for the Board of Supervisor.

2. Kern County budget priorities need to reflect the actual needs of the community. Example: In the FY 2021-2022 budget \$1.2 million in Kern County General Funds was allocated for the renovation of restrooms in the Kern River Campground. Who in the community expressed the need for such renovation when the restrooms in the adjoining park overlooking Lake Ming which are used by the public-at-large are older and obviously more in need of renovation? (Note: Portable toilets are available for campers, but not in several Kern County parks with closed restrooms.)

3. In its mid-year budget adjustments Kern County allocated \$5 million of American Rescue Plan funding for parks--\$1 million per District. This Commission help can identify how those dollars can best be used.

4. According to County Counsel, no action has taken place regarding an additional \$10 million in American Rescue Plan funding for Wifi. That \$10 million can be added to the \$5 million for discussions in community meetings regarding the best use of these funds. It should be added that these funds are clearly duplicative of \$2 billion in funding available through the State. And, the City of Bakersfield has been able to arrange for Wifi in some large parks without spending any funds. Surely Kern County can do the same.

5. Also, an invitation. This Friday, April 22 CSUB is hosting a Sustainability Symposium from 9:00 A.M. until 2:00 P.M. There will be many presenters. Among the presenters will be the Kern River Parkway Foundation's Bring Back the Kern and a speaker about the Bakersfield Cactus. I will give a Powerpoint presentation about the Kern River water used by the Kern River Golf Course and in Hart Park. Registration: <https://csub.zoom.us/meeting/register/tZEpdemprTkVgdSLpD5MZWBWNclx6KmEY3hC>.



KERN COUNTY
Criminal Justice
Coalition



February 15th, 2022

Sent via email

Kern County Board of Supervisors
1115 Truxtun Ave
Bakersfield, California 993301

Re: Coronavirus State and Local Fiscal Recovery Funds Allocation Plan

Dear Kern County Board of Supervisors,

Leadership Counsel for Justice and Accountability writes in partnership with Loud For Tomorrow, and the Kern County Criminal Justice Coalition. We are urging for investment in low income and rural communities to address housing insecurity, job loss, and a lack of resources in communities bearing the brunt of the pandemic. The pandemic led to job loss due to high Covid cases. The loss of income caused many residents to borrow money to make ends meet. Moreover, the unavailability of broadband and greenspaces underscored the disparities rural low income communities of color faced in accessing school, work, and a greenspace to unwind for their wellbeing. COVID-19 further exacerbated conditions for historically disinvested communities and we urge the County to prioritize the needs of these communities.

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF), developed by the American Rescue Plan Act, provides the opportunity for Kern County (County) to respond to the disparate impacts of COVID 19 on low income communities, and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity, particularly in low income communities.

The County's plan, most recently amended in January 2022, provides an overview of how the SLFRF funds will be expended. Though certain allocations such as staffing for libraries, Lamont flooding mitigation project, and sewer projects are supported by the Treasury's Final Rule, we are concerned about a number of projects listed in the spending plan which will not have a direct impact on low income communities to support their recovery from the pandemic. The following projects fail to meet the eligibility requirements of the SLFRF Final Rule and do not support an equitable recovery from the pandemic.

Water and Wastewater Infrastructure

The SLFRF Final Rule indicates eligible projects for the use of SLFRF funds are those eligible under the Drinking Water State Revolving Fund (DWSRF) and the Clean Water State Revolving Fund (CWSRF).¹ The Treasury outlines drinking water and sewer projects that provide a direct essential service to residents, particularly underserved residents are eligible under the Final Rule. The County's current allocation of \$4,762,000 from the SLFRF for the replacement of two wells and rehabilitation of five wells at the Buena Vista Aquatic Recreational Area is an ineligible use of funds according to the Final Rule. The primary focus of the well replacement and rehabilitation is neither to provide drinking water infrastructure or to provide wastewater management services to residents. Rather, the primary focus of this project is to rehabilitate and replace wells to make up for water losses in the lake. Moreover, the groundwater that is pumped is eventually used for the Buena Vista Water Storage District and Henry Miller Water District, which do not provide direct drinking water services to residents. Finally, the Final Rule, "determined that irrigation projects more generally are not permitted under the Final Rule".²

Alternatively, the County can use its lost revenue SLFRF allocation to cover the replacement and rehabilitation of wells, as the Final Rule allows jurisdictions to utilize funds for capital projects. We also encourage the County to seek funds from the State Water Resources Control Board and Sustainable Groundwater Management Agencies, or private entities to fund the project.

We urge the County to consider and prioritize water and sewer infrastructure projects that will address resident drinking water concerns and stormwater/wastewater infrastructure needs. Funds would be better spent on communities such as Rexland Acres and Fuller Acres who continuously experience stormwater and flooding impact in their neighborhoods.

Broadband Infrastructure

The pandemic underscored the importance of having access to broadband at home. Residents in rural communities faced challenges in accessing broadband services for virtual learning, and other important online services. The residents who had broadband access were also facing challenges with the speed of their broadband. As such, communities support the need to install broadband in rural communities, but question the effectiveness of installing broadband in county parks. County parks located in rural low income communities are in need of infrastructure to support the creation of a broadband hub, such as shelters to cover from the heat and rain, working restrooms, benches, and lights. Broadband in parks will not be of much use if the amenities are not present to create a safe space for learning and working. Moreover, not all low income communities such as Hilltop Fuller Acres, are located in close proximity to a county park which is in direct opposition of the Final Rule, "the program, service, or other intervention must

¹ 31 CFR §35.1 (e)(1)

² 87 FR 4446, Jan. 27, 2022

address or respond to the identified impact or harm.”³ This program is not addressing the real needs of low-income communities of color. Residents strongly urge the County to install broadband in low income residential neighborhoods to ensure that the service will reach folks most impacted by the lack of broadband.

According to the Final Rule, “eligible broadband infrastructure investments are limited to those that are designed to provide service to unserved or underserved households or businesses, defined as those that lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload.”⁴ In addition, given current state efforts to increase broadband access, the Final Rule indicates that broadband investments from the SLFRF must not be duplicative of the state efforts.

The County’s current plan for broadband infrastructure involves installing broadband in all County parks. While we recognize that some rural communities can benefit from broadband access in county parks, we are concerned about the use of funds in regional parks such as Hart Park and Buena Vista Aquatic Recreational Area, which are not located in or surrounded by underserved communities. Installing broadband at these parks will therefore not directly address the disparate inequalities of broadband access. As such, installation of broadband services in these parks fails to adhere to the Final Rule.

The lack of broadband access increased disparities in underserved communities during the rise of the COVID19 pandemic. We support the implementation of broadband access to ensure residents who are unserved have access to an essential service. Thus, we encourage the County to review how State broadband efforts will address access in underserved communities to identify gaps which must be addressed with the utilization of SLFRF. Moreover, we support installation of broadband in County parks located in underserved residential/rural communities so long as it will not be a duplication of state efforts and will address accessibility gaps. We request County staff to provide a detailed explanation of this program.

Housing

Residents facing the negative economic impacts of the pandemic have struggled to pay their rent, bills, mortgages, food, and other important expenses. In Kern, a number of residents continue to receive eviction notices due to non-payment of rent, and many are being forced out of their homes through illegal evictions to allow landlords to rent at a higher price. While folks face housing insecurity, the lack of affordable housing has further exacerbated the housing crisis in the County. The SLFRF Final Rule acknowledges that housing insecurity is a direct result of the pandemic and supports funding to address housing instability by allocating resources for direct support services for tenants facing evictions, residents facing homelessness, low income housing

³ <https://www.govinfo.gov/content/pkg/FR-2022-01-27/pdf/2022-00292.pdf>

⁴ 31 CFR §35.1 (e)(2)

development, permanent housing for unhoused residents, housing vouchers, and other enumerated projects.

The County's current allocation of \$4 million from the SLFRF funds for "Enforcement Officers" to enforce ordinance 8.30 which specifies the particular times and locations where it shall be unlawful for a person to camp or place personal effects in public areas, is a misuse of SLFRF funds as these dollars are meant to address housing instability caused by the pandemic. The enforcement of this ordinance can result in an infraction exacerbating negative economic impacts on unhoused residents, which is a direct contradiction and misuse of the SLFRF funds.

It is critical to note that the number of unhoused individuals far exceeds the number of available shelter space. According to section 8.30.030, the ordinance must not be enforced if shelter space is not available. In addition to the physical availability of shelter space, "available shelter" is also limited to factors including, maximum stay rules, sexual orientation, and religious affiliation. As such, SLFRF funds would be better spent on the development of affordable housing, permanent housing for unhoused residents, and shelters to address housing insecurity, rather than on an unavailing enforcement team.

The approval of this ordinance and funding for additional enforcement officers raises concerns of harmful practices such as harassment and intimidation towards unhoused individuals in order to remove them from the said location if shelter is not available. We must also highlight the County's Sheriff Department's documented sentiment towards the homeless by criminalizing them which causes concerns and again is a complete contradiction of the goals of the SLFRF funds, which is to provide programs and services that will address housing insecurity, lack of affordable housing, or homelessness to respond to the negative impacts of the pandemic are eligible projects⁵.

The use of funds for the enforcement of an ordinance that adds a significant burden on unhoused residents and compounds the impacts of homelessness is a direct violation of SLFRF funds. Additionally, not all unhoused residents have behavioral health or substance use issues. All unhoused residents would benefit from accessing affordable permanent housing and other services to secure housing.

Loss Revenue

The county currently allocated over \$79 million for revenue backfill. As per 31 CFR Part 35, there is a four step process that must be followed to calculate backfill of lost revenue due to pandemic impacts. The Final Rule "offers a standard allowance for revenue loss of up to \$10 million, not to exceed a recipient's SLFRF award amount, allowing recipients to select between a standard amount of revenue loss or **complete a full revenue loss calculation.**" It is currently

⁵ 31 CFR §35.2 (c)

unclear how the County calculated its backfill allocation. Until this process is made clear and there is assurance that the county has calculated this backfill according to 31 CFR Part 35, the county cannot designate \$22 million for revenue backfill. We urge the County to complete the full revenue loss calculation and release it to the public or accept the standard allowance of up to \$10 million per the Final Rule.

Community Engagement

Kern County must engage residents in the allocation process to understand the extent of the negative economic impacts caused by the pandemic and identify solutions for an equitable recovery. So far, the County has not engaged the public on equitable ways to allocate these funds. The ARPA spending plan was developed and presented during a board meeting without any community engagement. This is not an equitable nor a participatory process. We urge the County to engage in activities as provided by the SLFRF Final Rule to engage community members, such as conducting surveys (multilingual and via different platforms), community meetings, workshops, stakeholder outreach inclusive of diverse communities, amongst other community engagement techniques. Community engagement and outreach is important to ensure an equitable recovery. As such, we urge the County to equitably engage residents to begin allocating funds responsive to the communities' needs. We request County staff to respond to the letter with a plan on how to engage residents in this process.

We urge the County to consider our concerns and provide responses as requested. The County must not use these funds for its own interests, purposes or general use, but rather intentionally engage residents to allocate funds toward an equitable recovery. The County's ARPA Spending Plan includes programs that are a misuse of SFLRF funds to which the County must respond to immediately. Thank you for your time and consideration.

Sincerely,

/s/

Emma De La Rosa, MPP

Regional Policy Manager

Leadership Counsel for Justice & Accountability

Cc:

Phillip Peters, *District 1 County Supervisor*

Zack Scrivner, *District 2 County Supervisor*

Mike Maggard, *District 3 County Supervisor*

David Couch, *District 4 County Supervisor*

Leticia Perez, *District 5 County Supervisor*

Ryan Alsop, *County Administrative Officer*

James Zervis, *Chief Operations Officer*

U.S Department of the Treasury

From: eddylaine@aol.com
To: kckuke@yahoo.com; uosby0617@gmail.com; [Lorena Cervantes](#)
Cc: [Carl Brewer](#); [Matthew Howard](#); [Brian Van Wyk](#); harrylove1944@gmail.com; carollair@yahoo.com
Subject: Fwd: \$10 Million for Wifi in Kern County park. Why?
Date: Thursday, April 21, 2022 8:52:07 AM
Attachments: [COMMENTS TO APRIL 20, 2022 PARKS COMMISSION MEETING.doc](#)
[FEBRUARY 15, 2022 LEADERSHIP COUNCIL LETTER.pdf](#)
[MARCH 31, 2022 CPRA REQUEST REGARDING WIFI.pdf](#)

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Per the discussion last night. The first two attachments were sent on Monday.

Also enclosing by e-mail my comments last night.

I have other documentation, so please contact me with any further questions.

Eddy Laine

-----Original Message-----

From: eddylaine@aol.com
To: petersp@kerncounty.com <petersp@kerncounty.com>; couchd@kerncounty.com <couchd@kerncounty.com>; scrivnerz@kerncounty.com <scrivnerz@kerncounty.com>; maggardm@kerncounty.com <maggardm@kerncounty.com>; lperez@kerncounty.com <lperez@kerncounty.com>
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olaguez@yahoo.com <olaguez@yahoo.com>; romoch@kerncounty.com <romoch@kerncounty.com>;
catheeromley@gmail.com <catheeromley@gmail.com>; lgilljr@gmail.com <lgilljr@gmail.com>;
kimberly.kirchmer@gmail.com <kimberly.kirchmer@gmail.com>; resparza.usc@gmail.com
<resparza.usc@gmail.com>; rlopez@aclusocal.org <rlopez@aclusocal.org>; lucyg391@gmail.com
<lucyg391@gmail.com>; alsopr@kerncounty.com <alsopr@kerncounty.com>; hillg@kerncounty.com
<hillg@kerncounty.com>; isandoval@crpe-ej.org <isandoval@crpe-ej.org>; gustavo.aguirrejr@ccejn.org
<gustavo.aguirrejr@ccejn.org>; gkhalsa@kerncounty.com <gkhalsa@kerncounty.com>;
gsantos@csb.edu <gsantos@csb.edu>; zervisj@kerncounty.com <zervisj@kerncounty.com>;
vania.patino@kero.com <vania.patino@kero.com>; kerntax@kerntaxpayers.org
<kerntax@kerntaxpayers.org>; michael@kerntaxpayers.org <michael@kerntaxpayers.org>
Sent: Mon, Apr 18, 2022 9:31 am
Subject: \$10 Million for Wifi in Kern County park. Why?

Attached is a California Public Records Act Request submitted by the Sierra Club on March 31, 2022 (as a follow-up to previous Sierra Club, Kern-Kaweah Chapter letters regarding this issue).

Issues:

1. The \$10 million Kern County plans to spend is duplicative of funding (specifically--\$2 billion of a total of \$5.7 billion) being provided by the State.
2. SB 156 signed by Governor Newsom on July 12, 2022 specifically provides "\$2 billion to set up last-mile broadband connections that will connect homes and businesses with local networks."
3. Kern County's rationale (August 31, 2022 American Rescue Plan rationale) for spending this \$10 million is that there is a "gap in internet services throughout out community. Many households lack basic services." Again, a duplication.
4. The City of Bakersfield has been able to arrange for the provision of Wifi in heavily-used parks without the expenditure of tax-payer money. Example: Wifi in Central Park--as early as 2009.
5. The California Public Records Act Request (March 31, 2022) asked for copies of: (a) e-mails related to the expenditure of this \$10 million, (b) consultant agreements or other legal documents specifically related to the use of this \$10 million and (c) surveys taken or community meetings held specifically for the purpose of soliciting community engagement regarding the possible use of this \$10 million in American Rescue Plan funding in parks. (Note: legal response time is 10 days or "specifying a date in the near future to respond to this request.")
6. The Kern County response (April 14, 2022) from Deputy County Counsel Gurujodka Khalsa was that, "Thus far the County has not found any documents that are responsive to your request."

Question: No documents to support the expenditure of \$10 million for Wifi which: (a)

duplicates State funding available from SB 156, and (b) would use tax dollars to pay for a service which the City of Bakersfield has been able to arrange for without cost?

This \$10 million Wifi issue was also raised in a February 15, 2022 letter from the Leadership Council for Accountability and Justice to the Kern County Board of Supervisors. That letter is attached. During the February 15 Board meeting Emma De La Rosa of the Leadership Council spoke to the Board and requested a written response to the letter. In recent consultation with Ms. De La Rosa, she indicated that the Leadership Council has not received a reply to the letter--over two months after the February 15 appearance and request. Ms. De La Rosa's email address: edelarosa@leadershipcounsel.org.

One possible use of these \$10 million would be to open restrooms which are currently closed or in need of minor repair (including for health and/or safety purposes) in Kern County parks. At the request of Parks and Recreation Commissioner Ucedrah Osby, on February 16, 2022 the Commission was provided a list of seven restrooms currently closed in Kern County parks.

Additional note: Shared here is an October 5, 2021 e-mail question asked and one word response from James Zervis, Chief Operations Officer for the Kern County. "What planning documents were used (such as the Kern County Parks and Recreation Master Plan) as a basis for this decision to use \$10 million for this WiFi purpose? - **None.**"

Eddy Laine, Member, Executive Committee, Sierra Club, Kern-Kaweah Chapter.

SIERRA CLUB



KERN-KAWEAH CHAPTER

March 31, 2022

Ryan Alsop
County Administrative Officer
County of Kern
1115 Truxtun Avenue
Bakersfield, CA. 93301

Dear Mr. Alsop:

This is written to request the release of records under the California Public Records Act, Government Code 6250, California Penal Code 832.7-832.8 and Article I 3 (b) of the California Constitution.

The legal response time to this request is ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record or by specifying a date in the near future to respond to this request.

Background information about the planned use of \$10 million in American Rescue Plan for Wifi in Kern County Parks includes the following:

1. On July 12, 2021 Governor Newsom signed SB 156 which will provide a \$5.7 billion to bring “affordable access to high-speed internet services across California.” One aspect of this legislation is \$2 billion “to set up last-mile broadband connections that will connect homes and business with local networks.”
2. On August 31, 2021 the Kern County budget included the following explanation about the proposed use of American Rescue Act funding for Wifi purposes, “There is a gap in internet access throughout our community. Many households lack basic services. Forty-three Kern County parks, all of which are located or serve disadvantaged communities, will benefit from this program with each park servicing its unique communities.” Note: County staff subsequently announced that Wifi services would be prioritized first to Hart Park and the Buena Vista Aquatic Recreational Area.

Some issues related to Kern County’s justification include: (a) the seemingly obvious duplication of Kern County’s plans with funding already approved by SB 156, and (b) no

specific information connecting/supporting the use of these funds in specific Qualified Census Tracts.

For clarification purposes the American Rescue Plan language which permits the use of these funds for Broadband/Wifi purposes specifies that eligibility must be limited to/for individuals living in Qualified Census Tracts. The definition of a Qualified Census Tract is “any census tract in which at least 50 percent of households have an income less than 60 percent of the Area Median Gross Income (AMGI), or which has a poverty rate of at least 25 percent.” Neither Hart Park nor the Buena Vista Aquatic Recreational Area are located in Qualified Census Tracts and as such neither would seem ineligible to receive these funds for this purpose. A park-by-park analysis would provide further clarification regarding which parks in Kern County do and do not meet this criterion.

3. The Sierra Club, Kern-Kaweah Chapter expressed our concerns about this issue in an October 4, 2021 letter to the Kern County Board of Supervisors. There was no reply. A December 10, 2021 response to a previous California Public Records Act (of November 17, 2021) was ambiguous.

4. Also, questions in this Public Records Act Request are similar to issues raised in a February 15, 2022 letter from the Leadership Council for Justice and Accountability to the Kern County Board of Supervisors. A copy of that letter is included.

5. In addition, the City of Bakersfield has had: (a) a License Agreement since January 28, 2009 with Bright House Networks to provide Wifi services in Central Park, (b) a License Agreement with Bright House Networks since January 28, 2009 to provide Wi-Fi in AREA Park, and (c) a License Agreement since May 10, 2006—amended November 17, 2010 and January 6, 2016—to provide Wifi in the Park at River Walk. These Agreements for Wifi services do not include the expenditure of any City of Bakersfield funding. If the City of Bakersfield is not paying for Wifi in major city parks, why is the County of Kern planning to do so?

Again, the following questions relate to the proposed use by the County of Kern of \$10 million in American Rescue Plan funding for Wifi in Kern County Parks—beginning in Hart Park and the Buena Vista Aquatic Recreational Area:

1. Please release all emails to, from, by or between Mr. Alsop and any employee of any non-governmental entity related to using American Rescue Plan Act of 2021 money for the provision of Broadband, Wi-fi or similar services in public parks located in Kern County.
2. Please provide a copy of any consultant agreement (s) or other legal agreements which the County of Kern has signed specifically related to the use of this \$10 million in American Rescue Plan funding for Wifi in parks.
3. Please provide a copy of any surveys taken or community meetings held specifically for the purpose of soliciting community engagement regarding the possible use of this

\$10 million in American Rescue Plan funding in parks located in Qualified Census Tracts.

Given the seeming duplication of effort regarding this proposed funds given Governor Newsom's approved funding (again--which would be a violation of use of American Rescue Plan funding guidelines), copies of this letter are being sent to California Attorney General Rob Bonta, the Office of the United States Attorney General and the United States Department of Treasury. And, given the similarity of these issues with issues raised in the February 15, 2022 letter from the Leadership Council for Justice and Accountability, a copy of this letter is also being sent to the Leadership Council for Justice and Accountability.

Thank you for your assistance regarding this requested information. For ease of communication my personal e-mail address is included.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E L' or 'Eddy Laine', with a stylized flourish at the end.

Eddy Laine, Member, Executive Committee, Sierra Club, Kern-Kaweah Chapter

eddylaine@aol.com

cc: Kern County Board of Supervisors
Rob Bonta, Attorney General of the State of California
Office of the United States Attorney General
United States Department of Treasury
Leadership Council for Justice and Accountability

Enclosure: February 15, 2022 letter from the Leadership Council for Justice and Accountability and Justice to the Kern County Board of Supervisors



Kern County
Parks and Recreation Commission

Department Staff
Report(s)



Kern County
Parks and Recreation Commission

New/Unfinished/
Other Business



Kern County
Parks and Recreation Commission

Commission Member Presentations or Announcements