

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

KERN MEDICAL CENTER
1830 Flower Street
Conference Room 1058
Bakersfield, California

Regular Meeting
Monday, October 11, 2004

2:00 P.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Parra

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

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]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

KERN MEDICAL CENTER

- 3) Update report regarding Kern Medical Center's financial condition (Fiscal Impact: None) - CHIEF FINANCIAL OFFICER, AL DIAZ, MADE PRESENTATION; RECEIVED AND FILED

Watson-Patrick: All Ayes

- 4) Report regarding Kern Medical Center's Perinatal Program (Fiscal Impact: None) - TONI SMITH, DIRECTOR OF NURSES, MADE PRESENTATION; DEBBIE GONZALES AND DR. PATEL HEARD

REFERRED TO PUBLIC HEALTH TO IDENTIFY LEVEL OF ENHANCED EDUCATIONAL EFFORTS BY KERN COUNTY SCHOOLS FOR TEENAGE PREGNANCIES FOR REPORT BACK TO THE BOARD

Watson-Maben: All Ayes

RECEIVED AND FILED

Maben-Parra: All Ayes

- *5) Proposed approval of McKesson Contract Supplement to Kern County Agreement 276-99, for services to implement the integration between Horizon Physician Portal and the Softmed Chartscript Software system, in an amount not to exceed \$15,000 (Fiscal Impact: \$15,000; KMC Enterprise Fund, Budgeted, Mandated) (continued from September 13 and 28, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 932-2004

Parra-Patrick: All Ayes

- *6) Proposed retroactive Amendment No. 3 to Agreement 1062-2003 with Precyse Solutions, LLC, an independent contractor, for medical records coding services, extending the term for one year from October 8, 2002 through October 7, 2005, and increasing the not to exceed amount to \$382,000 (an increase of \$142,800) (Fiscal Impact: \$142,800; KMC Enterprise Fund; Budgeted; Mandated) (prior notification October 5, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 933-2004

Parra-Patrick: All Ayes

- *7) Proposed retroactive Agreement with Mobile Med, Inc., an independent contractor, for ureteroscopy (laser) equipment and technician services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$35,000 (Fiscal Impact: \$35,000; KMC Enterprise Fund; Budgeted; Mandated) (prior notification July 12, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 934-2004

Parra-Patrick: All Ayes

- *8) Proposed Amendment No. 1 to Agreement 272-2004, with California Nurses Bureau, an independent contractor, for temporary nurse staffing, increasing the not to exceed amount to \$175,000 (an increase of \$50,000), for the period April 6, 2004 through April 5, 2005 (Fiscal Impact: \$50,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 935-2004

Parra-Patrick: All Ayes

- *9) Request for four-week extension to submit report back to the Board of Supervisors on September 13, 2004 referral concerning a letter from Margaret England, M.D., regarding endocrinology care at Kern Medical Center (Fiscal Impact: None) - APPROVED; CONTINUED TO MONDAY, NOVEMBER 8, 2004, AT 2:00 P.M.

Parra-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSION

COUNTY COUNSEL

- 10) Request for closed session regarding significant exposure to litigation against the County (one case) (Government Code Section 54956.9(b)(3)(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 next regular session of the Board of Supervisors.)

RECONVENED FROM CLOSED SESSION; ADJOURNED TO TUESDAY, OCTOBER 12, 2004 AT 9:00 A.M.

Maben-Parra

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, October 12, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

NOTE: The vote is displayed in bold below each item. For example, Patrick-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) Proclamation proclaiming October 17 - 23, 2004 as California Writers Week in Kern County - PROCLAIMED; MADE PRESENTATION TO TERRY REDMAN, WRITERS OF KERN, AND CASEY WILSON, RIDGE WRITERS; CASEY WILSON HEARD

Maben-Parra: All Ayes

- 2) Proclamation proclaiming October 21 - 24, 2004 as 2004 Kern County Veterans Stand Down - PROCLAIMED; MADE PRESENTATION TO CHUCK BIKAKIS, VETERANS SERVICE OFFICER; CHUCK BIKAKIS HEARD

Parra-Watson: All Ayes

- *3) Resolution honoring Loron Hodge upon his retirement as Executive Director after 25 years of service with Kern County Farm Bureau - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

Patrick-Watson: All Ayes

APPOINTMENTS

- *4) Appointment of Sharon M. Brown as Fourth District Discretionary Member to the Local Child Care and Development Planning Council, term to expire June 30, 2006 - MADE APPOINTMENT

Patrick-Watson: All Ayes

- *5) Appointment of Keith Cornell Wolaridge as Fourth District Member, replacing Fred Sanchez, to the Human Relations Commission, term to expire January 19, 2005 - MADE APPOINTMENT

Patrick-Watson: All Ayes

PUBLIC PRESENTATIONS

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- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 7) 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]) - SUPERVISOR WATSON INTRODUCED SHARON BROWN, NEW APPOINTEE TO THE LOCAL CHILD CARE AND DEVELOPMENT PLANNING COUNCIL

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- 8) Presentation by Kern County In-Home Supportive Services Advisory Committee regarding the results of its Consumer Survey and Needs Assessment, Fiscal Year 2003-2004 (Fiscal Impact: None) - RECEIVED AND FILED; REFERRED TO COUNTY ADMINISTRATIVE OFFICE TO PURSUE LEGISLATION REQUIRING TRAINING FOR PROVIDERS

Maben-Watson: All Ayes

- *9) Proposed retroactive Agreement for renewal of facility use Agreement with South Fork Union School District for the Senior Nutrition Program, beginning July 1, 2004 (Fiscal Impact: None; Non-Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 936-2004

Patrick-Watson: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *10) Proposed Amendment No. 2 to Agreement 1027-2002 with Diebold Election Systems, Inc., for reimbursement of County's costs related to conducting a paper ballot election on November 2, 2004 (Fiscal Impact: \$507,657 revenue to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 937-2004

Patrick-Watson: All Ayes

DISTRICT ATTORNEY

- *11) Proposed Resolution authorizing grant application for the Central Valley Rural Crime Prevention Program for the period July 1, 2004 through June 30, 2005 (Fiscal Impact: \$575,625; State grant; budgeted) - APPROVED; ADOPTED RESOLUTION 2004-355

Patrick-Watson: All Ayes

- *12) Proposed Resolution authorizing grant application for the Spousal Abuser Protection Program for the period July 1, 2004 through June 30, 2005 (Fiscal Impact: \$90,281; State grant; budgeted) - APPROVED; ADOPTED RESOLUTION 2004-356

Patrick-Watson: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *13) Request for authorization to apply for Governor's 25% Discretionary Rapid Response funding under the Workforce Investment Act (Fiscal Impact: \$225,000; Federal Grant; Not Budgeted; Not Mandated) - APPROVED; AUTHORIZED ETR AS FISCAL AGENT; AUTHORIZED ETR DIRECTOR TO EXECUTE REQUIRED DOCUMENTS

Patrick-Watson: All Ayes

- *14) Proposed retroactive Amendment No. 3 to Agreement 126-2003 with Proteus, Inc., to provide employment and training services to eligible Migrant and Seasonal Farmworker youth in Kern County, to extend the term from June 30, 2004 through December 31, 2004, with no increase in compensation (prior notification June 29, 2004) (Fiscal Impact: None; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 938-2004

Patrick-Watson: All Ayes

- *15) Proposed retroactive Amendment No. 1 to Agreement 149-2004 with West Side Regional Occupational Program for the Community Agencies TANF Services program, to extend the term from June 30, 2004 through June 30, 2005, with no increase in compensation (prior notification August 24, 2004) (Fiscal Impact: None; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 939-2004

Patrick-Watson: All Ayes

- *16) Proposed retroactive Amendment No. 1 to Agreement 236-2004 with ARBOR E&T for the Community Agencies TANF Services program, to extend the term from June 30, 2004 through June 30, 2005, with no increase in compensation (prior notification August 24, 2004) (Fiscal Impact: None; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 940-2004

Patrick-Watson: All Ayes

- *17) Proposed retroactive Agreement with ARBOR E&T to provide a comprehensive career center program, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$77,964 (prior notification June 29, 2004) (Fiscal Impact: \$77,964; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 941-2004

Patrick-Watson: All Ayes

- *18) Proposed retroactive Agreement with West Side Regional Occupational Program to provide employment and training services to Workforce Investment Act-eligible adults, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$4,185 (prior notification June 29, 2004) (Fiscal Impact: \$4,185; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 942-2004

Patrick-Watson: All Ayes

MENTAL HEALTH SERVICES

- *19) Proposed approval of confirming order for payment of invoice from National Psychologist/Ohio Psychology Publications for purchase of mental health professionals' appointment calendars, in an amount not to exceed \$7,850 (Fiscal Impact: \$7,850) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY

Patrick-Watson: All Ayes

- *20) Proposed authorization to designate specified individuals to initiate application for evaluation and involuntary detention of mentally disordered individuals per Welfare and Institutions Code, Section 5150 - APPROVED

Patrick-Watson: All Ayes

PROBATION

- *21) Proposed Amendment No. 1 to Professional Services Agreement 449-2004 with Richland School District for family advocate services, to increase the hourly stated rate for salaries and benefits to \$25.08 an hour (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 943-2004

Patrick-Watson: All Ayes

PUBLIC HEALTH SERVICES

- *22) Proposed Amendment No. 1 to Agreement 490-2004 with National Health Services for immunization services, to increase total compensation to \$96,000, an increase of \$16,000 (No Fiscal Impact; State Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 944-2004

Patrick-Watson: All Ayes

- *23) Proposed retroactive Agreement with the State Department of Health Services for Housing Opportunities for Persons with AIDS - Housing Development, from July 1, 2004 through June 30, 2006, in an amount not to exceed \$131,937 (prior notification June 29, 2004) (Fiscal Impact: \$131,937; Federal Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 945-2004 AND RELATED DOCUMENTS

Patrick-Watson: All Ayes

- 24) Report regarding proposed formation of a Pandemic Influenza Task Force (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Parra: All Ayes

- *25) Notification of anticipated retroactive Agreement with State Department of Health Services for Public Health Preparedness and Response to Bioterrorism - RECEIVED AND FILED

Patrick-Watson: All Ayes

- *26) Request for deletion of one (1) vacant Supervising Microbiologist, and addition of one (1) Microbiologist/Microbiologist Trainee positions in the Department of Public Health Services effective October 12, 2004 (Fiscal Impact: \$15,365 savings; State Grant; Budgeted) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Watson: All Ayes

SHERIFF

- *27) Request for approval of intent to donate one (1) vehicle to Ridgecrest Police Department - (Fiscal Impact - None) - APPROVED; DIRECTED COUNTY COUNSEL TO PREPARE NOTICE OF INTENT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Patrick-Watson: All Ayes

- *28) Unusual travel request for Deputy John Smith and Deputy Ryan Williams to attend a two-week training course at Marine Corps Base, Camp Pendleton, from October 24, 2004 to November 5, 2004, in an amount not to exceed \$3,160 - (Fiscal Impact; \$3,160; Budgeted; mandated) - APPROVED

Patrick-Watson: All Ayes

- *29) Sheriff's Annual Report itemizing expenditures of Inmate Welfare Funds (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Watson: All Ayes

ADJOURNED AS BOARD OF SUPERVISORS AND RECONVENED AS IHSS PUBLIC AUTHORITY

Parra-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSION

IHSS PUBLIC AUTHORITY

- 30) Request for Closed Session regarding Meet and Confer, UDWA -

RECONVENED FROM CLOSED SESSION WITH ALL MEMBERS PRESENT; ADJOURNED AS IHSS PUBLIC AUTHORITY AND RECONVENED AS BOARD OF SUPERVISORS

Patrick-Watson: All Ayes

ADJOURNED TO CLOSED SESSION

Maben-Parra

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 31) Request for Closed Session regarding Meet and Confer, All Unions -
- 32) Request for Closed Session regarding public employee recruitment - Title: Executive Director, Board of Trade -

COUNTY COUNSEL

- 33) Request for closed session regarding significant exposure to litigation against the County (one case) (Government Code Section 54956.9(b)(3)(C) -
- 34) Request for closed session regarding a lawsuit entitled Karine Jaievsky v. County of Kern, KCSC Case No. 250638 RAJ (Government Code Section 54956.9(a)) -

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

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

Parra-Maben

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Jon McQuiston
Chairman, Board of Supervisors

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- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *3) **Request from Raymond Blain to change the permitted uses from agriculture to residential with five-acre minimum parcel sizes on a 20-acre parcel and to exclude approximately 11.36 acres from the boundaries of an Agricultural Preserve located at 22447 Creekside Drive, Tehachapi (SD #2)**
Specific Request:
(a) A change in zone classification from A to E (5) RS or a more restrictive district (ZCC #21, Map #165-34)
(b) Exclusion of approximately 11.36 acres from the boundaries of an Agricultural Preserve (Ag Pres #23 - Excl)
(General Rule, Section 15061(b)(3); Published Tehachapi News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-357 AND 2004-358 AND ENACTED ORDINANCE G-7145 APPROVING ZONE CHANGE AND EXCLUSION AS REQUESTED
Watson-Parra: All Ayes
- *4) **Request from Steve Huffman to change the permitted uses from agriculture to estate residential on 4.67 acres located on the south side of Tiata Avenue, east of Nord Avenue, Bakersfield area (SD #4)**
Specific Request:
A change in zone classification from A-1 to E (1) RS or a more restrictive district (ZCC #142, Map #101) (Categorically Exempt, Section 15303; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-359 AND ENACTED ORDINANCE G-7146 APPROVING ZONE CHANGE AS REQUESTED
Watson-Parra: All Ayes
- *5) **Request from Bernice Tolson by Delmarter and Deifel to change the permitted uses from residential to general commercial on 2.31 acres located at 7301 South Union Avenue, Greenfield area, southeast of Bakersfield (SD #5)**
Specific Request:
A change in zone classification from E (1) to C-2 PD or a more restrictive district (ZCC #24, Map #124-30) (Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2004-360 AND ENACTED ORDINANCE G-7147 APPROVING ZONE CHANGE AS REQUESTED
Watson-Parra: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #2

- *6) Notice of Nonrenewal Petition No. 04-26 by John Stanley Antongiovanni, et al, for 627.6 acres within Agricultural Preserve No. 10 - DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Parra: All Ayes

S.D. #4

- *7) Notice of Nonrenewal Petition Nos. 04-30 and 04-31 by Robert D. Nelson and Darin C. Nelson, trustees of the Robert D. and Darin C. Nelson Revocable Trust, for approximately 155 total acres (75 acres and 79.09 acres) within Agricultural Preserve No. 10 - DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Parra: All Ayes

All S.D.'s

- *8) Proposed Resolution amending Uniform Rules governing permitted uses under County's Agricultural Preserve Program adding "private agriculturally-related airstrips" to the list of "compatible uses" for each Agricultural Preserve (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-361

Watson-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #5

- *9) Acknowledgement of placement of Rexland Acres Wastewater System on the competitive list for consideration of funding and adoption of Final Negative Declaration/NEPA Supplement and Mitigation Monitoring Program (Fiscal Impact: None) - APPROVED; ADOPTED NEGATIVE DECLARATION/NEPA SUPPLEMENT AND MITIGATION MONITORING PROGRAM; AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF DETERMINATION; AUTHORIZED DIRECTOR OF ENGINEERING & SURVEY SERVICES TO APPLY FOR USDA AND SCWG GRANTS

Watson-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #1

- *10) Proposed authorizing Resolution for Transportation Enhancement Activities (TEA) grant request for Lake Isabella Boulevard Bicycle Path and Sidewalk Project (Fiscal Impact: \$350,000; Funding: TEA Grant; Discretionary) - APPROVED; ADOPTED RESOLUTION 2004-362; APPOINTED ROAD COMMISSIONER AS COUNTY AGENT FOR IMPLEMENTATION OF GRANT

Watson-Parra: All Ayes

- *11) Proposed authorizing Resolution for Transportation Enhancement Activities (TEA) grant request for Jacks Ranch Road Bicycle Path Project (Fiscal Impact: \$650,000; Funding: TEA Grant; Discretionary) - APPROVED; ADOPTED RESOLUTION 2004-363; APPOINTED ROAD COMMISSIONER AS COUNTY AGENT FOR IMPLEMENTATION OF GRANT

Watson-Parra: All Ayes

S.D. #2

- *12) Proposed Resolution to accept portions of offers of dedication, declaration of various parcels as public highway and incorporation into the County road system as a portion of 35th Street West (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-364; DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Parra: All Ayes

- *13) Proposed no stopping zone on Laura Street in Mojave (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Watson-Parra: All Ayes

- *14) Proposed authorizing Resolution for Transportation Enhancement Activities (TEA) grant request for Tehachapi Bicycle and Pedestrian Path Project (Fiscal Impact: \$1,150,000; Funding: TEA Grant; Discretionary) - APPROVED; ADOPTED RESOLUTION 2004-365; APPOINTED ROAD COMMISSIONER AS COUNTY AGENT FOR IMPLEMENTATION OF GRANT

Watson-Parra: All Ayes

S.D. #3

- *15) Proposed authorizing Resolution for Transportation Enhancement Activities (TEA) grant request for Olive Drive Median Landscaping Project (Fiscal Impact: \$140,000; Funding: TEA Grant; Discretionary) - APPROVED; ADOPTED RESOLUTION 2004-366; APPOINTED ROAD COMMISSIONER AS COUNTY AGENT FOR IMPLEMENTATION OF GRANT

Watson-Parra: All Ayes

S.D. #4

- *16) Proposed authorizing Resolution for Transportation Enhancement Activities (TEA) grant request for Frazier Park Streetscape Project (Fiscal Impact: \$600,000; Funding: TEA Grant; Discretionary) - APPROVED; ADOPTED RESOLUTION 2004-367; APPOINTED ROAD COMMISSIONER AS COUNTY AGENT FOR IMPLEMENTATION OF GRANT

Watson-Parra: All Ayes

S.D. #5

- *17) Proposed authorizing Resolution for Transportation Enhancement Activities (TEA) grant request for Cottonwood Road Median Landscape Project (Fiscal Impact: \$550,000; Funding: TEA Grant; Discretionary) - APPROVED; ADOPTED RESOLUTION 2004-368; APPOINTED ROAD COMMISSIONER AS COUNTY AGENT FOR IMPLEMENTATION OF GRANT

Watson-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE

Hearing

- *18) Public Hearing for use of United States Department of Justice Local Law Enforcement Block Grant Program funds (Fiscal Impact: \$162,242 Federal Grant; \$18,027 General Fund; Budgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED ALLOCATING \$92,242 OF GRANT FUNDS AND \$10,249 OF COUNTY GENERAL FUND RESOURCES TO SHERIFF'S DEPARTMENT FOR OVERTIME EXPENDITURES; APPROVED ALLOCATING \$70,000 OF GRANT FUNDS AND \$7,778 OF COUNTY GENERAL FUND RESOURCES TO DISTRICT ATTORNEY FOR PROSECUTION OF VIOLENT CRIME

Watson-Parra: All Ayes

- *19) Proposed Amendment to Administrative Policy and Procedures Manual Chapter 6 regarding audit response procedures (Fiscal Impact: None) - APPROVED

Watson-Parra: All Ayes

- *20) Proposed response to 2004-2005 Grand Jury report entitled Larry J. Rhoades Kern Crossroads Facility (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Watson-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

Hearing

S.D. #4

- *21) Proposed Resolution and Ordinance granting an amendment to Ordinance F-453 for Seneca Resources Corporation (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; ADOPTED RESOLUTION 2004-369 AND ENACTED ORDINANCE F-477

Watson-Parra: All Ayes

S.D. #1

- *22) Request to reject bid from Elam Woods Construction Company, Inc., as non-responsive and identify bid from I-Con Construction Company as apparent low bid for the Ridgecrest Administration Building Reroof & HVAC Replacement, in an amount not to exceed \$307,547 (1650.7131)(Fiscal Impact: \$307,547 General Fund; Budgeted) - FOUND BID FROM ELAM WOODS CONSTRUCTION COMPANY, INC., TO BE NON-RESPONSIVE; IDENTIFIED LOW BID FROM I-CON CONSTRUCTION COMPANY; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND TO PREPARE CONTRACT DOCUMENTS

Watson-Parra: All Ayes

- *23) Change Order No. 13 for the New Juvenile Treatment Facility, an increase of \$11,203.85, for a new total of \$17,312,250.06 (1960.8166) (Fiscal Impact: \$11,203.85 General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-Parra: All Ayes

S.D. #3

- *24) Change Order No. 2 for reroof of Buildings A & B at the Sheriff's Norris Road Facility, an increase of \$1,120, for a new total of \$539,995 (1650.7118 & 1650.7132) (Fiscal Impact: \$1,120 General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-Parra: All Ayes

S.D. #4

- *25) Proposed donation of surplus mobile radios to the City of Taft Fire Department (Fiscal Impact: None) - APPROVED

Watson-Parra: All Ayes

S.D. #5

- *26) Proposed Amendment No. 1 to Agreement 803-2003 with Bakersfield Sandstone Brick Company to expand subleased area at Tulare and Chico Streets, Bakersfield for storage of building materials, through March 7, 2008 (Fiscal Impact: \$1,924 per month rent revenue; Budgeted) - MADE FINDING PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 946-2004

Watson-Parra: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED ON OCTOBER 5, 2004

- *27) Proposed Ordinance adding Subsection (230) to Section 10.16.070 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning a no parking zone on the east side of Pegasus Drive - ENACTED ORDINANCE G-7148

Watson-Parra: All Ayes

- *28) Proposed Ordinance adding Subsections (167) and (168) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning no stopping zones on the west and east sides of Compagnoni Street - ENACTED ORDINANCE G-7149

Watson-Parra: All Ayes

- *29) Proposed Ordinance repealing Sections 10.20.020, 10.20.030, 10.10.040 and 10.20.060, 10.20.070, 10.20.080, 10.20.090 and 10.20.100 of Chapter 10.20, Title 10, of the Kern County Ordinance Code concerning loading and unloading zones and bus loading zones on state highways - ENACTED ORDINANCE G-7150

Watson-Parra: All Ayes

- *30) Proposed Ordinance rescinding Subsection (227) of Section 10.16.070 and adding Subsection (51) to Section 10.16.160 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning rescinding a no stopping zone and adding a bus loading zone on Foothill Drive - ENACTED ORDINANCE G-7151

Watson-Parra: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *31) Budget Transfers - APPROVED NO. 26 THROUGH NO. 30
Watson-Parra: All Ayes
- *32) Minutes for week of September 13, 2004 - APPROVED
Watson-Parra: All Ayes
- *33) Miscellaneous Letters and Documents - APPROVED
Watson-Parra: All Ayes
- *34) Miscellaneous Departmental Referrals by Clerk of the Board -
APPROVED AND FILED
Watson-Parra: All Ayes
- *35) Claims and Lawsuits filed with and referred by Clerk of the
Board - APPROVED AND FILED
Watson-Parra: All Ayes

ADJOURNED TO TUESDAY, OCTOBER 19, 2004, AT 9:00 A.M.
Patrick

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Jon McQuiston
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.

33) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) 2004-2005 Property Tax Revenue Estimates
- B) Use of County Employees as Election Officials
Clerk of the Board
- C) E-mail from Ron Durand re resignations of Diane Dominguez and Christina Martinez from the Workforce Investment Board (Youth Council) (Copies to each Supervisor and CAO)
- D) Received, certified and forwarded to Recorder for recordation as follows:
 - 1) Tract Map 6033 S.D. #4
 - 2) Tract Map 6117 S.D. #4
 - 3) Tract Map 6163, Phase 1 S.D. #4
 - 4) Tract Map 6163, Phase 2 S.D. #4

Environmental Health Services

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

Roads

- F) Received, prepared Consent to Recordation and forwarded to Recorder for recordation of an Irrevocable Offer of Dedication from U.S. Borax, Inc., re GPA No. 3, Map No. 192 and GPA No. 1, Map No. 192-36 and the vacation of a portion of Borax Road (Resolution 2002-007)

Miscellaneous

- G) Letter from L. R. Duncan, California Highway Patrol, re Hazardous Materials Incident Report on Tuesday, September 14, 2004, at 32829 I-5 (Copies to each Supervisor, CAO, Environmental Health and Fire Haz-Mat)
- H) Letter from Dennis J. O'Bryant, State Department of Conservation, re public agency acquisition of land enrolled in Williamson Act Contracts (APN 059-280-22, 41 and 42) in Kern County (Copies to each Supervisor, CAO, General Services, Airports and County Counsel)
- I) Letter from Karen Sharp, State Department of Aging, re extension of the current Medi-Cal certification of Elderlife Adult Day Health Care Center as an Adult Day Health Care (ADHC) provider through Sunday, November 28, 2004 (Copies to each Supervisor, CAO and Aging & Adult Services)
- J) Letters from Vicki Edmunds and Arthur E. Lombard, Rosamond American Legion Post 490, re proposed park fees for use of Hummell Hall in Rosamond (Copies to each Supervisor, CAO, Parks and County Counsel)
- K) Letter from Supervisor Bill Horn, San Diego County Board of Supervisors, re efforts to prevent voter fraud (Copies to each Supervisor, CAO and Elections)

- L) Letter from Roger A. McIntosh re activities update of the Kern County Citizens for Quality Transportation (KCCQT) (Copies to each Supervisor, CAO, Resource Management Agency, Roads and County Counsel)
- M) Letter from Thomas Paxson, Kern County Air Pollution Control District to Jason D. Caudle, City of Tehachapi, re Lehigh Southwest Cement Company (Copies to each Supervisor, CAO and County Counsel)
- N) E-mail from Peter W. Brandon, Liberty Ambulance, re interim contract for ambulance services in Kern County (Copies to each Supervisor, CAO and Emergency Medical Services)
- O) Notice from U.S. Fish and Wildlife Service, Arizona Ecological Services, re Southwestern Willow Flycatcher Critical Habitat update, September 2004 (Copies to each Supervisor, CAO and Planning)
- P) Notices from Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses: Players Family Billiards, 3045 - 90th Street West, Rosamond; Kelley's Pub, 20-22 Tobias Street, Kernville; Primos Liquor and Deli, 13435 Sierra Way, Kernville; Clayton's Market, 501 Bohannan Avenue, Bakersfield; Buttonwillow Chevron, 20656 Tracy Avenue, Buttonwillow; Enriquez Cesario Torres, 11108 Main Street, Lamont; Reynoso Alfonso, 8655 So. Union Avenue, Bakersfield; Lucky 7 Market 10, 1825 E. California Avenue, Bakersfield (Copies to each Supervisor, CAO and Planning)
- Q) Agenda of meeting from Kern County Child Care Council on Wednesday, October 6, 2004, and minutes to meeting on Wednesday, September 1, 2004
- 34) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Thomas N. Clark, Kern County Water Agency, re Resolution 55-04 establishing four (4) zones of benefit and providing for assessments in 2005-2006 - REFERRED TO COUNTY COUNSEL (Copies to each Supervisor, CAO, Engineering & Survey Services, Assessor and Treasurer-Tax Collector)
 - B) Letter from Dennis Johnston, Johnston Farms, re increased fees for the Environmental Health Services' Unified Hazardous Material Waste Program - REFERRED TO RESOURCE MANAGEMENT AGENCY AND ENVIRONMENTAL HEALTH SERVICES (Copies to each Supervisor and CAO)
- 35) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Chris Barsalou vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Dante Xaiver Lewis vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- C) Claim in the matter of Allstate Insurance Company vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Dale Falk vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Gregg Heath vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Summons and complaint in the matter of Pedro Lopez Gonzalez; Pedro Lopez Gonzalez as Successor in Interest to Maria Benitez Lopez; Eulogio Nolberto Lopez Benitez; Juana Lopez Benitez; Octaviano Lopez Benitez; Emelio Lopez Benitez; Veronica Lopez Benitez; Edith Lopez Benitez; Maria Isabel Lopez Benitez; Maria Octaviano Lopez Benitez; Maria Jaimes Benitez; Antonio Jaimes Benitez; and Jose Jaimes Benitez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Summons and complaint in the matter of Drake D. Ward and Jennevie M. Sanchez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)