

AGENDA

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

Regular Meeting

Wednesday, June 15, 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. Presentation by Rich O'Neil of the Kern River Parkway Foundation regarding Educational and Protection Signage – **HEAR PRESENTATION**
 - ii. 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 May 18, 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; **INFORMATIONAL**
4. Park Ranger – Status Update; **INFORMATIONAL**

NEW, UNFINISHED, AND OTHER BUSINESS

5. Referral by Commissioner 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 agendized 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 July 20, 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.

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<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 Casa Loma Park – 521 East Casa Loma Drive Bakersfield, CA 93301

Regular Meeting

Wednesday, May 18, 2022
6:30 p.m.

The Kern County Parks and Recreation Commission meeting was held on Wednesday, May 18, 2022. Chairman Arnold-Chambers presided and called the meeting to order at 6:34 P.M.

Present: Commissioner(s): Ryan Abler, District I; Kathleen Arnold-Chambers, District III; and Ucedrah Osby, District V

Absent: Lorena Cervantes, District IV; and William Chapman, District II

Staff: Brian Van Wyk, Deputy County Counsel; Geoffrey Hill, Chief General Services Officer; Carl Brewer, Senior CAO Manager – General Services; Isaac Preston, General Services Manager – General Services; and Matt Howard, General Services Manager – General Services; and Shane Denton – Chief Ranger – General Services

Others: There were twenty-eight (28) 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. RICH O'NEIL WAS PRESENT BEFORE THE COMMISSION TO DISCUSS SIGNAGE AT THE KERN RIVER RIPARIAN PRESERVE PARK. RICH O'NEIL WILL BE PRESENTING A MORE ELABORATE PRESENTATION AT THE JUNE PARKS AND RECREATION COMMISSION MEETING.

KATY WESTMORELAND WAS PRESENT BEFORE THE COMMISSION TO REQUEST MOWING AROUND THE DISC GOLF BASKETS AT HART MEMORIAL PARK.

MARION VARGAS WAS PRESENT BEFORE THE COMMISSION TO DISCUSS THE CONDITION OF THE GROUNDS AT CASA LOMA PARK.

EMMANUEL AGUINIGA, MARIA CRUZ, NICHOLAS SALAS, SALVADOR ARAUJO, AND ELIZABETH RAMOS, WERE PRESENT BEFORE THE COMMISSION TO DISCUSS THE CONDITION OF CASA LOMA PARK AND TO REQUEST RESTROOM AND LIGHTING IMPROVEMENTS ALONG WITH ADDITIONAL AMENITIES SUCH AS HANDBALL COURTS AND A SOCCER FIELD.

REINA LAGAS OF BUILDING HEALTHY COMMUNITIES, SOUTH KERN WAS PRESENT BEFORE THE COMMISSION TO THANK THEM FOR HOLDING THEIR COMMISSION MEETING IN THE PARK AND FOR WORKING WITH THE COMMUNITY TO PROMOTE ACTIVE LIFESTYLES IN THE PARK.

MARJORIE BELL WAS PRESENT BEFORE THE COMMISSION TO REQUEST THAT PORTA POTTIES BE PLACE IN PARKS WITH CLOSED RESTROOMS DURING THE SUMMER.

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. AB-OS TO APPROVE THE APRIL 20, 2022, MEETING MINUTES AS WRITTEN. MOTION CARRIED. 3 AYES – 0 OPPOSED
 - II. MISCELLANEOUS CORRESPONDENCE. AB-OS TO RECEIVE AND FILE THE WRITTEN CORRESPONDENCE April 17, 2022, FROM CAROL LAIR REGARDING THE CAT STATISTICS AT HART MEMORIAL PARK FOR THE MONTH OF MARCH AND THE WRITTEN CORRESPONDENCE DATED APRIL 20, 2022, FROM EDDY LAINE REGARDING VARIOUS COMMENTS TO THE COMMISSION. MOTION CARRIED. 3 AYES – 0 OPPOSED

DEPARTMENT REPORTS

3. General Services – Status Updates
 - I. Kern River Parkway projects – GEOFFREY HILL, CHIEF GENERAL SERVICES OFFICER, WAS PRESENT BEFORE THE COMMISSION TO PROVIDE AN UPDATE ON THE CURRENT PROJECTS WITHIN THE KERN RIVER PARKWAY.
 - II. California Ave. Property – NO UPDATE PROVIDED.
 - III. Grant updates – CARL BREWER, SENIOR CAO MANAGER, WAS PRESENT BEFORE THE COMMISSION TO PROVIDE AN UPDATE REGARDING RECENT AWARD OF ROUGHLY 19.5 MILLON 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.

NEW, UNFINISHED, AND OTHER BUSINESS

5. Referral By Commissioner Osby related to Parks Master Plan; THE COMMISSION UNANIMOULSY DECIDED TO POSTPONE UNTIL THE JUNE MEETING.
6. APPOINTMENT OF ADDITIONAL AD HOC SUBCOMMITTEE MEMBERSHIP FOR THE ESTABLISHMENT AND NAMING OF TRAILS (IF NEEDED); THE COMMISSION UNANIMOULSY DECIDED TO POSTPONE UNTIL THE JUNE MEETING.
7. Upcoming Commission meeting locations as per code §2.50.060(D); THE COMMISSION UNANIMOULSY DECIDED TO POSTPONE UNTIL THE JUNE MEETING.

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 agendized 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. NONE.

ADJOURNMENT

9. Adjourn at 8:03 P.M. to the next regular meeting, scheduled for June 15, 2022, at 6:30 P.M., at the County Administrative Center - 1115 Truxtun Avenue, 1st Floor, Board of Supervisors Chambers, Bakersfield, CA 93301.

REPORT TO GENERAL SERVICES & KCAS FOR APRIL 2022

Carol Lair <carollair@yahoo.com>

Sun 5/22/2022 8:41 PM

To: Geoffrey Hill <hillg@kerncounty.com>; Carl Brewer <brewerc@kerncounty.com>; Matthew Howard <howardma@kerncounty.com>; John Pimienta <pimientaj@kerncounty.com>; Shane Denton <DentonS@kerncounty.com>; Nicholas Cullen <cullenn@kerncounty.com>; Jeff Flores <floresjeff@kerncounty.com>; Barbara Hays <barbarah@thecatpeople.org>

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.

4-4-22 Sick tortie cat taken to KCAS and it died while there.

4-4-22 Black/white tux was rescued and was briefly in foster care before going to Critters an adoptive home was found.

4-17-22 Friendly tortie rescued and was in foster care before going to an adoptive home.

4-22-22 Three young adult cats rescued and were in foster care before going to our sanctuary.

4-25-22 Pregnant cat rescued and taken to Critters to be spayed and then was returned to the park.

4-26-22 Two partly feral kittens born at the park rescued and are in foster care being treated for ringworm. The treatment will last for 6 weeks minimum.

4-29-22 The sibling to the two partially feral kittens was rescued and also had ringworm and is being treated.

1 cat TNR back to the park

4 cats went to our sanctuary

1 cat rescued by park visitor

1 sick cat taken to KCAS and died at there

3 cats in foster care and will eventually go to our sanctuary

TOTAL CATS REMOVED FROM THE PARK: 9

All but two cats removed from the park were females. This goes a long way to helping control the cat population.

Carol Lair

SIERRA CLUB



KERN-KAWEAH CHAPTER

Richard K. Delmar
Deputy Inspector General
U.S. Department of Treasury
1500 Pennsylvania Avenue, N.W. Room 4436
Washington D.D. 20220

June 6, 2022

Dear Mr. Delmar:

This letter is written regarding the use by the County of Kern of \$7 million in American Rescue Act funding for Wi-Fi purposes in Kern County parks.

REQUEST

The Sierra Club, Kern-Kaweah Chapter is requesting that the federal Office of Inspector General of the U.S. Department of Treasury review the information provided in this letter to determine: (1) the possible misuse of these \$7 million in American Rescue Plan funding for Wi-Fi--given the clear duplication of known State funding for the same purpose, (2) the disregard regarding providing funding to Qualified Census Tracts as defined in the American Rescue Plan, and (3) the lack of transparency and public engagement with regard to the use of these funds for Wi-Fi.

SUMMARY OF ISSUES OF CONCERN:

1. Governor Newsom's plan and funding ("to connect homes and businesses") for Broadband was clearly identified well over a month before the adoption of Kern County's FY 2021-2022 budget for the same purpose (in the budget document, "Many households lack basic services"). Duplicative funding is a violation of American Rescue Act fund guidelines.
2. The Kern County Parks and Recreation Commission never had: (a) a written report from staff about the Wi-Fi proposal—or the change from the \$10 million in the original FY 2021-2022 budget for Wi-Fi to \$7 million, or (b) an "action item" on its agenda to formally receive comments about a possible decision to express support (or not) for this Wi-Fi project. Again, the Commission is intended to provide opportunities for public engagement about decisions affecting Kern County's parks.

3. The Sierra Club, Kern-Kaweah Chapter, repeatedly expressed concerns/suggestions (beginning October 4, 2021) about the use of these funds in this manner. There is no record of Kern County responding to those concerns/suggestions.
4. The fact that the need for/justification for Wi-Fi in parks is not part of the Kern County Parks and Recreation Plan, Kern County General Plan or other planning document permitting/involving opportunities for public comment/discussion/input.
5. A Leadership Counsel for Justice and Accountability February 15, 2022 letter detailing concerns/suggestions about the use of these funds in this manner—including objecting to these funds being used to duplicate an existing funding stream. There was no response to the letter.
6. The unwillingness of Kern County to share information about the September 15, 2021 Request-for-Proposal (RFP) for the use of these funds during the many months of public concerns being raised about the use of these funds.
7. The availability of similar services by the City of Bakersfield provided at no cost—publicly brought to the attention of the Kern County Board of Supervisors and staff.
8. The April 13, 2022 “not found any documents responsive to your request” County Counsel response to a request for information about these funds when in fact as early as September 15, 2021 Kern County was engaged in an RFP (Request-for-Proposal) process regarding the use of these funds.
9. The delayed response (April 13, 2022 and later April 27, 2022) to the March 31, 2022 California Public Records Act request.
10. The fact that Kern County has not provided detailed budgetary information regarding the actual cost of installation (or possible on-going maintenance) of Wi-Fi: (a) per Supervisorial District or (b) by Qualified Census Tract (Qualified Census Tracts being a priority for the use of American Rescue Plan funding).

This issue is important as: (a) previous information provided last year to the Sierra Club by Kern County Counsel indicated that 69.2% of on-going parks operational funding is being spent in two supervisorial districts and only 30.8% in the other three supervisorial districts, and (b) the two large regional parks designated to be in the “first tier” of parks to receive Wi-Fi services are located in the same two supervisorial districts already receiving 69.2% of on-going parks operational funding, and (c) those two large regional parks designated to receive “first tier” Wi-Fi services are not located in Qualified Census Tracts (as documented by the Leadership Counsel for Justice and Accountability).

This information is similar to findings in an Advancement Project California “Creating An Equitable Infill Development Framework For Kern County: Analysis and communities recommendations to support the 2019 General Plan Update.”

To quote from those findings (page 14): “A March 2018 study by Advancement Project California found that the regional parks have received almost two-thirds of Kern County’s park and recreation investments in the last decade compared to smaller, community parks. Local parks serve as community-enhancing assets that increase access to regular physical activity, minimize racial disparities in childhood obesity, and provide safe places for young people to recreate; neighborhood parks also deliver important environmental benefits, including improvements in air quality and reductions in greenhouse gas emissions.”

These issues with regard to funding and services are clearly environmental justice issues which are seemingly ignored by the County of Kern.

11. What happened to the \$3 million of the original \$10 million in American Rescue Plan funding earmarked for Wi-Fi purposes in Kern County’s FY 2021-2022 budget which seemingly is not being allocated for this proposal? Again, what is the process for engaging the community and the Kern County Parks and Recreation Commission regarding the use of that \$3 million (seemingly none)?

CHRONOLOGY

A chronological summary will hopefully be helpful in detailing these issues:

JULY 12, 2021—California State Funding

1. On July 12, 2021 Governor Newsom signed SB 156 for the following purposes:
 - a. The allocation of \$3.25 billion to build, operate and maintain an open access, state-owned middle mile network – high-capacity fiber lines that carry large amounts of data at higher speeds over longer distances between local networks.
 - b. The allocation of \$2 billion to set up last-mile broadband connections that will connect homes and businesses with local networks. The legislation expedites project deployment and enables Tribes and local governments to access this funding.
 - c. The allocation of \$750 million for a loan loss reserve fund to bolster the ability of local governments and nonprofits to secure financing for broadband infrastructure.
 - d. The creation of a broadband czar position at the California Department of Technology, and a broadband advisory committee with representatives from across state government and members appointed by the Legislature.

Note: At the bill signing it was noted that the federal and state governments are working concurrently to address the broadband issues, so “expect more to come from both.”

AUGUST 31, 2021--KERN COUNTY BUDGET

On August 31, 2021 the Kern County Board of Supervisors adopted a budget for FY 2021-2022. Plans included the expenditure of \$10 million in American Rescue Plan funds for Wi-Fi in Kern County Parks. Issues:

1. Rationale (page 9 of Kern County's budget document): "The public health emergency made abundantly clear that 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: No evidence is provided regarding the "all of which are located or serve disadvantage communities" statement.

2. Community Engagement (page 10 of Kern County's budget document): "The proposed projects balance community goals and public master planning activities. The County has a demonstrated history of working with disadvantaged communities and advocacy groups, community-based organizations and residents. Management of our different operational departments meet regularly with community groups and disadvantaged community groups and disadvantaged communities to hear their concerns, resulting in their influence on these selected projects. In addition, through regular or special public meetings with the Board of Supervisors and Parks and Recreation Commission, public outreach and community discussion have been facilitated regarding parks facilities and projects."

Note: Even though the Kern County Parks and Recreation Commission is by Kern County Ordinance charged with advising the Kern County Board of Supervisors, there have never been written draft requests/proposals for Commissioners and/or the public to review and comment upon regarding this or other options regarding the possible use of these funds--nor has ever been an action item for the Commission to vote on regarding this Wi-Fi issue (during FY 2020-2021 or FY 2021-2022). There were no special public meetings or "public outreach" or "community discussion" regarding the possible use of this \$10 million for Wi-Fi or for other possible uses. Rather, there have been periodic verbal announcements after the fact by staff regarding how these \$10 million would be spent (on Wi-Fi--again without other options given to the Commission for consideration. Again, this \$10 million in the original FY 2021-2022 budget was reduced to \$7 million mid-year.

OCTOBER 4, 2021--SIERRA CLUB LETTER

On October 4, 2021 the Sierra Club, Kern-Kaweah Chapter, submitted a letter to the Kern County Board of Supervisors making several recommendations. One recommendation:

“The \$10,000,000 currently designated for Wi-Fi in parks needs to be divided equally among the five supervisorial districts with opportunities for each supervisor to possibly allocate the \$2 million for Wi-Fi and/or other possible health and safety capital expenditures for parks in their district. Again, this would constitute an amendment to American Rescue Plan proposals already submitted to the federal government. This is permissible.”

Note: There was no response to this recommendation.

OCTOBER 5, 2021--E-MAIL EXCHANGE

What follows is a question (email) submitted to James Zervis, Chief Operations Officer for the Kern County, and his response. This was on October 5, 2021:

“What planning documents were used (such as the Kern County Parks and Recreation Master Plan) which served as a basis for this decision to use \$10 million for this Wi-Fi purpose?”

The one word response from Mr. Zervis, “None.”

FEBRUARY 15, 2022--LEADERSHIP COUNSEL LETTER AND APPEARANCE AT THE KERN COUNTY BOARD OF SUPERVISORS

The Leadership Counsel for Justice and Accountability in partnership with Loud for Tomorrow and the Kern County Criminal Justice Coalition submitted a letter and appeared in person before the Kern County Board of Supervisors.

Some Wi-Fi and Broadband issues reviewed in that five page letter included (all from page three):

1. The need for “shelter to cover from the heat and rain, working restrooms, benches and lights. Broadband in parks will not be of much use if these amenities are not present” . . . and
2. “Given current state efforts to increase broadband access, the Final Rule indicates that broadband investments from SLFRF (Coronavirus State and Local Fiscal Recovery Funds) must not be duplicative of state efforts.”
3. “We are concerned about the use of funds in regional parks such as Hart Park and the 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, install of broadband services is unneeded and not an eligible expenditure according to SLFRF final rule.”

Note: The Leadership Counsel for Justice and Accountability requested a formal response to this letter. None was received.

A copy of that February 15, 2022 letter is included for informational purposes.

MARCH 30, 2022 E-MAIL FROM VIRGINIA GENNARO REGARDING WI-FI

Bakersfield City Attorney Virginia Gennaro confirmed that the City of Bakersfield “does not pay any money for Wi-Fi services” for three major City of Bakersfield parks which (the first beginning in 2006) without the expenditure of any City of Bakersfield funding.

March 31, 2022 CALIFORNIA PUBLIC RECORDS ACT REQUEST

The Sierra Club, Kern-Kaweah Chapter submitted a California Public Records Act request to Kern County Administrative Officer Ryan Alsop with regard to the planned expenditure of these \$10 million for Wi-Fi. The issue of the duplication of the use of these funds with already-identified State funding was reviewed. The letter reviewed the availability of Wi-Fi at three major City of Bakersfield parks without the expenditure of any City of Bakersfield funding.

The legal response time to the request was ten days—or “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.”

There were three specific requests in the letter:

- “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 Wi-Fi 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 (underserved census tracts as defined in SLFAF)?”

Note: The March 31, 2022 letter is attached to this letter for reference purposes.

APRIL 13, 2022 KERN COUNTY COUNSEL RESPONSE TO MARCH 31, 2022 E-MAIL

Chief Deputy Kern County Counsel Gurujodha Khalsa response to the March 31, 2022 California Public Records Act request read, "The County is in receipt of your request for public records dated March 31, 2022 herein attached. Thus far the County has not found any documents that are responsive to your request."

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

During the public comments portion of the meeting written comments were provided to the Kern County Parks and Recreation Commission. Some of these comments were based upon Mr. Khalsa's e-mail. I repeated the Sierra Club's position that the \$10 million allocated for Wi-Fi needed to be discussed at "community meetings regarding the use of these funds." I continued, "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 Wi-Fi in some large parks without spending any funds. Surely Kern County can do the same."

During discussion staff:

1. Indicated that decisions about funding for parks using American Rescue Act funds among Kern County Supervisors were occurring through a series of private meetings with each supervisor, and
2. Named the two large parks slated to first receive Wi-Fi—Hart Park and the Buena Vista Lake Recreation area.

Note: Neither of the two locations just noted by staff are located in American Rescue Plan Qualified Census Tracts and (again quoting the Leadership Counsel for Justice and Accountability) and are "not an eligible expenditure according to the SLRFR final rule."

APRIL 26, 2022 COMMENTS TO THE KERN COUNTY BOARD OF SUPERVISORS

During the public comments portion of the meeting the written comments made at the April 20, 2022 meeting of the Kern County Parks and Recreation Commission meeting were distributed.

Issues of concern raised during the April 20, 2022 meeting were reviewed--along with information that the Fresno County Parks Commission has held such public hearings regarding the use of these American Rescue Act funds.

I added, “Senior Operations Manager Carl Brewer responded that he and General Services Chief Geoffrey Hill had met privately with each member of this Board and gave examples of decisions which had already been reached . . .” Continuing I added,

“Private meetings regarding the expenditure of millions of dollars in federal funds? Where is the voice of the Commission and the community when these decisions are reached behind closed doors? Is this a template for healthy community engagement? I also indicated that “Mr. Brewer seemed unaware that in response to a California Public Records Act request County Counsel had indicated that ‘the County’ had ‘not found any documents responsive’ to my request regarding e-mails or other legal documents, consultant agreements, or surveys or community meetings regarding the use of these funds.”

APRIL 27, 2022 LETTER FROM BRIAN VAN WYK, DEPUTY KERN COUNTY COUNSEL

A letter from Kern County Counsel (this one from Brian Van Wyk, Deputy County Counsel) with regard to the March 31, 2022 California Public Records Act Request was received on April 27, 2022 (interestingly--one day after the just noted comments were made at the Kern County Board of Supervisors meeting).

Some points in the letter (two pages):

1. “The County’s legal obligation to respond only extends to requests for records.”
2. With regard to the request for e-mails related to “using American Rescue Plan Act 2021 money for the provision of Broadband, Wi-Fi, or similar services in public parks located in Kern County” the letter reiterated that “the County does not maintain in its possession any records responsive to this request.”
3. With regard to the request for “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 Wi-Fi in park” the response was “As we have discussed on many occasions, the County’s obligation is to make these records available to you. To that end, the County has made the responsive records of its Board of Supervisors available at its web address as previously discussed.”
4. Another paragraph in the letter reads, “Having personally attended the meetings of the Board of Supervisors and Parks and Recreation Commission, we are both aware that the records of those bodies indicate many instances where they have afforded opportunities for community input and comment on various projects such as the proposed Parks Wi-Fi Project, and many instances where they have in fact received public input on those items.”

Attached to the letter was an April 5, 2022 consent item on the Kern Board of Supervisors entitled, "PROPOSED AGREEMENT WITH KITCHELL/CEM TO PROVIDE PROJECT MANAGEMENT FOR THE INSTALLATION OF PUBLIC ACCESS WI-FI AT VARIOUS LOCATIONS THROUGHTOUT KERN COUNTY." In brackets was: "Fiscal Impact \$1,218,760, ARPA; Budgeted; Discretionary."

The April 5, 2022 cover letter to the Board of Supervisors noted that "on September 15, 2021 the Purchasing Division issued a Request for Proposal (RFP) seeking qualified vendors to provide project management services."

Attachments included a "Kern County Wireless Access Point Project Preliminary Workplan."

Notes: (a) There was no evidence provided to support the undocumented contention that "community input and comment on various projects such as the proposed Parks Wi-Fi Project" occurred and (b) The overall projected budget for Wi-Fi for parks was reduced from \$10 million to \$7 million without explanation.

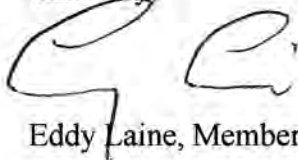
That concludes the chronology. Several documents referenced in this letter have not been attached. Please contact me if I can be helpful in providing those documents.

A copy of this letter is also being sent to California Attorney General Bonta given the irregularities with regard to information provided (or not) through the use of the California Public Records Act.

This letter was authorized by the Sierra Club, Kern-Kaweah Chapter.

I am providing my personal e-mail for ease of communication: eddylaine@aol.com.

Sincerely,



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

cc: California Attorney General Rob Bonta
Senator Diane Feinstein
Senator Alex Padilla
Kern County Board of Supervisors
Leadership Council for Justice and Accountability

Attachments:

1. February 15, 2022 letter from the Leadership Council for Justice and Accountability
2. March 31, 2022 California Public Records Act Request from the Club, Kern-Kaweah Chapter



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