

## Local hospitals mount intense effort to care for influx of COVID-19 patients

BY STACEY SHEPARD  
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The situation in local hospitals continues to intensify as a spike in COVID-19 admissions in recent days has pushed some facilities past their worst points this summer, hospital administrators said Wednesday. At the two Mercy hospitals in Bakersfield, space for critical care patients has run out. There were

**COVID-19 PANDEMIC**

32 ICU patients in the downtown and southwest hospitals at one point Wednesday morning but only 28 beds, according to Bruce Peters, CEO of the two hospitals. Almost half the ICU patients were on ventilators, he said. Bakersfield Memorial Hospital is now averaging 70 patients a day in its ICU, up from 48 patients a day last week, said its CEO Ken Keller.

While that number of patients is similar to or slightly higher than during the summer surge, the pace at which hospital admissions has increased is much higher this time, he said. "We've built up to this population extremely quickly in the last several days," Keller said. State data shows that 71 new patients were hospitalized in Kern County for coronavirus since Friday, bringing the total COVID-19

hospitalizations to about 300. That doesn't include patients who were hospitalized for all other reasons. Patients are also arriving sicker than they were over the summer and more are being admitted directly into the ICU this time rather than a regular hospital floor, said Dignity Health's Chief Nursing Officer Terri Church, who oversees nursing staff at the Mercy and Memorial hospitals. "Between the volume and the

acuity, it is definitely stressing out our critical care services and, of course, our staff who take care of those patients," Church said. The hospitals need more nurses but they are increasingly hard to come by. Church said nationwide there are 30,000 requests for traveling nurses. So existing nursing staff is working overtime to fill in the gaps.

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## Food for needy families



Members of the Bakersfield Police Department loaded boxes of food into patrol vehicles at the start of Wednesday's holiday food distribution.

PHOTOS BY ALEX HORVATH / THE CALIFORNIAN

### BPD, KCSO join to make deliveries

THE BAKERSFIELD CALIFORNIAN

Local law enforcement had the Christmas spirit in mind Wednesday, providing food baskets to families in need. The Bakersfield Police Department and Kern County Sheriff's Office joined forces for the 36th annual event, delivering 500 Christmas food baskets to families in Kern. Deputies and officers volunteered their time to deliver the baskets, oftentimes to the very families they had referred to the program, a BPD news release stated. Baskets were made possible through donations from benefit associations, volunteer organizations and business owners from throughout the county. The baskets consisted of two large boxes of food that included a turkey, potatoes, stuffing, vegetables, fruits, canned goods, bread and drinks.



ABOVE: Andrea Penaloza and Alberto Reyes with the Kern County Sheriff's Office load food boxes into a KCSO vehicle on Wednesday morning. LEFT: Trayce Sparling with the Bakersfield Police Department gathered toys for needy children at the outset of Wednesday's holiday distribution.

## Group of restaurants sues state over virus restrictions

BY JOHN COX  
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A group of 35 Bakersfield-area restaurant owners filed suit in Kern County Superior Court Wednesday accusing Gov. Gavin Newsom and four other top state officials of exceeding their authority by restricting diners' business operations during the pandemic.

**COVID-19 PANDEMIC**

The 26-page suit, one of several across the state to challenge guidelines that have decimated much of the industry, results from months of collaboration among local restaurateurs who say the state's actions are unreasonable. As a legal remedy, the suit calls for stopping the state from banning outdoor service and allowing restaurants to offer indoor dining at up to 25 percent of their capacity or not more than 100 people "if the restaurant complies with all other regulations such as masking and distancing."

Plaintiff Jeff Salters, owner of Salty's BBQ & Catering, said he thinks it's time business owners "basically stand up for our rights."

Please see **RESTAURANTS | A3**



**BAKERSFIELD'S OWN**  
Jim Ranger finishes in second on 'The Voice'  
**EYE STREET | C1**

**CARRIZO PLAIN**  
Conservationists sue again to stop oil company's project  
**LOCAL | A3**

## After 25 years, Jacquie Sullivan says goodbye to City Council

BY SAM MORGEN  
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It was a night of hellos and goodbyes at the Bakersfield City Council meeting on Wednesday. Longtime Councilwoman Jacquie Sullivan participated in her last votes after 25 years of service. She left, along with seven-year veteran Willie Rivera, who resigned from his seat before his term was up to focus on a new job with Aera Energy. In their places will be two new faces. New Ward 1 Councilman Eric Arias was sworn in, along with returning incumbents Andrae Gonzales and Bruce Free-

men. Ward 6 Councilwoman Patty Gray, who is replacing Sullivan, missed the meeting due to an illness and will be sworn in at a later date. But the star of the night was Sullivan, who served on the only female-majority council at the beginning of her tenure. On her last night, Sullivan was laden with accolades, including a key to the city and a red white and blue Buck Owens guitar from KUZZ. "This is a very emotional night for me," she said to the limited attendees in the Council Chambers. "I feel a little weepy, not in an unhappy way, but not in a happy

way. But just deeply moved and I'm thankful to God for giving me this wonderful privilege, wonderful opportunity." Known primarily for leading the movement to place "In God We Trust" into the Council Chambers and beyond, Sullivan was part of a conservative block of councilmembers throughout her service. During the meeting, her colleagues noted her gentle doggedness that allowed her to go toe-to-toe with some of the big egos that come before the council. "Truly local government, city



SAM MORGEN / THE CALIFORNIAN

Councilwoman Jacquie Sullivan has a decorative pin attached to her shirt before the start of her last City Council meeting on Wednesday.

Please see **COUNCIL | A3**



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**LOCAL**

# Conservation groups sue again to stop oil project

BY JOHN COX  
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A pair of locally active conservation groups is trying again after suing unsuccessfully 2½ years ago to stop a Bakersfield oil producer's proposal to drill a well and install a pipeline in the Carrizo Plain National Monument.

A federal lawsuit filed Tuesday in Los Angeles by the Arizona-based Center for Biological Diversity and Santa Barbara-based Los Padres ForestWatch alleges federal officials and the Bureau of Land Management were wrong to green-light E&B Natural Resource Management Corp.'s project west of Taft in southeastern San Luis Obispo County.

"More wells and pipelines will send this precious landscape — and our planet — in the wrong direction," ForestWatch Executive Director Jeff Kuyper said in a news release.

The same two groups sued in April 2018 shortly after the BLM approved the project initially. After that, the agency performed a new review that concluded the proposal posed no undue health or safety concerns, has no significant impacts to the environment and is consistent with management directives for the national monument. The BLM then reapproved the project in May.



PHOTO COURTESY OF LOS PADRES FORESTWATCH

**Environmental groups are challenging the federal government's approval of new oil drilling at the Carrizo Plain National Monument. This photo shows the site of the proposed project.**

In their new lawsuit, the CBD and ForestWatch say the well pad where E&B proposes to drill was

approved for closure in 2016 but that before well-abandonment and restoration work began the

BLM switched course and allowed the company to move forward with its project.

The suit alleges the agency's most recent review "ignored or otherwise glossed over" the project's impacts on sensitive plants and animals, and that it failed to address how the work would contribute to climate change and how it would alter the monument's appearance. It further contends the project is inconsistent with the monument's formal management plan.

The proposed oil well would be the first drilled at the 240,000-acre monument since the area's 2001 proclamation by former President Bill Clinton. The project is located on a lease grandfathered into the monument's creation.

The BLM said it was unable to comment Wednesday.

A representative of E&B, which is not named as a defendant in the lawsuit, said work has not begun on the project, in part because business has been slow during the pandemic. He noted the oil well proposed for the project would be located on an existing drilling pad in the well-established Russell Ranch Oil Field.

The company said by email Wednesday it has been "fully supportive of the agency's review process which was on-going for over 8 years."

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**In this file photo, respiratory therapist Olivia Luevano checks a patient's records before entering the room in Bakersfield Memorial Hospital's COVID-19 ICU.**

## HOSPITALS

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"Unfortunately we are calling people every day on their day off," Church said. "Sometimes we call them twice a day because they might change their mind."

About 100 traveling nurses are already working at Bakersfield Memorial, hired in preparation for the current surge. But it seems clear that won't be enough.

Kern Medical's ICU was also out of beds on Wednesday. Four patients were being held in the emergency department, according to CEO Russell Judd.

Judd spoke assuredly of the hospital's ability to adapt to higher patient volumes but acknowledged it takes a toll on staff, he said.

"We are people caring for peo-

ple. Hospital beds don't provide care, people provide care," he said. "Our staff give all they can to care for these patients."

Peters, who oversees the Mercy hospitals, said he's asked why staff who perform elective surgeries can't be moved around to help out the impacted ICUs. But nurses who work in outpatient surgery aren't necessarily able to do what an ICU nurse does, he said.

"They simply are not trained and it's not safe ...," he said.

If cases continue to rise, Church said, nurses in supervising or managing roles will be pulled into patient care.

"That's usually enough to get us over the hump," she said.

What's most concerning is the question of how many more patients will stream into hospitals in the coming weeks as the county posts alarmingly high numbers of

new cases day after day. The ongoing surge stems from Thanksgiving gatherings, Church and others said, which means another wave will likely follow Christmas.

But that's not inevitable, said Dr. Hemmal Kothary, Dignity's chief medical officer for its Central California division. The severity of the next surge could be greatly reduced if people follow guidelines to avoid gatherings or keep them small and wear masks and social distance the entire time, he said.

"We all as a community, as a country, have that ability to impact this next surge in January," Kothary said.

Judd of Kern Medical was more straightforward with his message. "This is very easily solved," he said. "Change your behavior and we won't be in these circumstances."

## RESTAURANTS

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"You have to stand up to your government," he said, "and I think we're going to see more and more people say there are things we do to protect people but there are things we do to protect ourselves and our families."

Named as defendants, along with Newsom, were state Attorney General Xavier Becerra; Sandra Shewry, acting director of the California Department of Public Health; Acting State Health Officer Erica S. Pan; and Joseph McCullough, chief deputy director of California's Department of Alcoholic Beverage Control.

Spokespeople for some of individuals named in the lawsuit said they were unable late Wednesday afternoon to respond to the lawsuit at a moment's notice. Others did not immediately respond and one referred questions elsewhere.

A key accusation in the lawsuit is that the state essentially took the defendants' property — their businesses — without offering fair compensation.

"It's confiscation. I call it legal extortion," said Tom Anton, the attorney who filed the suit Wednesday afternoon on the restaurant owners' behalf.

Anton said after authorities in Kern County declared they would not enforce the restaurant

restrictions the state reacted by assigning ABC employees to visit and threaten eateries that continued to operate in violation of state guidelines.

He said the department has not issued a single citation to any of his clients and that none of them have received written notice to close. The state's enforcement seems to ebb and flow, he said, and "there needs to be a clear articulation from the governor that he's not going to enforce this order."

In one case, Anton said, a client ordered to close by an ABC representative refused to comply. He said the representative left the restaurant and returned shortly afterward with a Bakersfield police officer "who never said a word." Anton said the business owner then offered to close once clients already seated in the restaurant finished their meals.

The next morning the ABC official called to ask whether the restaurant was open — which it was not, Anton said — and the representative said to keep it that way.

"The lady didn't understand," Anton said, that the restaurant didn't open until 11:30 a.m. — "and it did."

The lawsuit said the state's order restricting restaurant operations is "over broad, vague and fails to detail any scientific evidence which supports the



ALEX HORVATH / THE CALIFORNIAN

**Tom Anton, a lawyer with Thomas Anton & Associates, spoke to local restaurant owners on Dec. 4 at Salty's BBQ & Catering in southwest Bakersfield about legal action to possibly allow them to continue serving customers during the pandemic.**

conclusion that outdoor dining will or even may expose person to the coronavirus." It adds that social dining provides overlooked psychological and physiological benefits and that the state's actions were motivated "to cre-

ate merely the appearance of action."

The suit further asserts constitutional guarantees allow people to pursue a livelihood free of governmental interference.

Salters said he's looking for-

ward to see what comes of the legal action.

"We're excited to see where this goes," he said.

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## COUNCIL

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and county government, is where we can make a difference," Sullivan said.

Also stepping aside was Rivera. The youngest member of the council when he was elected in 2013 at 22, he made Ward 1 improvements a signature of his career. The ward has been described as neglected, and Rivera made fixing up certain parts of the area a priority.

"I know that the city is in very good hands," he said during the meeting. "I am very excited at the prospect of another young man sitting in this chair."

That young man, Arias, works as a field representative for State Assemblyman Rudy Salas, who was on hand Wednesday to cheer on his staffer and say goodbye to Sullivan and Rivera.

"Today, it is the honor of my lifetime to take this oath to serve my city as the first Filipino councilman here in the city of Bakersfield," Arias said. "Although it



PHOTOS BY SAM MORGEN / THE CALIFORNIAN

**Andrae Gonzales, Bruce Freeman and Eric Arias are sworn in during Wednesday's City Council meeting.**

brings me great excitement to be taking on such an important role in government, it goes without saying that this job will certainly come with its challenges."

For Sullivan and Rivera, a post-council life has begun. But

Arias, along with the six other councilmembers, will face those challenges in the new year.

You can reach Sam Morgen at 661-395-7415. You may also follow him on Twitter @smorgenTBC.



**Willie Rivera looks at a key to the city delivered by Mayor Karen Goh during a City Council meeting on Wednesday.**