

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, 18, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

NOTE: The vote is displayed in bold below each item. For example, Patrick-Maben denotes Supervisor Patrick made the motion and Supervisor Maben seconded the motion.

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution honoring Carolle Tomlinson upon her retirement with 38 years of service to the County of Kern - CONTINUED TO TUESDAY, JANUARY 25, 2005 AT 9:00 A.M.

Patrick-McQuiston: All Ayes

- 2) Resolution honoring DeAn Drakos upon her retirement with 26 1/2 years of service to the County of Kern - ADOPTED RESOLUTION; MADE PRESENTATION TO DE AN DRAKOS; DIANE KODITEK, DIRECTOR, KERN COUNTY MENTAL HEALTH, BILL WALKER, KERN COUNTY MENTAL HEALTH, AND DE AN DRAKOS HEARD

Patrick-Maben: All Ayes

- 3) Resolution honoring Deborah Evans upon her retirement with 37 years of service to the County of Kern - CONTINUED TO TUESDAY, JANUARY 25, 2005 AT 9:00 A.M.

Patrick-Maben: All Ayes

- 4) Resolution honoring Patrick Mitchell upon his retirement with 34 years of service to the County of Kern - CONTINUED TO TUESDAY, JANUARY 25, 2005 AT 9:00 A.M.

Patrick-Maben: All Ayes

- 5) Certificate of Recognition recognizing Stu Pyle for 12 years of service to the Water Resources Committee - MADE PRESENTATION TO STU PYLE; DAVE PRICE, DIRECTOR, RESOURCE MANAGEMENT AGENCY AND STU PYLE HEARD; REPRESENTATIVES OF THE WATER RESOURCES COMMITTEE INTRODUCED

- 6) Proclamation proclaiming January 24 - 28, 2005 as National Eligibility Workers Recognition Week in Kern County - PROCLAIMED; MADE PRESENTATION TO PAT CHEADLE, DEPARTMENT OF HUMAN SERVICES; PAT CHEADLE AND DEBBIE SPEARS, PRESIDENT, NATIONAL ELIGIBILITY WORKERS ASSOCIATION HEARD

McQuiston-Maben: All Ayes

- *7) Resolution honoring Charles H. Conner III upon his retirement with 35 years of service to the County of Kern - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

Maben-Patrick: All Ayes

- *8) Resolution honoring Lloyd Norton upon his retirement with 34 years of service to the County of Kern - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

Maben-Patrick: All Ayes

APPOINTMENTS

- *9) Reappointment of Dana Karcher as Primary Environmental Representative and appointment of Harry James Love as Alternate Environmental Representative to the San Joaquin Valley Air Pollution Control District, Citizens Advisory Committee, terms to expire January 31, 2008 - MADE REAPPOINTMENT AND APPOINTMENT

Maben-Patrick: All Ayes

- *10) Reappointment of Pierre St. Amand as First District Member to the Water Resources Committee, term to expire December 31, 2008 - MADE REAPPOINTMENT

Maben-Patrick: All Ayes

PUBLIC PRESENTATIONS

- 11) 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! -

CLIFF BROWNLEE ADDRESSED THE BOARD REGARDING ENVIRONMENTAL HAZARDS ON PROPERTY AT 340 HUDSON DRIVE AND PROPERTY IN THE COTTONWOOD AREA; SUPERVISOR RUBIO WILL MEET WITH MR. BROWNLEE AND REPORT BACK TO THE BOARD

(Continued on Page 3)

(Continued from Page 2)

KERN COUNTY FIRE CHIEF DENNIS THOMPSON REPORTED ON THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR DUE TO THE RECENT STORMS IN KERN COUNTY AND ADJACENT COUNTIES. HE FURTHER ADVISED THE PUBLIC ON METHODS OF REPORTING STORM DAMAGE TO FACILITATE STATE AND LOCAL FINANCIAL AID

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 12) 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]) -

AT THE REQUEST OF SUPERVISOR MABEN, A VIDEO WAS VIEWED SHOWING COMMENDATIONS BY THE MOJAVE AIRPORT AND REPRESENTATIVES OF SPACE SHIP ONE TO THE KERN COUNTY FIRE DEPARTMENT FOR THEIR INVOLVEMENT DURING THE HISTORIC SPACE FLIGHT

SUPERVISOR MCQUISTON REPORTED THAT THE DESERT MANAGERS GROUP HAS AGREED TO INCLUDE LOCAL GOVERNMENT REPRESENTATIVES TO SIT ON THE MULTI-GOVERNMENTAL COALITION WHICH WAS FORMED TO PROVIDE RECOMMENDATIONS REGARDING LAND WITHIN THE CRITICAL HABITAT OF THE DESERT TORTOISE

SUPERVISOR WATSON ANNOUNCED THE 2005 STATE OF THE COUNTY ADDRESS WILL BE RE-BROADCAST ON KGOV THIS EVENING AT 7:00 P.M., THURSDAY AT 2:00 P.M., FRIDAY AT 7:00 P.M., SATURDAY AT 2:00 P.M., SUNDAY AT 9:00 P.M., AND MONDAY AT 6:00 P.M.

DEPARTMENTAL REQUESTS

AIRPORTS

- *13) Proposed Agreement with DMJM Aviation for additional environmental analysis for the Master Plans at Lost Hills, Kern Valley, and Wasco Airports, in an amount not to exceed \$158,249 (Fiscal Impact: \$158,249; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 041-2005

Maben-Patrick: All Ayes

- *14) Request for approval of retroactive payment to Americo Industrial for preparation of a Disadvantaged Business Program in the amount of \$5,900, and to interVISTAS Consulting, Inc., for preparation of a Federal Inspection Service Feasibility Study in the amount of \$7,800 (Fiscal Impact: \$13,700; Budgeted; Discretionary) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY

Maben-Patrick: All Ayes

CHILD SUPPORT SERVICES

- *15) Proposed addition of seven (7) Family Support Officer I/II/III positions effective January 18, 2005 (Fiscal Impact: \$142,000; State Grant Funded) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

EMERGENCY MEDICAL SERVICES

- *16) Proposed Agreement with Catholic Healthcare West to designate Mercy Southwest Hospital as a receiving hospital (Fiscal Impact: \$1,806 in revenue annually) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 042-2005

Maben-Patrick: All Ayes

- *17) Status report on the EMS system re-design process (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

FIRE DEPARTMENT

- *18) Request for approval of unusual travel for Fire Marshal Kevin Scott to attend Fire and Building Code Hearings in Cincinnati, Ohio, February 20, 2005 through March 2, 2005, at an estimated cost of \$850 (Fiscal Impact: \$850; Budgeted) - APPROVED

Maben-Patrick: All Ayes

HUMAN SERVICES

- 19) Report on the 2004 Holiday Cottage - "Where Wishes Do Come True" - DIANE MULKEY, CASTLE & COOKE HEARD; RECEIVED AND FILED

Rubio-Patrick: All Ayes

- *20) Proposed retroactive Memorandum of Understanding with United Way of Los Angeles for County of Kern participation as a disbursement agency in the provision of the Utility Assistance Program, from January 1, 2005 through December 31, 2005 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 043-2005

Maben-Patrick: All Ayes

KERN MEDICAL CENTER

- *21) Donation of surplus medical/hospital equipment to Mario Casamaluapa for distribution in Barranquilla, Atlantico, Columbia, South America (from January 4, 2005) (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

- *22) Notification of retroactive Amendment No. 1 to Agreement 038-2003 with Victor G. Ettinger, M.D., an independent contractor, for medical services to diabetic patients (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *23) Proposed changes in clinical privilege status for 25 members of Kern Medical Center's Medical Staff (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

- 24) Proposed retroactive Amendment No. 3 to Agreement 167-2000 with Sierra Pacific Anesthesia Medical Associates, Inc., an independent contractor, for anesthesia services, to extend the term for six months through May 4, 2005, continue the monthly fixed fee compensation of \$318,976.33 per month through May 4, 2005, and increase the maximum payable by \$1,913,858, from \$16,985,890 to \$18,899,749 (prior notification November 2, 2004) (Fiscal Impact: \$1,913,858; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; APPROVED AS CORRECTED TO AMEND THE TERM FOR A PERIOD OF SIXTY (60) DAYS THROUGH MARCH 19, 2005, AND AMEND THE INCREASED MAXIMUM AMOUNT PAYABLE TO \$1,475,157, FOR A CORRECTED TOTAL NOT TO EXCEED \$18,461,047; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 044-2005

McQuiston-Patrick: All Ayes

- *25) Proposed Agreement for Professional Services with Delta Search, LP, an independent contractor, for physician recruitment services, from January 18, 2005 through January 17, 2006, in an amount not to exceed \$91,000 (Fiscal Impact: \$91,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 045-2005

Maben-Patrick: All Ayes

MENTAL HEALTH SERVICES

- *26) Proposed Amendment No. 1 to Agreement 314-2004 with Transforming Local Communities, Inc., for assistance and training to contracted substance abuse primary prevention providers, to reflect contractor's current address and legal status, and related contract language to reflect the new legal status, provide process and outcome evaluations for a Substance Abuse Mental Health Services Administration (SAMHSA) grant and increase maximum compensation for the additional services from \$17,544 to an amount not to exceed \$38,793 (an increase of \$21,249) (Fiscal Impact: \$21,249; Grant (SAMHSA); Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 046-2005

Maben-Patrick: All Ayes

- *27) Proposed Amendment No. 1 to Agreement 444-2004 with Restoration Village Treatment Center, Inc., dba Hannah's Haven, for outpatient drug free services, to increase funding levels due to Drug/Medi-Cal outpatient services exceeding original estimates, and increase services and compensation from \$60,006 to an amount not to exceed \$114,000 (an increase of \$53,994) (Fiscal Impact: \$53,994; Drug Medi-Cal-Federal and State Match funds; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 047-2005

Maben-Patrick: All Ayes

- *28) Proposed retroactive Agreement with Community Action Partnership of Kern, Inc., for primary prevention, intervention and case management services to identified at-risk children who attend East Bakersfield High School, from January 1, 2005 to June 30, 2005, in an amount not to exceed \$125,000 (Fiscal Impact: \$125,000; Grant; Not Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 048-2005

Maben-Patrick: All Ayes

PARKS AND RECREATION DEPARTMENT

- *29) Request for three week extension to report back to the Board on referral of November 30, 2004 regarding fees for non-profit and senior citizen groups (No Fiscal Impact) - APPROVED; CONTINUED TO TUESDAY, FEBRUARY 8, 2005, AT 9:00 A.M.

Maben-Patrick: All Ayes

PUBLIC DEFENDER

- *30) Proposed addition of one (1) Business Manager and one (1) Office Services Specialist positions, effective January 18, 2005, and deletion of one (1) Senior Legal Secretary position, effective February 5, 2005 (Fiscal Impact: \$22,500, Not Budgeted) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

SHERIFF

- *31) Request to appropriate unanticipated revenue from Sheriff's Asset Forfeiture Trust Fund for the purchase of SWAT Equipment (Fiscal Impact: \$48,000; Asset Forfeiture Trust #22137, Not Budgeted) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$48,000 FROM SHERIFF'S ASSET FORFEITURE FUND #22137 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$48,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210

Maben-Patrick: All Ayes

- *32) Request for approval to hire retired County employee, Charles Mollineaux, as extra-help Sheriff's Detention Officer, Range 53.4, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following the date of employment (Fiscal Impact: \$21,014; Budgeted) - APPROVED

Maben-Patrick: All Ayes

TREASURER-TAX COLLECTOR

- *33) Cash Receipts and Disbursements for December 2004 - RECEIVED AND FILED

Maben-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Maben-McQuiston

CLOSED SESSION

COUNTY COUNSEL

- 34) Request for Closed Session regarding a lawsuit entitled In the Matter of Kern Medical Center, Office of Administrative Hearings and Appeals, Appeal # HA4-0602-842G-FT (Government Code Section 54956.9(a)) - (SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION)
- 35) Request for Closed Session regarding a determination whether the County will initiate or intervene in litigation or join as amicus curiae in a lawsuit (Government Code Section 54956.9(c)) -

(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-McQuiston

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, January 18, 2005

2:00 P.M.

BOARD RECONVENED

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

RESULTS OF CLOSED SESSION

Request for Closed Session regarding a determination whether the County will initiate or intervene in litigation or join as amicus curiae in a lawsuit (Government Code Section 54956.9(c) - CHAIRMAN WATSON REPORTED ON RESULTS OF CLOSED SESSION, AGENDA ITEM NO. 35 FROM THE 9:00 A.M. SESSION, WHERE, BY UNANIMOUS VOTE THE BOARD ACCEPTED THE OFFER BY BLUE CROSS OF CALIFORNIA IN THE AMOUNT OF \$338,575 FOR PAYMENT IN FULL FOR ALL HOSPITAL OUTPATIENT SERVICES PROVIDED BY KERN MEDICAL CENTER BETWEEN JULY 1, 2001 AND JULY 31, 2003, FOR HOSPITAL OUTPATIENT SERVICES UNDER THE TERMS OF THE MEDI-CAL MANAGED CARE PROGRAM PARTICIPATING HOSPITAL AGREEMENT AND AS A RESULT OF FIVE LAWSUITS FILED IN STATE AND FEDERAL COURTS REGARDING MEDI-CAL PAYMENTS FOR HOSPITAL OUTPATIENT SERVICES AND A GLOBAL SETTLEMENT IN 2002, AND AUTHORIZED COUNTY COUNSEL TO EXECUTE ALL NECESSARY CLOSING DOCUMENTS.

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

PUBLIC PRESENTATIONS

- 1) 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

- 2) 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]) - CHAIRMAN WATSON EXPRESSED APPRECIATION TO RICK DAVIS AND KGOV STAFF FOR BROADCAST OF THE STATE OF THE COUNTY ADDRESS AT THE DOUBLETREE HOTEL THIS MORNING. THE ADDRESS WILL BE REBROADCAST ON KGOV SEVERAL TIMES THROUGH THE WEEK.

DEPARTMENTAL REQUESTS

NOTE: AGENDA ITEM NO. 3 WAS HEARD OUT OF ORDER AFTER AGENDA ITEM NO. 5

RESOURCE MANAGEMENT AGENCY
Planning Department

Miscellaneous

S.D. #1

- 3) Request from Cheryl Kelley for determination of public convenience for the issuance of an on-sale general liquor license at 20-22 Tobias Street, Kernville, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code (Fiscal Impact: None) - BUTCH KELLY, OWNER, KELLY'S PUB, HEARD; CONTINUED TO TUESDAY, FEBRUARY 1, 2005, AT 2:00 P.M.; RECEIVED AND FILED DOCUMENTS

McQuiston-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearing

S.D. #4

- 4) Proposed Resolution determining to adopt and accept an Ordinance enacting assessments for the area established as County Service Area No. 97 and Zone of Benefit Nos. 1, 2 and 3, Parcel Maps 10632 and 10906, Erro Ranch, southwest Bakersfield, Local Agency Formation Commission (LAFCO) Proceeding No. 1358 (Fiscal Impact: \$10,116; CSA's; Budgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7183 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2005-023 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT AND APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$250 PER PARCEL FOR STREET LIGHT MAINTENANCE, \$2,425 PER PARCEL FOR STREET SWEEPING-COMMERCIAL/LARGE LOT, \$200 PER GROSS ACRE FOR DRAINAGE FACILITIES MAINTENANCE-COMMERCIAL/LARGE LOT, \$30 PER PARCEL FOR SEPTIC MONITORING, \$1,750 PER GROSS ACRE (VACANT PARCEL), OR \$634 PER EQUIVALENT DWELLING UNIT (ONCE DEVELOPED) FOR SEWER OPERATION AND MAINTENANCE OF SEWAGE COLLECTION AND TREATMENT FACILITIES, DETERMINING TO ADOPT AND ACCEPT AN ORDINANCE ENACTING ASSESSMENTS FOR THE AREA INCLUDED WITHIN THE BOUNDARIES DESCRIBED

Maben-Patrick: All Ayes

S.D. #1

- 5) Request for letter of County support and County contribution for an Urban Stream Restorations Program Grant Proposal for Improvement District No. 3 of the Kern County Water Agency (Fiscal Impact: \$45,000; Not Budgeted; General Fund) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; REFERRED FUNDING FOR LOCAL CONTRIBUTION TO COUNTY ADMINISTRATIVE OFFICE

McQuiston-Patrick: All Ayes

NOTE: AGENDA ITEM NO. 3 WAS HEARD OUT OF ORDER AFTER AGENDA ITEM NO. 5

S.D. #3

- *6) Request to approve final map for Tract 5884, Phase 2, northwest corner of Pioneer Drive and Gargano Road, Orangewood area, DeWalt Corporation for Stuart Thomas, Inc., dba Lenox Homes (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-024 MAKING FINDINGS PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE); APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; APPROVED CONSENT TO COMMON USE AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 049-2005 AND 050-2005; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Patrick-Maben: All Ayes

S.D. #5

- *7) Request to approve final map for Tract 6213, east side Fairfax Road, in vicinity of Fairfax School, James K. Delmarter for New Venture Investments, LLC, and Guy Wilson (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-025 MAKING FINDINGS PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNERS WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE); APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; APPROVED CONSENT TO COMMON USE AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 051-2005; ACCEPTED IRREVOCABLE OFFER OF DEDICATION FOR STREET PURPOSES; AUTHORIZED CLERK OF THE BOARD TO SIGN; CONSENTED TO MAKING OF IRREVOCABLE OFFER OF DEDICATION FOR OFF-SITE DRAINAGE EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Patrick-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #3

- *8) Proposed no parking restriction on 50-foot segment of Horace Mann Avenue, adjacent to Horace Mann School crosswalk, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Patrick-Maben: All Ayes

- *9) Contract No. 03008, identify apparent low bid from Granite Construction for construction on Pioneer Drive between Oswell Street and Morning Drive, in an amount not to exceed \$544,572 (Fiscal Impact: \$544,572; State Grant; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Patrick-Maben: All Ayes

- *10) Proposed Resolution to declare a small portion of Eucalyptus Drive and Gargano Street as a public highway and incorporate it into the County Road system (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-026; DIRECTED CLERK OF THE BOARD TO RECORD

Patrick-Maben: All Ayes

WASTE MANAGEMENT

S.D. #5

- *11) Proposed Amendment No. 1 to Agreement 106-2004 with the State of California, Environmental Protection Agency, Department of Toxic Substances Control for Voluntary Cleanup and review of Site Characterization for the VenVirotek soil stockpile at the Arvin Sanitary Landfill, expanding the scope of services to include a Removal Action Work Plan, in an estimated amount of \$48,658 (Fiscal Impact: \$48,658, Estimated; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 052-2005

Patrick-Maben: All Ayes

All S.D.'s

- *12) Request to hire retired County employee, Jack Rose, as an Engineering Technician II, Step E, for a term not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$22,186; Solid Waste Enterprise Fund; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

Hearing

- 13) Public hearing to consider proposal from Greater Bakersfield Convention and Visitors Bureau to perform Countywide promotion activities (Fiscal Impact: None) - BILL MURRAY, CHAIRMAN, BOARD OF DIRECTORS, GREATER BAKERSFIELD CONVENTION AND VISITORS BUREAU (GBCVB), AND DON JAEGER, PRESIDENT, GBCVB, HEARD; OPENED HEARING; BOB CAMPBELL HEARD IN SUPPORT OF THE RECOMMENDATION; HEARD IN OPPOSITION: JIM SIMMONS, MANAGING PARTNER, THE STOCKDALE GROUP AND CHAIRMAN, BOARD OF DIRECTORS, GREAT MOJAVE DESERT CORPORATION; ROY ARTHUR, EXECUTIVE DIRECTOR, RIDGECREST CONVENTION AND VISITORS BUREAU; PAULINE EAST, ANTELOPE VALLEY FILM COMMISSION; MICHAEL ROBERTS, ASSISTANT BUSINESS AGENT OF THE INTERNATIONAL ALLIANCE OF THEATER STAGE EMPLOYEES; ALEXANDER MANN, KERN RIVER VALLEY REVITALIZATION COMMITTEE; ALLAN JAFFE, ONYX; MICHAEL LUDIKER, PRESIDENT, KERNVILLE CHAMBER OF COMMERCE; GARY PARSONS, DIRECTOR OF ECONOMIC AND COMMUNITY DEVELOPMENT, CITY OF RIDGECREST; STEVEN MORGAN, COUNCIL MEMBER, CITY OF RIDGECREST; STAN OBERFIELD, INYOKERN CHAMBER OF COMMERCE; JOE SORRELLO, PRESIDENT, KERN RIVER VALLEY CHAMBER OF COMMERCE; CHUCK GRAHAM, LOCAL 215 STAGE EMPLOYEES; RON HYATT, KERN RIVER VALLEY WATERSHED COORDINATOR; KAREN NORTHCUTT, PRESIDENT, KERN COUNTY BOARD OF TRADE; AND VICKIE MAPLES, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR, CITY OF DELANO; CLOSED HEARING; RECEIVED AND FILED DOCUMENTS

REFERRED TO BOARD OF TRADE INTERIM DIRECTOR AND COUNTY ADMINISTRATIVE OFFICE TO SERVE AS FACILITATORS, IF DESIRED BY KERN COUNTY STAKEHOLDERS AND THE GREATER BAKERSFIELD CONVENTION AND VISITORS BUREAU, TO IDENTIFY OPPORTUNITIES FOR IMPROVING TOURISM AND FILM PROMOTION THROUGHOUT THE COUNTY, INCLUDING REVIEW OF OPTIONS FOR CONSOLIDATION

McQuiston-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *14) Proposed Amendment No. 3 to Lease Agreement 015-99 with Chester Avenue Properties for 2525 North Chester Avenue, Bakersfield, for the Mental Health Department providing for the conversion of 2,000 square feet of storage space to office space, adjustment to rental area and adjustment of rent from date of execution; lease to expire October 31, 2010 (Fiscal Impact: \$13,540 Additional Rent for Fiscal Year 2004-2005; Unbudgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 053-2005

Patrick-Maben: All Ayes

S.D. #2

- *15) Proposed Amendment No. 2 to Agreement 425-2003 with England Geosystem, Inc., for engineering services to provide additional groundwater monitoring for the Bear Valley Fire Station remediation, increasing the maximum amount payable by \$15,112, for a new total of \$125,931, and extending term from June 30, 2005 to January 31, 2006 (1650.7252C) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 054-2005

Patrick-Maben: All Ayes

S.D. #4

- *16) Proposed Easement to California Water Service Company for access and maintenance to new water facilities adjacent to California Living Museum (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(b); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

S.D. #3

- *17) Proposed License Agreement with the City of Bakersfield for City's use of a portion of County's communications site on Panorama Drive for placement of a modular trailer to house computer equipment to be used as a back-up system, from January 18, 2005 through January 17, 2015 (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15303; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 055-2005

Patrick-Maben: All Ayes

S.D. #5

- *18) Proposed License Agreement with Lee Perry for food vendor services in the Southeast Bakersfield Community Services Center, in an amount not to exceed \$12,000 (Fiscal Impact: \$12,000 Annual Revenue) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 056-2005

Patrick-Maben: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *19) Budget Transfers - APPROVED NO. 77 THROUGH NO. 81

Patrick-Maben: All Ayes

- *20) Minutes for week of December 6, 2004 - APPROVED

Patrick-Maben: All Ayes

- *21) Miscellaneous Letters and Documents - APPROVED

Patrick-Maben: All Ayes

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

Patrick-Maben: All Ayes

- *23) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED
Patrick-Maben: All Ayes

ADJOURNED TO TUESDAY, JANUARY 25, 2005, AT 9:00 A.M.

McQuiston

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
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.

21) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Board of Trade

- A) Letter re restructuring proposals (Copies to each Supervisor and CAO)

Clerk of the Board

- B) Received, certified and forwarded to Recorder for recordation as follows:

- | | |
|----------------------------|---------|
| 1) Tract Map 6085, Phase B | S.D. #4 |
| 2) Tract Map 6114 | S.D. #4 |
| 3) Tract Map 6126, Phase 1 | S.D. #4 |
| 4) Tract Map 6149, Phase 1 | S.D. #1 |
| 5) Tract Map 6149, Phase 2 | S.D. #1 |
| 6) Tract Map 6215, Phase B | S.D. #2 |
| 7) Parcel Map 11201 | S.D. #1 |

County Administrative Office

- C) Fiscal Year 2003-2004 Annual Disclosure Report
D) Amendments to Administrative Policy and Procedures Manual, Chapters 1, 5 and 8

Engineering & Survey Services

- E) Received, certified and forwarded to Recorder for recordation five (5) Easement Deeds from:

- 1) Mostafa and Jada Salamatian, APN 167-090-11 (Document No. 0204305597)
- 2) Bud and Flora May Waters Trust, APN 167-090-13 (Document No. 0204305596)
- 3) Bud and Flora May Waters Trust, APN's 167-090-19, 167-090-21 and 167-090-22 (Document No. 0204305595)
- 4) Omar E. Tinajero, APN 167-090-09 (Document No. 0204305594)
- 5) Oscar and Olga Villarreal, APN 167,090-02 (Document No. 0204305593)

Environmental Health Services

- F) Five (5) thank you letters for donations to the Mojave Animal Shelter and the Bakersfield Animal Care Center

Local Agency Formation Commission

- G) Resolution No. 02-42, Proceeding No. 1389, in the matter of East Niles C.S.D., Annexation No. 38 (Copies to each Supervisor and CAO)
H) Notice of Protest Hearing, Proceeding No. 1389, in the matter of East Niles C.S.D., Annexation No. 38
I) Notice of Protest Hearing, Proceeding No. 1384, in the matter of City of Bakersfield, Annexation No. 455 (Allen Road No. 10)

Miscellaneous

- J) Letter from Joseph A. Ciriello, Kern River Valley Chamber of Commerce, in opposition to proposal of Greater Bakersfield Convention and Visitors Bureau to take over functions of the Kern County Board of Trade (Copies to each Supervisor, CAO, Board of Trade and County Counsel)
- K) Letter from Ray Arthur, Ridgecrest Area Convention & Visitors Bureau/Ridgecrest Regional Film Commission, in opposition to proposal of Greater Bakersfield Convention and Visitors Bureau to take over functions of the Kern County Board of Trade (Copies to each Supervisor, CAO, Board of Trade and County Counsel)
- L) Letter from Amy Lemish, California Film Commission, in opposition to proposal of Greater Bakersfield Convention and Visitors Bureau to take over functions of the Kern County Board of Trade (Copies to each Supervisor, CAO, Board of Trade and County Counsel)
- M) Letter from Richton Yee, State Department of Social Services, re implementation of a Food Stamp Restaurant Meals Program for homeless, elderly and disabled food stamp recipients (Copies to each Supervisor, CAO, Human Services and County Counsel)
- N) Letter from Dr. Armi Lynn Walker, The Women's Care Center, re resignation from the medical staff at Kern Medical Center (Copies to each Supervisor, CAO and Kern Medical Center)
- O) Letter from John Schroeder, Ralph's Grocery Company, re planned permanent termination of operations and resulting layoffs at Ralph's Bakersfield locations at 9600 Hageman Road, 1121 Olive Drive and 5200 Stockdale Highway (Copies to each Supervisor, CAO and Employers' Training Resource)
- P) Letter from Steven C. Dalke, Rag Gulch Water District, re environmental documents related to renewal (3/1/2005 to 2/28/2030) of water supply contracts between the Rag Gulch Water District and the Federal Government for Central Valley Project (CVP) water supplies and acceptance and execution of a contract between the Rag Gulch Water District and the State of California for wheeling of CVP water through State Water Project (SWP) facilities (Copy to Planning)
- Q) Letter from Steven C. Dalke, Kern-Tulare Water District, re environmental documents related to renewal (3/1/2005 to 2/28/2030) of water supply contracts between the Kern-Tulare Water District and the Federal Government for Central Valley Project (CVP) water supplies and acceptance and execution of a contract between the Kern-Tulare Water District and the State of California for wheeling of CVP water through State Water Project (SWP) facilities (Copy to Planning)
- R) Two (2) e-mail messages in opposition to proposal of Greater Bakersfield Convention and Visitors Bureau to take over functions of the Kern County Board of Trade (Copies to each Supervisor, CAO and Board of Trade)

- S) Memorandum from Sissy Smith, San Joaquin Valley Air Pollution Control District, re Attendance Record of Citizens Advisory Committee (CAC) meeting on Tuesday, January 4, 2005 (Copies to each Supervisor, CAO and City Selection Committee)
- T) Notice from Lower Tule River Irrigation District re intent to adopt a negative declaration relating to renewal (3/1/2005 to 2/28/2030) of water supply contracts between the Lower Tule River Irrigation District and the Federal Government for Central Valley Project (CVP) water supplies, an acceptance and execution of a contract between the Lower Tule River Irrigation District and the State of California for wheeling of CVP water through State Water Project (SWP) facilities (Copy to Planning)
- U) Notice from Pixley Irrigation District re intent to adopt a negative declaration relating to renewal (3/1/2005 to 2/28/2030) of water supply contracts between the Pixley Irrigation District and the Federal Government for Central Valley Project (CVP) water supplies, an acceptance and execution of a contract between the Lower Tule River Irrigation District and the State of California for wheeling of CVP water through State Water Project (SWP) facilities (Copy to Planning)
- V) Notice from State Water Resources Control Board re application to appropriate water by permit from San Emigdio Creek stream system (Copies to each Supervisor, CAO and Resource Management Agency)
- W) Notice from State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses from: Rustler's Bar & Grill, 27719 Stallion Springs Drive, Tehachapi; Keene Store, 30256 Woodford Tehachapi Road, Keene; La Herradura Mexican Restaurant, 7101 Rosedale Highway, Suite A, Bakersfield; and Boron Food Mart, 27037 Twenty Mule Team Road, Boron (Copies to each Supervisor, CAO and Planning)
- X) Agenda of meeting from In-Home Supportive Services Advisory Committee on Thursday, January 13, 2005
- Y) Minutes of meeting from In-Home Supportive Services Advisory Committee on Thursday, December 9, 2004
- 22) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Coordinated County Employee Organizations of Kern re the employees' health insurance plan - REFERRED TO COUNTY ADMINISTRATIVE OFFICE (Copies to each Supervisor and CAO)
- 23) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Robert Moreno vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- B) Claim in the matter of Pamela Norris vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Daniel Osborne, a minor, by Brian A. Osborne vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Yasuko Brashear vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Craig Huffer vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Regina Marshall Huffer vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of Holly Marshall Huffer vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Claim in the matter of John Kalt vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Summons and complaint in the matter of Kern Turf Supply, Inc. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Summons and complaint in the matter of Derrick Ray Mohlke, Joseph Daniel Mohlke, Ashley Lynn Mohlke, minors by and through their guardian ad litem, Robin Walters vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)