

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

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

Regular Meeting
Monday, November 8, 2004

2:00 P.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra
ROLL CALL: 3 Present; 2 Absent - Patrick, Watson

NOTE: CHAIRMAN MCQUISTON ANNOUNCED THAT SUPERVISOR PATRICK IS OUT OF TOWN ATTENDING TRAINING AS A MEMBER OF THE KERN COUNTY RETIREMENT BOARD AND SUPERVISOR WATSON IS EXCUSED DUE TO ILLNESS

SALUTE TO FLAG - Led by Supervisor Parra

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

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]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

KERN MEDICAL CENTER

- 3) Update report regarding Kern Medical Center's financial condition (Fiscal Impact: None) - RECEIVED AND FILED

Parra-Maben: 3 Ayes; 2 Absent - Patrick, Watson

- 4) Update report regarding Kern Medical Center's Information Systems Program (Fiscal Impact: None) - TONY RIZOS, INFORMATION SYSTEMS MANAGER, HEARD; RECEIVED AND FILED

Parra-Maben: 3 Ayes; 2 Absent - Patrick, Watson

- 5) Report regarding Kern Medical Center's Orthopedics Program (Fiscal Impact: None) - DR. MAUREEN MARTIN, CHAIRPERSON, DEPARTMENT OF SURGERY, AND DR. GARY ZOHMAN, DIRECTOR, ORTHOPEDIC TRAUMA, HEARD; DR. JAGGER, DR. D'AMICO AND DR. AMIRPOUR RECOGNIZED; RECEIVED AND FILED

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *6) Response to Board referral from September 13, 2004, regarding correspondence from Margaret L. England, M.D., relating to endocrinology care at Kern Medical Center (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *7) Proposed retroactive approval of a confirming purchase order with Carrier Commercial Services for rental of temporary chillers, from June 24, 2004 through August 19, 2004, in an amount not to exceed \$96,800 (Fiscal Impact: \$96,800; KMC Enterprise Fund; Not Budgeted; Mandated) - APPROVED; AUTHORIZED COUNTY PURCHASING TO ISSUE CONFIRMING PURCHASE ORDER

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *8) Proposed request for a confirming purchase order with Hilton Garden Inn, for medical staff semi-annual meeting on November 15, 2004, in an amount not to exceed \$3,500 (Fiscal Impact: \$3,500; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED COUNTY PURCHASING TO ISSUE CONFIRMING PURCHASE ORDER

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *9) Proposed addition of one (1) full-time Clinical Manager-Correctional Medicine, two (2) full-time Nurse Practitioner, and five (5) full-time flexible Licensed Vocational Nurse positions, effective November 8, 2004 (Fiscal Impact: \$604,846; KMC Enterprise Fund; Budgeted; Not Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *10) Proposed retroactive Amendment No. 6 to the Hospital and Other Facility Services Agreement with Kern Health Systems, for health care services to members of KHS (prior notification September 28, 2004) (Fiscal Impact: Confidential; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1006-2004

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *11) Proposed retroactive Amendment No. 35 to Contract for Hospital Inpatient Services with the State of California, for provision of inpatient hospital services to eligible beneficiaries under the Medi-Cal program (Fiscal Impact: Confidential; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED SUBJECT TO APPROVAL BY COUNTY COUNSEL; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1007-2004

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *12) Proposed Amendment No. 2 to Agreement 039-2003 with George Murr, M.D., appointing him as Surgical Director of the Intensive Care Unit and Director of the Kern Medical Center Level II Trauma Program, effective November 13, 2004, increasing the base salary by \$40,775, from \$224,840 to \$265,615 annually, effective November 13, 2004, and increasing the not to exceed amount by \$144,619, from \$1,180,852 to \$1,325,471 (Fiscal Impact: \$144,619; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1008-2004

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *13) Proposed Agreement with Conrado Castrillo Sevilla, M.D., a contract employee, for psychiatric services, from November 8, 2004 through November 7, 2009, in an amount not to exceed \$1,040,000 (Fiscal Impact: \$1,040,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1009-2004

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *14) Proposed retroactive Agreement with Fangluo Liu, M.D., an independent contractor, for pathology services, from October 11, 2004 through October 10, 2005, in an amount not to exceed \$100,000 (prior notification October 26, 2004) (Fiscal Impact: \$100,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1010-2004

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

- *15) Proposed retroactive Agreement with Bunyi-Teopengco Corporation, an independent contractor, for pathology services, from November 4, 2004 through November 3, 2005, in an amount not to exceed \$100,000 (prior notification November 2, 2004) (Fiscal Impact: \$100,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1011-2004

Maben-Parra: 3 Ayes; 2 Absent - Patrick, Watson

ADJOURNED TO TUESDAY, NOVEMBER 9, 2004 AT 9:00 A.M.

Maben

/s/ Tracey E. Cody
Administrative Coordinator

/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.

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, November 9, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Watson

NOTE: CHAIRMAN MCQUISTON ANNOUNCED SUPERVISOR PATRICK WAS ABSENT TO ATTEND TRAINING AS A MEMBER OF THE KERN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION BOARD OF DIRECTORS.

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 Tejon Ranch for donation of land to establish a National Veterans Cemetery in Kern County - ADOPTED RESOLUTION; MADE PRESENTATION TO BOB STINE, PRESIDENT/CEO, TEJON RANCH; BOB STINE HEARD

Maben-Parra: 4 Ayes; 1 Absent - Patrick

- 2) Resolution honoring the Friendship Force around the world - ADOPTED RESOLUTION; MADE PRESENTATION TO MAYRENE EDMIASTON AND BOB AND KATE HIMES, FRIENDSHIP FORCE OF KERN COUNTY; MAYRENE EDMIASTON; JULIAN SEWELL, BRAZIL; NOEL PRYDE, AUSTRALIA, REPRESENTING FRIENDSHIP FORCE INTERNATIONAL; AND BOB HIMES HEARD

Watson-Maben: 4 Ayes; 1 Absent - Patrick

RECESSED FOR FIVE MINUTES; RECONVENED WITH ALL MEMBERS PRESENT

- 3) Proclamation proclaiming the week of November 15-21, 2004 as National Children's Book Week in Kern County - PROCLAIMED; MADE PRESENTATION TO DIANE DUQUETTE, DIRECTOR OF LIBRARIES; DIANE DUQUETTE HEARD

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *4) Proclamation proclaiming the week of November 15-21, 2004 as Day of the Americas in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PRESENTATION

Watson-Parra: 4 Ayes; 1 Absent - Patrick

APPOINTMENTS

- *5) Appointment of Elizabeth Jean Eisenhower as First District Child Care Provider Member to the Local Child Care and Development Planning Council, term to expire June 30, 2007 - MADE APPOINTMENT

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *6) Reappointments of Ed Babb and Michael Daniel Morgan as At-large Members to the South Fork Mosquito Abatement District, terms to expire June 30, 2006 - MADE REAPPOINTMENTS

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *7) Reappointments of James Craig Richards and Dale Falk as At-large Members to the Kern River Valley Public Cemetery District, terms to expire November 27, 2008 - MADE REAPPOINTMENTS

Watson-Parra: 4 Ayes; 1 Absent - Patrick

PUBLIC PRESENTATIONS

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- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

- 10) Request to set hearing on proposed Automated Point of Sale Ordinance for November 30, 2004 (Fiscal Impact: \$46,775; Registration Fees; Unbudgeted; Non-mandated) - APPROVED; SET HEARING FOR TUESDAY, NOVEMBER 30, 2004 AT 9:00 A.M.; DESIGNATED COUNTY COUNSEL AS THE OFFICIAL TO PREPARE A FAIR AND ADEQUATE SUMMARY OF THE ORDINANCE; DIRECTED CLERK OF THE BOARD TO PUBLISH PURSUANT TO GOVERNMENT CODE SECTIONS 66018 AND 6062(A) AND POST PURSUANT TO GOVERNMENT CODE SECTION 25142(B)(1)

Maben-Watson: 4 Ayes; 1 Absent - Patrick

ASSESSOR-RECORDER

- *11) Proposed retroactive Agreement with Exigent Computer Group, Inc. for software maintenance and systems enhancements to the Recorder's AS-400 Computer System, from July 1, 2004 to June 30, 2005, in an amount not to exceed \$20,000 (Fiscal Impact: \$20,000; Budgeted; Budget Unit 2705) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1012-2004

Watson-Parra: 4 Ayes; 1 Absent - Patrick

CLERK OF THE BOARD

- *12) Proposed Resolution establishing the regular meeting dates of the Board of Supervisors for 2005 - APPROVED; ADOPTED RESOLUTION 2004-388

Watson-Parra: 4 Ayes; 1 Absent - Patrick

COUNTY COUNSEL

- *13) Resolution authorizing the issuance and sale of not to exceed \$3,000,000 of bonds of the Richland School District by a negotiated sale pursuant to a bond purchase contract, prescribing the terms of sale of said bonds, approving the form of and authorizing the execution and delivery of said bond purchase contract, and authorizing the execution of necessary certificates relating to said bonds (Fiscal Impact: None) - ADOPTED RESOLUTION 2004-389

Watson-Parra: 4 Ayes; 1 Absent - Patrick

EMPLOYERS' TRAINING RESOURCE

- *14) Request for authorization to apply for Wagner-Peyser 10% Governor's Discretionary funding to provide employment and training services to long-term unemployed individuals (Fiscal Impact: \$335,000; Federal Grant; Not Budgeted; Not Mandated) - APPROVED; AUTHORIZED ETR AS FISCAL AGENT FOR RECEIPT OF GRANT FUNDING; AUTHORIZED ETR DIRECTOR TO EXECUTE REQUIRED DOCUMENTS

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *15) Performance reports for Employers' Training Resource and Career Services Centers for the period July 1, 2004 through September 30, 2004 (Fiscal Impact: None) - RECEIVED AND FILED

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *16) Proposed retroactive Agreement with La Cooperativa Campesina de California for the Agricultural Dislocated Worker Program, from July 1, 2004 through September 30, 2004, in an amount not to exceed \$54,600 (prior notification June 29, 2004) (Fiscal Impact: \$54,600; State Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1013-2004

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *17) Notification of anticipated retroactive Agreement with La Cooperativa Campesina de California for the Agricultural Dislocated Worker Program (Fiscal Impact: To be determined; State Grant; Budgeted; Mandated) -

WITHDRAWN

- *18) Proposed retroactive Agreement with Maricopa Unified School District to provide training, work readiness, drop out prevention, and employment activities to eligible youths in the Maricopa area, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$31,301 (prior notification June 29, 2004) (Fiscal Impact: \$31,301; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1014-2004

Watson-Parra: 4 Ayes; 1 Absent - Patrick

FIRE DEPARTMENT

- *19) Request for confirming purchase order with Cardiac Science, Inc. for the purchase of thirteen (13) defibrillators in the amount of \$21,577.04 (Fiscal Impact: \$21,577.04; Fire Fund; Budgeted) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PROCESS CLAIM FOR PAYMENT

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *20) Request for confirming purchase order with Pierce Manufacturing, Inc. for repairs to Fire Engine 32 (Fiscal Impact: \$60,091.61; Fire Fund; Not Budgeted) - APPROVED; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$50,092 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2415 IN THE AMOUNT OF \$50,092; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PROCESS CLAIM FOR PAYMENT

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- 21) Request for sole source purchase order with Pierce Manufacturing, Inc., for the purchase of five (5) fire apparatus chassis in the amount of \$1,084,000 (Fiscal Impact: \$1,084,000; Fire Fund; Budgeted) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Maben-Parra: 4 Ayes; 1 Absent - Patrick

GRAND JURY

- *22) Proposed funding to conduct a forensic audit of a local entity by an outside firm as allowed under Penal Code Section 926 (Fiscal Impact: \$25,000) - APPROVED; AUTHORIZED BUDGET TRANSFER FROM BUDGET UNIT 1970 TO BUDGET UNIT 2160 FOR PURPOSES OF FORENSIC AUDIT
Watson-Parra: 4 Ayes; 1 Absent - Patrick

HUMAN SERVICES

- *23) Proposed retroactive Memorandum of Understanding with the California Department of Social Services for Wraparound Services, from January 1, 2004 through December 31, 2006 (Fiscal Impact: None; Budgeted; Mandated) - APPROVED; ADOPTED RESOLUTION 2004-390; AUTHORIZED DIRECTOR OF HUMAN SERVICES TO SIGN
Watson-Parra: 4 Ayes; 1 Absent - Patrick

LIBRARY

- *24) Quarterly report of Performance Measures - RECEIVED AND FILED
Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *25) Request for sole source procurement of a Database News Package from Newsbank, for a 3-year subscription, in an amount not to exceed \$52,500 (Fiscal Impact: \$52,500; General Fund; Budgeted; Not Mandated) -
WITHDRAWN

MENTAL HEALTH SERVICES

- *26) Proposed Amendment No. 1 to Agreement 348-2004 with Luis Velosa, M.D. Inc., for professional evaluation services for clients who have had inpatient stays, to correct the Commercial General Liability Insurance aggregate limit to match the standard amount set by County Risk Manager (Fiscal Impact: None; State; Budgeted, Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1015-2004
Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *27) Proposed retroactive Agreement with Michelle Montelongo, for American Sign Language interpretation services for Department hearing impaired staff and clients to retain competence with the American Disabilities Act and to be culturally competent, from October 1, 2004 through January 31, 2005, in an amount not to exceed \$23,500 - (Fiscal Impact: \$23,500; State; Budgeted, Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1016-2004
Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *28) Proposed authorization to designate specified individuals to initiate application for evaluation and involuntary detention of mentally disordered individuals per Welfare and Institutions Code, Section 5150 (Fiscal Impact: None) - APPROVED
Watson-Parra: 4 Ayes; 1 Absent - Patrick

PUBLIC HEALTH SERVICES

- *29) Proposed retroactive Agreement with State Department of Health Services for AIDS Master Grant, from July 1, 2004 through June 30, 2007, in an amount not to exceed \$2,953,698 (prior notification June 29, 2004) (Fiscal Impact: \$2,953,698 - Current Year \$984,566; State Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1017-2004 AND RELATED DOCUMENTS, IN SUBSTANTIALLY THE FORM SUBMITTED, SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL
Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *30) Request for approval of the absence of the Director of Public Health Services from December 9, 2004 through January 28, 2005 - APPROVED
Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *31) Notification of retroactive Agreements with California Department of Health Services for Preventive Health Care of the Aging Program, and Kern County Children and Families Commission for the Child Health and Disability Prevention Program, Treatment Program - Dental Program - RECEIVED AND FILED
Watson-Parra: 4 Ayes; 1 Absent - Patrick

RETIREMENT ASSOCIATION

- *32) Request for approval of half-day paid leave for up to 150 qualified employees to participate in the KCERA's Retirement Planning Seminar scheduled for Thursday, December 2, 2004, from 8:30 a.m. to 12 noon (Fiscal Impact: None) - APPROVED
Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *33) Addition of one (1) Office Services Assistant position, effective November 9, 2004 (Fiscal Impact to KCERA) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE
Watson-Parra: 4 Ayes; 1 Absent - Patrick

SHERIFF

- *34) Application to hold a parade - Mountain Communities Chamber of Commerce Holiday Faire, December 11, 2004, 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; AUTHORIZED CHAIRMAN TO SIGN
Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *35) Sheriff's Department - Law Enforcement Bureau Performance Measures Report July to September 2004 (Fiscal Impact: None; Mandated) - RECEIVED AND FILED REPORT
Watson-Parra: 4 Ayes; 1 Absent - Patrick

TREASURER-TAX COLLECTOR

- *36) Proposed Agreement with Tehachapi Resource Conservation District for Sale of Tax-Defaulted Property in an amount not to exceed \$8,800, plus the cost of giving notice of this Agreement - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1018-2004
Watson-Parra: 4 Ayes; 1 Absent - Patrick

- *37) Notice of Intention to Sell Tax-Defaulted Property Subject to the Power of Sale - APPROVED; ADOPTED RESOLUTION 2004-391
Watson-Parra: 4 Ayes; 1 Absent - Patrick

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 39: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE ON FRIDAY, NOVEMBER 5, 2004, AT A COURT SETTLEMENT CONFERENCE IN THIS CASE, A PROPOSED OFFER OF SETTLEMENT WAS REACHED THAT REQUIRED BOARD ACTION. BECAUSE THE BOARD WOULD BE DARK UNTIL NOVEMBER 30, 2004, A PROPOSED SETTLEMENT IN THIS CASE MUST BE DEALT WITH IN ORDER FOR COUNSEL TO PROCEED WITH THE PROPER HANDLING OF THIS MATTER.

Parra-Maben: 4 Ayes; 1 Absent - Patrick

ADJOURNED TO CLOSED SESSION

Parra

CLOSED SESSIONS

COUNTY COUNSEL

- 38) Request for closed session regarding significant exposure to litigation against the County (Government Code Section 54956.9(b)(1) -
- 39) Closed session regarding lawsuit entitled Jaievsky v. County of Kern, KCSC Case No. 250638RJA (Government Code Section 54956.9(a)) -

(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.

Parra-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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1115 Truxtun Avenue
Bakersfield, California

Regular Meeting

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BOARD RECONVENED

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

NOTE: CHAIRMAN MCQUISTON ANNOUNCED SUPERVISOR PATRICK WAS ABSENT TO ATTEND TRAINING AS A MEMBER OF THE KERN COUNTY EMPLOYEES' RETIREMENT ASSOCIATION BOARD OF DIRECTORS.

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-Parra: 4 Ayes; 1 Absent - Patrick

KERN SANITATION AUTHORITY

- #1) Proposed Amendment No. 1 to Agreement 1107-2002 with Geographic Data and Management Solutions/Arrow Engineering to provide geographic information system database development services, extending the term from December 8, 2004 to December 8, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1019-2004

Watson-Maben: 4 Ayes; 1 Absent - Patrick

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Watson-Maben: 4 Ayes; 1 Absent - Patrick

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- 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

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- 4) **Request from Guadalupe V. Lopez to change the permitted uses from medium-density residential to high-density residential on 15,000 square feet located on the southeast corner of Dixie Street and Locust Street, Rosamond (SD #2)**
Specific Request:
A change in zone classification from R-2 to R-3 or a more restrictive district (ZCC #38, Map #230-21)
(General Rule, Section 15061(b)(3); Published Rosamond Weekly News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING;
PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-392 AND ENACTED ORDINANCE G-7156 APPROVING ZONE CHANGE
Maben-Parra: 4 Ayes; 1 Absent - Patrick
- *5) **Request from Timothy L. Beard (original applicant - Jack Taylor by Bruce Keith) to appeal the decision of the Planning Commission to allow a church in a residential district on 1.07 acres located at 10001 Meacham Road, Rosedale (SD #3)**
Specific Request:
An appeal of the decision of the Planning Commission to approve CUP 39, Map 102-19 (Resolution 156-04; approved September 9, 2004) to allow a church (Section 19.16.030.J) in an E (1) RS District (Appeal #3, Map #102-19)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - CONTINUED TO TUESDAY, NOVEMBER 30, 2004, AT 2:00 P.M.
Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *6) **Request from Candis Vaughan to change the permitted uses from 1/2-acre residential to 1/4-acre residential and a request to allow a mobilehome on 27,352 square feet located at 5011 Morro Drive, southeast Bakersfield (SD 5)**

Specific Request:

- (a) A change in zone classification from E (1/2) RS to E (1/4) or a more restrictive district (ZCC #28, Map #124-1)
- (b) A Conditional Use Permit to allow an additional dwelling unit (mobilehome) (Section 19.16.030.B) in an E (1/4) District (CUP #31, Map #124-1)
- (General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-393 AND 2004-394 AND ENACTED ORDINANCE G-7157 APPROVING ZONE CHANGE AS REQUESTED; APPROVED CONDITIONAL USE PERMIT SUBJECT TO CONDITIONS

Parra-Maben: 4 Ayes; 1 Absent - Patrick

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #4

- *7) Notice of Nonrenewal Petition No. 04-32 by Randall Dean Bloemhof and Karla Maria Bloemhof by Delmarter and Deifel, for approximately 1 acre within Agricultural Preserve No. 8 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *8) Notice of Nonrenewal Petition No. 04-15 by Larry Borda and Margaret M. Borda, for approximately 120 acres within Agricultural Preserve No. 9 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

Parra-Maben: 4 Ayes; 1 Absent - Patrick

Miscellaneous

All S.D.'s

- *9) Proposed revision to Conflict of Interest Code for the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) Implementation Trust Group (Fiscal Impact: None) - APPROVED

Parra-Maben: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

Hearings

S.D. #5

- *10) Public Hearing for proposed amendment to the County of Kern's Fiscal Year (FY) 2004-2005 Annual Action Plan to change the scope of Activity No. 7.04.2, Belle Terrace Park Improvements (Fiscal Impact: \$145,000; Federal Community Development Block Grant; Budgeted; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENT TO COUNTY'S FY 2004-2005 ANNUAL ACTION PLAN TO CHANGE SCOPE OF ACTIVITY NO. 7.04.2; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *11) Public Hearing to amend the County of Kern's Fiscal Year (FY) 2001-2002 and FY 2004-2005 Annual Action Plans for Community Development Programs to cancel Project No. 34.01.1, Lamont Village, create Project No. 34.04.2, Cottonwood Court Farmworker Housing, and transfer funds from Project No. 34.01.1 to Project No. 34.04.2 in an amount not to exceed \$850,000, and to the HOME Unprogrammed Funds Account in an amount not to exceed \$150,000 (Fiscal Impact: \$1,000,000; Home Investment Partnerships Program; Budgeted; Not Mandated) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENT OF COUNTY'S FY 2001-2002 ANNUAL ACTION PLAN TO CANCEL HOME PROJECT NO. 34.01.1, LAMONT VILLAGE; APPROVED AMENDMENT OF COUNTY'S FY 2004-2005 ANNUAL ACTION PLAN TO CREATE HOME PROJECT NO. 34.04.2, COTTONWOOD COURT FARMWORKER HOUSING; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO EFFECT TRANSFER OF FUNDS; AUTHORIZED THE NECESSARY U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND COUNTY BUDGET ADJUSTMENTS; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION RELATED TO AMENDMENT TO HUD

Parra-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #4

- *12) Request for approval of Memorandum of Agreement with Kern Council of Governments, and Self-Help Enterprises, Inc., to complete preliminary engineering for improvements to the City of Maricopa Sewer System, Activity No. 15.04.1, in an amount not to exceed \$30,000 (Fiscal Impact: \$30,000; Local Funds; Discretionary; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1020-2004

Parra-Maben: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

Hearings

S.D. #1

- *13) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at, 6517 Canyon Avenue, Inyokern, APN 084-192-03, (Fiscal Impact: \$1,316.50; Budgeted; General Fund) - CONTINUED TO TUESDAY, NOVEMBER 30, 2004, AT 2:00 P.M.

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- 14) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 29305 Pond Road, McFarland, APN 521-170-02, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; RALPH PISTORESI HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-395 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 60 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL OF TWO STRUCTURES, SECURING FIVE STRUCTURES AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF THE DEMOLITION CONTRACT, AND CLEAN THE ENTIRE 10-ACRE SITE

Maben-Watson: 4 Ayes; 1 Absent - Patrick

- *15) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at, 20621 Cypress Street, Onyx, APN 321-171-14, \$4,775 (Fiscal Impact: \$4,775; Budgeted; General Fund) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2004-396 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 THE PROPERTY OWNER(S)

Parra-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #4

- 16) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 338 "E" Street, Taft, APN 039-182-20, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; GILBERT TARR HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-397 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

Watson-Maben: 4 Ayes; 1 Absent - Patrick

- 17) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 259 3rd Street, Buttonwillow, APN 101-101-03, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; GILBERT TARR HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-398 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 OF THE DILAPIDATED GARAGE ONLY, BOARD AND SECURE THE PRIMARY RESIDENCE ALONG WITH THE NEW GARAGE AND CLEAN THE PREMISES AND PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF THE DEMOLITION CONTRACT

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- 18) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 36041 Lebec Road, Lebec, APN 255-215-15, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; GILBERT TARR AND BRITTANY RODGERS HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-399 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

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- 19) Proposed Resolution ordering the extension of Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71, determining to adopt and accept an Ordinance enacting assessments for the area included within the boundaries extended herein, Tracts 6122, 6126, 6154 and 1.14 acres on Rosedale Highway, west Bakersfield, located south of Rosedale Highway and east of Rudd Road (Fiscal Impact: \$121,175; CSA's Budgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7158 ESTABLISHING THE ASSESSMENTS; ADOPTED RESOLUTION 2004-400 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT AND APPROVING AN ANNUAL ASSESSMENT NOT TO EXCEED: \$85 PER PARCEL FOR STREET LIGHT MAINTENANCE, \$12 PER PARCEL FOR SEPTIC MONITORING, \$140 PER PARCEL FOR SEWER SERVICE, \$12 PER PARCEL FOR STREET SWEEPING, \$25 PER PARCEL FOR DRAINAGE FACILITIES MAINTENANCE, \$1,000 PER PARCEL FOR LANDSCAPE AND WALL MAINTENANCE, \$200 PER PARCEL FOR MULTI-USE TRAIL, LANDSCAPE AND WALL MAINTENANCE, DETERMINING TO ADOPT AND ACCEPT AN ORDINANCE ENACTING ASSESSMENTS FOR THE AREA INCLUDED WITHIN THE BOUNDARIES EXTENDED HEREIN; ORDERING THE EXTENSION OF ZONE OF BENEFIT NOS. 3, 5, 7, 8 AND 10 IN COUNTY SERVICE AREA NO. 71

Watson-Parra: 4 Ayes; 1 Absent - Patrick

- 20) Proposed Resolution ordering the extension of Zone of Benefit Nos. 3, 5, 7, 8 and 10 in County Service Area No. 71, determining to adopt and accept an Ordinance enacting assessments for the area included within the boundaries extended herein, Tract 6145, west Bakersfield, located south of Hageman Road and east of Renfro Road (Fiscal Impact: \$4,234; CSA's Budgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRMED THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE G-7159 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2004-401 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT AND APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$85 PER PARCEL FOR STREET LIGHT MAINTENANCE, \$12 PER PARCEL FOR SEPTIC MONITORING, \$12 PER PARCEL FOR STREET SWEEPING, \$50 PER PARCEL FOR DRAINAGE FACILITIES MAINTENANCE - LARGE LOT, \$90 PER PARCEL FOR LANDSCAPE AND WALL MAINTENANCE, \$200 PER PARCEL FOR MULTI-USE TRAIL, LANDSCAPE AND WALL MAINTENANCE, DETERMINING TO ADOPT AND ACCEPT AN ORDINANCE ENACTING ASSESSMENTS FOR THE AREA INCLUDED WITHIN THE BOUNDARIES EXTENDED HEREIN; ORDERING THE EXTENSION OF ZONE OF BENEFIT NOS. 3, 5, 7, 8 AND 10 IN COUNTY SERVICE AREA NO. 71

Watson-Parra: 4 Ayes; 1 Absent - Patrick

NOTE: ITEM NOS. 21 AND 22 WERE HEARD CONCURRENTLY

S.D. #5

- 21) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 8321 Hilltop Drive, Bakersfield, APN 178-070-19, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; GILBERT TARR HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-402 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

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- 22) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 408 Troy Street, Bakersfield, APN 144-140-14, estimated cost \$6,500 (Fiscal Impact: \$6,500; Budgeted; General Fund) - OPENED HEARING; GILBERT TARR AND FERROL HICKEY HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-403 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 90 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

Watson-Parra: 4 Ayes; 1 Absent - Patrick

S.D. #2

- *23) Contract No. 04022, Plans and Specifications, and Notice to Contractors for Proposal and Contract for construction of Mojave Drainage Improvements, Phase VIII (Fiscal Impact: \$466,560; CEDD Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN THE PLANS; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20150 OF PUBLIC CONTRACT CODE; BID OPENING DATE TO BE WEDNESDAY, DECEMBER 15, 2004, AT 11:00 A.M.

Parra-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #4

- *24) Request to approve final map for Tract 6208, southeast corner of Palm Avenue and Nord Avenue, western Rosedale, The Lusich Company for Delfino Land Company, Inc. (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-404 MAKING FINDINGS PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNERS WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE); APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; ACCEPTED SEWAGE MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Parra-Maben: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- 25) Performance Measures Report for Building Inspection and Code Compliance Divisions (Fiscal Impact: None) - GILBERT TARR HEARD; RECEIVED AND FILED

Parra-Watson: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #1

- *26) Proposed no stopping zone along Manor Street, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Parra-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #2

- *27) Proposed no stopping zone along Water Canyon Road, Tehachapi area (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Parra-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #5

- *28) 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 2004-405; DIRECTED CLERK OF THE BOARD TO RECORD

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *29) Proposed Contract No. 05002 with Griffith Company for construction on Weedpatch Highway (SR 184) from Collison Street to Mountain View School, in an amount not to exceed \$46,320 (Fiscal Impact: \$46,320; Road Fund; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1021-2004

Parra-Maben: 4 Ayes; 1 Absent - Patrick

S.D.'s #1 & #3

- *30) Proposed Contract No. 643416 with the California Department of Transportation (Caltrans) for transit operating assistance on east Kern routes, in an amount not to exceed \$60,000 (Fiscal Impact: \$60,000; State Grant; Budgeted; Not Mandated) - APPROVED; AUTHORIZED DIRECTOR TO SIGN

Parra-Maben: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- *31) Quarterly Performance Measures Report (Fiscal Impact: None) - RECEIVED AND FILED

Parra-Maben: 4 Ayes; 1 Absent - Patrick

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 31A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE ON MONDAY AFTERNOON, NOVEMBER 8, 2004, DEPARTMENT WAS NOTIFIED THAT MEXICANA AIRLINES HAS OFFERED TO HOST DEPARTMENT OF AIRPORTS STAFF IN MEXICO CITY, MEXICO, TO DISCUSS THEIR INTENTION TO SERVE MEADOWS FIELD AIRPORT AND TO WITNESS THE UNVEILING OF THE NEW AIRCRAFT AND SYSTEMS TO BE USED IN THIS SERVICE. THE DEPARTMENT IS REQUESTING BOARD AUTHORIZATION AS THE BOARD WILL NOT BE IN SESSION FOR TWO WEEKS.

Maben-Parra: 4 Ayes; 1 Absent - Patrick

AIRPORTS

- 31A) Request for authorization of unusual travel to Mexico City, Mexico, for Teresa L. Hitchcock, Airports Analysis and Marketing Manager, and Jack R. Gotcher, Operations and Maintenance Manager, to meet with Mexicana Airlines from November 15, 2004 through November 17, 2004, at an estimated cost of \$2,500 (Fiscal Impact: \$2,500; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN TRAVEL REQUEST

Parra-Watson: 4 Ayes; 1 Absent - Patrick

COUNTY ADMINISTRATIVE OFFICE

- *32) Transfer of Property Tax Entitlement related to City of Bakersfield Annexation No. 457, Local Agency Formation Commission (LAFCO) Proceeding No. 1394 (Fiscal Impact: Fiscal Year 2005-2006, \$446; General Fund) - APPROVED; ADOPTED RESOLUTION 2004-406 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF THE COUNTY'S PROPERTY TAX ENTITLEMENT TO THE CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *33) Transfer of Property Tax Entitlement related to City of Bakersfield Annexation No. 463, Local Agency Formation Commission (LAFCO) Proceeding No. 1395 (Fiscal Impact: Fiscal Year 2005-2006, \$531; General Fund; Fiscal Year 2005-2006, \$494; Fire Fund) - APPROVED; ADOPTED RESOLUTION 2004-407 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF THE COUNTY'S PROPERTY TAX ENTITLEMENT TO THE CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *34) Transfer of Property Tax Entitlement related to City of Bakersfield Annexation No. 464, Local Agency Formation Commission (LAFCO) Proceeding No. 1396 (Fiscal Impact: Fiscal Year 2005-2006, \$124; General Fund) - APPROVED; ADOPTED RESOLUTION 2004-408 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF THE COUNTY'S PROPERTY TAX ENTITLEMENT TO THE CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *35) Transfer of Property Tax Entitlement related to City of Bakersfield Annexation No. 465, Local Agency Formation Commission (LAFCO) Proceeding No. 1393 (Fiscal Impact: Fiscal Year 2005-2006, \$117; General Fund) - APPROVED; ADOPTED RESOLUTION 2004-409 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF THE COUNTY'S PROPERTY TAX ENTITLEMENT TO THE CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Parra-Maben: 4 Ayes; 1 Absent - Patrick

Legislative Matters

- *36) Proposed Resolution requesting legislation regarding Medi-Cal reimbursement of Kern Medical Center for neonatal intensive care services from July 1, 1998 through August 8, 2002 (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-410; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *37) Proposed Resolution supporting Southern California Edison's application to California Public Utilities Commission to construct the Antelope Transmission Project and to upgrade electricity transmission system to assist in the development and expanded supply of wind energy - APPROVED; ADOPTED RESOLUTION 2004-411; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Parra-Maben: 4 Ayes; 1 Absent - Patrick

COUNTY ADMINISTRATIVE OFFICE
General Services Division
S.D. #1

- *38) Request to receive and file The Hanover Insurance Company Bond No. 1698783 from Mediacom California, LLC, in the amount of \$25,000, and release The Hanover Insurance Company Bond No. 1679258 (Fiscal Impact: None)- APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO FILE BOND NO. 1698783 AND RELEASE BOND NO. 1679258

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *39) Proposed sole source Agreement with I Con Construction Company for the Shafter Veterans Hall improvements, in an amount not to exceed \$120,702 (8920.18032) (Fiscal Impact: \$120,702; Community & Economic Development Dept.; Budgeted) - ADOPTED RESOLUTION 2004-412 DISPENSING WITH BIDDING REQUIREMENT; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1022-2004

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *40) Plans and specification for Phase III improvements at Shafter Veterans Hall (8920.18042) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED PURCHASING AGENT TO SOLICIT BIDS

Parra-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #2

- *41) Proposed Space Use Permit with the State of California Employment Development Department (EDD) permitting EDD to use County space at 2300 Highway 58, Mojave (no rent) for EDD staff to provide job search or training services to CalWorks Program Participants from November 1, 2004 to October 31, 2006 (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

Parra-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #3

- *42) Proposed Estoppel, Non-disturbance and Attornment Agreement for Victor Young Trust regarding County's lease of a portion of 3400 Unicorn Road, occupied by the Sheriff's Department (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1023-2004

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *43) Change Order No. 3 for the Rathbun Library roofing project, a decrease of \$1,580.70, for a new total of \$187,782.30 (1650.7134) (Fiscal Impact: None; General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Maben: 4 Ayes; 1 Absent - Patrick

S.D. #5

- *44) Proposed Agreement with Mechanical Design Concepts for the HVAC Control Conversion Study at the 1415 Truxtun Utility Plant, in an amount not to exceed \$21,000 (1650.7034) (Fiscal Impact: \$21,000; General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1024-2004

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *45) Change Order No. 1 for the Superior Court 2nd Floor Training Room Remodel, an increase of \$12,497.10, for a new total of \$450,709.10 (9410.7000D) (Fiscal Impact: \$12,497.10; Superior Courts; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Maben: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- *46) Identify apparent low bid from Specialty Construction, Inc., for the Communication Towers and Site Improvements, Phase II, and proposed Agreement in an amount not to exceed \$288,700 (8235.8361A) (Fiscal Impact: \$288,700; Tobacco Secured Proceeds Fund; Budgeted) - IDENTIFIED APPARENT LOW BID; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1025-2004

Parra-Maben: 4 Ayes; 1 Absent - Patrick

COUNTY ADMINISTRATIVE OFFICE
Information Technology Services

- *47) Proposed Agreement with Alliance Title Company to license on-line access to the Kern Integrated Property System and the Assessor-Recorder's Official Records System, in an approximate amount of \$4,375 in Fiscal Year 2004-2005, and an estimated amount of \$7,500 annually thereafter (Fiscal Impact: \$4,375 Revenue to County in Fiscal Year 2004-2005; Not Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1026-2004

Parra-Maben: 4 Ayes; 1 Absent - Patrick

CONSIDERATION OF ORDINANCES INTRODUCED ON NOVEMBER 2, 2004

- *48) Proposed Ordinance adding Section 10.04.534 to Chapter 10.04, Title 10, of the Kern County Ordinance Code establishing a 45 mile-per-hour speed limit on Calloway Drive, Bakersfield - ENACTED ORDINANCE G-7160

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *49) Proposed Ordinance adding Subsection (175) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code establishing a no stopping zone in the alley between Pacific Street and Quincy Street, Bakersfield - ENACTED ORDINANCE G-7161

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *50) Proposed Ordinance adding Subsection (5) to Section 10.16.055 of Chapter 10.16, Title 10, of the Kern County Ordinance Code establishing a no stopping zone on Laura Street, Mojave - ENACTED ORDINANCE G-7162

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *51) Proposed Ordinance adding Subsection (173) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code establishing a no stopping zone on Snow Road, Bakersfield - ENACTED ORDINANCE G-7163

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *52) Proposed Ordinance adding Subsection (174) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code establishing a no stopping zone on Fairview Road, Bakersfield - ENACTED ORDINANCE G-7164

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *53) Proposed Ordinance adding Section 10.04.031 to Chapter 10.04, Title 10, of the Kern County Ordinance Code establishing a 25 mile-per-hour speed limit on Dennis McCarthy Drive - ENACTED ORDINANCE G-7165

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *54) Proposed Ordinance adding Section 10.04.500 to Chapter 10.04, Title 10, of the Kern County Ordinance Code establishing a 40-mile-per-hour speed limit on Wheeler Ridge Road - ENACTED ORDINANCE G-7166

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *55) Proposed Ordinance adding Subsections (171) and (172) to Section 10.16.041 of Chapter 10.16, Title 10, concerning no stopping zones on Norris Road and Quail Creek Road, Bakersfield - ENACTED ORDINANCE G-7167

Parra-Maben: 4 Ayes; 1 Absent - Patrick

MATTERS FOR EXECUTIVE APPROVAL

- *56) Budget Transfers - APPROVED NO. 38 THROUGH NO. 42

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *57) Minutes for week of October 11, 2004 - APPROVED

Parra-Maben: 4 Ayes; 1 Absent - Patrick

- *58) Miscellaneous Letters and Documents - APPROVED

Parra-Maben: 4 Ayes; 1 Absent - Patrick

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

Parra-Maben: 4 Ayes; 1 Absent - Patrick

ADJOURNED TO TUESDAY, NOVEMBER 30, 2004, AT 9:00 A.M.

Maben

/s/ Tracey E. Cody
Administrative Coordinator

/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.

58) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Aging & Adult Services

- A) Memorandum re resolution of minor audit findings (Copies to each Supervisor and CAO)
- B) Letter to State Department of Aging re notice of Audit Report for Multipurpose Senior Service Program from July 1, 1999 through June 30, 2002 (Copies to each Supervisor and CAO)

Clerk of the Board

- C) Letter from W. R. Rector re resignation from the Behavioral Health Board (Copies to each Supervisor and CAO)
- D) Received, certified and transmitted to Recorder for recordation as follows:
 - 1) Tract Map 5944, Phase 5 S.D. #2
 - 2) Tract Map 6184, Unit 1 S.D. #1
 - 3) Tract Map 6184, Unit 2 S.D. #1
 - 4) Parcel Map 10981 S.D. #2
 - 5) Parcel Map 10984 S.D. #3

County Administrative Office

- E) Amendment to Administrative Policy and Procedures Manual, Section 302 and 305

Grand Jury

- F) 2004-2005 Final Report on Kern County Department of Child Support Services (Copies to each Supervisor, CAO and Child Support Services)

Local Agency Formation Commission

- G) Notice of Hearing, Proceeding No. 1384, in the matter of City of Bakersfield, Annexation No. 455 (Allen Road No. 10)
- H) Notice of Hearing in the matter of Municipal Services Reviews for the City of Tehachapi and Surrounding Special Districts including the Mojave Public Utility District and the Rosamond Community Services District

Roads

- I) Received, prepared Consent to Recordation and forwarded to Recorder for recordation an Irrevocable Offer of Dedication from Kenneth Lopez and Conway Lopez for additional right-of-way on Kernita Road

Miscellaneous

- J) Letter from Sergio Allard Barroso, Mexicana Airlines, re direct service from Bakersfield to Guadalajara and Mexico City (Copies to each Supervisor, CAO, Agricultural Commissioner and County Counsel)

- K) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report on Friday, October 15, 2004, on State Route 119, two miles east of Buena Vista Road (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)
- L) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report on Thursday, October 21, 2004, on State Route 99 north bound (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)
- M) Letter from Sissy Smith, San Joaquin Valley Air Pollution Control District, re nominations for Citizens Advisory Committee (CAC) Environmental Interest Group primary and alternate members for Kern County (Copies to each Supervisor, CAO and Clerk of the Board)
- N) Letter from Dennis J. O'Bryant, State Department of Conservation, re public agency acquisition of land enrolled in Williamson Act Contract (APN 179-020-06, 07, 42), Landfill Buffer (Copies to each Supervisor, CAO, Assessor and Waste Management)
- O) Letter from Ronn Dominici, San Joaquin Valley Regional Association of California Counties in opposition to proposed rule designating critical habitat for California tiger salamander (Copies to each Supervisor, CAO, Planning and County Counsel)
- P) Letter from Louis E. Gitomer, Rail America, Inc., re filing with the Surface Transportation Board (STB) a notice of exemption seeking authority for San Joaquin Valley Railroad Company to discontinue service over and Sunset Railway Company to abandon an 18-mile rail line known as the Sunset Subdivision between Levee and Taft (Copies to each Supervisor, CAO, Planning, Resource Management Agency and County Counsel)
- Q) Letter from Neil Christman re request for amendment to General Plan (GPA) in the East College Heights area of Ridgecrest, GPA Case No. 3, Map No. 71-14 (Copies to each Supervisor, CAO, Planning and County Counsel)
- R) Memorandum from Steven L. Spangle, U.S. Department of the Interior, Fish and Wildlife Service, re proposal to designate critical habitat for the southwestern willow flycatcher (Copies to each Supervisor, CAO, Planning and County Counsel)
- S) Notice of Intention from Santa Barbara County Flood Control & Water Conservation District and Water Agency, re 2004-2005 weather modification program (Copies to each Supervisor, CAO, Engineering & Survey Services, Resource Management Agency and Agricultural Commissioner)

- T) Notices from State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses as follows: Fastrip, 2698 Oswell Street, Bakersfield; Old Towne Pizza, 20430 Brian Way, Unit 5, Tehachapi; and Niles Fastrip 356, 6501 Niles Street, Bakersfield (Copies to each Supervisor, CAO and Planning)
- U) Minutes of meeting from In-Home Supportive Services Advisory Committee on Thursday, October 14, 2004
- V) Agenda of meeting from In-Home Supportive Services Advisory Committee on Thursday, November 11, 2004
- 59) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Eusevio Garza, Yolanda Garza Flores, Gloria Garza, Maria Garza, Delfina Garza, Eusevio Garza, Jr., Antonio Garza, Thomas Garza and Moses Garza vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Vanessa Hernandez, Norma Rangel, Daisy Ruby Ramirez, Mario Ibarra, Yvette Ibarra vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Phillip J. Minarik vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Henry Cartwright vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Jesse Salazar, Jr. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Summons and complaint in the matter of Sierra Club vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Summons and complaint in the matter of Sammye Richardson, et al, and Michael A. Richardson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Complaint in the matter of Patricia A. Lock vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)