

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, October 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) Proclamation proclaiming October 18, 2005 as Lights on Afterschool! Day in Kern County - PROCLAIMED; MADE PRESENTATION TO CARMEN HANDY, OUTREACH SPECIALIST, GREENFIELD UNION SCHOOL DISTRICT; CARMEN HANDY HEARD

Maben-Rubio: All Ayes

- 2) Proclamation proclaiming October 16 - 22, 2005 as California Writers Week in Kern County - PROCLAIMED; MADE PRESENTATION TO TERRY REDMAN AND CAMILLE GAVIN, WRITERS OF KERN; TERRY REDMAN AND CAMILLE GAVIN HEARD

Patrick-Rubio: All Ayes

APPOINTMENTS

- *3) Appointment of Clarence LeRoy Semonious (replacing Ollie Vehlewald) to the Kern River Valley Public Cemetery District, term to expire November 27, 2009 - MADE APPOINTMENT

McQuiston-Patrick: All Ayes

PUBLIC PRESENTATIONS

- 4) 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!
- PETE BELLUOMINI, PRESIDENT, KERN COUNTY FARM BUREAU, ADDRESSED THE BOARD ABOUT THE PESTICIDE INCIDENT MITIGATION PLAN TO PROTECT THE PUBLIC, FARM WORKERS, PROPERTY, AND THE ENVIRONMENT IN KERN COUNTY FROM PESTICIDE RELATED INCIDENTS; TED DAVIS, KERN COUNTY AGRICULTURAL COMMISSIONER HEARD; DALE NICHOL AND JEFF RASMUSSEN, KERN COUNTY CAPCA, INTRODUCED

RECEIVED AND FILED DOCUMENT

Maben-Rubio: All Ayes

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 5) 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 RUBIO DISCUSSED THE RECENT SENSELESS SHOOTING OF AN 11-YEAR-OLD BOY AND HIS MOTHER, VOICING CONCERN ABOUT THE INCREASED ACTS OF VIOLENCE AND CRIMES IN THE COMMUNITY

CHAIRMAN WATSON REPORTED ON THE RECENT AWARD BY THE WESTERN INTERSTATE CHILD SUPPORT COUNCIL TO KERN COUNTY CHILD SUPPORT SERVICES FOR THE 2005 WESTERN REGION PUBLIC AWARENESS, "KIDS COUNT" PROGRAM

CHAIRMAN WATSON ALSO ANNOUNCED THE COUNTY IS ANALYZING ALTERNATIVE RETIREMENT AND HEALTH BENEFITS FOR FUTURE CONSIDERATION

DEPARTMENTAL REQUESTS

AUDITOR-CONTROLLER-COUNTY CLERK

- *6) Proposed Amendment No. 7 to Agreement 327-2004 with Brown Armstrong Accountancy Corporation to provide additional audits for the Anti-Drug Abuse Project (KNET) (District Attorney, Sheriff, Probation), from July 1, 2004 to June 30, 2005, in an amount not to exceed \$1,500; Cal-Mmet (Sheriff), from November 1, 2004 to June 30, 2005, in an amount not to exceed \$1,500; Cold Hit (District Attorney), from October 1, 2003 to January 31, 2005, in an amount not to exceed \$500; Community Gun Violence (District Attorney), from October 1, 2004 to June 30, 2005, in an amount not to exceed \$1,500;

(Continued to page 3)

(Continued from page 2)

Coverdell 03 (Science Improvement Act) (District Attorney), from March 1, 2004 to February 28, 2005, in an amount not to exceed \$1,500; Criminal Gang Investigation Equipment (District Attorney), from July 1, 2004 to June 30, 2005, in an amount not to exceed \$1,500; Rural Crime Prevention Program (District Attorney/Sheriff), from February 1, 2004 to June 30, 2005, in an amount not to exceed \$2,000; Title II Delinquency Prevention Program (District Attorney), from January 1, 2004 to March 31, 2005, in an amount not to exceed \$1,500; Vertical Block Prosecution Program (District Attorney), from July 1, 2004 to June 30, 2005, in an amount not to exceed \$1,500; Violence Against Women Vertical Prosecution (District Attorney), from July 1, 2004 to June 30, 2005, in an amount not to exceed \$1,500 (Fiscal Impact: \$10,535 District Attorney; State Grant; Budgeted; Mandated; \$3,725 Sheriff; State Grant; Budgeted; Mandated; \$240 Probation; State Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 884-2005

McQuiston-Patrick: All Ayes

BOARD OF TRADE

- *7) Report regarding updates to Tourism Promotion Grant Program (Fiscal Impact: \$100,000; Budgeted; Discretionary) - APPROVED PROGRAM

McQuiston-Patrick: All Ayes

DISTRICT ATTORNEY

- *8) Request to employ retired County employee, David Diosi, as a Criminalist II, Range 61.2, Step E, for a period not to exceed 120 days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$34,100; Budgeted; Discretionary) - APPROVED

McQuiston-Patrick: All Ayes

- *9) Request to employ retired County employee, Phoebe Logrecco, as a Fiscal Support Technician, Range 46.4, Step E, for a period not to exceed 120 days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$16,300; Budgeted; Discretionary) - APPROVED

McQuiston-Patrick: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *10) Request for a letter of support for Employers' Training Resource's application for Governor's 15 percent discretionary funds for industries with statewide need - Nursing shortage in healthcare previously approved on September 6, 2005 (Fiscal Impact: \$800,000; State Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN APPROPRIATE CORRESPONDENCE

McQuiston-Patrick: All Ayes

FIRE DEPARTMENT

- *11) Request for relief of accountability of 325 accounts receivable for Fiscal Years 2002-2003, 2003-2004 and 2004-2005 (Fiscal Impact: \$57,221.35; Not Budgeted; Discretionary) - APPROVED

McQuiston-Patrick: All Ayes

NON-AGENDA ITEM #11A

MOTION TO CONSIDER NON-AGENDA ITEM NO. 11A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER AGENDA WAS POSTED BECAUSE HEAVY RAINFALL IN THE FRAZIER PARK AREA RESULTED IN SIGNIFICANT FLOODING ALONG CUDDY CREEK AND FRAZIER MOUNTAIN PARK ROAD EAST BETWEEN FRAZIER PARK AND INTERSTATE 5. THE EMERGENCY PROCLAMATION WAS MADE IN RESPONSE TO STORMS SO RECENT THAT IT WAS NOT POSSIBLE TO BRING THIS ISSUE TO YOUR BOARD AS A REGULAR AGENDA ITEM

IN ACCORDANCE WITH GOVERNMENT CODE SECTION 8630 AND CHAPTER 2.66 OF THE KERN COUNTY ORDINANCE CODE, THE DIRECTOR OF EMERGENCY SERVICES, IN CONSULTATION WITH THE COUNTY ADMINISTRATIVE OFFICER AND COUNTY COUNSEL, DETERMINED THESE CONDITIONS MET THE CRITERIA FOR THE PROCLAMATION OF A LOCAL EMERGENCY. THE NEXT STEP IN THE DISASTER DECLARATION PROCESS WOULD BE THAT YOUR BOARD ADOPT A RESOLUTION TO RATIFY THE LOCAL EMERGENCY PROCLAMATION

Patrick-Rubio: All Ayes

- 11A) Request for Resolution ratifying proclamation that a flood disaster and state of emergency exists within the County of Kern (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-445

Patrick-McQuiston: All Ayes

KERN MEDICAL CENTER

- *12) Notification of retroactive Amendment No. 2 to Agreement 793-2005 with Tempus, LLC, doing business as Emerald Health Services, an independent contractor, for temporary nurse staffing (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

- *13) Proposed retroactive Amendment No. 1 to Agreement 914-2004 with Savita P. Shertukde, M.D., a contract employee, for pathology services, extending the term from October 5, 2005 through October 31, 2005, and increasing the maximum payable by \$9,583, from \$125,000 to \$134,583 (Fiscal Impact: \$9,583; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 885-2005

McQuiston-Patrick: All Ayes

- 14) Proposed retroactive Amendment No. 1 to Agreement 693-2004 with Hansa M. Patel, M.D., a contract employee, for medical services in the Departments of OB/GYN and Family Practice, to reflect the change in employment status from three-quarter time to half time, adjust the annual compensation from \$174,795.75 to \$133,064, decrease the maximum payable from \$469,591.50 to \$432,659, adjust certain benefits, and revise the job description, effective October 15, 2005, and clarify the malpractice liability coverage provided by the County, effective August 3, 2004 (from October 4 and 10, 2005) (Fiscal Impact: \$33,733.50 Savings; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 886-2005

Rubio-Patrick: All Ayes

MENTAL HEALTH SERVICES

- *15) Proposed retroactive Agreement with Bakersfield City School District to accept grant funding for Mental Health to provide research-based mental health services and to implement Friday Night Live programs at Bakersfield City School sites from July 1, 2005 through June 30, 2006 (Fiscal Impact: \$197,800 Revenue; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 887-2005

McQuiston-Patrick: All Ayes

- *16) Proposed retroactive approval of Speaker/Trainer Services Agreement with Robert Grant, Ph.D., for Trauma and Culture: Understanding and Responding to Trauma with a Cultural Context training on September 23, 2005, in an amount not to exceed \$2,000 (Fiscal Impact: \$2,000; State Realignment; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 888-2005

McQuiston-Patrick: All Ayes

- *17) Request to accept grant from Substance Abuse Mental Health Services Administration (SAMHSA) Grant for expanding and enhancing methamphetamine treatment in Taft and Wasco clinics, and addition of four (4) Substance Abuse Specialist I/II and two (2) Office Services Technician positions to Budget Unit 4123, effective October 18, 2005 (Fiscal Impact: FY 2005-2006, \$493,165; Not Budgeted: Discretionary) - APPROVED; ACCEPTED GRANT; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$493,165 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$493,165 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 4123; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

McQuiston-Patrick: All Ayes

PUBLIC HEALTH SERVICES

- *18) Notification of retroactive Agreement with California Department of Health Services for Local Public Health Preparedness and Response to Bioterrorism from August 31, 2005 through August 30, 2006 (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

SHERIFF

- *19) Proposed addition of one (1) Civil Service Undersheriff position and deletion of one (1) Confidential Assistant Undersheriff position (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

McQuiston-Patrick: All Ayes

- *20) Proposed retroactive Agreement with Southern Kern Unified School District for law enforcement services from September 1, 2005 to June 30, 2006, in an amount not to exceed \$98,333 (Fiscal Impact: \$98,333 Revenue to County; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 889-2005

McQuiston-Patrick: All Ayes

- *21) Request to transfer \$56,000 from the Sheriff's Crime Prevention Trust Account 22142 to Sheriff's Budget Unit 2210 for Crime Prevention Unit expenses (Fiscal Impact: \$56,000, Not-Budgeted; Discretionary) -

WITHDRAWN

- *22) Application to hold a parade - Rosamond Old Town Merchants - Promote the business district of Rosamond on December 3, 2005, in Rosamond, California (Fiscal Impact: None) - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Patrick: All Ayes

- *23) Application to hold a parade - Annual Christmas Parade - Kern River Valley Chamber of Commerce on November 26, 2005, in Lake Isabella, California (Fiscal Impact: None) - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Patrick: All Ayes

RECESSED TO 2:00 P.M.

Patrick

/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, October 18, 2005

2:00 P.M.

BOARD RECONVENED

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

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]) - SUPERVISOR MABEN REQUESTED AN UPDATE ON FLOODING ON WHEELER RIDGE ROAD AS A RESULT OF THE RECENT STORM; ROAD COMMISSIONER CRAIG POPE PROVIDED INFORMATION ON WHEELER RIDGE ROAD AND FRAZIER PARK AREA; SUPERVISOR WATSON DISCUSSED CLEANUP SERVICE IN THE FRAZIER PARK AREA

SUPERVISOR WATSON HEARD REGARDING MUNICIPAL-DERIVED GREEN WASTE CONTAMINATED WITH NON-BIODEGRADABLE TRASH AND POSSIBLY WITH OTHER UNKNOWN CONTAMINANTS BEING SPREAD ON KERN COUNTY FARMLANDS

(Continued on Page 9)

(Continued from Page 8)

REFERRED TO RESOURCE MANAGEMENT AGENCY, ENVIRONMENTAL HEALTH AND PLANNING TO REPORT BACK TO THE BOARD WITH ALTERNATIVES SUCH AS A CONDITIONAL USE PERMIT PROCESS FOR EACH INDIVIDUAL SITE, AN ORDINANCE REGULATING CONTENT, A RESOLUTION TO THE STATE ASKING FOR REDUCTIONS IN CONTAMINANTS AND OTHER POSSIBLE ACTIONS FOR THE BOARD'S CONSIDERATION; RECEIVED AND FILED DOCUMENT

Maben-Rubio: All Ayes

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *3) **Request from Kern County Planning Department to amend the texts of the Bakersfield Metropolitan General Plan, Breckenridge Hills Specific Plan, Casa Loma Specific Plan, McAllister Ranch Specific Plan, and Western Rosedale Specific Plan to require community sewers and rescind the text and maps of the Chevron Section One Specific Plan, Mayfair Specific Plan, Pumpkin Center Specific Plan, and Seventh Home Specific Plan for property located in the Bakersfield metropolitan area (All S.D.'s)**

Specific Request:

Amend the texts of the Bakersfield Metropolitan General Plan, Breckenridge Hills Specific Plan, Casa Loma Specific Plan, McAllister Ranch Specific Plan, and Western Rosedale Specific Plan to require community sewers for residential projects subject to certain density restrictions, commercial, and industrial projects; Rescind the text and maps of the Chevron Section One Specific Plan, Mayfair Specific Plan, Pumpkin Center Specific Plan, and Seventh Home Specific Plan. Existing Specific Plan land use map codes will be replaced by corresponding land use map codes of the Bakersfield Metropolitan General Plan (GPA #131, Map #500)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) (Continued from September 13, 2005) - CONTINUED TO TUESDAY, NOVEMBER 15, 2005, AT 2:00 P.M.

Maben-Patrick: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department
Land Use

S.D. 1

- 4) Report of Land Use Compatibility Surrounding Airports including Meadows Field (Fiscal Impact: None) - RAY BISHOP, DIRECTOR OF AIRPORTS, HEARD; RECEIVED AND FILED

Maben-McQuiston: All Ayes

- *5) Proposed Notice of Nonrenewal Petition #05-37 by Phillip and Pamela Ganong for approximately 138 acres of contracted land within Agricultural Preserve 14 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

S.D.'s #1 & #4

- *6) Proposed Notice of Nonrenewal Petition #05-33 by Wayne Arnold for approximately 76.82 acres within Agricultural Preserve No. 8 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

S.D. #2

- 7) Request from Water Resorts, Inc., for a three-year extension of time for recording final map for Tract 6041, north and south sides of Douglas Street, Mojave (Fiscal Impact: None) (Continued from September 6, 2005) - STUART WITT, EAST KERN AIRPORT DISTRICT, HEARD; APPROVED CONDITIONAL THREE YEAR EXTENSION OF TIME SUBJECT TO ORIGINAL CONDITIONS WITH CONDITION NO. 1 MODIFIED TO READ: FINAL SUBDIVISION MAP PROPOSED TO BE RECORDED SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED TENTATIVE MAP AND DESIGNED IN CONFORMANCE WITH ANY INTERIM URGENCY ORDINANCE AND AIRPORT LAND USE COMPATIBILITY PLAN FOR THE MAP AREA AS OF THE DATE OF RECORDATION

Maben-McQuiston: All Ayes

RESOURCE MANAGEMENT AGENCY

All S.D.'s

- 8) Proposed Agreement with MuniFinancial for development of Capital Improvement Plan and Development Impact Fee Program in unincorporated Kern County, from October 18, 2005 through October 17, 2006, in the amount of \$118,400 (Fiscal Impact: \$118,400; General Fund; Budgeted; Discretionary) - MICHAEL TURNIPSEED, KERN COUNTY TAXPAYERS ASSOCIATION, HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 890-2005

Rubio-Patrick: 4 Ayes; 1 No - McQuiston

RESOURCE MANAGEMENT AGENCY

Animal Control Services

All S.D.'s

- *9) Proposed Ordinance amending Sections 2.24.070, 2.25.101, 7.04.080 and adding Section 7.08.415 concerning placing Animal Control under Resource Management Agency supervision (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department
Hearing
All S.D.'s

- 10) Public Hearing for proposed amendments to Fiscal Year 2002-2003 Annual Action Plan to cancel project No. 36.02.1, Countywide Economic Development Revolving Loan Fund, Multi-Year, and transfer of the \$9,188.59 budget balance; Fiscal Year 2003-2004 Annual Action Plan by transferring \$80,811.41 of project No. 36.03.1, Countywide Economic Development Revolving Loan Fund, Multi-Year, program funds; and Fiscal Year 2005-2006 Annual Action Plan by creating Community Development Block Grant project No. 36.05.1, Kern Microenterprise Opportunity Program (KMOP), Multi-Year - (Continued from September 6, 2005) - (Fiscal Impact: Transfer \$90,000; Revolving Loan Trust Fund; Budgeted, Discretionary) - OPENED HEARING; PETER DE ARMOND, DIRECTOR OF WEILL INSTITUTE SMALL BUSINESS DEVELOPMENT CENTER AT BAKERSFIELD COLLEGE, AND BILL JEFFRIES, KERN ECONOMIC DEVELOPMENT CORPORATION, HEARD; CLOSED HEARING; APPROVED AMENDMENTS; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PROCESS REQUIRED BUDGET TRANSFER OF APPROPRIATION AND CASH IN THE AMOUNT OF \$90,000 FROM THE ECONOMIC DEVELOPMENT REVOLVING LOAN TRUST FUND TO THE KMOP PROJECT IN THE COMMUNITY DEVELOPMENT TRUST FUND; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION RELATED TO AMENDMENT TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AUTHORIZED DIRECTOR TO IMPLEMENT KMOP PURSUANT TO ADMINISTRATIVE PLAN

Patrick-Rubio: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services
S.D. #1

- *11) Request for approval of completed street, drainage, water, landscaping and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement, Tract 6097, north side of Snow Road, 657 feet west of Quail Creek Road, north Bakersfield; and proposed Resolution for acceptance of street improvements for maintenance (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCE EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$1,046,277 TO \$104,628, FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING OCTOBER 18, 2005; RETAINED ORIGINAL LETTER OF CREDIT NO. 218, ISSUED BY VALLEY INDEPENDENT BANK; RECEIVED AND FILED AMENDMENT TO LETTER OF CREDIT NO. 218, ISSUED BY RABOBANK, REDUCING ORIGINAL LETTER OF CREDIT AMOUNT TO \$104,628; DIRECTED CLERK OF THE BOARD TO SIGN AND RETURN DUPLICATE COPY OF AMENDMENT TO LETTER OF CREDIT NO. 218 TO RABOBANK; ADOPTED RESOLUTION 2005-446 FOR ACCEPTANCE OF ROADS WITHIN TRACT 6097, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

Maben-Patrick: All Ayes

- *12) Request for approval of completed street, drainage, water, landscaping and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement, Tract 6143, north side of Snow Road, 1317 feet west of Quail Creek Road, north Bakersfield; and proposed Resolution for acceptance of street improvements for maintenance (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCE EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$1,477,253 TO \$148,725, FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING OCTOBER 18, 2005; RETAINED ORIGINAL LETTER OF CREDIT NO. 220, ISSUED BY VALLEY INDEPENDENT BANK; RECEIVED AND FILED AMENDMENT TO LETTER OF CREDIT NO. 220, ISSUED BY RABOBANK, REDUCING ORIGINAL LETTER OF CREDIT AMOUNT TO \$148,725; DIRECTED CLERK OF THE BOARD TO SIGN AND RETURN DUPLICATE COPY OF AMENDMENT TO LETTER OF CREDIT NO. 220 TO RABOBANK; ADOPTED RESOLUTION 2005-447 FOR ACCEPTANCE OF ROADS WITHIN TRACT 6143 INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

Maben-Patrick: All Ayes

All S.D.'s

- *13) Request for retroactive approval for use of the County's Purchasing Card for travel expenses and out-of-state travel for two Building Inspection personnel necessary to respond to the Office of Emergency Services' (OES) request to supply mutual aid safety assessment building inspection of hurricane damaged structures in the greater New Orleans area during the period from October 7, 2005 to October 23, 2005, at a cost not to exceed \$25,000 which includes labor and travel, for which the County will be reimbursed (Fiscal Impact: \$25,000; Federal Reimbursable; Building Inspection; Discretionary) - APPROVED

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Environmental Health Services

All S.D.'s

- *14) Proposed addition of one Environmental Health Specialist in Training I/II/III position and deletion of one Waste Management Technician position, effective October 18, 2005 (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #1

- *15) Proposed no-stopping zone along Manor Street and Manor Street Frontage Road (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION ORDINANCE

Maben-Patrick: All Ayes

S.D. #3

- *16) Proposed no-stopping zone along the north side of Olive Drive (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Patrick: All Ayes

- *17) Proposed no-stopping zone on La Cresenta Drive (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Patrick: All Ayes

S.D.'s #1 & #4

- *18) Contract No. 05019 identify apparent low bid with Granite Construction Company for construction on Lerdo Highway from State Route 99 to State Route 65 and on Seventh Standard Road from Rowlee Road to Wasco Avenue (Fiscal Impact: \$1,507,051; Federal CMAQ Grant; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS DEPARTMENT TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *19) Proposed Agreement with Arts Council of Kern in the amount of \$121,000 for Fiscal Year 2005-2006, which includes \$81,000 for the Arts Council and pass-through funding for Bakersfield Museum of Art (\$35,000) and Tehachapi Orchestra (\$5,000) (Fiscal Impact: \$121,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 891-2005

Maben-Patrick: All Ayes

- *20) Proposed retroactive Amendment No. 1 to Agreement 616-2004 with Jim Wise for Legislative Consultant Services to increase monthly compensation by \$5,000 for period July 1, 2005 through August 31, 2005 (Fiscal Impact: \$10,000; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 892-2005

Maben-Patrick: All Ayes

- *21) Proposed Amendment No. 4 to Agreement 950-2002 with Bakersfield Family Medical Center for Employee Wellness Program to extend term one year through October 31, 2006 (Fiscal Impact: \$180,000; Budgeted, Group Health Insurance ISF; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 893-2005

Maben-Patrick: All Ayes

- *22) Proposed Agreement with Managed Care Systems for Employee Assistance Program (EAP) and mental health and substance abuse inpatient gatekeeping services for a three-year term expiring October 31, 2008 in the amount of \$1.13 per eligible employee/retiree per month (PEPM) for gatekeeping services and \$1.65 PEPM for EAP services for Year 1, \$1.16 PEPM for gatekeeping services and \$1.69 PEPM for EAP services for Year 2, and \$1.18 PEPM for gatekeeping services and \$1.73 PEPM for EAP services for Year 3 (Fiscal Impact: Annualized \$135,000; Budgeted, Group Health Insurance ISF; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 894-2005

Maben-Patrick: All Ayes

- *23) Transfer of property tax entitlement related to City of Bakersfield Annexation No. 473, LAFCO Proceeding No. 1432 (Fiscal Impact: Fiscal Year 2006-2007 \$1,420 General Fund; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-448

Maben-Patrick: All Ayes

- *24) Proposed response to Grand Jury report entitled Kern County Sheriff's Department Central Receiving Facility (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Maben-Patrick: All Ayes

- *25) Proposed response to Grand Jury final report on Larry J. Rhoades Crossroads Facility (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Maben-Patrick: All Ayes

- *26) Response to KernTax recommendations made during Fiscal Year 2005-2006 budget hearings (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *27) Proposed revision of plan document for Retiree Health Premium Supplement Program (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

- *28) Application for California Healthcare for Indigents (CHIP) Funds for Fiscal Year 2005-2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #2

- *29) Change Order No. 1 for the Mojave Court Pre-Engineered Pedestrian Walkway, an increase of \$32,802, for a new total of \$885,302, and an allowance of additional time (1960.8119) (Fiscal Impact: \$32,802; Capital Projects; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *30) Proposed Agreement with Tait Environmental Management, Inc., in the amount of \$245,811, to perform Boron Fire Station Remediation Pilot Study (1650.7252A) (Fiscal Impact: \$245,811; General Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 895-2005

Maben-Patrick: All Ayes

S.D. #3

- *31) Plans and specifications for the Rental Car & Airline Ticket Office Tenant Improvements (8215.8416)(Fiscal Impact: \$86,500; Airport Project Fund; Budgeted; Discretionary) - 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; AUTHORIZED PURCHASING AGENT TO SOLICIT BIDS

Maben-Patrick: All Ayes

- *32) Change Order No. 20 for New Airport Terminal at Meadows Field, an increase of \$109,991, for a new total of \$21,812,665; and request for approval of a Resolution to dispense with bidding requirements for Change Orders in excess of 10% of contract amount (8215.8415) (Fiscal Impact: \$109,991; Airport Project Fund; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-449; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *33) Proposed contract with Brown & Fowler Construction, in the amount of \$587,275, for Phase II irrigation and landscaping at Panorama Park (1960.8152) (Fiscal Impact: \$587,275; Proposition 12 State Bond Act; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 896-2005

Maben-Patrick: All Ayes

All S.D.'s

- *34) Proposed donation of surplus radio equipment to Kern County Superintendent of Schools (KSOS) to assist student oversight during Camp Keep (from September 27, 2005) - APPROVED

Maben-Patrick: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED ON OCTOBER 11, 2005

- *35) Proposed Ordinance adding subsection (207) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone on Alloway Lane in Bakersfield (Fiscal Impact: None) - ENACTED ORDINANCE G-7300

Maben-Patrick: All Ayes

- *36) Proposed Ordinance adding subsection (29) to Section 10.24.021 of Chapter 10.24, Title 10 of the Kern County Ordinance Code establishing a handicap parking zone on Edna Street (Fiscal Impact: None) - ENACTED ORDINANCE G-7301

Maben-Patrick: All Ayes

- *37) Proposed Ordinance adding subparagraphs (7) and (8) to Section 10.16.090 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning no parking zones on Highway 184 (Weedpatch Highway) between DiGiorgio Road and Panama Road in Lamont between the hours of 12:00 a.m. and 5:00 a.m. (Fiscal Impact: None) - ENACTED ORDINANCE G-7302

Maben-Patrick: All Ayes

- *38) Proposed Ordinance adding subparagraphs (208), (209), (210) and (211) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning no stopping zones on Snow Road (Fiscal Impact: None) - ENACTED ORDINANCE G-7303

Maben-Patrick: All Ayes

- *39) Proposed Ordinance adding Sections 10.04.521, 10.04.303, 10.04.204 and 10.04.480 to Chapter 10.04 of the Kern County Ordinance Code establishing a 45 mile-per-hour speed limit on Brady Street, a 40 mile-per-hour speed limit on Calvert Boulevard, a thirty-five mile-per-hour speed limit on Pinto Street and a 40 mile-per-hour speed limit on Strecker Street (Fiscal Impact: None) - ENACTED ORDINANCE G-7304

Maben-Patrick: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *40) Budget Transfers - APPROVED NO. 27 THROUGH NO. 32

Maben-Patrick: All Ayes

- *41) Minutes for week of September 19, 2005 - APPROVED

Maben-Patrick: All Ayes

- *42) Miscellaneous Letters and documents - APPROVED

Maben-Patrick: All Ayes

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

Maben-Patrick: All Ayes

- *44) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

Maben-Patrick: All Ayes

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

Maben

/s/ Tracey E. Cody
Administrative Coordinator

/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.

42) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

A) Automobile Insurance Fraud and Workers' Compensation Insurance Fraud Programs Report for Fiscal Year Ended June 30, 2005

B) 2005/2006 Property Tax Revenue Estimates

Clerk of the Board

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

- 1) Tract Map 6193, Phase 1 S.D. 3
- 2) Tract Map 6215 Phase C S.D. 2
- 3) Tract Map 6230, Unit 2 S.D. 4
- 4) Tract Map 6289 Unit 1 S.D. 4
- 5) Tract Map 6475 Unit 1 S.D. 2
- 6) Tract Map 6475 Unit 2 S.D. 2
- 7) Tract Map 6475, Unit 3 S.D. 2
- 8) Parcel Map No. 11052 S.D. 3

County Administrative Office

D) Response to letter from Stan Shires regarding Parks Department (Copies to each Supervisor, CAO and Parks)

Local Agency Formation Commission

E) Proceeding No. 1408, Resolution No. 05-29 in the matter of City of Bakersfield Annexation No. 476, Hosking No. 8 (Copies to each Supervisor and CAO)

F) Proceeding No. 1423, Resolution No. 05-31 in the matter of County Service Area No. 11, Annexation No. 4 (Copies to each Supervisor and CAO)

G) Proceeding No. 1424, Resolution No. 05-33 in the matter of County Service Area No. 66, Annexation No. 2 (Copies to each Supervisor and CAO)

H) Proceeding No. 1413, Notice of Hearing in the matter of City of Wasco, Annexation No. 35 (Copies to each Supervisor and CAO)

I) Proceeding No. 1414, Notice of Protest Hearing in the matter of City of Bakersfield, Annexation No. 474, McKee No. 4 (Copies to each Supervisor and CAO)

J) Proceeding No. 1418, Notice of Protest Hearing in the matter of County Service Area No. 81, Annexation No. 2 (Copies to each Supervisor and CAO)

K) Proceeding No. 1420, Notice of Hearing in the matter of City of Bakersfield, Annexation No. 485, Meany No. 4 (Copies to each Supervisor and CAO)

Resource Management Agency

- L) Letter to Fresno City Council Members regarding Fresno City Council September 27, 2005 meeting Agenda, Item #1A, regarding five-year contract with extension to Tule Ranch/Magan Ranch regarding biosolids (Copies to each Supervisor and CAO)

Sheriff

- M) Response to the Grand Jury Final Report regarding Kern County Sheriff's Department McFarland Substation (Copies to each Supervisor and CAO)

Miscellaneous

- N) Letter from Brian J. Mendiburu regarding appointment to the Kern County Workforce Investment Board-Youth Council (Copies to each Supervisor and CAO)
- O) CD from United States Department of Agriculture regarding Revised Land Management Plans and Final Environmental Impact Statement (Copies to each Supervisor, CAO and Planning)
- P) Letter from Zack Scrivner, Councilmember, Ward Seven, City of Bakersfield regarding intersection at South Union and Hosking Avenues (Copies to each Supervisor, CAO, Roads and RMA)
- Q) Letter and video tape from Paul Worthington, Lindamood-Bell regarding Project of Hope, a literacy development project for juvenile offenders (Copies to each Supervisor, CAO, and Probation)
- R) Letter from Paula Bawden, Pacific Pipeline System LLC, regarding Continuation Certificate for Bond No. 6214969 for Franchise Ordinance F-344 (Copy to Property Management)
- S) E-mail from Marcus A. Kochanski regarding Detentions Deputies entering Deputy Academy (Copies to each Supervisor and CAO)
- T) E-mail from Gregory Felsing regarding Kern River Valley development (Copies to each Supervisor, CAO and Planning)
- U) Copy of letter to the Bakersfield Californian from Mildred Criner, Manager, Bakersfield Country Bank, regarding participation in the Kern County Fair (Copies to each Supervisor and CAO)
- V) Letter from Dr. Randal Beeman, Professor of History, Bakersfield College, regarding naming major landmarks after Kern County historical figures (Copies to each Supervisor, CAO, Roads and County Counsel)
- W) Letter from Solveig A. Thompson resigning from the Tehachapi Resource Conservation District (Copies to each Supervisor and CAO)

- X) Notification of Application Approval regarding U.S. Department of Homeland Security, FY 2005 Emergency Management Performance Grant (EMPG), Grant #2005-15, OES #029-00000, from the Governor's Office of Emergency Services (Copies to each Supervisor and CAO)
- Y) Schedule of Proposed Action (SOPA) from Los Padres National Forest from October 1, 2005 to December 31, 2005 (Copies to each Supervisor, CAO, Planning and County Counsel)
- Z) News Release from USDA Forest Service, Los Padres National Forest, entitled Los Padres National Forest Celebrates California Condor Campout and Open House (Copies to each Supervisor, CAO, Planning and County Counsel)
- AA) News Release from Kern County Air Pollution Control District regarding Air District grants available to reduce pollution (Copies to each Supervisor, CAO, General Services and Roads)
- BB) Minutes of the August 25, 2005 State of California, Department of Fish and Game, Wildlife Conservation Board (Copies to each Supervisor and CAO)
- CC) Commission on Aging Minutes of the September 12, 2005 Regular Commission on Aging meeting
- DD) Notice of State Department of Alcoholic Beverage Control re application for alcoholic beverage license from Yam Barbara Hann, Taft Highway Chevron, 1999 Taft Highway, Bakersfield; MMJ Enterprises LLC, My Place Bar and Grill, 2763 Sierra Highway, Rosamond; and Dillon Jagdish Singh, La Pasadita, 10194 Digiorgio Road, Digiorgio (Copies to each Supervisor, Planning and CAO)
- 43) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Paul Giboney, Chairman of the Board of Directors, Kern County Table Grape Pest and Disease Control District, regarding consolidation with Tulare County Table Grape Pest and Disease Control District - REFERRED TO COUNTY COUNSEL (Copies to Clerk of the Board, Agricultural Commissioner, Assessor, and Auditor)
 - B) Letter from James M. Beck, General Manager, Kern County Water Agency, and certified copy of Resolution No. 45-05, regarding KCWA Zones of Benefit assessment for Fiscal Year 2006-2007 - REFERRED TO COUNTY COUNSEL (Copies to each Supervisor, CAO, ESS, Assessor and Treasurer-Tax Collector)
- 44) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Dawn Alandi vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Ahsante Ray Davis vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- C) Claim in the matter of Denissa Flores, on behalf of Lisa Marquez (a minor) vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- D) Claim in the matter of Joyce W. Kerce vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- E) Claim in the matter of Mike and Robin Lindsey vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- F) Claim in the matter of Joe Soliz vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- G) Summons and Complaint in the matter of June J. Wyatt vs Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)