

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

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

Regular Meeting
Monday, November 14, 2005

2:00 P.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

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

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution commending Juliet Turner, Kern Medical Center, for 34 years of County service - **ADOPTED RESOLUTION; MADE PRESENTATION TO JULIET TURNER; JULIET TURNER, PETER BRYAN, KERN MEDICAL CENTER, CHIEF EXECUTIVE OFFICER, AND DR. NAVIN AMIN, CHAIRMAN, DEPARTMENT OF FAMILY PRACTICE AND PEDIATRICS, HEARD**

Maben-Patrick: 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]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

KERN MEDICAL CENTER

- 4) Update report regarding Kern Medical Center's financial condition (Fiscal Impact: None) - RECEIVED AND FILED; REFERRED TO KERN MEDICAL CENTER TO INVITE STATE LEGISLATORS TO ATTEND THE DECEMBER BOARD MEETING TO DISCUSS THE STATE'S METHOD OF TRANSMITTING FUTURE FEDERAL FUNDING TO PUBLIC HOSPITALS

Patrick-Maben: All Ayes

- 5) Update on Physician Time Accountability (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

- 6) Monthly report from County Administrative Office regarding Kern Medical Center's General Fund loan (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *7) Notification of proposed retroactive sole source Letter of Agreement with The Advisory Board Company, an independent contractor, for participation in the Revenue Cycle Compass Program (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- 8) Proposed Cash Advance Increase (Fiscal Impact: \$10 Million; County General Fund) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PROCESS INTER-FUND CASH TRANSFER

McQuiston-Patrick: All Ayes

- *9) Request for sole source Purchase Orders with GE HealthCare for parts for repair of CT Scanner in an amount not to exceed \$30,000 (Fiscal Impact: \$30,000; KMC Enterprise Fund; Budgeted; Mandated) - AUTHORIZED PURCHASING AGENT TO ISSUE SOLE SOURCE BLANKET PURCHASE ORDERS

Maben-Patrick: All Ayes

- *10) Proposed addition of one (1) full-time Senior Office Services Specialist; one (1) full-time Office Services Technician, and two (2) full-time Storekeeper I positions; and proposed deletion of two (2) full-time vacant Storekeeper II positions; and one (1) vacant Fiscal Support Technician position, effective November 14, 2005 (Fiscal Impact: \$46,770 Estimated; KMC Enterprise Fund; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

- *11) Proposed changes in clinical privilege status for 29 members of Kern Medical Center's Medical Staff (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

- *12) Proposed retroactive changes in clinical privilege status for 26 members of Kern Medical Center's Medical Staff (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

- *13) Proposed retroactive Amendment No. 1 to Agreement 406-2005 with Seyed Abdolmajid Rooholamini, M.D., an independent contractor, for radiology services, to clarify the per diem rate as all inclusive (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 953-2005

Maben-Patrick: All Ayes

- *14) Proposed retroactive Amendment No. 1 to Agreement for Personal/Professional Services (PO#059116 and PO#064155), with Genzyme Corporation, an independent contractor, for reference laboratory testing, increasing the not to exceed amount by \$32,000, from \$3,000 to \$35,000 (Fiscal Impact: \$32,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 954-2005

Maben-Patrick: All Ayes

- *15) Proposed Agreement with ProPay Physician Services, LLC, an independent contractor, for medical compliance auditing services, from December 1, 2005 through November 30, 2006, in an amount not to exceed \$98,000 (Fiscal Impact: \$98,000; KMC Faculty Practice Trust) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 955-2005

Maben-Patrick: All Ayes

ADJOURNED TO TUESDAY, NOVEMBER 15, 2005 AT 9:00 A.M.

McQuiston

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)**

The Kern Medical Center Conference Room 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.

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, November 15, 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) Resolution honoring Jan Hendricks, Department of Human Services, for 31 years of service to the County of Kern - ADOPTED RESOLUTION; MADE PRESENTATION TO JAN HENDRICKS; BETHANY CHRISTMAN AND JAN HENDRICKS HEARD

McQuiston-Rubio: All Ayes

- 2) Resolution honoring Byron Loyd for his service to Meadows Field and Kern County - CONTINUED TO TUESDAY, DECEMBER 6, 2005 AT 9:00 A.M.

Patrick-Maben: All Ayes

- 3) Proclamation proclaiming November 20 - 26, 2005 as Day of the Americas in Kern County - PROCLAIMED; MADE PRESENTATION TO PATRICIA RANEY, HERITAGE OF AMERICA EDUCATIONAL AND CULTURAL FOUNDATION; PATRICIA RANEY HEARD

Rubio-Maben: All Ayes

PUBLIC PRESENTATIONS

- 4) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! - STEPHANIE CAMPBELL; ART POWELL; PASTOR TIMOTHY COSTA, CAIN MEMORIAL AFRICAN METHODIST EPISCOPAL CHURCH; SHIRLEY HARRIS; PASTOR JORDON, CHRIST FIRST MINISTRIES; BERNARD WALLACE, BISHOP, CHURCH OF CHRIST CHRISTIAN MINISTRIES AND CHAIRMAN OF CHARACTER BUILDERS YOUTH FACILITY, ADDRESSED THE BOARD REGARDING THEIR SUPPORT OF DIRECTOR OF HUMAN SERVICES, BEVERLY BEASLEY JOHNSON; AUDIENCE MEMBERS WERE RECOGNIZED AS ALSO BEING PRESENT IN SUPPORT OF MRS. JOHNSON

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 5) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISORS MABEN, WATSON, PATRICK AND MCQUISTON EXPRESSED APPRECIATION TO ALL PARTIES INVOLVED IN COORDINATING SATURDAY'S EVENT AT THE AIRPORT

SUPERVISORS RUBIO, MCQUISTON AND PATRICK THANKED THE INDIVIDUALS IN THE AUDIENCE FOR ATTENDING THE MEETING AND SHARING THEIR THOUGHTS AND CONCERNS WITH THE BOARD

SUPERVISOR RUBIO REQUESTED THE COUNTY ADMINISTRATIVE OFFICE EXPLORE THE POSSIBILITY OF POSTING AN ARCHIVE OF KGOV VIDEO OF BOARD OF SUPERVISORS MEETINGS ON THE COUNTY WEB SITE

SUPERVISOR PATRICK DISCUSSED THE PUBLIC OPEN HOUSE EVENT AT THE AIRPORT ON SUNDAY, WHICH DREW APPROXIMATELY 6,000 ATTENDEES

DEPARTMENTAL REQUESTS

AIRPORTS

- 6) Request to accept donation from Hall Ambulance Service of three automatic external defibrillators with a value of \$5,529 (Fiscal Impact: None) - RAY BISHOP, DIRECTOR OF AIRPORTS HEARD AND INTRODUCED NEW CHIEF OF AIRPORT SECURITY, RON BREWSTER, AND MAYOR HARVEY HALL; MAYOR HALL HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Patrick-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *7) Proposed Amendment No. 8 to Agreement 327-2004 with Brown Armstrong Accountancy Corporation to provide additional audit of the Project SR2SL-5950 (206) for the construction of curb, gutter, sidewalks and curb ramps on Pioneer Drive between Oswell Street to Morning Drive, for the period July 1, 2002 to June 30, 2003, in an amount not to exceed \$1,500 (Fiscal Impact: \$1,500; Road Fund; State Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 956-2005

McQuiston-Patrick: All Ayes

- 8) Report on internal controls at Kern Medical Center over payroll and KMC Faculty Practice Trust Fund and proposed separation from the County of the billing, collection, deposit, distribution and payment of physician professional fees, including fee guarantees, both for work at KMC and in private practices (Fiscal Impact: Unknown) - ANN BARNETT, AUDITOR-CONTROLLER-COUNTY CLERK; PETER BRYAN, CHIEF EXECUTIVE OFFICER, KERN MEDICAL CENTER; AND DR. RODNEY MARK ROOT, HEARD; RECEIVED AND FILED; DIRECTED COUNTY COUNSEL, COUNTY ADMINISTRATIVE OFFICE, KERN MEDICAL CENTER, AND AUDITOR-CONTROLLER-COUNTY CLERK TO MEET AND DEVELOP A SYSTEM TO ADDRESS THE ISSUES RAISED IN THE AUDIT AND PROVIDE THE BOARD WITH MONTHLY PROGRESS REPORTS; REFERRED TO COUNTY COUNSEL TO PROVIDE TO THE BOARD LEGAL OPTIONS TO RESOLVE THE AUDIT'S FINDING OF A \$183,366 OVERPAYMENT IN PROFESSIONAL FEES; REFERRED TO COUNTY ADMINISTRATIVE OFFICE AND COUNTY COUNSEL TO PROPOSE RULES FOR THE TIMING OF RELEASE OF INFORMATION ON THE BOARD OF SUPERVISORS' AGENDA, RULES FOR RELEASE OF DOCUMENTS NOT ON THE AGENDA TO ALL SUPERVISORS AT THE SAME TIME, AND DETERMINE WHAT CONTROLS ARE NEEDED TO ENFORCE THESE RULES

Patrick-Rubio: All Ayes

MICHAEL TURNIPSEED, KERN COUNTY TAXPAYERS ASSOCIATION, HEARD; RECEIVED AND FILED LETTER

Rubio-Patrick: All Ayes

BOARD OF TRADE

- *9) Proposed Resolution authorizing closure of the Board of Trade office on November 17, 2005, to co-host business and tourism trade show and mixer in Mojave (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-479

McQuiston-Patrick: All Ayes

COUNTY COUNSEL

- *10) Proposed Ordinance adding subsections (209) and (210) to Section 10.16.041 of Chapter 10.16, Title 10, concerning no stopping zones on the east and west sides of La Cresenta Drive (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

McQuiston-Patrick: All Ayes

- *11) Proposed Ordinance adding subsection (211) to Section 10.16, Title 10, concerning a no stopping zone along the north side of Olive Drive (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

McQuiston-Patrick: All Ayes

- *12) Proposed Ordinance adding subsections (212) and (213) to Section 10.16.041 of Chapter 10.16, Title 10, concerning no stopping zones on Manor Street and Manor Street Frontage Road north of China Grade Loop in the Bakersfield area and repealing subsection (177) (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

McQuiston-Patrick: All Ayes

- *13) Proposed Ordinance adding subsections (214), (215), (216) and (217) to Section 10.16.041 of Chapter 10.16, Title 10, establishing no stopping zones along the east side of Fruitvale Avenue and along the north side of Norris Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

McQuiston-Patrick: All Ayes

DISTRICT ATTORNEY

- *14) Proposed retroactive Agreement for Toxicology Services with Central Valley Toxicology, Inc., from January 1, 2005 through June 30, 2007 in an amount not to exceed \$100,000 (Fiscal Impact: \$100,000; \$42,000 in FY 2005-06; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 957-2005

McQuiston-Patrick: All Ayes

- *15) Proposed retroactive sole source Agreement with R. J. Lee Solutions for annual maintenance and support of the Crime Laboratory Management Information System, from November 1, 2005 through October 31, 2006 in an amount not to exceed \$20,000 (Fiscal Impact: \$20,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 958-2005

McQuiston-Patrick: All Ayes

- *16) Proposed retroactive Agreement for Truancy Prevention Services with the Kern County Superintendent of Schools, from July 1, 2005 through June 14, 2006, in an amount not to exceed \$114,500 (Fiscal Impact: \$114,500; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 959-2005

McQuiston-Patrick: All Ayes

EMERGENCY MEDICAL SERVICES

- *17) Approval of grant from California Emergency Medical Services Authority for the Trauma Center Support program, and appropriation of unanticipated revenue (Fiscal Impact: \$252,142; State Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 960-2005; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$252,142 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$252,142 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 4200

McQuiston-Patrick: All Ayes

- *18) Proposed addition of one (1) full-time EMS Coordinator, and deletion of one (1) part-time EMS Coordinator, effective November 15, 2005 (Fiscal Impact: \$33,099; Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

McQuiston-Patrick: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *19) Notification of retroactive Agreements for CalWorks Paid Work Experience with Arbor Employment and Training, Inc., Kern High School District, Mexican American Opportunity Foundation, and Proteus, Inc., to provide paid work experience activities for CalWorks clients referred by the Department of Human Services (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Patrick: All Ayes

FIRE DEPARTMENT

- 20) Briefing on the disaster preparedness and response roles of the Office of Emergency Services, a component of the Kern County Fire Department (Fiscal Impact: None) - HEARD PRESENTATION; RECEIVED AND FILED

McQuiston-Patrick: All Ayes

- 21) Request for addition of three (3) Fire Engineer positions, effective November 19, 2005 (Fiscal Impact: \$209,139; Fire Fund; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

McQuiston-Rubio: All Ayes

HUMAN SERVICES

- *22) Request to employ retired County employee, Barbara Jones, as a Social Service Worker V, Range 57.0, 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: \$25,934 Federal/State; \$0 General Fund; Budgeted; Mandated) - APPROVED

McQuiston-Patrick: All Ayes

- *23) Approve unusual travel request for Veronique Hayes to attend the Learning Content Management System (LCMS) training in Bellevue, Washington from November 20 - 23, 2005 in an amount not to exceed \$3,500 (Fiscal Impact: \$3,500; \$998 State/Federal; \$2,502 County; Not Budgeted; Mandated) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY

McQuiston-Patrick: All Ayes

- *24) Proposed retroactive Memorandum of Understanding with Maximus, Inc. for Medi-Cal Outreach and Education Services Health Care Options (HCO) Program from October 1, 2005 through September 30, 2007 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 961-2005

McQuiston-Patrick: All Ayes

- *25) Proposed Amendment No. 1 to Agreement 1000-2004 with Kern County Children and Families Commission for eligibility screening, determination and enrollment for the Healthy Kids program to extend term to June 30, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 962-2005

McQuiston-Patrick: All Ayes

- *26) Proposed Amendment No. 1 to Agreement 760-2005 with Moss Beach Homes, Inc., as represented by Aspira Foster and Family Services, for Senate Bill 163 Wraparound Services to coincide with the term of the original agreement and to increase compensation of the original Agreement by \$929,068 to an amount not to exceed \$2,367,634 (Fiscal Impact: \$929,068; \$371,627 State/Federal; \$557,441 County; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 963-2005

McQuiston-Patrick: All Ayes

- *27) Proposed Amendment No. 1 to Agreement 507-2005 with Kern County Superintendent of Schools, administrative agent for Kern Child and Family Services Agency, for promoting safe and stable families; child abuse prevention, intervention and treatment; children's trust fund; and community-based child abuse prevention services to increase compensation by \$32,568, to an amount not to exceed \$1,509,479 (Fiscal Impact: \$32,568 State/Federal; \$0 County; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 964-2005

McQuiston-Patrick: All Ayes

MENTAL HEALTH SERVICES

- 28) Proposed approval of application to receive Mental Health Services Act Community Services and Supports Funding (Fiscal Impact: FY 2005/06 \$6,978,700, FY 2006/07 \$6,978,700, FY 2007/08 \$6,978,700; MHSA Funds; Not Budgeted; Discretionary) - APPROVED; APPROVED SUBMISSION OF THE MHSA COMMUNITY SERVICES AND SUPPORTS PLAN TO STATE DEPARTMENT OF MENTAL HEALTH

Patrick-Maben: All Ayes

PARKS AND RECREATION DEPARTMENT

- *29) Proposed Amendment No. 2 to U.S. Forest Service Permit for the Greenhorn Mountain Park Water System Transmission line, to extend term one (1) year through December 31, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 965-2005

McQuiston-Patrick: All Ayes

- *30) Request for authorization to apply for funding through the Proposition 12, Per Capita Program for the Lake Isabella Swings Project (Fiscal Impact: \$41,500; State Grant; Not Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15303(e) OF THE STATE CEQA GUIDELINES; APPROVED; AUTHORIZED PARKS AND RECREATION DEPARTMENT TO FILE NOTICE OF EXEMPTION AS APPROPRIATE

McQuiston-Patrick: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA MATTER 30A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE THE PARKS AND RECREATION DEPARTMENT RECENTLY BECAME AWARE THAT SKATEBOARDERS HAVE BEEN REPORTED USING THE RECREATIONAL SKATEPARK IN FRAZIER PARK THAT HAS NOT OFFICIALLY OPENED. IN ORDER FOR THE COUNTY TO COMPLY WITH SECTION 115800 OF THE HEALTH AND SAFETY CODE AND ENJOY THE LEGAL PROTECTIONS SET FORTH IN SECTION 831.7 OF THE GOVERNMENT CODE, SIGNS MUST BE POSTED, AND A LOCAL ORDINANCE REQUIRING USERS OF THE SKATEPARK TO WEAR A HELMET, ELBOW AND KNEE PADS MUST BE ENACTED

Patrick-McQuiston: All Ayes

- 30A) Proposed Urgency Ordinance adding Section 13.04.070 to Chapter 13.04 of Title 13 of the Kern County Ordinance Code requiring the wearing of protective gear by users of County skateparks - ENACTED ORDINANCE G-7315

Patrick-McQuiston: All Ayes

PROBATION

- *31) Proposed Resolution regarding approval of submission of an Agreement for Juvenile Probation and Camps Funding Program to the Corrections Standards Authority (Fiscal Impact: \$4,333,734 State Funds; Net County Cost: \$0; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-480

McQuiston-Patrick: All Ayes

PUBLIC HEALTH SERVICES

- *32) Proposed retroactive Agreement with California Department of Health Services for entering death certificate data into the Automated Vital Statistics System, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$4,915 (prior notification June 29, 2004) (Fiscal Impact: \$4,915; State Funded; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 966-2005

McQuiston-Patrick: All Ayes

SHERIFF

- *33) Proposed Amendment No. 2 to Agreement 214-2004 with the State of California Department of Corrections, In-custody Drug Treatment Program (ICDTP), to increase daily jail fees from \$59 to \$68.22, and extend the term of contract through June 30, 2007 (Fiscal Impact: Revenue \$925,608; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 967-2005

McQuiston-Patrick: All Ayes

- *34) Request for retroactive Agreement with the City of McFarland for police services for the period November 1, 2005 through June 30, 2010; approve addition of three (3) Deputy Sheriff positions; and approve appropriation of unanticipated revenue in the amount of \$257,198 (Fiscal Impact: \$257,198; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 968-2005; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULES; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$257,198 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$257,198 FROM APPROPRIATIONS FOR CONTINGENCIES TO SHERIFF'S BUDGET UNIT 2210

McQuiston-Patrick: All Ayes

- *35) Proposed retroactive Agreement with Greenfield School District for Law Enforcement Services, from September 1, 2005 to June 30, 2006, in an amount not to exceed \$98,333 (Fiscal Impact: \$98,333; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 969-2005

McQuiston-Patrick: All Ayes

- *36) Proposed retroactive Agreement with Greenfield School District for Truancy Prevention Services, from September 1, 2005 to June 30, 2006, in an amount not to exceed \$58,988 (Fiscal Impact: 58,988; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 970-2005

McQuiston-Patrick: All Ayes

- *37) Application to hold parade - Boron Christmas Parade - Boron Chamber of Commerce on December 16, 2005, in Boron, 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

- *38) Application to hold parade - Frazier Park Holiday Faire - Mountain Communities Chamber of Commerce on December 10, 2005, in Frazier Park, 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

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 40A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE AN ISSUE OF PUBLIC HEALTH AND SAFETY HAS ARISEN AFTER THE AGENDA WAS POSTED. BECAUSE THE BOARD OF SUPERVISORS WILL NOT MEET FOR TWO WEEKS, IMMEDIATE CONSULTATION WITH THE FULL BOARD IS NECESSARY FOR THE DEPARTMENT HEAD AND STAFF

Maben-Patrick: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 43A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE THIS MATTER CAME TO THE ATTENTION OF COUNTY OFFICIALS ON NOVEMBER 10, 2005 AFTER 2:00 P.M. THE BOARD WILL BE DARK UNTIL DECEMBER 6, 2005, AND AS THIS IS A MATTER OF SIGNIFICANT EXPOSURE, IMMEDIATE CONSULTATION WITH THE FULL BOARD IS IN ORDER TO PROVIDE STAFF WITH DIRECTION

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

McQuiston-Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 39) Request for Closed Session regarding Meet and Confer, CCAPE-CJU, KCDOA, KCFFU, KCPOA, KLEA -
- 40) Request for Closed Session regarding public employee recruitment - Title: Director of Agriculture and Measurement Standards -

NON AGENDA ITEM

- 40A) Request for Closed Session regarding department head performance - Director of Human Services -
- 40B) Results of Closed Session regarding department head performance - Director of Human Services - CONTINUED TO NOVEMBER 15, 2005 AT 2:00 P.M. (SEE ITEM 37)

Patrick-McQuiston: All Ayes

COUNTY COUNSEL

- 41) Request for Closed Session regarding a lawsuit entitled Randall Cohl v. County of Kern (WCAB Case Nos. BAK 131744; BAK 145139), (Government Code Section 54956.9(a)) -
- 42) Request for Closed Session regarding a lawsuit entitled Carol Haley v. County of Kern (WCAB Case Nos. BAK 144692 and BAK 145041), (Government Code Section 54956.9(a)) -
- 43) Request for closed session regarding a lawsuit entitled County of Kern vs. Carl Sparks, et al. KCSC Case No. S-1500-CV254074 RJA, (Government Code Section 54956.9(a)) -

NON AGENDA ITEM

- 43A) Request for Closed Session regarding significant exposure to litigation against the County (Government Code Section 54956.9(b)(1)) -

(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.

Patrick-McQuiston

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Ray Watson
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, November 15, 2005

2:00 P.M.

BOARD RECONVENED

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

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

BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Maben-Patrick: All Ayes

KERN SANITATION AUTHORITY

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

McQuiston-Rubio: All Ayes

- 2) Briefing on Kern Sanitation Authority's operations (Fiscal Impact: None) - HEARD PRESENTATION; RECEIVED AND FILED

Rubio-Maben: All Ayes

- #3) Quarterly report concerning Change Orders approved by the Waste Management Department Director pursuant to Board authorization (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Rubio: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Rubio-Maben: All Ayes

PUBLIC PRESENTATIONS

- 4) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!
- GARLAND PERRY HEARD IN SUPPORT OF DIRECTOR OF HUMAN SERVICES, BEVERLY BEASLEY JOHNSON

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 5) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR RUBIO THANKED THE CLERK OF THE BOARD FOR HER RESPONSE TO HIS REQUEST TO POST VIDEO OF BOARD OF SUPERVISORS MEETINGS ON THE WEB AND ANNOUNCED CLERK OF THE BOARD PLANS TO PROVIDE A DEMONSTRATION ON DECEMBER 16, 2005

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

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

Specific Request:

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

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) (from 9/13/2005 & 10/18/2005) - OPENED HEARING; HEARD IN OPPOSITION TO STAFF RECOMMENDATION: DON ANDREWS; JOHN MOULE; CHARLES SHAFFER; FRANK ST. CLAIRE; JEAN LABORDE; JIM DELMARTER; AND KENNY DEVIN; HEARD IN SUPPORT OF STAFF RECOMMENDATION: LORRAINE UNGER, KERN KAWEAH CHAPTER OF THE

(Continued on Page 18)

(Continued from Page 17)

SIERRA CLUB; RICHARD JELMINI, PRESIDENT, KERN COUNTY FARM BUREAU; HOLLY HART, SMART GROWTH COALITION OF KERN COUNTY; SHERYL BARBICH, PRESIDENT, BAKERSFIELD VISION 2020; JIM KNAPP, 2005 PRESIDENT, BAKERSFIELD ASSOCIATION OF REALTORS; CLOSED HEARING; JIM DELMARTER PROVIDED ADDITIONAL COMMENTS; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2005-481 AND 2005-482 AND ENACTED ORDINANCE G-7316 AMENDING THE TEXTS OF THE BRECKENRIDGE HILLS SPECIFIC PLAN, CASA LOMA SPECIFIC PLAN, METROPOLITAN BAKERSFIELD GENERAL PLAN, AND WESTERN ROSEDALE SPECIFIC PLAN AS RECOMMENDED BY STAFF, REPLACING THE THREE-ACRE RECOMMENDATION WITH SIX ACRES; RESCINDED THE TEXT AND MAPS OF THE CHEVRON SECTION ONE SPECIFIC PLAN, SEVENTH HOME SPECIFIC PLAN, MAYFAIR SPECIFIC PLAN AND PUMPKIN CENTER SPECIFIC PLAN AND REAFFIRMED EXISTING LAND USE MAP CODES OF THE METROPOLITAN BAKERSFIELD GENERAL PLAN; RECEIVED AND FILED DOCUMENT

Rubio-Patrick: 3 Ayes; 2 Noes - McQuiston, Maben

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #2

- *7) Proposed Notice of Nonrenewal Petition No. 05-60 by Eyraud Family Trust for approximately 57.73 acres within Agricultural Preserve No. 10 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

- *8) Proposed Notice of Nonrenewal Petition No. 05-61 by Eyraud Family Trust for approximately 39.09 acres within Agricultural Preserve No. 10 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

- *9) Proposed Notice of Nonrenewal Petition No. 05-62 by Eyraud Family Trust for approximately 39.09 acres within Agricultural Preserve No. 10 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

S.D. #4

- *10) Proposed Notice of Nonrenewal Petition No. 05-45 by Gribble Bypass Trust for approximately 18.74 acres within Agricultural Preserve No. 10 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearings

S.D. #2

- *11) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 12935 Boron Avenue, Boron, APN 231-030-149, \$1,742.50 (Fiscal Impact: \$1,742.50; Budgeted; General Fund; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-483 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Maben-Patrick: All Ayes

- *12) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 12513 Boron Avenue, Boron, APN 231-030-156, \$3,057.50 (Fiscal Impact: \$3,057.50; Budgeted; General Fund; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-484 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Maben-Patrick: All Ayes

S.D. #4

- *13) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 332 Eastern Avenue, Taft, APN 039-304-04, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-485 DECLARING ABANDONED STRUCTURE(S) AND REAL PROPERTY 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 DEMOLITION AND REMOVAL AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF THE DEMOLITION CONTRACT

Maben-Patrick: All Ayes

S.D. #5

- *14) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 408 Troy Street, Bakersfield, APN 144-140-14, \$7,926.25 (Fiscal Impact: \$7,926.25; Budgeted; General Fund; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2005-486 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO PROPERTY OWNER(S)

Maben-Patrick: All Ayes

S.D. #1

- *15) Contract No. 05023, identify apparent low bid of Brown and Fowler Construction for construction of McFarland Sewer Back-up Generator, in an amount not to exceed \$166,000 (Fiscal Impact: \$166,000; CDBG; Budgeted; Discretionary) - IDENTIFIED LOW BID; AUTHORIZED ROADS TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE NECESSARY CONTRACT DOCUMENTS

Maben-Patrick: All Ayes

S.D. #2

- *16) Request for release of Faithful Performance Security for street, drainage, water and sewer guarantee period, release of Laborers and Materialmen Security, Tract 5200, Unit "A", southeast corner 35th Street West and Orange Street, Rosamond, Greystone Homes (Fiscal Impact: None) - APPROVED; RELEASED 10% FAITHFUL PERFORMANCE BOND NO. 111-2737-1323, UNDERWRITTEN BY THE AMERICAN INSURANCE COMPANY, IN THE AMOUNT OF \$215,454; RELEASED LABORERS AND MATERIALMEN BOND NO. 111-2737-1323, ISSUED BY THE AMERICAN INSURANCE COMPANY, IN THE AMOUNT OF \$449,703

Maben-Patrick: All Ayes

S.D. #3

- *17) Request for approval of completed street, drainage, water, landscaping and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement, Tract 6207, Baron Avenue, and proposed Resolution for acceptance of street improvements for maintenance (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$56,061 TO \$5,600, FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING NOVEMBER 15, 2005; REDUCED FAITHFUL PERFORMANCE BOND NO. 69900741, IN THE AMOUNT OF \$56,061, ISSUED BY WESTERN SURETY COMPANY, TO \$5,600; ADOPTED RESOLUTION 2005-487 FOR ACCEPTANCE OF ROADS WITHIN TRACT 6207, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

Maben-Patrick: All Ayes

S.D. #5

- *18) Proposed Standard Agreement between the County of Kern and the State of California, Department of Housing and Community Development, for the Rexland Acres Sewer System for Workforce Housing Reward Program (Fiscal Impact: \$468,542; Grant Funds; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 971-2005

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #3

- *19) Contract No. 05035, identify apparent low bid of Maverick Asphalt, Inc., for construction on Pioneer Drive (Fiscal Impact: \$500,000; Federal CDBG/TEA Funds; Budgeted; Discretionary) - IDENTIFIED LOW BID; AUTHORIZED ROADS TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE NECESSARY CONTRACT DOCUMENTS

Maben-Patrick: All Ayes

S.D.'s #2 & #5

- *20) Contract No. 05026, identify apparent low bid of Granite Construction for construction on Cottonwood Road, DiGiorgio Road and Comanche Road (Fiscal Impact: \$2,084,474.50; Federal CMAQ/RSTP Funds; Budgeted; Discretionary) - IDENTIFIED LOW BID; AUTHORIZED ROADS TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE NECESSARY CONTRACT DOCUMENTS

Maben-Patrick: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *21) Quarterly report concerning Change Orders approved by the Waste Management Department Director pursuant to Board authorization - RECEIVED AND FILED

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- 22) Proposed Administrative Bulletin No. 28 authorizing paid leave time for employee attendance at certain seminars regarding employee terms and conditions of employment, employment policies, and employee benefits (Fiscal Impact: Unknown) - APPROVED SUBJECT TO OBTAINING BOARD APPROVAL ON A SEMI-ANNUAL BASIS TO CONTINUE RETIREMENT PLANNING SEMINARS; APPROVED ATTENDANCE AT THE RETIREMENT SEMINAR SCHEDULED FOR DECEMBER 1, 2005

Patrick-Rubio: 4 Ayes; 1 No - Maben

- 23) Response to referral regarding proposed Economic Incentive Program exception (Fiscal Impact: None) - TERRY BJORN, CLIFFORD AND BROWN, HEARD; CONTINUED TO TUESDAY, DECEMBER 6, 2005, AT 2:00 P.M.

Rubio-Patrick: All Ayes

- *24) Proposed Memorandum of Understanding with Kern County Probation Officers' Association for Bargaining Units Q and Y for the term of July 1, 2005 through June 30, 2006 to provide retroactive salary increase of 5% effective July 9, 2005 (Fiscal Impact: \$1,200,000; Not Budgeted; Discretionary;) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 972-2005; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK, DIRECTOR OF PERSONNEL AND COUNTY ADMINISTRATIVE OFFICER TO IMPLEMENT

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *25) Change Order No. 1 for the reroof and HVAC replacement at the Shafter Branch Library, a decrease of \$2,532, for a new total of \$230,657, and to allow for additional time (1650.7021/1650.7029) (Fiscal Impact: \$2,532 Reduction; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *26) Proposed new License Agreement allowing The Cat People to continue to provide cat shelters and feeding stations at Hart Park, from January 1, 2006 through December 31, 2016, since the current Agreement 593-95 expires December 31, 2005 (No Charge to The Cat People) (Fiscal Impact: None) - 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 AGREEMENT 973-2005

Maben-Patrick: All Ayes

S.D. #3

- *27) Change Order No. 4 for new airport terminal signal security system at Meadows Field, an increase of \$953, for a new total of \$483,776; and proposed Resolution to dispense with bidding requirements for Change Orders in excess of 10% of the contract amount (8215.8416) (Fiscal Impact: \$953; Airport Project Fund; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-488; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- 28) Request authorization for Assistant County Administrative Officer to issue prior approval for additional construction at International Airlines Terminal Phase I, up to \$20,000 on Change Order No. 2, and report the project status and budget increase of the project (8994.8422) (Fiscal Impact: \$20,000; Airport Enterprise Fund; Budgeted; Discretionary) - AUTHORIZED ASSISTANT COUNTY ADMINISTRATIVE OFFICER TO ISSUE PRIOR APPROVAL; ACCEPTED AND FILED REPORT; AUTHORIZED REDESIGN TO ACCOMMODATE ADDITIONAL SQUARE FOOTAGES; ACKNOWLEDGED PROJECT BUDGET INCREASE

Maben-Rubio: All Ayes

S.D. #4

- *29) Proposed Agreement with Fields Devereaux Architects & Engineers to perform architectural services for the Frazier Park Branch Library, in an amount not to exceed \$402,700 (1960.8158.02) (Fiscal Impact: \$402,700; California Library Bond Act 2000; Budgeted; Discretionary)(from 11/08/2005) - CONTINUED TO TUESDAY, DECEMBER 6, 2005, AT 2:00 P.M.

Maben-Patrick: All Ayes

S.D.'s #1, #3, #4 & #5

- *30) Proposed acceptance of Quitclaim Deed from County of Kern Asset Leasing Corporation transferring title to various County facilities back to the County of Kern (Fiscal Impact: None) - APPROVED; AUTHORIZED ACCEPTANCE OF THE QUITCLAIM DEED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Patrick: All Ayes

All S.D.'s

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

Maben-Patrick: All Ayes

- *32) Request approval to add additional provisions required for compliance with the Immigration Reform and Control Act among other minor changes to the County's standard template for Personal/Professional Services Agreements (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *33) Budget Transfers - APPROVED NO. 49 THROUGH NO. 51

Maben-Patrick: All Ayes

- *34) Minutes for the week of October 17, 2005 - APPROVED WITH CORRECTION TO ITEM NO. 40 P.M. TO READ: APPROVED NO. 27 THROUGH **NO. 29 AND NO. 31 AND NO. 32**

Maben-Patrick: All Ayes

- *35) Miscellaneous Letters and Documents - APPROVED

Maben-Patrick: All Ayes

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

Maben-Patrick: All Ayes

ADJOURNED TO CLOSED SESSION

Maben-Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 37) Request for Closed Session regarding department head performance - Director of Human Services (from Item No. 40A, 9:00 a.m.) -

RECONVENED FROM CLOSED SESSION; ADJOURNED TO MONDAY, DECEMBER 5, 2005 AT 9:00 A.M. FOR COMMITTEE OF THE WHOLE

Patrick-McQuiston

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Ray Watson
Chairman, Board of Supervisors

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)**

The Board of Supervisors Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Board of Supervisors may request assistance at the Clerk of the Board of Supervisors, Fifth Floor, 1115 Truxtun Avenue, Bakersfield, California or by calling (661) 868-3585. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

35) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Letter from Wilfred A. Brown re resignation from the In-Home Supportive Services (IHSS) Advisory Committee (Copies to each Supervisor and CAO)
- B) Received, certified and transmitted to Recorder for recordation as follows:
 - 1) Tract Map 6118, Phase 8 S.D. #1
 - 2) Tract Map 6195, Phase 7 S.D. #1
 - 3) Tract Map 6222, Phase A S.D. #1
 - 4) Tract Map 6449, Phase 1 S.D. #4

Employers' Training Resource

- C) Workforce Investment Act On-the-Job Training Agreement:
 - 1) J. Noble Binns Plumbing Co., Inc., WIA Title 501, dated October 10, 2005

General Services

- D) Bond Rider No. 1 to RLI Insurance Company Bond No. RLB0005636 to change the Principal's name on the Bond from Nuevo Energy Company to Plains Exploration & Production per the terms of Franchise Ordinance F-434 as amended by Franchise Ordinance F-458
- E) Continuation Certificate for Safeco Insurance Company of America Franchise Bond No. 6214953 for Pacific Marketing and Transportation, LLC, in compliance with Franchise Ordinance F-467

Resource Management Agency

- F) Three (3) thank you letters for donations to the Bakersfield Animal Care Center and the Mojave Animal Shelter (Copies to each Supervisor and CAO)

Treasurer-Tax Collector

- G) Cash Receipts and Disbursements for October 2005
- H) Treasurer's Pooled Cash Portfolio Reporting for Quarter Ended September 2005

Miscellaneous

- I) Letter from Elaine Thompson, Verizon Wireless, re CPUC Cell Site Report, Fresno MSA Limited Partnership concerning removing and replacing existing antennas at 2600 S. China Lake Boulevard, Ridgecrest, APN 511-041-337 (Copies to each Supervisor, CAO, Planning and General Services)
- J) Letter from Alex Ramos to Child Support Services requesting assistance with paperwork required by escrow company (Copies to each Supervisor, CAO and Child Support Services)

- K) Application from California Water Service Company re authority to implement a low-income ratepayer assistance program (Copies to each Supervisor, CAO, Planning, Resource Management Agency, Engineering & Survey Services and County Counsel)
- L) Notice from U.S. Fish and Wildlife Service re Critical Habitat Final Rule concerning the southwestern willow flycatcher (Copies to each Supervisor, CAO, Planning and County Counsel)
- M) Bulletin from Kern County Child Care Council for Winter 05-06 (Copies to each Supervisor and CAO)
- 36) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Scott Barron aka Bevins vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Heather Smith, Katherine Smith and Roy Smith vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Edward Cipolletti vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Joe M. DeLaTorre vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Malik Hasan Davis vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Debra Lee Walker vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of James Strategos vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Claim in the matter of Philip G. Romanelli vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Claim in the matter of Avis Rent A Car by Shari DeCagna vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Subrogation claim in the matter of Fireman's Fund Insurance Company a/s/o Stockdale Oil & Gas, Inc., by CRAIG/is Ltd. Insurance Services vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- K) Subrogation claim in the matter of Fred and Betty Albitre by National Subrogation Services, LLC vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- L) Summons and complaint in the matter of Cheryl Lee vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- M) Discrimination complaint in the matter of Cary Hatton Freeman vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)

- N) Notice from Ana M. Soares, Attorney At Law, re pending lawsuit from Coalition for Paved Roads in Frazier Park, et al vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)