

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, November 1, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

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

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming November 2005 as In-Home Supportive Services (IHSS) Caregiver Month in Kern County - PROCLAIMED; MADE PRESENTATION TO DEBBIE STEVENSON, DIRECTOR, AGING AND ADULT SERVICES; DEBBIE STEVENSON AND MICHAEL DULLE, CHAIRMAN, IHSS ADVISORY COMMITTEE, HEARD; RECOGNITION WAS GIVEN TO DANA GATES, IHSS PROVIDER

McQuiston-Patrick: All Ayes

- 2) Proclamation proclaiming November 2005 as National Adoption Awareness Month in Kern County - PROCLAIMED; MADE PRESENTATION TO BEVERLY BEASLEY JOHNSON, DIRECTOR, DEPARTMENT OF HUMAN SERVICES; BEVERLY BEASLEY JOHNSON, BRIAN PARNELL, DIRECTOR OF ADOPTION PROGRAM, OLIVIA MUNOZ-VILLARREAL, DAVE DIXON, KERN COUNTY BAR ASSOCIATION AND ADOPTIVE PARENT, HEARD

Patrick-Maben: All Ayes

PUBLIC REQUESTS

- *3) Request from Tammy Burns, Child Care Facilitator, Kern County Child Care Council to submit July 1, 2005 to September 30, 2005 quarterly report - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

APPOINTMENTS

- *4) Appointment of Neill D. Hicks, as Second District Member to the Behavioral Health Board, term to expire December 31, 2008 - MADE APPOINTMENT

McQuiston-Patrick: All Ayes

- *5) Appointment of Julie Thomas as Third District Child Care Provider to the Kern County Local Child Care and Development Planning Council, term to expire June 30, 2008 - MADE APPOINTMENT

McQuiston-Patrick: All Ayes

- *6) Appointment of Edith Parker Frick to the Tehachapi Resource Conservation District, term to expire November 1, 2008 - MADE APPOINTMENT

McQuiston-Patrick: All Ayes

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!
- NO ONE HEARD

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]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

AIRPORTS

- *9) Proposed Lease Agreement with Rajnikant M. Patel for operation of a food concession in the new airport terminal building at Meadows Field, for a term of five years with two five-year options, at a minimum rental rate of \$1,540 per month (Fiscal Impact: Minimum \$1,540 per month; Airport Enterprise Fund; Not Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15061(b)(3) OF CEQA; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION IF REQUESTED; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 911-2005

McQuiston-Patrick: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

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

Patrick-McQuiston: All Ayes

- *11) Certificate of Appointments for the Consolidated Special Statewide Election to be held November 8, 2005 - Landowner Districts (Fiscal Impact: None) - APPOINTED PERSONS NAMED IN OFFICIAL APPOINTMENTS

McQuiston-Patrick: All Ayes

- *12) Certificate of Appointments for the Consolidated Special Statewide Election to be held November 8, 2005 - Special Districts (Fiscal Impact: None) - APPOINTED PERSONS NAMED IN OFFICIAL APPOINTMENTS

McQuiston-Patrick: All Ayes

BOARD OF SUPERVISORS

- *13) Request of Second District Supervisor Don Maben for proposed updated Charter and Memorandum of Understanding to participate in the Desert Managers Group (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 912-2005

McQuiston-Patrick: All Ayes

CLERK OF THE BOARD

- 14) Election of California State Association of Counties (CSAC) Board of Directors Members for 2006 (Fiscal Impact: None) - ELECTED SUPERVISOR JON MCQUISTON, DIRECTOR, AND SUPERVISOR RAY WATSON, ALTERNATE DIRECTOR; DIRECTED CLERK OF THE BOARD TO PROVIDE NOTIFICATION TO CSAC

Patrick-Maben: All Ayes

COUNTY COUNSEL

- *15) Proposed Release in the amount of \$68,281.79 with Liberty Mutual Insurance Group for property damage to county vehicle (Fiscal Impact: \$68,281.79 Revenue Roads Fund; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED RISK MANAGER TO EXECUTE RELEASE

McQuiston-Patrick: All Ayes

- 16) County Medical Malpractice Insurance: History, Coverage & Costs (Fiscal Impact: None) - RECEIVED AND FILED; REFERRED TO KERN MEDICAL CENTER TO REPORT BACK TO THE BOARD ON TUESDAY, DECEMBER 6, 2005 AT 9:00 A.M. WITH AN ANALYSIS OF EXTERNAL MEDICAL MALPRACTICE COVERAGE FOR SERVICES PERFORMED OUTSIDE OF KMC

Rubio-Maben: All Ayes

- *17) Resolution authorizing the issuance and sale of Midway Elementary School District General Obligation Bonds, Election of 2004, Series 2005 in the aggregate principal amount of not to exceed \$1,800,000 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-455

McQuiston-Patrick: All Ayes

- *18) Request of the Personnel Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Patrick: All Ayes

- *19) Request of the Probation Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Patrick: All Ayes

- *20) Request of the Sheriff's Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Patrick: All Ayes

EMERGENCY MEDICAL SERVICES

- *21) Proposed retroactive Agreements with ambulance service providers for emergency medical services to indigents: CARE Ambulance Service, in an amount not to exceed \$29,168; Delano Ambulance Service, in an amount not to exceed \$29,168; Hall Ambulance Service, Inc., in an amount not to exceed \$308,347; Kern Ambulance Service and Kern Emergency Medical Transportation, Inc., in an amount not to exceed \$33,335; Liberty Ambulance Service, in an amount not to exceed \$16,667, for prehospital emergency medical ground transportation services; Hall Ambulance Service, Inc., in an amount not to exceed \$26,738; and Mercy Air Service, Inc., in an amount not to exceed \$5,730, for pre-hospital emergency medical air transportation services, from July 1, 2005 through June 30, 2006 (prior notification June 28, 2005) (Fiscal Impact: \$449,152; General Fund and Emergency Medical Services Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 913-2005 THROUGH 919-2005

McQuiston-Patrick: All Ayes

FIRE DEPARTMENT

- *22) Proposed Resolution for termination of local emergency (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-456

McQuiston-Patrick: All Ayes

HUMAN SERVICES

- *23) Request approval of expenditure of funds for employee development and recognition activities (Fiscal Impact: \$15,000; \$14,250 Federal/State; \$750 County; Budgeted; Discretionary) - APPROVED

McQuiston-Patrick: All Ayes

- *24) Request to appropriate unanticipated revenue from California Department of Social Services for Child Welfare Services Outcome Improvement Project (Fiscal Impact: \$711,800 State/Federal; \$0 County; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$711,800 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$711,800 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 5120

McQuiston-Patrick: All Ayes

KERN MEDICAL CENTER

- 25) Proposed retroactive Amendment No. 2 to Agreement 980-2004 with Tempus, LLC, doing business as Emerald Health Services, an independent contractor, for temporary nurse staffing, increasing the maximum payable by \$2,584,425, from \$2,104,000 to \$4,688,425 (prior notification October 18, 2005) (Fiscal Impact: \$2,584,425; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 920-2005

McQuiston-Rubio: All Ayes

- *26) Proposed retroactive Amendment No. 4 to Agreement 1062-2003 with Precyse Solutions, LLC, an independent contractor, for medical records coding services, extending the term of the Agreement for two years through October 7, 2007, and increasing the maximum payable by \$768,080, from \$382,000 to \$1,150,080 (prior notification October 4, 2005) (Fiscal Impact: \$768,080; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 921-2005

McQuiston-Patrick: All Ayes

- 27) Proposed retroactive Amendment No. 1 to Agreement 739-2004 with Bahram Raofi, M.D., a contract employee, for radiology services in the Department of Radiology, to reflect the change in employment status from part time to full time, effective November 1, 2005, increase the maximum payable by \$49,733, from \$583,000 to \$632,733 over the 24-month term of the Interim Agreement, reflect the KMC Faculty Practice Board requirement that all core physicians participate in a practice group, and clarify malpractice liability coverage provided by the County retroactive to August 28, 2004 (Fiscal Impact: \$49,733; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 922-2005

Patrick-McQuiston

- *28) Proposed retroactive Agreement with Xiaoyin Zhou, M.D., a contract employee, for psychiatry services in the Department of Psychiatry, from October 7, 2005 through October 6, 2007, in an amount not to exceed \$20,000 (Fiscal Impact: \$20,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 923-2005

McQuiston-Patrick: All Ayes

- *29) Proposed retroactive Agreement with Joseph F. Chang, M.D., an independent contractor, for urological surgery services in the Department of Surgery, from September 5, 2005 through September 4, 2007, in an amount not to exceed \$36,000 (Fiscal Impact: \$36,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 924-2005

McQuiston-Patrick: All Ayes

- 30) Proposed Agreement with Savita P. Shertukde, M.D., a contract employee, for pathology services in the Department of Pathology, from November 1, 2005 through October 31, 2010, in an amount not to exceed \$773,341 (Fiscal Impact: \$773,341; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 925-2005

McQuiston-Maben: All Ayes

MENTAL HEALTH SERVICES

- *31) Proposed sole source Agreement with Community Activators, Inc., to provide continuing specialized consultation/training services for vocational integration, Consumer/Family Learning Center and Aurora Schools Projects for department staff, from November 1, 2005 to June 30, 2006, in an amount not to exceed \$30,000 (Fiscal Impact: \$30,000; State (Realignment); Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 926-2005

McQuiston-Patrick: All Ayes

- *32) Relief from accountability of patient accounts totaling \$42,033.61 (Fiscal Impact: \$42,033.61; Realignment; Not Budgeted; Discretionary) - APPROVED

McQuiston-Patrick: All Ayes

PARKS AND RECREATION DEPARTMENT

- *33) Request to accept donation of a wireless scoreboard from Westside Little League, Inc., at a value of \$5,000 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

McQuiston-Patrick: All Ayes

PARKS AND RECREATION - Wildlife Resources Commission

- *34) Proposed funding request from North of the River Recreation & Park District in the amount of \$2,000 to purchase fish for the Reel Fun Fish Out (Fiscal Impact: \$2,000; Budgeted; Discretionary) - APPROVED PROJECT IN THE AMOUNT OF \$2,000 FROM FUNDS AVAILABLE IN 2005-2006 APPROPRIATIONS FOR CONTRIBUTIONS TO OTHER AGENCIES; AUTHORIZED PARKS DEPARTMENT TO COMPLETE NECESSARY DOCUMENTS TO COMPLETE TRANSACTION; AUTHORIZED PURCHASING AGENT TO ESTABLISH A PURCHASE ORDER; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT UPON PROPER DOCUMENTATION

McQuiston-Patrick: All Ayes

- *35) Proposed funding request from the Kern River Valley Chamber of Commerce in the amount of \$4,500 to purchase fish for the Lake Isabella Trophy Trout Program (Fiscal Impact: \$4,500; Budgeted; Discretionary) - APPROVED PROJECT IN THE AMOUNT OF \$4,500 FROM FUNDS AVAILABLE IN THE 2005-2006 APPROPRIATIONS FOR CONTRIBUTIONS TO OTHER AGENCIES; AUTHORIZED PARKS DEPARTMENT TO COMPLETE NECESSARY DOCUMENTS TO COMPLETE TRANSACTION; AUTHORIZED PURCHASING AGENT TO ESTABLISH PURCHASE ORDER; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT UPON PROPER DOCUMENTATION

McQuiston-Patrick: All Ayes

PUBLIC DEFENDER

- *36) Proposed addition of one (1) full time Legal Secretary position, and deletion of one (1) full time Office Services Technician position, Budget Unit 2190 (Fiscal Impact: \$1,069; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

McQuiston-Patrick: All Ayes

PUBLIC HEALTH SERVICES

- *37) Proposed retroactive Agreement with California Department of Health Services for entering death certificate data into the Automated Vital Statistics System, from July 1, 2005 through June 30, 2006, in an amount not to exceed \$5,207 (prior notification June 28, 2005) (Fiscal Impact: \$5,207; State Funded; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 927-2005

McQuiston-Patrick: All Ayes

- *38) Notification of retroactive Agreements with the Kern County Superintendent of Schools for school-based immunization programs (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

SHERIFF

- *39) Proposed addition of one (1) Sheriff's Aide position and deletion of one (1) vacant Sheriff's Property Control Officer position effective November 1, 2005 (Fiscal Impact: \$7,308 General Fund; Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

McQuiston-Patrick: All Ayes

- *40) Retroactive application to hold a biking event - Fun Ride - Antelope Valley High Desert Cyclists on October 22, 2005 (Fiscal Impact: None) - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE EVENT WOULD NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT WAS TO BE HELD; WOULD NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WOULD NOT CONFLICT WITH OTHER EVENTS PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAD FACILITIES TO PROPERLY SUPERVISE THE EVENT; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Patrick: All Ayes

- *41) Application to hold a biking event - Kern Wheelman Bicycle Club on November 6, 2005 - (Fiscal Impact: None) - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE EVENT 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 EVENTS PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE EVENT; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Patrick: All Ayes

- *42) Application to hold a parade - Christmas Parade - Greater Lamont Chamber of Commerce on December 3, 2005, in Lamont, 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

- *43) Request to transfer \$56,000 from the Sheriff's Community Resources Trust Account 22142 to Sheriff's Budget Unit 2210 to fund activities of the Crime Prevention Unit (Fiscal Impact: \$56,000; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$56,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210 IN THE AMOUNT OF \$56,000

McQuiston-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

McQuiston

CLOSED SESSION

COUNTY COUNSEL

- 44) Request for Closed Session regarding a lawsuit entitled Michael Silva v. County of Kern, Kern County Superior Court Case No. 254309 SPC (Government Code Section 54956.9(a)) -
- 45) Request for Closed Session regarding significant exposure to litigation against the County (one case) (Government Code Section 54956.9(b)(3)(C)) -
- 46) Request for Closed Session regarding a lawsuit entitled Esmond Carroll v. County of Kern, WCAB Case No. BAK 142640 (Government Code Section 54956.9(a)) -
- 47) Request for Closed Session regarding a lawsuit entitled Michael LaFave v. County of Kern, WCAB Case No. BAK Unassigned (Government Code Section 54956.9(a)) -
- 48) Request for Closed Session regarding a lawsuit entitled Gilbert Alaniz v. County of Kern, WCAB Case No. BAK Unassigned (Government Code Section 54956.9(a)) -
- 49) Request for Closed Session regarding a lawsuit entitled Jennifer Coffee v. County of Kern, WCAB Case No. BAK Unassigned (Government Code Section 54956.9(a)) -
- 50) Request for Closed Session regarding a determination of whether the County will initiate litigation in a lawsuit (Government Code Section 54956.9(c)) -

COUNTY ADMINISTRATIVE OFFICE

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

(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 RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Rubio
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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 RUBIO EXPRESSED APPRECIATION TO THE GOLDEN EMPIRE TRANSIT DISTRICT FOR THEIR PLAN TO PLACE BLACK RIBBONS ON THE FIRST SEAT OF THEIR BUSES IN MEMORY OF ROSA PARKS

SUPERVISOR RUBIO REQUESTED THE ROADS DEPARTMENT TO INVESTIGATE THE POSSIBILITY OF PLACING SOLAR-POWERED FLASHING RED LIGHTS ABOVE EVERY STOP SIGN IN THE OUTLYING AREAS OF KERN COUNTY

CONTINUED HEARINGS
RESOURCE MANAGEMENT AGENCY

Planning Department

- 3) **Request from Dan Black, et al, by Carr and Associates to change the permitted uses from five-acre residential to 2-1/2-acre residential on 83.55 acres located on the northeasterly side of Round Mountain Road at Amaya Court, approximately 1/4 mile northeasterly of Kern River and Hart Memorial Park, northeast Bakersfield (SD #1)**

Specific Request:

A change in zone classification from E (5) RS to E (2-1/2) RS or a more restrictive district (ZCC #6, Map #83-31) (Negative Declaration; Published Bakersfield Californian) (from 10/11/2005) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM AS REVISED; ADOPTED RESOLUTION 2005-457 AND ENACTED ORDINANCE G-7306 APPROVING ZONE CHANGE TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL MAP SUBDIVISION, CONFORMING TO THE NEW SEWER POLICIES CURRENTLY UNDER CONSIDERATION; APPROVALS SHALL NOT BECOME EFFECTIVE UNLESS, PRIOR TO DECEMBER 1, 2005, THE PROPERTY OWNER(S) OR THEIR REPRESENTATIVE SIGNS AND FILES AN INDEMNIFICATION AGREEMENT, APPROVED BY COUNTY COUNSEL, WITH THE PLANNING DIRECTOR

McQuiston-Maben: All Ayes

HEARINGS
RESOURCE MANAGEMENT AGENCY

Planning Department

- 4) **Request from Kern County Roads Department to vacate four (4) 10-foot-wide pedestrian walkway easements located between Castaic Avenue and Washington Avenue, approximately 550 east of Sheldon Drive, Oildale (SD #3)**

Specific Request:

Nonsummary vacation of four (4) 10-foot-wide pedestrian walkway easements (102-11 3 098 Streets and Highways) (General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; RICK CHILDRESS, LAURA CRISSMAN AND ERIN PUTNAM HEARD; CLOSED HEARING; REFERRED BACK TO STAFF

Patrick-Rubio: All Ayes

DEPARTMENTAL REQUESTS
RESOURCE MANAGEMENT AGENCY
Planning Department

Land Use

S.D. #1

- *5) **Proposed Notice of Nonrenewal Petition No. 05-48 by Giumarra Vineyards Corporation for approximately 153.03 acres within Agricultural Preserve No. 14 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD**

Maben-McQuiston: All Ayes

S.D. #2

- *6) Proposed Notice of Nonrenewal Petition No. 05-46 by Giumarra Brothers Fruit Company for approximately 1,132.98 acres within Agricultural Preserve No. 13 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-McQuiston: All Ayes

S.D. #4

- *7) Proposed Notice of Nonrenewal Petition No. 05-38 by Robert and Janine Young for approximately 20 acres within Agricultural Preserve No. 12 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-McQuiston: All Ayes

- *8) Proposed Williamson Act Land Use Contract No. 05-7 with Stanley Dale Wilson and Nancy E. Wilson, Seth Handel Wilson, Rachel Ewan Friesen, Joshua Gowell Wilson, and Benjamin Price Wilson, for 2006 Calendar Year, for approximately 19.58 acres within Agricultural Preserve No. 8, Shafter area (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-McQuiston: All Ayes

S.D. #5

- *9) Proposed Notice of Nonrenewal Petition No. 05-51 by Giumarra Brothers Fruit Company for approximately 39.63 acres within Agricultural Preserve No. 13 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-McQuiston: All Ayes

Miscellaneous

S.D. #2

- *10) Request from Abraham Shihady for Determination of Public Convenience for the issuance of an off-sale beer and wine license at 2243 State Highway 58, Mojave, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-458

Maben-McQuiston: All Ayes

All S.D.'s

- *11) Proposed Amendment No. 3 to the QuadState County Government Coalition Joint Exercise of Powers Agreement to include Nye County, Nevada, as a member (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 928-2005

Maben-McQuiston: All Ayes

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

Hearing

S.D. #1

- *12) Public Hearing for proposed amendment to County of Kern's Fiscal Year 2005-2006 Annual Action Plan to cancel Community Development Block Grant Project No. 16.05.1, McFarland Paramount Educational and Training Facility, Phase I, reprogram funds to existing Project No. 16.04.4, McFarland Streetscape/Streetlight Improvements, and authorization for Director to submit all documentation to U.S. Department of Housing and Urban Development (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED

Maben-McQuiston: All Ayes

- *13) Proposed Amendment No. 1 to Agreement 1089-2004 with the City of Shafter to provide Community Development Block Grant funds for Shafter Street Improvements, CD No. 18.04.1, an increase of \$109,300, for a new total not to exceed \$317,300 (Fiscal Impact: \$109,300; Federal Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 929-2005

Maben-McQuiston: All Ayes

S.D. #2

- *14) Proposed Agreement with the City of Tehachapi to provide Community Development Block Grant funds for Tehachapi Storm Drain Improvements, in an amount not to exceed \$77,550 (Fiscal Impact: \$77,500; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 930-2005

Maben-McQuiston: All Ayes

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #1

- *15) Request to approve Agreement extending and amending Subdivision Improvement Agreement with substitution of security, Tract 6175, Blackwood Estates, LP (Fiscal Impact: None) - APPROVED; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$1,638,289 TO \$823,748 AND REDUCED THE EXISTING LABORERS AND MATERIALMEN SECURITY IN THE AMOUNT OF \$893,612 TO \$449,317; RECEIVED AND FILED LETTER OF CREDIT NO. 2005-30, ISSUED BY MISSION BANK, IN THE AMOUNT OF \$823,748 FOR FAITHFUL PERFORMANCE SECURITY; RECEIVED AND FILED LETTER OF CREDIT NO. 2005-31, ISSUED BY MISSION BANK, IN THE AMOUNT OF \$449,317 FOR LABORERS AND MATERIALMEN SECURITY; RELEASED LETTERS OF CREDIT NO. 33-SB-4572 AND NO. 33-SB-4573, IN THE AMOUNTS OF \$1,638,289 AND \$893,612, RESPECTIVELY, TO THE ISSUING INSTITUTION, CITIZENS BUSINESS BANK; APPROVED REQUESTED EXTENSION OF TIME TO COMPLETE THE REQUIRED IMPROVEMENT WORK TO OCTOBER 11, 2006; AUTHORIZED CHAIRMAN TO SIGN

Maben-McQuiston: All Ayes

Debt Advisory Committee
S.D. #2

- *16) Request from Rosamond Community Services District for authorization to form Assessment District 2005-5, Avenue A Well Association Water System, and to issue bonds in an amount not to exceed \$220,000 (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-459

Maben-McQuiston: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #5

- 17) Contract No. 06008, Plans, Specifications and Notice to Contractors for construction of a flashing beacon and street lighting system at South Union Avenue and Hosking Road (Fiscal Impact: \$35,000; Road Fund; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM CEQA, PER SECTION 15301(C) OF STATE CEQA GUIDELINES; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, NOVEMBER 16, 2005, AT 11:00 A.M.

Rubio-Maben: All Ayes

All S.D.'s

- *18) Report regarding contract change orders approved during the third quarter of 2005 (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *19) Proposed Resolution to set public hearing to consider the report entitled, "2006 Solid Waste Administration Fee for Franchise Garbage Haulers", and to establish and assess the Administration Fee (Fiscal Impact: \$170,319 Revenue; Solid Waste Enterprise Fund; Budgeted; Mandated) - RECEIVED AND FILED; ADOPTED RESOLUTION 2005-460 SETTING HEARING FOR TUESDAY, DECEMBER 13, 2005 AT 2:00 P.M.; DIRECTED COUNTY COUNSEL TO PREPARE, AND CLERK OF THE BOARD TO PUBLISH, HEARING NOTICE

Maben-McQuiston: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *20) Proposed response to Grand Jury Report entitled Kern County Sheriff's Department McFarland Substation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Maben-McQuiston: All Ayes

- *21) Request to set a Committee of the Whole Meeting for County's Strategic Plan Update (Fiscal Impact: None) - SET MONDAY, DECEMBER 5, 2005, AT 9:00 A.M. FOR COMMITTEE OF THE WHOLE MEETING TO REVIEW THE COUNTY'S STRATEGIC PLAN AND FURTHER REFINE THE PLAN'S PROPOSED STRATEGIC GOALS AND ACTION ITEMS

Maben-McQuiston: All Ayes

- 22) Proposed Amendment No. 2 to Acquisition Fund Agreement 437-2005 with Banc of America to increase the lease/purchase financing principal amount by \$400,000 for Sheriff's replacement vehicles (Fiscal Impact: FY 2005-2006 \$61,353; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 931-2005 AND ALL RELATED LEASE FINANCING DOCUMENTS

Maben-McQuiston: All Ayes

Legislative Matter

- *23) Request to President Bush to secure southwestern U.S. Borders (Fiscal Impact: None) - AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-McQuiston: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 23A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE THE HOUSE WAYS AND MEANS COMMITTEE APPROVED LEGISLATION REDUCING FEDERAL FINANCIAL PARTICIPATION IN THE CHILD SUPPORT ENFORCEMENT PROGRAM, WHICH WOULD INFLICT FUNDING LOSSES OF NEARLY \$19 MILLION OVER FOUR YEARS ON THE COUNTY'S CHILD SUPPORT ENFORCEMENT PROGRAM. SINCE CONGRESS MAY ACT ON THIS PROPOSAL BEFORE THE NEXT SCHEDULED BOARD OF SUPERVISORS MEETING, EMERGENCY ACTION IS REQUESTED IN ORDER TO COMMUNICATE THE COUNTY'S OPPOSITION IN A TIMELY MANNER.

Patrick-Rubio: All Ayes

- 23A) Opposition to proposed reductions in Federal Child Support Enforcement Program - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Patrick-Rubio: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #3

- *24) Change Order No. 1 for the International Airlines Terminal Phase I, an increase of \$21,709, for a new total of \$517,309 (8994.8422) (Fiscal Impact: \$21,709; Airport Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-McQuiston: All Ayes

COUNTY ADMINISTRATIVE OFFICE
Information Technology Services

- *25) Proposal to grant the Purchasing Agent increased purchasing authority for purchasing Personal and Contracted Services, in combination with materials, from Avaya, Inc., for telecommunications projects during Fiscal Year 2005-2006, in an amount not to exceed \$400,000 (Fiscal Impact: Approximately \$400,000 for Fiscal Year 2005-2006; Budgeted; Discretionary) - APPROVED

Maben-McQuiston: All Ayes

CONSIDERATION OF ORDINANCE INTRODUCED OCTOBER 18, 2005

- *26) Proposed Ordinance amending Sections 2.24.070, 2.25.101, 7.04.080 and adding Section 7.08.415, to the Kern County Ordinance Code, concerning placing Animal Control under the supervision of Resource Management Agency - ENACTED ORDINANCE G-7307

Maben-McQuiston: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *27) Budget Transfers - APPROVED NO. 37 THROUGH NO. 42

Maben-McQuiston: All Ayes

- *28) Minutes for week of October 3, 2005 - APPROVED WITH CORRECTION TO ITEM NO. 9 P.M., TO READ: APPROVED; ~~AUTHORIZED CHAIRMAN TO SIGN CONSENT TO OFFER OF DEDICATION;~~ DIRECTED CLERK OF THE BOARD TO **SIGN CONSENT TO RECORDATION AND** RECORD

Maben-McQuiston: All Ayes

- *29) Miscellaneous Letters and Documents - APPROVED

Maben-McQuiston: All Ayes

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

Maben-McQuiston: All Ayes

ADJOURNED TO MONDAY, NOVEMBER 7, 2005, AT 10:00 A.M., FOR CLOSED SESSION

Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

**AMERICANS WITH DISABILITEIS 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.

29) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Annual report on the results of the Alternative Secured Property Tax Distribution Plan for Fiscal Year 2004-2005

Clerk of the Board

- B) Monthly Referral Report for October, 2005

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

- | | |
|----------------------------|---------|
| 1) Tract Map 4927 | S.D. #2 |
| 2) Tract Map 6232, Phase 3 | S.D. #1 |
| 3) Parcel Map 11051 | S.D. #4 |
| 4) Parcel Map 11119 | S.D. #4 |
| 5) Parcel Map 11149 | S.D. #1 |
| 6) Parcel Map 11194 | S.D. #1 |
| 7) Parcel Map 11199 | S.D. #1 |

Local Agency Formation Commission

- D) Letter from Virginia Gennaro, City of Bakersfield, re LAFCO Proceeding No. 1432, Calloway No. 11, Annexation No. 473 (Copies to each Supervisor, CAO and Resource Management Agency)

- E) Letter from Virginia Gennaro, City of Bakersfield, re LAFCO Proceeding No. 1431, Snow Road No. 2, Annexation No. 484 (Copies to each Supervisor, CAO and Resource Management Agency)

- F) Proceeding No. 1413, Report and Recommendation in the matter of City of Wasco, Annexation No. 35 (Copies to each Supervisor, CAO and Resource Management Agency)

- G) Proceeding No. 1420, Report and Recommendation in the matter of City of Bakersfield, Annexation No. 485, Meany No. 4 (Copies to each Supervisor, CAO and Resource Management Agency)

- H) Proceeding No. 1421, Report and Recommendation in the matter of Kern-Tulare Water District, Detachment S (Copies to each Supervisor, CAO and Resource Management Agency)

Resource Management Agency

- I) Thank you letter to Target Store for donations to the Bakersfield Animal Care Center and the Mojave Animal Shelter (Copies to each Supervisor and CAO)

Miscellaneous

- J) Letter from Russell A. Blind re concerns related to proposed zone change in area of Round Mountain Road and Amaya Court (Copies to each Supervisor, CAO, County Counsel and Planning)

- K) Letter from Bill Deaver, Edwards Community Alliance, re video entitled, "A Force for Tomorrow", depicting the national assets available to the Department of Defense within the R-2508 Restricted Airspace (Copies to each Supervisor, CAO and General Services/KGOV)
- L) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report for incident occurring on Tuesday, October 11, 2005, on State Route 58, east of Union Avenue (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)
- M) Letter from Lucy Clark in opposition to more dairies being allowed within Kern County (Copies to each Supervisor, CAO, Planning, Resource Management Agency and County Counsel)
- N) Letter from Paul M. Bartkiewicz, Bartkiewicz, Kronick & Shanahan, re temporary water transfer during 2006 from Yuba County Water Agency to Department of Water Resources (Copies to each Supervisor, CAO, Resource Management Agency and Engineering & Survey Services)
- O) Letter from Roberta Gafford, City of Bakersfield, re Resolution 101-01 adopted on June 27, 2001, regarding the siting of dairies (Copies to each Supervisor, CAO, Planning, Resource Management Agency and County Counsel)
- P) Letter from Sonia Hall, Cingular Wireless, re cell site BKFDCAC370/State Hwy 33/2.7 Mile, located in Lost Hills, APN 057-140-38 (Copies to each Supervisor, CAO and Planning)
- Q) Notice from Santa Barbara County Public Works Department re 2005-2006 Weather Modification Program between November 15, 2005 and March 15, 2006 (Copies to each Supervisor, CAO, Engineering & Survey Services, Resource Management Agency and Agricultural Commissioner)
- R) Notice from State Department of Alcoholic Beverage Control re application for alcoholic beverage license from Happy Gas & Food Mart, 3221 Taft Highway, Bakersfield (Copies to each Supervisor, CAO and Planning)
- 30) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Larry Jeter vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Bulmaro Avila vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Audrey Garner vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of DeVictor K. Mason vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- E) Amended claim in the matter of Nancy M. Gomez; Natalie Gomez; Vincent Gomez, a minor, by and through is Guardian ad Litem, Nancy M. Gomez; Jaclyn Gomez, a minor, by and through her Guardian ad Litem, Nancy M. Gomez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- F) Amended complaint in the matter of Corporation for Better Housing vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- G) Subrogation claim in the matter of John Oldham by CRAIG/is, Ltd. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)