

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, October 5, 2004

9:00 A.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra
ROLL CALL: 4 Present; 1 Absent - Patrick

NOTE: SUPERVISOR PATRICK WAS ABSENT TO ATTEND MEETINGS OUT OF COUNTY AS CHAIR OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

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.

NOTE: Gilbert Tarr requested the Board reconsider Consent Agenda Items 10, 12, 21, 22, 23, 24, 26, 30, 34 and 35 after the vote was called on the Consent Agenda. No motion was made to reconsider these items and it was explained to Mr. Tarr that Agenda material was available for public review prior to the meeting.

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming October 14, 2004 as Lights on Afterschool! in Kern County - PROCLAIMED; MADE PRESENTATION TO DR. CINDY ZANDES; DR. ZANDES HEARD

Maben-Parra: 4 Ayes; 1 Absent - Patrick

- 2) Proclamation proclaiming October 3-9, 2004 as National Fire Prevention Week in Kern County - PROCLAIMED; MADE PRESENTATION TO KERN COUNTY FIRE CHIEF DENNIS THOMPSON; CHIEF THOMPSON HEARD

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *3) Proclamation proclaiming October 7, 2004 as Keep California Beautiful Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Watson-Maben: 4 Ayes; 1 Absent - Patrick

APPOINTMENTS

- *4) Appointment of Kalina Marquez (replacing Alfredo Garcia) as Second District Discretionary Member to the Local Child Care and Development Planning Council, term to expire June 30, 2005 - MADE APPOINTMENT

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *5) Reappointment of Larry Peake as At-large Member to the Assessment Appeals Board, term to expire September 2, 2007 - MADE REAPPOINTMENT

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *6) Reappointment of Virginia Rachelle Pilkington as an At-large Member to the Sequoia Area VIII Board for Developmental Disabilities, term to expire June 30, 2007 - MADE REAPPOINTMENT

Watson-Maben: 4 Ayes; 1 Absent - Patrick

PUBLIC PRESENTATIONS

- 7) 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! - GILBERT TARR ATTEMPTED TO ADDRESS THE BOARD REGARDING ONGOING ISSUES WITH PROPERTY TAXES ON LAND IN LEBEC. THE CHAIRMAN EXPLAINED THE COUNTY HAS MADE EVERY EFFORT TO HELP RESOLVE HIS CONCERNS.

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 8) 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 DISCUSSED THE SUCCESSFUL AND FINAL LAUNCH OF SpaceShipOne FOR THE X-PRIZE AND COMMENDED THE KERN COUNTY FIRE DEPARTMENT, SHERIFF'S DEPARTMENT, RICK DAVIS AND THE KGOV TEAM, AND INFORMATION TECHNOLOGY SERVICES FOR THEIR CONTRIBUTIONS TO THIS HISTORICAL EVENT.

(Continued on Page 3)

(Continued from Page 2)

SUPERVISOR MCQUISTON REPORTED ON MEETINGS HE ATTENDED LAST WEEK IN WASHINGTON, D.C. WITH OFFICIALS FROM THE SECRETARY OF DEFENSE REGARDING CONCEPTUAL REORGANIZATION OF THE DEPARTMENT OF DEFENSE IN THE CREATION OF A JOINT RESEARCH DEVELOPMENT PROJECT WITH THE WEAPONS DIVISION AT CHINA LAKE, POINT MAGOO AND EDWARDS AIR FORCE BASE. HE FURTHER EXPRESSED APPRECIATION TO THE CONGRESSIONAL DELEGATION FOR THEIR SUPPORT DURING THE MEETINGS.

DEPARTMENTAL REQUESTS

AIRPORTS

- *9) Proposed Planning Services Contract with DMJM Aviation for master plans at Lost Hills Airport, Kern Valley Airport, and Wasco Airport, in the amount of \$342,950 (Fiscal Impact: \$342,950; Federal Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 903-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *10) Proposed Fixed Base Operation (FBO) Lease with Dave Chrouch at Taft Airport, at a monthly rate of \$375 for the entire term of the lease agreement (Fiscal Impact: \$375 per month revenue, Budgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PURSUANT TO SECTION 15301 OF THE STATE CEQA GUIDELINES; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION IF REQUESTED; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 904-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

ASSESSOR-RECORDER

- *11) Proposed addition of one (1) Senior Auditor-Appraiser position and deletion of one (1) Supervising Auditor-Appraiser position, Budget Unit 1130, effective October 16, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Watson-Maben: 4 Ayes; 1 Absent - Patrick

AUDITOR-CONTROLLER-COUNTY CLERK

- *12) Proposed Amendment No. 4 to Agreement 327-2004 with Brown Armstrong Accountancy Corporation to provide additional audits for the following grant programs: Anti-Drug Abuse Project (District Attorney); Cal-Mmet (Sheriff); Cold Hit (District Attorney); Vertical Block Prosecution Program (District Attorney); Violence Against Women Vertical Prosecution (District Attorney); Special Emphasis Victim Assistance Project (Probation); Probation Special Units Program; Residential Substance Abuse Treatment Program (Probation); Local Forensic Lab Improvement Program (District Attorney); Crime Lab Improvement Program (District Attorney); Community Gun Violence (District Attorney); and Juvenile Accountability Program (Probation), in an amount not to exceed \$16,500 (Fiscal Impact: \$9,000 (District Attorney), State grant: mandated, \$1,000 (Sheriff), State grant: mandated; \$6,500 (Probation), State grant: mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 905-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *13) Proposed Amendment No. 5 to Agreement 327-2004 with Brown Armstrong Accountancy Corporation for addition of an audit of the Mentally Ill Offender Crime Reduction Grant (Sheriff), from July 1, 2001 to June 30, 2004, in an amount not to exceed \$4,400 (Fiscal Impact; \$4,400; State grant; budgeted; mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 906-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

CLERK OF THE BOARD

- 14) Election of California State Association of Counties (CSAC) Board of Directors Members for 2005 - ELECTED SUPERVISOR PATRICK AS DIRECTOR AND SUPERVISOR MCQUISTON AS ALTERNATE DIRECTOR; DIRECTED CLERK OF THE BOARD TO PROVIDE NOTIFICATION TO CSAC

Watson-Parra: 4 Ayes; 1 Absent - Patrick

COUNTY COUNSEL

- *15) 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 (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *16) Proposed Ordinance adding Subsections (167) and (168) to Section 10.16.041 of Chapter 10.16, Title 10 concerning no stopping zones on the west and east sides of Compagnoni Street (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *17) 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 (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *18) 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 concerning rescinding a no stopping zone and adding a bus loading zone on Foothill Drive (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Watson-Maben: 4 Ayes; 1 Absent - Patrick

EMERGENCY MEDICAL SERVICES

- *19) Proposed employment Agreement with Bernadette M. Smith as the Regional Disaster Medical Health Specialist, from October 5, 2004 to June 30, 2005, in an amount not to exceed \$83,215 (Fiscal Impact: \$83,215; State Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 907-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

EMPLOYERS' TRAINING RESOURCE

- *20) Proposed retroactive Agreement with Kern Community College District to provide employment and training services to Workforce Investment Act-eligible customers, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$674,334 (prior notification June 29, 2004) (Fiscal Impact: \$674,334; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 908-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *21) Proposed retroactive Agreement with YMCA of Kern County to provide after-school activities for eligible youths aged 14 - 18, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$30,000 (prior notification June 29, 2004) (Fiscal Impact: \$30,000; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 909-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *22) Proposed retroactive Agreement with California State University, Bakersfield Foundation to provide comprehensive educational and employment readiness activities for in-school and out-of-school eligible youths aged 14 - 18, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$205,872 (prior notification June 29, 2004) (Fiscal Impact: \$205,872; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 910-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *23) Proposed retroactive Agreement with Delano Joint Union High School District to provide employment and training services to Workforce Investment Act-eligible adults and youths, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$135,406 (prior notification June 29, 2004) (Fiscal Impact: \$135,406; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 911-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *24) Proposed retroactive Agreement with Farmworker Institute for Education and Leadership Development to provide employment and training services to Workforce Investment Act-eligible customers, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$169,218 (prior notification June 29, 2004) (Fiscal Impact: \$169,218; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 912-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

FIRE DEPARTMENT

- *25) Proposed retroactive Agreement with Cascade Software Systems, Inc., for software maintenance, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$17,323.98 (Fiscal Impact: \$17,323.98; Fire Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 913-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *26) Request for a Confirming Purchase Order with Jim Burke Ford for engine replacements to Sheriff vehicles in the amount of \$17,476.16 (Fiscal Impact: \$17,476.16; General Fund; Budgeted) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PROCESS CLAIM FOR PAYMENT

Watson-Maben: 4 Ayes; 1 Absent - Patrick

KERN MEDICAL CENTER

- *27) Notification of retroactive Agreement with Precyse Solutions, LLC, an independent contractor, for medical records coding services (Fiscal Impact: None) - RECEIVED AND FILED

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *28) Proposed Agreement with Savita P. Shertukde, M.D., a contract employee, for pathology services, from October 5, 2004 through October 4, 2005, in an amount not to exceed \$125,000 (Fiscal Impact: \$125,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 914-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *29) Proposed Agreement with Robert C. Sincoff, M.D., a contract employee, for psychiatric services, from October 9, 2004 through October 8, 2006, in an amount not to exceed \$92,626 (Fiscal Impact: \$92,626; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 915-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *30) Proposed Agreement with Kimberly A. Smith, Pharm.D. (dba Pacific Pharmaceutical Consulting), an independent contractor, for pharmacist services, from October 5, 2004 through October 4, 2006, in an amount not to exceed \$83,200 (Fiscal Impact: \$83,200; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 916-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *31) Proposed Agreement with Aureus Radiology, LLC, an independent contractor, for temporary nuclear medicine and diagnostic radiology technologist staffing, from October 8, 2004 through October 7, 2006, in an amount not to exceed \$1,000,000 (Fiscal Impact: \$1,000,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 917-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *32) Proposed Agreement with Michael C. Weighall (dba Panoramic Business Solutions), an independent contractor, for physical, speech and occupational therapy services for patients of Sagebrush Home and Family Services and ElderLife Adult Day Health Care Center, from November 1, 2004 through October 31, 2006, in an amount not to exceed \$84,000 (Fiscal Impact: \$84,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 918-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

PARKS AND RECREATION DEPARTMENT

- *33) Request for two week extension to report back to the Board on referral of August 31, 2004 regarding fees for non-profit and senior citizen groups (No Fiscal Impact) - APPROVED; CONTINUED TO TUESDAY, OCTOBER 19, 2004 AT 9:00 A.M.

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *34) Proposal requesting use of Off Highway Motor Vehicle License Funds by the Friends of Jawbone Inc., in the amount of \$21,113 to construct ten large kiosks and six small kiosks, and installation of miscellaneous information signs in the desert area (Fiscal Impact: \$21,113; OHV License Funds) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN GRANT DISBURSEMENT AGREEMENT 919-2004; APPROVED CANCELLATION OF THE DESIGNATION IN THE OFF HIGHWAY MOTOR VEHICLE LICENSE FUND IN THE AMOUNT OF \$21,113; APPROVED AN OPERATING TRANSFER FROM THE OFF HIGHWAY MOTOR VEHICLE LICENSE FUND TO THE GENERAL FUND IN THE AMOUNT OF \$21,113; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$21,113 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$21,113 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 7100

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *35) Proposal requesting use of Off Highway Motor Vehicle License Funds by the Kern River Valley Chamber of Commerce in the amount of \$30,000 to purchase and install a toilet facility at the Cyrus Canyon Off Highway Vehicle Motorcross Track in the Sequoia National Forest (Fiscal Impact: \$30,000; OHV License Funds) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN GRANT DISBURSEMENT AGREEMENT 920-2004; APPROVED CANCELLATION OF THE DESIGNATION IN THE OFF HIGHWAY MOTOR VEHICLE LICENSE FUND IN THE AMOUNT OF \$30,000; APPROVED AN OPERATING TRANSFER FROM THE OFF HIGHWAY MOTOR VEHICLE LICENSE FUND TO THE GENERAL FUND IN THE AMOUNT OF \$30,000; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$30,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$30,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 7100

Watson-Maben: 4 Ayes; 1 Absent - Patrick

PERSONNEL

- *36) Proposed Resolution establishing a number of authorized positions by classification and salary range for Fiscal Year 2004-05, as of September 13, 2004 - APPROVED; ADOPTED RESOLUTION 2004-349

Watson-Maben: 4 Ayes; 1 Absent - Patrick

PROBATION

- *37) Request authorization to submit grant application to the Governor's Office of Emergency Services for the Residential Substance Abuse Treatment Program, in the amount of \$466,666, which includes a 25% match (\$116,666) for the period July 1, 2004 to June 30, 2005 (Fiscal Impact: \$350,000 Grant; \$116,666 Local Match; Budgeted; Non-Mandated) - APPROVED; AUTHORIZED CHIEF PROBATION OFFICER TO EXECUTE REQUIRED APPLICATION AND GRANT AGREEMENT

Watson-Maben: 4 Ayes; 1 Absent - Patrick

PUBLIC HEALTH SERVICES

- *38) Selection of the Department of Public Health Services to participate in the Public Health Ready Certification Program - RECEIVED AND FILED

Watson-Maben: 4 Ayes; 1 Absent - Patrick

SHERIFF

- *39) Proposed retroactive Agreement with Superior Court of California, County of Kern, to provide security services, from July 1, 2004 through June 20, 2005, in an amount not to exceed \$6,096,280 (Fiscal Impact \$6,096,280; Court; budgeted; mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 921-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *40) Application to hold a Parade - North Bakersfield Recreation and Park District - Annual North of the River Children's Christmas Parade on December 11, 2004 (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; AUTHORIZED CHAIRMAN TO SIGN

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *41) Application to hold a Parade - Kern River Valley Chamber of Commerce - Annual Christmas Parade on November 27, 2004, in Lake Isabella (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; AUTHORIZED CHAIRMAN TO SIGN

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *42) Application to hold a mountain biking event - Mountain and River Adventures, Kernville Fat Tire Festival on October 21 - 24, 2004, in Kernville, 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; AUTHORIZED CHAIRMAN TO SIGN

Watson-Maben: 4 Ayes; 1 Absent - Patrick

ADJOURNED TO CLOSED SESSION

Maben

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 43) Request for Closed Session regarding public employee performance evaluation - Title: Director of Human Services -
- 44) Request for Closed Session regarding public employee performance evaluation - Title: Director of Mental Health -

COUNTY COUNSEL

- 45) Request for closed session regarding significant exposure to litigation against the County (Government Code Section 54956.9(b)(1)) -
- 46) Request for closed session regarding a lawsuit entitled All American Pipeline, L.P. vs. California State Board of Equalization, et al., Santa Barbara Superior Court Case No. 1132604 (Government Code Section 54956.9(a)) -
- 47) Request for closed session regarding a determination of whether the County will initiate or intervene in litigation or join as amicus curiae in a lawsuit (eight potential cases) (Government Code Section 54956.9 (c)) -

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

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

Maben-Parra

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

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1115 Truxtun Avenue
Bakersfield, California

Regular Meeting

Tuesday, October 5, 2004

2:00 P.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra
ROLL CALL: 4 Present; 1 Absent - Patrick

NOTE: SUPERVISOR PATRICK WAS ABSENT TO ATTEND MEETINGS OUT OF COUNTY AS CHAIR OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

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! - GILBERT TARR REQUESTED INFORMATION ON FILING A COMPLAINT AGAINST A KERN COUNTY EMPLOYEE; COUNTY COUNSEL ADVISED HE SHOULD FILE A COMPLAINT WITH THE APPROPRIATE DEPARTMENT HEAD. SUPERVISOR WATSON COMMENTED DATA IS BEING GATHERED TO PROVIDE TO MR. TARR REGARDING HIS ISSUES AND HIS OFFICE WILL MEET WITH MR. TARR AT A LATER DATE.

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

RESOURCE MANAGEMENT AGENCY
Planning Department

Land Use

S.D. #2

- *3) Proposed Williamson Act Land Use Contract No. 04-1 for 2005 Calendar Year with South Kern Machinery, Incorporated, by Edwin A. Camp, Vice President, one-half mile northeast of the intersection of Wheeler Ridge Road and Sandrini Road, south of Arvin, Agricultural Preserve No. 13, 160 acres (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #4

- *4) Notice of Nonrenewal Petition No. 04-21 by Kenneth F. Fugitt and Norma L. Fugitt for approximately 214 acres within Agricultural Preserve No. 10 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Maben: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

S.D.'s #2 & #4

- *5) Public Hearing to amend the County of Kern's Fiscal Year (FY) 2004-2005 Annual Action Plan for Community Development Programs to cancel Phase II of the Lost Hills Drainage and Street Improvements project, CD Activity No. 30.04.1, and transfer funds in an amount not to exceed \$383,087 to the Mojave Drainage Improvements, CD Activity No. 31.04.1 (Fiscal Impact: \$383,087; Community Development Block Grant (CDBG); Budgeted; Not Mandated) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENT TO COUNTY'S FY 2004-2005 ANNUAL ACTION PLAN TO CANCEL CD ACTIVITY NO. 30.04.1; APPROVED TRANSFER OF CDBG FUNDS TO ACTIVITY NO. 31.04.1; AUTHORIZED NECESSARY U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND COUNTY BUDGET ADJUSTMENTS; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION RELATED TO AMENDMENTS TO HUD

Watson-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #1

- *6) Proposed Agreement with the Housing Authority of the County of Kern for Project No. 33.03.6, Rancho Algodon Housing Rehabilitation, in an amount not to exceed \$940,000 (Fiscal Impact: \$940,000; Federal Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 922-2004; AUTHORIZED DIRECTOR TO EXECUTE ALL DOCUMENTS REQUIRED TO IMPLEMENT THE PROJECT, INCLUDING A DEED RESTRICTION AGREEMENT, SECURITY AGREEMENT, ESCROW INSTRUCTIONS, SUBORDINATION AGREEMENTS, AND OTHER DOCUMENTS AS REQUIRED, ALL IN A FORM APPROVED BY COUNTY COUNSEL

Watson-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #5

- *7) Proposed cancellation of Agreement 686-2003 with Self-Help Enterprises which obligated \$1,000,000 in HOME Program funds for Project No. 34.01.1, Lamont Village Apartments (Fiscal Impact: \$1,000,000; Federal Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED DIRECTOR TO NOTIFY SELF-HELP ENTERPRISES OF CANCELLATION

Watson-Maben: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearing

S.D. #2

- 8) Request to consider an appeal to the expiration of Tentative Tract 5175, Rosamond (Fiscal Impact: None) - WITHDRAWN AT THE REQUEST OF THE APPLICANT; RECEIVED AND FILED DOCUMENTS; REFERRED TO STAFF FOR MODIFICATION OF ORDINANCE

Maben-Parra: 4 Ayes; 1 Absent - Patrick

S.D. #1

- *9) Request for approval to issue Request for Proposal for the McFarland Sewer Effluent Storage Pond Expansion/Back-up Generator Improvements (Fiscal Impact: \$97,400; CEDD) - APPROVED; AUTHORIZED ENGINEERING & SURVEY SERVICES TO SOLICIT PROPOSALS

Watson-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #5

- *10) Request to set public hearing to consider proposed formation of Cottonwood Road Underground Utility District (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-350 SETTING TUESDAY, JANUARY 11, 2005, AT 2:00 P.M., FOR PUBLIC HEARING; DIRECTED CLERK OF THE BOARD TO MAIL NOTICE OF HEARING TO AFFECTED PROPERTY OWNERS AND UTILITIES

Watson-Maben: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- *11) Request to approve non-standard Agreement with Authorize.Net to provide on-line credit card service for fees associated with building permits (Fiscal Impact: \$1,000; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 923-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- 12) Request for relief from accountability of accounts receivable for code violation penalties and charges in the amount of \$50,725.29 - GILBERT TARR HEARD; APPROVED

Parra-Maben: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #1

- *13) Proposed Temporary Entry Permit Agreement with Bidart Bros. for entry on their property during construction of traffic signal at Seventh Standard Road and Coffee Road (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 924-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #3

- *14) Proposed Contract No. 04024 with JTS Construction for construction on Eucalyptus Drive - Morning Drive to Vineland Road, in an amount not to exceed \$239,265 (Fiscal Impact: \$239,265; Road Fund; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 925-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *15) Proposed speed limit revision from 40 to 45 miles per hour on Calloway Drive (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Watson-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #5

- *16) Proposed no stopping zone in alley between Pacific Street and Quincy Street (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *17) Proposed Resolution to accept an offer of dedication, declaration as public highway and incorporation into the County road system as a portion of Fairfax Road and Shirley Lane (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-351; ACCEPTED OFFER OF DEDICATION; DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *18) Proposed Resolution to accept an offer of dedication, declaration as public highway and incorporation into the County road system as a portion of Fairview Road, Sparks Street and Malibar Avenue (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-352; ACCEPTED OFFER OF DEDICATION; DIRECTED CLERK OF THE BOARD TO RECORD

Watson-Maben: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- 19) Request to employ retired County employee, Fred Gusman, as an Engineering Technician II, 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: Not to exceed \$25,000; Road Fund; Budgeted; Not Mandated) - GILBERT TARR HEARD; APPROVED

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *20) Proposed Amendment No. 1 to three (3) Memorandums of Understanding Nos. 1074-2003, 1075-2003 and 1076-2003 regarding model coordination, traffic count programs and model distribution with City of Bakersfield, Kern Council of Governments and California Department of Transportation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 926-2004, 927-2004 AND 928-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

WASTE MANAGEMENT

S.D. #2

- 21) Request for sole source procurement of wood/green waste grinding and marketing services with Tehachapi Recycling, Inc., in an amount not to exceed \$225,000 - GILBERT TARR HEARD; APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Maben-Parra: 4 Ayes; 1 Absent - Patrick

COUNTY ADMINISTRATIVE OFFICE

- *22) Proposed Agreement with Kern County Museum Authority for Fiscal Year 2004-2005 funding support in the amount of \$600,000 (Fiscal Impact: \$600,000; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 929-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *23) Proposed Agreement with Kern Economic Development Corporation for economic development services for a one-year term ending June 30, 2005, in the amount of \$42,000 and in-kind County contributions (Fiscal Impact: \$42,000; General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 930-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- *24) Proposed performance measures for Phase II departments and proposed selection of Phase III departments (Fiscal Impact: None) - APPROVED

Watson-Maben: 4 Ayes; 1 Absent - Patrick

COUNTY ADMINISTRATIVE OFFICE

General Services Division

Hearing

S.D.'s #1 & #4

- *25) Proposed Resolution and Ordinance granting pipeline franchise to Chevron U.S.A., Inc. (Fiscal Impact: Revenue of \$3,200; Budgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; ADOPTED RESOLUTION 2004-353 AND ENACTED ORDINANCE F-476

Watson-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #3

- 26) Request for approval to hire retired County employee, Mel Westfall, as a Supervising Construction Project Inspector, Step E, for inspection of the Meadows Field Airport Terminal construction project, 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: Not to exceed \$35,000; Capital Project Fund; Budgeted) - GILBERT TARR HEARD; APPROVED

Parra-Watson: 4 Ayes; 1 Absent - Patrick

- *27) Proposed Amendment No. 6 to Agreement 716-98 with Odell Associates, Inc., providing for additional planning, architectural and engineering services for the new airport passenger terminal at Meadows Field, an increase of \$12,650 for a new total of \$1,801,609.95 (8215.7500) (Fiscal Impact: \$12,650; Airport Enterprise Fund and General Fund; Budgeted) (from 9/28/2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 931-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #5

- 28) Request to appropriate unanticipated revenue in the amount of \$20,000 for the San Joaquin Valley Air Pollution Control District's office remodel (1650.7022)(Fiscal Impact: No impact to County; Unbudgeted) - GILBERT TARR HEARD; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$20,000 FROM SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER OF \$20,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO MAJOR MAINTENANCE, BUDGET UNIT 1650

Watson-Maben: 4 Ayes; 1 Absent - Patrick

REFERRED TO CLERK OF THE BOARD TO REPORT BACK TO THE BOARD WITH A COST AND IMPLEMENTATION ANALYSIS TO PUBLISH AGENDA ITEMS ELECTRONICALLY ON THE INTERNET FOR IMPROVED PUBLIC ACCESS

Maben-Parra: 4 Ayes; 1 Absent - Patrick

- *29) Proposed approval in concept to negotiate an energy services contract to complete HVAC replacements at the Beale Library, Public Services Building and Juvenile Hall Facility (Fiscal Impact: \$1.7 million; Major Maintenance; Budgeted) - APPROVED IN CONCEPT; AUTHORIZED GENERAL SERVICES DIVISION TO DEVELOP ENERGY SERVICES CONTRACT WITH KINETICS SYSTEMS FOR FUTURE BOARD APPROVAL

Watson-Maben: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- *30) Proposed approval of a Personal/Professional Services template Agreement and authorization for the Purchasing Agent to execute Community and Economic Development Department contracts for personal/professional services, in an amount not to exceed \$20,000 per year - APPROVED STANDARD FORM CONTRACT; ADOPTED RESOLUTION 2004-354

Watson-Maben: 4 Ayes; 1 Absent - Patrick

MATTERS FOR EXECUTIVE APPROVAL

- *31) Budget Transfers - APPROVED NO. 18 THROUGH NO. 25
Watson-Maben: 4 Ayes; 1 Absent - Patrick
- *32) Minutes for week of September 6, 2004 - APPROVED
Watson-Maben: 4 Ayes; 1 Absent - Patrick
- *33) Miscellaneous Letters and Documents - APPROVED
Watson-Maben: 4 Ayes; 1 Absent - Patrick
- *34) Miscellaneous Departmental Referrals by Clerk of the Board
- APPROVED AND FILED
Watson-Maben: 4 Ayes; 1 Absent - Patrick
- *35) Claims and Lawsuits filed with and referred by Clerk of the
Board - APPROVED AND FILED
Watson-Maben: 4 Ayes; 1 Absent - Patrick

ADJOURNED TO MONDAY, OCTOBER 11, 2004, AT 2:00 P.M.

Parra

/s/ Denise Pennell
Clerk of the Board

/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) Audit of State Transportation Improvement Program Project Number RPL-5950 (169) from December 5, 2000 through June 29, 2001

Clerk of the Board

- B) Letter from Steve Spradlin re resignation from the Kern County Parks & Recreation Commission (Copies to each Supervisor and CAO)
- C) Letter from Tammy Burns, Kern County Child Care Council, re resignation of Alfredo Garcia from the Local Child Care and Development Planning Council (Copies to each Supervisor and CAO)
- D) Received, certified and forwarded to Recorder for recordation as follows:

- | | |
|-----------------------------|---------|
| 1) Tract Map 6027, Unit One | S.D. #4 |
| 2) Tract Map 6171, Phase 3 | S.D. #1 |
| 3) Parcel Map 10547 | S.D. #5 |

Engineering & Survey Services

- E) Response to referral to Craig Braun, Borton, Petrini & Conron, re appeal for the expiration of Tentative Tract 5175 (Copies to each Supervisor and CAO)

Local Agency Formation Commission

- F) Report and Recommendation, Proceeding No. 1386, in the matter of City of Bakersfield, Annexation No. 458 (Oswell No. 11) (Copies to each Supervisor and CAO)
- G) Report and Recommendation, Proceeding No. 1392, in the matter of City of Delano, Annexation No. 39 (Copies to each Supervisor and CAO)

Miscellaneous

- H) Letter from Doyle Green, California Highway Patrol, re Hazardous Materials Incident Report on Wednesday, September 15, 2004, on I-5 north of State Route 58 (Copies to each Supervisor, CAO, Environmental Health and Fire Haz-Mat)
- I) Letter from John D. Dunlap, Dairy Action Network (DAN), re water discharge enforcement case of Mr. Goyenette (Copies to each Supervisor, CAO, Planning and County Counsel)
- J) Letter from Jason D. Caudle, City of Tehachapi, re potential violation of state and local air pollution laws by Lehigh Cement Company (Copies to each Supervisor, CAO, Air Pollution Control District and County Counsel)
- K) Letter from Glenn R. Medina, State Department of Transportation, re Transportation Commission Resolution No. A857 concerning vacation of superseded State highway between State Route 58 to Business 58 West and at the State Route 58/14 Interchange, Road 6-Ker-58,14 (Copies to each Supervisor, CAO, Planning, Roads and County Counsel)

- L) Letter from Virginia R. Sapien re proposed charges for use of the Community Center and Senior Room in Frazier Park (Copies to each Supervisor, CAO, Parks and County Counsel)
- M) Notice from Kern Food Growers Against Sewage Sludge re statement of support for the Request for Proposal (RFP) process (Copies to each Supervisor, CAO, Resource Management Agency, Environmental Health and County Counsel)
- N) Notice from State Department of Alcoholic Beverage Control re application for alcoholic beverage license: Big S Grocery, 2817 Sierra Highway, Rosamond (Copies to each Supervisor, CAO and Planning)
- 34) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Olivia Gandy re observation of potential abuse of a small child by a Child Protective Services employee - REFERRED TO HUMAN SERVICES (Copies to each Supervisor, CAO and County Counsel)
- 35) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Raul Vergara vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Lisa J. Weaver vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Danny L. Curtis vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of State Compensation Insurance Fund vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Cari Leigh Woods vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Claim in the matter of Stephen W. Steed vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Claim in the matter of Brian and Teri Worthen vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - H) Claim in the matter of Janet Sparks vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - I) Claim in the matter of Joe Ancheta vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - J) Claim in the matter of Travy Usher vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - K) Claim in the matter of Jeannine Chambers vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- L) Claim in the matter of Mercury Insurance vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- M) Subrogation claim in the matter of Michelle Lee Ammons by Farmers Insurance Group vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- N) Summons and complaint in the matter of Lezley Pumphrey vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)