

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, October 25, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Rubio

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 24 - 28, 2005, as Red Ribbon Week in Kern County - PROCLAIMED; MADE PRESENTATION TO KAREN BARNETT, COMMUNITY ACTION AGAINST DRUG AND ALCOHOL ABUSE; KAREN BARNETT HEARD

Rubio-Maben: All Ayes

PUBLIC PRESENTATIONS

- 2) 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

- 3) 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 REITERATED THE INCREASED NEED FOR GANG INJUNCTIONS IN OUR COMMUNITY

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- *4) Proposed Memorandum of Understanding with the Retired & Senior Volunteer Program (R.S.V.P.) for facilitation of the working relationship between R.S.V.P. and Aging and Adult Services Department, from October 25, 2005 through October 24, 2008 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 897-2005

Maben-Patrick: All Ayes

ASSESSOR-RECORDER

- *5) Proposed Agreement between the California Assessors' Association and Harold W. Bertholf, Inc., to provide participating counties with Petroleum and Geothermal Property Sales Study, from November 1, 2005 through October 31, 2006, Kern County's share not to exceed \$56,200 (all costs to be paid by the State/County Tax Administration Program) (Fiscal Impact: \$56,200; funded through AB 589; Budgeted; Discretionary) - APPROVED; AUTHORIZED ASSESSOR-RECORDER TO SIGN; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY CALIFORNIA ASSESSORS' ASSOCIATION

Maben-Patrick: All Ayes

BOARD OF SUPERVISORS

- 6) Request of First District Supervisor Jon McQuiston for proposed Resolution supporting cost distribution of Kern River Valley Domestic Water Service increases (Fiscal Impact: None) - MOTION TO APPROVE, ADOPT RESOLUTION, AND AUTHORIZE CHAIRMAN TO SIGN CORRESPONDENCE

McQuiston-Maben

MOTION WITHDRAWN

CONTINUED TO TUESDAY, OCTOBER 25, 2005 AT 2:00 P.M. (SEE ITEM NO. 2A)

McQuiston-Maben: All Ayes

NOTE: CHAIRMAN WATSON RECOGNIZED THE KOREAN DELEGATION WHO WERE PRESENT FOR THE BAKERSFIELD SISTER CITY PROJECT

FRANK TRUPPICHIO, BAKERSFIELD SISTER CITY PROJECT, INTRODUCED REPRESENTATIVES FROM THE CITY OF BUCHEON, KOREA: MAYOR HAHN, MADAM KIN, MR. HONG, CHAIRMAN OF THE CITY COUNCIL, AND KIM JUNG SU, DIRECTOR OF LIBRARIES. MAYOR HAHN ANNOUNCED THE DONATION OF 10,000 KOREAN BOOKS TO THE BEALE LIBRARY. CHAIRMAN WATSON WELCOMED THE DELEGATION, ACCEPTED THE DONATION, AND PRESENTED THEM WITH GREG IGER BOOKS DEPICTING KERN COUNTY

FIRE DEPARTMENT

- *7) Proposed Agreement with Edwards Air Force Base for mutual aid fire protection (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 898-2005

Maben-Patrick: All Ayes

- 8) Report on city contracts for fire protection services (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

REFERRED TO COUNTY ADMINISTRATIVE OFFICE AND FIRE DEPARTMENT TO EVALUATE THE DISPARITIES AND EQUITIES THAT EXIST RELATIVE TO REDEVELOPMENT AGENCY AGREEMENTS SIMILAR TO METHODOLOGY USED FOR CITY FIRE CONTRACTS FOR REPORT BACK BY JANUARY, 2006

McQuiston-Rubio: All Ayes

- 9) Briefing on departmental operations (Fiscal Impact: None) - HEARD PRESENTATION; RECEIVED AND FILED

Rubio-Maben: All Ayes

HUMAN SERVICES

- *10) Request to employ retired County employee, Denise Padilla, Human Services Technician III, Range 48.9, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$17,030; \$0 County; Budgeted; Discretionary) - APPROVED

Maben-Patrick: All Ayes

- *11) Proposed revocable license Agreement for use of space at the Northwest Promenade Shopping Center for the Holiday Cottage (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 899-2005

Maben-Patrick: All Ayes

KERN MEDICAL CENTER

- 12) Proposed Memorandum of Understanding with Kern Community College District, an independent contractor, for contribution of funds to secure an increase in enrollment in the registered nursing program at Bakersfield College, during the period November 1, 2005 through December 31, 2010, in an amount not to exceed \$481,800 (Fiscal Impact: \$481,800; KMC Enterprise Fund; Budgeted; Discretionary) - TONI SMITH HEARD ON BEHALF OF PETER BRYAN; CINDY COLLIER, CHAIR, DEPARTMENT OF NURSING, BAKERSFIELD COLLEGE, AND DR. MARIE FARRELL, CHAIR, DEPARTMENT OF NURSING, CALIFORNIA STATE UNIVERSITY BAKERSFIELD HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 900-2005; DIRECTED COUNTY COUNSEL TO DEVELOP APPROPRIATE AGREEMENTS FOR THE SCHOLARSHIP PROGRAM BEING DEVELOPED BY KERN MEDICAL CENTER FOR FUTURE BOARD CONSIDERATION

Rubio-Maben: All Ayes

- *13) Proposed retroactive Agreement with Kevin M. Lanteigne, doing business as Kern Transport Services, an independent contractor, for postmortem patient transport services, from May 15, 2005 through June 30, 2006, in an amount not to exceed \$15,000 (Fiscal Impact: \$15,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 901-2005

Maben-Patrick: All Ayes

MENTAL HEALTH SERVICES

- *14) Proposed Agreement with Seven Fold, Inc., to provide outpatient substance abuse treatment services for adolescents in the Bakersfield area, from October 25, 2005 through June 30, 2006, in an amount not to exceed \$75,000 (Fiscal Impact: \$75,000; Drug Medi-Cal, State; Mandated; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 902-2005

Maben-Patrick: All Ayes

- *15) Request to employ retired County employee Herbert Popek, as Accountant III, Range 57.6, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$25,910.40; Budgeted; Discretionary) - APPROVED

Maben-Patrick: All Ayes

- *16) Proposed authorization to designate specified individuals to initiate application for evaluation and involuntary detention for mentally disordered individuals per Welfare and Institutions Code, Section 5150 (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

PERSONNEL

- *17) Classification of positions recommended by Civil Service Commission effective October 29, 2005 (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITION AND SALARY SCHEDULE
Maben-Patrick: All Ayes

PUBLIC HEALTH SERVICES

- 18) Proposed Ordinance setting fees for Public Health Services related to immunizations, laboratory services and clinic services (Fiscal Impact: \$155,000/\$1,250; funded by patient fees; Budgeted; Mandated/Discretionary) - SET HEARING FOR TUESDAY, DECEMBER 6, 2005, AT 9:00 A.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND SUMMARY OF PROPOSED ORDINANCE PURSUANT TO GOVERNMENT CODE SECTION 6061 AT LEAST 30 DAYS PRIOR TO THE HEARING

McQuiston-Maben: All Ayes

SHERIFF

- *19) Proposed Agreement with Mojave Unified School District for law enforcement services, from October 25, 2005 to June 30, 2006, in an amount not to exceed \$98,333 (Fiscal Impact: \$98,333; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 903-2005

Maben-Patrick: All Ayes

- *20) Proposed Agreement with Beardsley School District for law enforcement services, from October 25, 2005 to June 30, 2006, in an amount not to exceed \$98,333 (Fiscal Impact: \$98,333; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 904-2005

Maben-Patrick: All Ayes

- *21) Proposed Agreement with the City of Bakersfield Police Department to create an Alcohol Control Enforcement (ACE) Task Force, from October 25, 2005 to June 30, 2006, in an amount not to exceed \$22,766 (Fiscal Impact: \$22,766; State Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 905-2005

Maben-Patrick: All Ayes

- *22) Proposed annual updates to the financial and operating plan pursuant to an Agreement with U.S. Department of Agriculture - Forest Service for law enforcement support (Fiscal Impact: \$20,000; Budgeted; Discretionary) - APPROVED THE 2006 OPERATING AND FINANCIAL PLAN, EXHIBIT "A" BETWEEN THE U.S. DEPARTMENT OF AGRICULTURE - FOREST SERVICE FOR VEHICULAR PATROL ON FOREST SERVICE LANDS FROM OCTOBER 1, 2005 TO SEPTEMBER 30, 2006, IN AN AMOUNT NOT TO EXCEED \$20,000; APPROVED THE 2005 OPERATING AND FINANCIAL PLAN FOR CONTROLLED SUBSTANCES - EXHIBIT "B" BETWEEN THE U.S. DEPARTMENT OF AGRICULTURE - FOREST SERVICE AND THE COUNTY OF KERN FROM OCTOBER 1, 2005 TO SEPTEMBER 30, 2006, IN AN AMOUNT NOT TO EXCEED \$10,000; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 906-2005

Maben-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 23) Request for Closed Session regarding Meet and Confer, CCAPE-CJU, KCDOA, KCFFU, KCPOA, KLEA -

COUNTY COUNSEL

- 24) Request for Closed Session regarding a lawsuit entitled County of Kern vs. Carl Sparks, et al. KCSC Case No. S-1500-CV25407 RJA(Government Code Section 54956.9(a)) -

WITHDRAWN

(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.

McQuiston-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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BOARD OF SUPERVISORS

- 2A) Request of First District Supervisor Jon McQuiston for proposed Resolution supporting cost distribution of Kern River Valley Domestic Water Service increases (Fiscal Impact: None) (from 9:00 a.m., Item No. 6) - REFERRED TO RESOURCE MANAGEMENT AGENCY TO WORK WITH CALIFORNIA WATER SERVICE AND THE WATER RESOURCES COMMITTEE FOR REPORT BACK TO THE BOARD BY APRIL OF 2006 WITH RECOMMENDATIONS REGARDING POLICY ISSUES AND IMPACTS

McQuiston-Maben: All Ayes

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- *3) **Request from J & M California Land Company, Inc., et al, by Delmarter and Deifel to change the permitted uses from rural residential and limited agriculture to general commercial on nine acres located at the southeast corner of Noriega Road and Allen Road, Rosedale area, Bakersfield (SD #4)**

Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Code(s) RR to Map Code(s) GC or a more restrictive map code designation (GPA #58, Map #101)
- (b) A change in zone classification from A-1 to C-2 PD or a more restrictive district (ZCC #147, Map #101)
- (Negative Declaration; Published Bakersfield Californian) (from 9/13/2005) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-450 AND 2005-451 AND ENACTED ORDINANCE G-7305 APPROVING GENERAL PLAN AMENDMENT AND APPROVING ZONE CHANGE AS REQUESTED

Patrick-Rubio: All Ayes

- 4) **Request from John White (original applicant - Trank Vera by French and Associates) to appeal the decision of the Planning Commission to approve the operation of a rehabilitation facility in a commercial district located at 1206 Morning Drive, 6240 Pioneer Drive and 6240-1/2 Pioneer Drive, east Bakersfield (SD #3)**

Specific Request:

An appeal of the decision of the Planning Commission to approve Conditional Use Permit 65, Map 103-25 (Resolution 186-05; approved August 11, 2005) to allow a rehabilitation facility (Section 19.30.030.F) in a C-1 PD District (Appeal #5, Map #103-25)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) (from 10/11/2005) - HEARD IN SUPPORT OF APPEAL AND OPPOSED TO THE PROJECT: JOHN WHITE, WAYNE RANKIN; JOYCE LOBASSO; OSCAR SMITH; AND STEVE LOBASSO; HEARD IN OPPOSITION TO APPEAL AND IN SUPPORT OF THE PROJECT: VITO GIUNTOLI, JAN BEAN; ANNEKA TARTAGLIA; GARRETT NIGHBERT; JANICE ORLANDO; NINA JOHNSON; RICHARD CONTRERAS; DEBORAH WAITS; JAIME CONTRERAS; JENNIFER WALKER; JUNE ORMAN; RICK HICKS; JAIME CARDONA; BRIAN FINCH; CHRISTOPHER JANNELL; CHRISTOPHER LEASE; RICHARD ALLISON; BRIAN SMITH; WILLIAM MCINTOSH; TRANK VERA; JASON CHRISTOPHER HILLIS; AND ADRIAN REISENHOOVER; CLOSED HEARING; RICHARD SEGURA, CERTIFICATION COORDINATOR, KERN COUNTY MENTAL HEALTH DEPARTMENT, BRIAN SMITH AND TRANK VERA ANSWERED QUESTIONS POSED BY THE BOARD

PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-452 DENYING THE APPEAL AND APPROVING THE CONDITIONAL USE PERMIT SUBJECT TO CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND ADDITIONAL CONDITION CONCERNING PARKING SPACES, BASED IN PART ON APPLICANT'S PROPOSAL TO SEEK CERTIFICATION UNDER THE SOBER LIVING ENVIRONMENTS PROGRAM; RECEIVED AND FILED DOCUMENTS

Patrick-Maben: All Ayes

DEPARTMENTAL REQUESTSRESOURCE MANAGEMENT AGENCYPlanning DepartmentLand UseS.D. #1

- *5) Proposed Notice of Nonrenewal Petition No. 05-43 by Wallace F. Reimer for approximately 72.89 acres within Agricultural Preserve No. 8 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Patrick-Rubio: All Ayes

- *6) Proposed Notice of Nonrenewal Petition No. 05-57 by American Land Fund-Mebane Ranch, LLC, for approximately 684.71 acres within Agricultural Preserve No. 14 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Patrick-Rubio: All Ayes

- *7) Proposed Notice of Nonrenewal Petition No. 05-58 by American Land Fund-Mebane Ranch, LLC, for approximately 250.84 acres within Agricultural Preserve No. 14 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Patrick-Rubio: All Ayes

- *8) Proposed Notice of Nonrenewal Petition No. 05-59 by American Land Fund-Mebane Ranch, LLC, for approximately 1,294.33 acres within Agricultural Preserve No. 14 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Patrick-Rubio: All Ayes

All S.D.'s

- *9) Presentation of 2005-2006 Williamson Act Open Space Subvention Application - RECEIVED AND FILED

Patrick-Rubio: All Ayes

NOTE: ITEMS NO. 10 AND NO. 11 WERE HEARD CONCURRENTLY

NOTE: SUPERVISOR MABEN WAS EXCUSED AT 4:45 P.M.

RESOURCE MANAGEMENT AGENCYEngineering and Survey ServicesHearingsS.D. #5

- 10) Hearing for the abatement of a public nuisance involving the clean up and removal of junk, trash, debris, metal, wood, inoperable/non-licensed vehicles, equipment and machinery at 320 Hudson Drive, Bakersfield, APN 517-140-11, estimated cost \$20,000 (Fiscal Impact: \$20,000; Budgeted; General Fund; Discretionary) - OPENED HEARING; JIM FRANCIS AND LEROY EDWARDS HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-453 DECLARING THE ACCUMULATION AND STORAGE OF JUNK, TRASH, DEBRIS, INOPERABLE/NON-LICENSED VEHICLES, AND PARTS THEREOF (WHICH ARE VISIBLE FROM SURROUNDING PROPERTIES), MISCELLANEOUS METALS, MACHINERY AND EQUIPMENT ON PROPERTY

(Continued on Page 10)

(Continued from Page 9)

DESIGNATED FOR RESIDENTIAL USE (E-1 RS) TO BE A PUBLIC NUISANCE; DIRECTED ENGINEERING & SURVEY SERVICES TO POST AND MAIL NOTICE OF DETERMINATION PURSUANT TO ORDINANCE CODE 8.44.100; IF NUISANCES ARE NOT ABATED WITHIN 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR CLEAN UP OF THE PROPERTY

Rubio-Patrick: 4 Ayes; 1 Absent - Maben

- 11) Hearing for the abatement of a public nuisance involving the clean up and removal of junk, trash, debris, inoperable/non-licensed vehicles, metal, machinery, equipment, and wood at 340 Hudson Drive, Bakersfield, APN 517-140-10, estimated cost \$50,000 (Fiscal Impact: \$50,000; Budgeted; General Fund; Discretionary) - OPENED HEARING; JIM FRANCES; LEROY EDWARDS; JIM EDWARDS; ROXANNE AYALA EDWARDS; KENNETH EDWARDS; CLIFF BROWNLEE; ALTA SHOFFENBERG; HARRY MALONE; MR. LE VALLEY; RAY TALBOTT; ANGELA LOVETT; AND JOANNA ROBISON, HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-454 DECLARING THAT THE ACCUMULATION AND STORING OF ALL THE JUNK, TRASH, DEBRIS, INOPERABLE AND UNLICENSED VEHICLES (AND PARTS THEREOF), METALS, MISCELLANEOUS MACHINERY AND EQUIPMENT ON THE RESIDENTIALLY DESIGNATED REAL PROPERTY (E-1 RS) TO BE A PUBLIC NUISANCE; DIRECTED ENGINEERING & SURVEY SERVICES TO POST AND MAIL NOTICE OF DETERMINATION PURSUANT TO ORDINANCE CODE 8.44.100; IF NUISANCES ARE NOT ABATED WITHIN 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR THE CLEAN UP OF THE PROPERTY

Rubio-Patrick: 4 Ayes; 1 Absent - Maben

- *12) All S.D.'s

Request for approval of sole source Speaker Training Services Agreement with Interdisciplinary Spatial Information Systems Center at California State University Fresno for GIS training at County ITS Training Facilities (Fiscal Impact: \$18,000; Budgeted; General Fund; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 907-2005

Patrick-Rubio: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #1

- *13) Proposed Amendment No. 1 to Agreement 519-2001 with the State of California Department of Transportation for highway improvements on Seventh Standard Road at State Route 99 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 908-2005

Patrick-Rubio: All Ayes

S.D. #3

- *14) Proposed no stopping zone along the east side of Fruitvale Avenue and along the north side of Norris Road in Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Patrick-Rubio: All Ayes

S.D. #4

- *15) Contract No. 05028, identify apparent low bid of Granite Construction for construction on Stockdale Highway from Interstate 5 to 1/2 mile west of Renfro Road, in an amount not to exceed \$2,355,993 (Fiscal Impact: \$2,355,993; Federal RSTP/CMAQ Funds; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE THE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Patrick-Rubio: All Ayes

S.D. #5

- *16) Proposed Contract No. 05013 with Granite Construction Company for construction on Mount Vernon Avenue and Oswell Street (Fiscal Impact: \$1,382,504.50; Federal RSTP Funds; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 909-2005

Patrick-Rubio: All Ayes

S.D.'s #1 & #2

- *17) Contract No. 05032, Notice of Completion for asphalt concrete (windrow stockpile) at various locations in east Kern County (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Rubio: All Ayes

S.D.'s #1, #3 & #5

- *18) Contract No. 05031, Notice of Completion for asphalt concrete (windrow stockpile) at various locations in Kern County (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Rubio: All Ayes

WASTE MANAGEMENT

S.D.'s #1, #2 & #4

- *19) Proposed transfer of funds from Fund 35050, Budget Unit 8999, in the amount of \$715,420 to Eastin Reserve Accounts for various landfills to meet landfill closure financial assurance requirements (Fiscal Impact: \$715,420; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER FUNDS

Patrick-Rubio: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *20) Quarterly report on authorized positions and vacancies for Fiscal Year 2005-2006, First Quarter (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Rubio: All Ayes

NOTE: ITEMS NO. 21 AND NO. 22 WERE HEARD CONCURRENTLY

- 21) Response to referral on valuation of potential surplus salary appropriations within General Fund departments for transfer to Animal Control (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Patrick: 4 Ayes; 1 Absent - Maben

- 22) Report on establishment of budget development process improvement team to identify opportunities to improve the methods employed to develop the County's annual budget (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Patrick: 4 Ayes; 1 Absent - Maben

Legislative Matters

- *23) Report on status of 2005 State and Federal legislative issues (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Rubio: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *24) Proposed Amendment No. 1 to Agreement 014-99 with Tivoli Plaza, LLC, for lease of a portion of 1400 North Norma Street, Ridgecrest, for change of janitorial responsibility and adjustment to rent for Ridgecrest Human Services District Office commencing from date of execution to March 2009 (\$8,250 monthly rent) (Fiscal Impact: \$4,985 Increase; \$4,736 State/Federal; \$249 General Fund; Not Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 910-2005

Patrick-Rubio: All Ayes

- *25) Plans and specifications for tot lot improvements at Lake Ming and Hart Park (1960.8263.04B) (Fiscal Impact: \$286,900; Parkland Grant; 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 GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE THURSDAY, NOVEMBER 17, 2005, AT 11:00 A.M.

Patrick-Rubio: All Ayes

S.D. #2

- *26) Change Order No. 2 for the Rosamond Fire Station No. 15, a decrease of \$862, for a new total of \$2,303,819, and to allow for additional time (8235.8365) (Fiscal Impact: \$862 Reduction; Tobacco Secured Proceeds Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Rubio: All Ayes

All S.D.'s

- *27) Proposed establishment of a project for Superior Court maintenance and appropriation of unanticipated revenue from Superior Court to fund the project (Fiscal Impact: \$500,000 Revenue; Discretionary) - APPROVED ESTABLISHMENT OF A COURT MAINTENANCE PROJECT; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$500,000 FROM THE SUPERIOR COURT TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$500,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO MAJOR MAINTENANCE BUDGET UNIT 1650

Patrick-Rubio: All Ayes

- *28) Job Order Contract project listing update (Various Projects) (Fiscal Impact: None) - APPROVED

Patrick-Rubio: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *29) Budget Transfers - APPROVED NO. 33 THROUGH NO. 35

Patrick-Rubio: All Ayes

- *30) Minutes for week of September 26, 2005 - APPROVED

Patrick-Rubio: All Ayes

- *31) Miscellaneous Letters and Documents - APPROVED

Patrick-Rubio: All Ayes

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

Patrick-Rubio: All Ayes

ADJOURNED TO TUESDAY, NOVEMBER 1, 2005, AT 9:00 A.M.

Patrick

/s/ Tracey E. Cody
Administrative Coordinator

/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.

- 31) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED
Auditor-Controller-County Clerk
- A) Spousal Abuse Grant Program Audit Report for June 30, 2005
- B) Certificate of Results of the Retirement Board Election held on October 4, 2005
Clerk of the Board
- C) Received, certified and transmitted to Recorder for recordation as follows:
- 1) Tract Map 6152, Phase 2 S.D. #2
 - 2) Parcel Map 10801 S.D. #2
 - 3) Parcel Map 11049 S.D. #4
- Probation
- D) Kern County Juvenile Justice Coordinating Council, minutes of meeting held Wednesday, April 20, 2005
Resource Management Agency
- E) Two (2) thank you letters for donations to the Bakersfield Animal Care Center and Mojave Animal Shelter (Copies to each Supervisor and CAO)
Sheriff
- F) Response re Grand Jury Final Report concerning Kern County Sheriff's Department Coroner Division (Copies to each Supervisor and CAO)
Treasurer-Tax Collector
- G) Cash Receipts and Disbursements for September 2005
Miscellaneous
- H) E-mail from Graham Kaye-Eddie re Bakersfield Redevelopment Agency community meeting concerning the South Mill Creek Project (Copies to each Supervisor, CAO, Planning and County Counsel)
- I) Notices from State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses from Taco La Salsa, 10818 Rosedale Highway, Bakersfield; and El Pueblo Restaurant, 9705 Main Street, Lamont (Copies to each Supervisor, CAO and Planning)
- 32) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Travis Rogers vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Martin Esquivl Cerda vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Erika Nuno vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- D) Claim in the matter of John William Hall vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Jose Luis Fernandez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Derec Chumley vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of Sharon Riggin vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Claim in the matter of Gino V. Lopez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Claim in the matter of Guestavo and Eloisa Fernandez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Summons and complaint in the matter of Bill James, individually and as administrator of the Estate of Barron James, Gaylean James vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)