

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

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

Regular Meeting
Monday, December 12, 2005

2:00 P.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor McQuiston

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 Gayle Hart, Kern Medical Center, for 28 years of County service - **ADOPTED RESOLUTION; MADE PRESENTATION TO GAYLE HART; KERN MEDICAL CENTER, CHIEF EXECUTIVE OFFICER, PETER BRYAN, DR. EUGENE KERCHER, DEPARTMENT OF EMERGENCY MEDICINE, AND GAYLE HART HEARD**

Rubio-Maben: All Ayes

PUBLIC PRESENTATIONS

- 2) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!** - CORINNE CAMPBELL, ONE LEGACY, AND JOYCE VAN DER HORST RECOGNIZED THE CONTRIBUTIONS OF TONI SMITH, CHIEF NURSE EXECUTIVE, FOR HER ACTIVE PARTICIPATION IN THE ORGAN DONATION PROGRAM THROUGH KERN MEDICAL CENTER, AND PRESENTED AN AWARD; TONI SMITH 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

Patrick-Maben: All Ayes

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

Maben-Patrick: All Ayes

- 6) Response to November 14, 2005 referral regarding General Fund impact due to loans to Kern Medical Center Enterprise Fund (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Rubio: All Ayes

- 7) Proposed retroactive sole source Agreement with The Advisory Board Company, an independent contractor, for participation in the Revenue Cycle Compass Program, from November 14, 2005 through November 13, 2006, in an amount not to exceed \$179,800, and the associated clickwrap license with MedeFinance, Inc. (prior notification November 14, 2005) (Fiscal Impact: \$179,800; KMC Enterprise Fund; Not-Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1022-2005 AND AGREEMENT 1023-2005

Patrick-Maben: All Ayes

- *8) Proposed changes in clinical privilege status for 33 members of Kern Medical Center's Medical Staff (Fiscal Impact: None) - APPROVED

Patrick-McQuiston: All Ayes

- *9) Notification of proposed retroactive Amendment No. 7 to Provider Services Agreement with Kern Health Systems for Home Health, Pharmacy, and Infusion Services provided by KMC to members of Kern Health Systems (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-McQuiston: All Ayes

- *10) Notification of proposed retroactive Amendment No. 8 to Physician Services Agreement with Kern Health Systems for professional services provided by KMC-employed physicians who are on the Kern Health Systems provider panel (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-McQuiston: All Ayes

- *11) Notification of proposed retroactive Amendment No. 9 to Hospital and Other Facility Services Agreement with Kern Health Systems, for hospital services to members of Kern Health Systems (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-McQuiston: All Ayes

- *12) Proposed retroactive Amendment No. 1 to Agreement 163-2004 with Hill-Rom Company, Inc., an independent contractor, for software maintenance services related to the WatchChild obstetrical patient data management system, to extend the term through May 16, 2006, and increase the maximum payable by \$22,171.11, from \$39,004 to \$61,175.11 (Fiscal Impact: \$22,171.11; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1024-2005

Patrick-McQuiston: All Ayes

- *13) Proposed retroactive Agreement with the Regents of the University of California, an independent contractor, for provision of consultant services to the KMC pediatric medical and education programs, from July 1, 2005 through June 30, 2006, in an amount not to exceed \$93,900 (prior notification June 21, 2005) (Fiscal Impact: \$93,900; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1025-2005

Patrick-McQuiston: All Ayes

ADJOURNED TO TUESDAY, DECEMBER 13, 2005 AT 9:00 A.M.

Patrick

/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, December 13, 2005

9:00 A.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 recognizing Richard Ritts, legislative consultant to the County of Kern since 1981 - ADOPTED RESOLUTION; MADE PRESENTATION TO RICHARD RITTS; RICHARD RITTS, GENE TACKETT, TRICE HARVEY, AND STEVE PEREZ HEARD; ROBIN RITTS INTRODUCED

McQuiston-Maben: All Ayes

- 2) Resolution honoring Byron Loyd for his service to Meadows Field and Kern County - ADOPTED RESOLUTION; MADE PRESENTATION TO STEVE AND PAT LOYD; STEVE LOYD AND AIRPORTS DIRECTOR RAY BISHOP HEARD; FAMILY MEMBERS WERE INTRODUCED AND RECOGNIZED

Patrick-Maben: All Ayes

- 3) Resolution honoring Linda Self, Kern County Library, upon her retirement with 36 years of service to the County of Kern - ADOPTED RESOLUTION; MADE PRESENTATION TO LINDA SELF; LINDA SELF AND DIRECTOR OF LIBRARIES DIANE DUQUETTE HEARD

Maben-McQuiston: All Ayes

APPOINTMENTS

- *4) Reappointment of Kay Pitts as Third District Member to the Planning Commission, term to expire January 1, 2008 - MADE REAPPOINTMENT

Patrick-Maben: All Ayes

- *5) Reappointment of Kimberly Ann Smith as Third District Member to the Behavioral Health Board, term to expire December 31, 2008 - MADE REAPPOINTMENT

Patrick-Maben: All Ayes

- *6) Reappointments of Richard Freeland and Donald C. Zachary as At-large Members to the Kern Mosquito and Vector Control District, terms to expire December 31, 2007 - MADE REAPPOINTMENTS

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

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- WAYNE GARLAND, NATIONAL ORGANIZATION FOR REFORM OF MARIJUANA LAWS (NORML), JEFF CLARK, RICHARD N. FANTE, GARY DAVIS, MICHAEL ANTHONY O'LEARY, CHRISTOPHER KERKER, LAURIE CISNEROS, JASON FRIEDLY, SUSAN KELLY, DOUGLAS MCAFEE, PRESIDENT, KERN COUNTY NORML, RUDOLPH KENNEDY, MARIA STEWARD, GAVIN GLENN, ISRAEL CAVASSOS, CARSON STEWART, AND ROBERT BLACKWELL HEARD REGARDING USE OF MEDICAL MARIJUANA

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

- *9) Proposed retroactive Agreement with California Crop Improvement Association for seed certifying services in the amount of \$3,600 (Fiscal Impact: \$3,600 Revenue; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1026-2005

Patrick-Maben: All Ayes

- *10) Proposed retroactive Agreement with California Department of Food and Agriculture for egg quality control program in the amount of \$24,272 (Fiscal Impact: \$24,272 Revenue; Budgeted; Mandatory) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1027-2005

Patrick-Maben: All Ayes

- *11) Proposed retroactive Agreement with California Department of Food and Agriculture for various pest exclusion program activities in the amount of \$87,139 (Fiscal Impact: \$87,139 Revenue; Budgeted; Mandatory) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1028-2005

Patrick-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *12) Certification of the Results of the Consolidated Special Statewide Election held November 8, 2005 (Fiscal Impact: None) - DECLARED THE RESULTS OFFICIAL AS CERTIFIED BY THE COUNTY CLERK, PURSUANT TO ELECTIONS CODE SECTION 15400

Patrick-Maben: All Ayes

CHILD SUPPORT SERVICES

- *13) Proposed Agreement with Laboratory Corporation of America Holdings, Inc., to provide disputed parentage testing services, from January 1, 2006 through December 31, 2007, in the amount of \$85,000 (Fiscal Impact: \$85,000 Annually; State Grant Funded; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1029-2005

Patrick-Maben: All Ayes

COUNTY COUNSEL

- *14) Proposed revision of Joint Powers Agreement restructuring the California State Association of Counties Excess Insurance Authority and the California Public Entity Insurance Authority into a single entity (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1030-2005 IN SUBSTANTIALLY THE FORM SUBMITTED, SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL

Patrick-Maben: All Ayes

- *15) Proposed Amendment No. 2 to Agreement 432-2000 with Valley Oak Systems, Inc., for three additional licenses, project management, training and maintenance fee for upgrade of Portal to iVOS in an additional amount not to exceed \$83,450 for a total of \$277,085 (Fiscal Impact: \$83,450; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1031-2005

Patrick-Maben: All Ayes

MENTAL HEALTH SERVICES

- *16) Proposed approval of terms and conditions with Harcourt Assessment, Inc., to allow online purchase of Psychological Intelligence tests for children and adolescents (Fiscal Impact: FY 2005-06 \$1,500; State Realignment; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

- *17) Proposed retroactive Agreement with Tulare County Superintendent of Schools dba California Friday Night Live Partnership, for implementation of the Friday Night Live (FNL) Mentoring Program to Kern County residents (Fiscal Impact: FY 2005-06 \$27,500; Grant Revenue; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1032-2005

Patrick-Maben: All Ayes

- *18) Proposed Amendment No. 1 to Agreement 290-2005 with Komoto Pharmacy, Inc., to reduce funding to correspond with actual service provision decreasing from its original amount of \$27,500 to an amount not to exceed \$17,500 (Fiscal Impact: \$10,000 decrease; Grant Funded; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1033-2005

Patrick-Maben: All Ayes

- *19) Proposed Amendment No. 1 to Agreement 294-2005, with Your Drug Store, Inc., to increase funding to match actual service provision from \$12,500, to an amount not to exceed \$22,500 (an increase of \$10,000) (Fiscal Impact: \$10,000; Grant Funded; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1034-2005

Patrick-Maben: All Ayes

- *20) Proposed Amendment No. 1 to Agreement 297-2005 with Community Service Organization, Behavioral Health Programs, to revise language regarding mandatory meeting requirements, compliance with the Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1035-2005

Patrick-Maben: All Ayes

- *21) Proposed Amendment No. 1 to Agreement 298-2005, with Community Service Organization, Behavioral Health Programs, to revise language regarding mandatory meeting requirements, compliance with the Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1036-2005

Patrick-Maben: All Ayes

- *22) Proposed Amendment No. 1 to Agreement 299-2005, with Community Service Organization, Behavioral Health Programs, to revise language regarding mandatory meeting requirements, compliance with the Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1037-2005

Patrick-Maben: All Ayes

- *23) Proposed Amendment No. 1 to Agreement 300-2005 with Restoration Village Treatment Center, Inc., dba Hannah's Haven, to revise language regarding mandatory meeting requirements, compliance with the Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1038-2005

Patrick-Maben: All Ayes

- *24) Proposed Amendment No. 1 to Agreement 370-2005, with Community Action Partnership of Kern, to revise language regarding mandatory meeting requirements, compliance with the Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1039-2005

Patrick-Maben: All Ayes

- *25) Proposed Amendment No. 1 to Agreement 371-2005, with Community Action Partnership of Kern, to revise language regarding mandatory meeting requirements, compliance with the Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1040-2005

Patrick-Maben: All Ayes

- *26) Proposed Amendment No. 1 to Agreement 426-2005, with Kern County Hispanic Commission on Alcohol and Drug Abuse Services, to revise language regarding mandatory meeting requirements, compliance with the Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1041-2005

Patrick-Maben: All Ayes

- *27) Proposed Amendment No. 1 to Agreement 466-2005, with Tabitha House Ministries, Inc., to revise language regarding mandatory meeting requirements, compliance with the Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1042-2005

Patrick-Maben: All Ayes

- *28) Proposed Amendment No. 1 to Agreement 593-2005, with Restoration Village Treatment Center, Inc., dba Hannah's Haven, to revise language regarding mandatory meeting requirements, compliance with the Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1043-2005

Patrick-Maben: All Ayes

PROBATION

- *29) Request to employ retired County employee, John Smoot, as Group Counselor III, Range 53.9, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$21,532; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

- *30) Request for approval of intent to donate surplus County property (89 ballistic vests and 39 Sam Browne leather duty belts) to United States Army (Fiscal Impact: None) - APPROVED; DIRECTED COUNTY COUNSEL TO PREPARE NOTICE OF INTENT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Patrick-Maben: All Ayes

- *31) Proposed Resolution supporting application for National Highway Safety Act and Transportation Equity Act for the 21st Century DUI Offender Program Grant Funding, in the amount of \$258,744, on behalf of the San Diego County Probation Department as the host agency (Fiscal Impact: FY 2005-2006 \$43,124; Federal Funds; Not Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-503; AUTHORIZED CHIEF PROBATION OFFICER OR DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS

Patrick-Maben: All Ayes

RETIREMENT ASSOCIATION

- *32) Proposed amendments to Board of Retirement Bylaws and Regulations to amend meeting start times and allow consolidation of meetings during May, November, and December - APPROVED

Patrick-Maben: All Ayes

SHERIFF

- *33) Proposed Amendment No. 10 to Agreement 613-97 with Intergraph Public Safety for the purchase of I/Mobile Software for the Mobile Data Computers, in an amount not to exceed \$40,218.75 (Fiscal Impact: \$40,218.75; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1044-2005

Patrick-Maben: All Ayes

- *34) Request for appropriation of unanticipated revenue in the amount of \$30,000 from Sheriff's Judgment Debtor's Trust Fund 22141 for replacement of pursuit equipped patrol sedans for the Sheriff's Civil Division Field Enforcement Unit (Fiscal Impact: \$30,000; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$30,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$30,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO SHERIFF'S BUDGET UNIT 2210

Patrick-Maben: All Ayes

- *35) Proposed Amendment No. 8 to Agreement 334-99 with Canteen Correctional Services, A Division of Compass Group USA, Inc., to extend the term for Inmate Food Services three (3) years, through June 30, 2009 (Fiscal Impact: FY 2005-2006 \$3,355,702; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1045-2005

Patrick-Maben: All Ayes

- *36) Proposed transfer of funds from Abandoned Property Trust 24005 to County General Fund for the Sheriff's Department (Fiscal Impact: \$266,637; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$266,637 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$266,637 FROM APPROPRIATIONS FOR CONTINGENCIES TO SHERIFF'S BUDGET UNIT 2210

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 37) Request for Closed Session regarding public employee appointment (recruitment) - Title: Director of Agriculture and Measurement Standards (from 12/6/05) (Government Code Section 54957) -

- 38) Request for Closed Session regarding public employee performance evaluation - Title: Director of Human Services (from 12/6/05) (Government Code Section 54957) -
WITHDRAWN
- 39) Request for Closed Session regarding public employee performance evaluation - Chief Executive Officer of Kern Medical Center (Government Code Section 54957) -

COUNTY COUNSEL

- 40) 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)) -

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

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

McQuiston-Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Maben-Patrick: All Ayes

KERN SANITATION AUTHORITY

#1) Proposed Agreement with Advanced Technology Laboratories to provide chemical analytical services from December 13, 2005 through December 31, 2008, in an amount not to exceed \$95,000 (Fiscal Impact: \$95,000; Kern Sanitation Authority; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1046-2005

Patrick-Maben: All Ayes

#2) Proposed Agreement with BC Laboratories, Inc., to provide chemical analytical services from December 13, 2005 through December 31, 2008, in an amount not to exceed \$95,000 (Fiscal Impact: \$95,000; Kern Sanitation Authority; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1047-2005

Patrick-Maben: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

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- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 4) 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 REQUESTED THE COUNTY ADMINISTRATIVE OFFICER TO REVIEW KERN COUNTY'S EMERGENCY MEDICAL SERVICES REDESIGN AND PROVIDE THE BOARD WITH A PROGRESS REPORT

SUPERVISOR RUBIO DISCUSSED THE RESTAURANT GRADING ISSUE; REFERRED TO ENVIRONMENTAL HEALTH SERVICES TO DEVELOP A RESTAURANT GRADING POLICY, IN COORDINATION WITH RESTAURANT OWNERS, AND TO REVIEW THE CURRENT POLICY ON POSTING INSPECTION RESULTS

Rubio-Maben: All Ayes

GENERAL PLAN AMENDMENT HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

Amendment of the Land Use, Open Space and Conservation Element of Kern County General Plan, Metropolitan Bakersfield General Plan, and Western Rosedale Specific Plan; Alteration of Agricultural Preserves 4 and 8; and other items as cited which include amendments of certain zoning maps and applications and proceedings

- 5) **Request from Leroy Marquardt by Cornerstone Engineering, Inc., to change the permitted use from resource management to general commercial on 20 acres and a proposed precise development plan for a commercial travel center located on the west side of State Highway 395, approximately 2-1/2 miles south of Brown Road, north of Inyokern (SD #1)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.5 to Map Code(s) 6.3 or a more restrictive map code designation; (GPA #4, Map #22)
- (b) A change in zone classification from A-1 to CH PD or a more restrictive district (ZCC #17, Map #22)
- (c) A Precise Development Plan for the construction of a travel center which will include a total of 51,550-square feet of retail space, a sit-down restaurant, a fast-foot restaurant, fuel islands, and a 60-unit motel in an A-1 District (PD Plan #4, Map #22)

(Negative Declaration; Published News Review) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-504, 2005-505 AND 2005-506 AND ENACTED ORDINANCE G-7324 APPROVING GENERAL PLAN AMENDMENT, ZONE CHANGE WITH THE ADDITION OF THE FPS (FLOODPLAIN SECONDARY COMBINING) DISTRICT AND PRECISE DEVELOPMENT PLAN SUBJECT TO CONDITIONS, INCLUDING REQUIRED LANDSCAPING AND FRONTAGE ROAD MODIFICATIONS; DIRECTED PLANNING DEPARTMENT TO BRING ANY EXTENSION REQUESTS BACK TO THE BOARD FOR CONSIDERATION

McQuiston-Maben: All Ayes

- 6) **Request from Jack Lancaster by Bruce Anderson to change the permitted uses from agricultural to residential on 20 acres located at the northwest corner of Burbank Street and Mannel Avenue, south of Shafter (SD #1)**

Specific Request:

- (a) Amend the Mexican Colony-Cherokee Strip Rural Community as found in Appendix B of the Kern County General Plan from Map Code(s) 8.1 to Map Code(s) 5.7 or a more restrictive map code designation (GPA #4, Map #79-22)
- (b) A change in zone classification from A to E (5) RS or a more restrictive district (ZCC #4, Map #79-22)
- (c) Exclusion of approximately 20 acres from the boundaries of an Agricultural Preserve (Ag Pres #8 - Excl)

(General Rule, Section 15061(b)(3); Published Shafter Press) - OPENED HEARING; BRUCE ANDERSON, AGENT FOR THE OWNER, HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-507 DENYING GENERAL PLAN AMENDMENT, ZONE CHANGE AND EXCLUSION

McQuiston-Maben: All Ayes

- *7) **Request from Kern County Planning Department to establish map code designation resource management and zone classification of exclusive agriculture on approximately 18,600 acres of land formerly within the boundaries of California City (SD #2)**

Specific Request:

The establishment of General Plan map code designation 8.5 [Resource Management (minimum 20 acres)] and zone classification A (Exclusive Agriculture) on approximately 18,600 acres of land formerly within the boundaries of California City (GPA #1, Map #135; ZCC #3, Map #135; GPA #3, Map #136; ZCC #2, Map #136; GPA #1, Map #154; ZCC #1, Map #154; GPA #1, Map #155; ZCC #1, Map #155; GPA #1, Map #171; ZCC #3, Map #171; GPA #1, Map #172; ZCC #3, Map #172; GPA #1, Map #176; ZCC #2, Map #176; GPA #3, Map #193; ZCC #9, Map #193)

(General Rule, Section 15061(b)(3); Published Mojave Desert News) - REFERRED BACK TO STAFF

Maben-Patrick: All Ayes

- 8) **Request from PMH and NCR Holdings by Stanley Hopkins to change the permitted uses from low-density residential to light industrial and a precise development plan for a mini-warehouse facility on approximately 8.73 acres located on the south side of Mills Road, west of Morning Drive, east Bakersfield (SD #3)**

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) LMR to Map Code(s) LI or a more restrictive map code designation (GPA #4, Map #103-36)
- (b) A change in zone classification from R-1 to M-1 PD or a more restrictive district (ZCC #40, Map #103-36)
- (c) A Precise Development Plan for a mini-warehouse facility in an M-1 PD District (PD Plan #22, Map #103-36)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; LINDA CADENA AND STANLEY HOPKINS, HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-508, 2005-509, 2005-510 AND ENACTED ORDINANCE G-7325 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE, AS REQUESTED, AND APPROVING PRECISE DEVELOPMENT PLAN SUBJECT TO CONDITIONS

Patrick-Rubio: All Ayes

- *9) **Request from Paul Andre by DeWalt Corporation to change the permitted uses from service industrial and light industrial to low-medium density residential on 44.6 acres located on the north side of Edison Highway, between Morning Drive and Vineland Road, east Bakersfield (SD #3)**

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) SI and LI to Map Code(s) LMR or a more restrictive map code designation (GPA #1, Map #104-31)
- (b) A change in zone classification from E (1/2) RS, M-1 PD, and M-2 PD to R-1 and R-1 FPS or more restrictive districts (ZCC #26, Map #104-31)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-511 AND 2005-512 AND ENACTED ORDINANCE G-7326 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED

Maben-Patrick: All Ayes

- 10) **Request from Derrel's Mini Storage by Marino and Associates to change the permitted uses from residential to commercial and to allow a mini-storage facility with outside recreational vehicle storage on 35.61 acres located on the north side of Stockdale Highway, approximately 3/8 mile west of Renfro Road, west of Bakersfield (SD #4)**

Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Code(s) SR to Map Code(s) GC (General Commercial) or a more restrictive map code designation (GPA #5, Map #101-34)
- (b) A change in zone classification from E (1/4) to C-2 or a more restrictive district (ZCC #22, Map #101-34)
- (c) A Conditional Use Permit to allow a mini-warehouse facility with outside storage (Section 19.32.030.C.1) in a C-2 District (CUP #11, Map #101-34)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND AMENDED MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-513, 2005-514 AND 2005-515 AND ENACTED ORDINANCE G-7327 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE, WITH THE ADDITION OF THE PD (PRECISE DEVELOPMENT COMBINING) DISTRICT, AND APPROVING CONDITIONAL USE PERMIT, SUBJECT TO AMENDED CONDITIONS, ADDING A REQUIREMENT FOR CONNECTION TO ANY PUBLIC WATER SYSTEM WITHIN 500 FEET OF THE PROJECT SITE

Maben-Patrick: All Ayes

- *11) Request from Dennis and Henny Chassie by French and Associates to change the permitted uses from exclusive agriculture to a five-acre residential parcel and a 15-acre residential parcel and exclude 20 acres from an Agricultural Preserve located at 5815 Tecuya Mountain Road, Frazier Park (SD #4)

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.4/2.1 to Map Code(s) 5.7/2.1 or a more restrictive map code designation (GPA #8, Map #238)
 - (b) A change in zone classification from A to E (5) RS MH and E (10) RS MH or a more restrictive district (ZCC #41, Map #238)
 - (c) Exclusion of approximately 20 acres from the boundaries of an Agricultural Preserve (Ag Pres #4 - Excl)
- (Negative Declaration; Published Mountain Enterprise) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-516, 2005-517 AND 2005-518 AND ENACTED ORDINANCE G-7328 APPROVING GENERAL PLAN AMENDMENT, ZONE CHANGE, WITH THE ADDITION OF THE GH (GEOLOGIC HAZARD COMBINING) DISTRICT, AND EXCLUSION, AS REQUESTED

Maben-Patrick: All Ayes

- 12) Request from Brian Banducci by Delmarter and Deifel to change the permitted uses from intensive agriculture to low-density residential on 45.37 acres located on the west side of Gosford Road, 1/2 mile north of Taft Highway, southwest Bakersfield (SD #4)

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) R-IA (Intensive Agriculture) to Map Code(s) LR (Low Density Residential - Less Than or Equal to 7.26 Dwelling Units/Net Acre) or a more restrictive map code designation (GPA #8, Map #123)
- (b) A change in zone classification from A (Exclusive Agriculture) to R-1 (Low-density Residential) or a more restrictive district (ZCC #39, Map #123)

(Negative Declaration; Published Bakersfield Californian) - CONTINUED TO TUESDAY, JANUARY 24, 2006, AT 2:00 P.M.

Patrick-Rubio: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department
Land Use
Hearing
S.D. #3

- 13) Request to waive Record Title of Interest signature of the North Kern Water Storage District (NKWSD) on final Parcel Map 11207 (Fiscal Impact: None) - OPENED HEARING; JIM DELMARTER HEARD; CLOSED HEARING; MADE FINDING THAT LAND DIVISION AND DEVELOPMENT WILL NOT UNREASONABLY INTERFERE WITH THE NKWSD'S USE OF THE EASEMENT AND THAT FINAL MAP BE ALLOWED TO RECORD WITHOUT NKWSD SIGNATURE OF CONSENT

Patrick-Rubio: All Ayes

MiscellaneousAll S.D.'s

- *14) Proposed participation in the Pacific Gas and Electric Company "Savings By Design Program" promotion for new construction and renovation/remodel energy efficiency and savings (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCYHearingAll S.D.'s

- 15) Proposed Ordinance repealing and adding a new Chapter 7.20 and amending sections 8.04.010 and 8.04.060 of the Kern County Ordinance Code, and a proposed Uncodified Ordinance establishing a permit fee concerning Concentrated Animal Feeding Operations (Fiscal Impact: None) - OPENED HEARING; RALPH TEVELDE, DAIRYMAN; BOB BEECHINOR, THREE BRAND CATTLE COMPANY; DANIEL RUDNICK, SUNDANCE FEED YARD; AVINASH KAR, CENTER ON RACE, POVERTY AND THE ENVIRONMENT, HEARD; CLOSED HEARING; BOB BEECHINOR AND RALPH TEVELDE ANSWERED QUESTIONS POSED BY THE BOARD; CONTINUED TO TUESDAY, DECEMBER 20, 2005 AT 2:00 P.M.; DIRECTED RESOURCE MANAGEMENT AGENCY TO PROVIDE REVISED ORDINANCE ADDRESSING ISSUES REGARDING REISSUANCE OF PERMITS, ODORS, AND CORRAL CLEANING REQUIREMENTS AND TO REPORT ON DAIRY INSPECTOR POSITION; RECEIVED AND FILED DOCUMENT

Rubio-McQuiston: All Ayes

RESOURCE MANAGEMENT AGENCYCommunity and Economic Development DepartmentHearingS.D. #5

- *16) Public Hearing for proposed amendments to the County of Kern's Fiscal Year (FY) 2004-2005 and FY 2005-2006 Annual Action Plans to cancel Community Development Block Grant Activities No. 47.04.1, BPAL Recreation Facility, and No. 7.05.1, Casa Loma Park Basketball Court Improvements, and direct use of budget balances from said activities to No. 29.05.1, Lamont Boys and Girls Club Renovation Improvements, and the Unprogrammed Funds account (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENTS TO FY 2004-2005 AND FY 2005-2006 ANNUAL ACTION PLANS AND REPROGRAMMING OF FUNDS; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #4

- *17) Contract No. 06014, Plans and Specifications, and Notice to Contractors for Proposal and Contract for construction of Lost Hills Drainage and Street Improvements (Fiscal Impact: \$1,200,000; USDA Grant/CEDD; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; 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, JANUARY 18, 2006, AT 11:00 A.M.

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #3

- *18) Proposed bus loading and unloading zone along the west side of Victor Street, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Patrick: All Ayes

- *19) Proposed no parking zone on Alfred Harrell Highway, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Patrick: All Ayes

S.D. #4

- *20) Proposed no stopping zone along the east and west side of Allen Road, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Patrick: All Ayes

S.D. #5

- *21) Contract No. 06003, Plans, Specifications and Notice to Contractors for construction of traffic signal and lighting system on Edison Highway at Chamberlain Avenue, Bakersfield (Fiscal Impact: \$90,500; Road Fund; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM CEQA, PER SECTION 15302; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, JANUARY 11, 2006, AT 11:00 A.M.

Maben-Patrick: All Ayes

All S.D.'s

- *22) Certification of Compliance with Federal Transit Administration Anti-Drug and Alcohol Misuse Program Regulations (Fiscal Impact: None) - AUTHORIZED DIRECTOR OF ROADS TO COMPLETE AND FILE REQUIRED CERTIFICATION

Maben-Patrick: All Ayes

- *23) Request to employ retired County employee, Kenneth Steiber, as a Highway Paint Equipment Superintendent, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater in the 12-month period following date of employment (Fiscal Impact: Not to Exceed \$30,000; Road Fund; Budgeted; Discretionary) - APPROVED

Maben-Patrick: All Ayes

WASTE MANAGEMENT

Hearing

All S.D.'s

- *24) Public Hearing to consider the report entitled "2006 Solid Waste Administration Fee for Franchise Garbage Haulers", and establishing the total amount of the Administration Fee for 2006 at \$170,319 and allocation of pro rata share to franchise haulers (Fiscal Impact: \$170,319 Revenue; Solid Waste Enterprise Fund, Budgeted; Mandated) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); DIRECTED CLERK OF BOARD TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2005-519

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *25) Transfer of property tax entitlement related to City of Bakersfield Annexation No. 487, Local Agency Formation Commission (LAFCO) Proceeding No. 1438 (Fiscal Impact: Fiscal Year 2006-2007 \$1,637 General Fund; \$1,277 Fire Fund; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-520

Maben-Patrick: All Ayes

- *26) Transfer of property tax entitlement related to City of Delano Annexation No. 43, Local Agency Formation Commission (LAFCO) Proceeding No. 1435 (Fiscal Impact: Fiscal Year 2006-2007 \$4,595 General Fund; \$3,598 Fire Fund; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-521

Maben-Patrick: All Ayes

- *27) Transfer of property tax entitlement related to City of Delano Annexation No. 44, Local Agency Formation Commission (LAFCO) Proceeding No. 1436 (Fiscal Impact: Fiscal Year 2006-2007 \$2,302 General Fund; \$1,802 Fire Fund; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-522

Maben-Patrick: All Ayes

- *28) Proposed Memorandum of Understanding with the Kern County Detention Officers' Association for bargaining units T and V for the term July 1, 2005 through June 30, 2006, to provide retroactive salary increase of 5% effective July 9, 2005 (Fiscal Impact: \$1,236,000; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1048-2005; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK, DIRECTOR OF PERSONNEL AND COUNTY ADMINISTRATIVE OFFICER TO IMPLEMENT

Maben-Patrick: All Ayes

- *29) Proposed Memorandum of Understanding with the Kern Law Enforcement Association for bargaining units L and 8 for the term July 1, 2005 through June 30, 2006, to provide retroactive salary increase of 5% effective July 9, 2005 (Fiscal Impact: \$2,300,000; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1049-2005; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK, DIRECTOR OF PERSONNEL AND COUNTY ADMINISTRATIVE OFFICER TO IMPLEMENT

Maben-Patrick: All Ayes

RECESSED FOR FIVE MINUTES

BOARD RECONVENED WITH FOUR MEMBERS PRESENT; SUPERVISOR MABEN ABSENT

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

Rubio-Patrick: 4 Ayes; 1 Absent - Maben

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- *31) Proposed Agreement with Gospich Construction Company for tot lot improvements at Lake Ming and Hart Park, in an amount not to exceed \$207,000 (1960.826.04B) (Fiscal Impact: \$207,000; Parkland Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1050-2005

Maben-Patrick: All Ayes

- *32) Request to set hearing to consider adopting a cable television franchise for Clearwave Communications, Inc. (Fiscal Impact: \$1,400 Revenue; Not Budgeted; Discretionary) - SET HEARING FOR TUESDAY, JANUARY 17, 2006, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO POST PROPOSED FRANCHISE ORDINANCE AND PUBLISH NOTICE AND SUMMARY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 25124(b)(1)

Maben-Patrick: All Ayes

S.D. #2

- *33) Request for subcontractor substitution for California City Library HVAC Replacement (1650.7137.04) (Fiscal Impact: None) - FOUND THAT QMH HEATING & AIR CONDITIONING FAILED TO EXECUTE A WRITTEN CONTRACT WITH ACE ENGINEERING, INC.; APPROVED SUBSTITUTION OF MOLHOOK MECHANICAL, INC., TO COMPLETE THE HVAC PORTION OF THE PROJECT

Maben-Patrick: All Ayes

- *34) Request for subcontractor substitution for California City Library HVAC Replacement (1650.7137.04) (Fiscal Impact: None) - FOUND THAT AC ELECTRIC FAILED TO EXECUTE A WRITTEN CONTRACT WITH ACE ENGINEERING, INC.; APPROVED SUBSTITUTION OF J. KIM ELECTRIC TO COMPLETE THE ELECTRICAL PORTION OF THE PROJECT

Maben-Patrick: All Ayes

- *35) Request for subcontractor substitution for California City Library HVAC Replacement (1650.7137.04) (Fiscal Impact: None) - FOUND THAT GARCIA ROOFING FAILED TO EXECUTE A WRITTEN CONTRACT WITH ACE ENGINEERING, INC.; APPROVED SUBSTITUTION OF SAN JOAQUIN ROOFING COMPANY, INC., TO COMPLETE THE ROOFING PORTION OF THE PROJECT

Maben-Patrick: All Ayes

- *36) Report on response to Request for Proposals for Cable Television Franchise in Tehachapi Mountain Communities (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

S.D. #3

- *37) Proposed Amendment No. 2 to Agreement 533-2005 with John A. Martin & Associates, Inc., to provide engineering services for the International Airlines Terminal, an increase of \$6,500 for a new total of \$32,500 (8994.8422) (Fiscal Impact: \$6,500; Airport Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1051-2005

Maben-Patrick: All Ayes

- *38) Change Order No. 22 for New Airport Terminal at Meadows Field, an increase of \$26,004, for a new total of \$21,855,905; and proposed Resolution to dispense with bidding requirements for Change Orders in excess of 10% of contract amount (8215.8415) (Fiscal Impact: \$26,004; Airport Project Fund; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-523; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

- *39) Request for authorization to submit a grant application to Department of Housing and Urban Development for infrastructure improvement at Meadows Field (Fiscal Impact: \$198,400; Major Maintenance; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED ASSISTANT COUNTY ADMINISTRATIVE OFFICER FOR GENERAL SERVICES TO SIGN ALL NECESSARY DOCUMENTS

Maben-Patrick: All Ayes

S.D. #4

- *40) Proposed Amendment No. 1 to Agreement 418-2002 with Chevron USA, Inc., extending the term of purchase and sale agreement of Valley Floor Habitat Conservation Plan land until December 31, 2007 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1052-2005

Maben-Patrick: All Ayes

- *41) 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 of 2000; Budgeted; Discretionary) (from 11/08/2005, 11/15/2005 & 12/06/2005) -

WITHDRAWN

All S.D.'s

- *42) Report on energy savings, energy conservation measures and energy price forecast (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *43) Budget Transfers - APPROVED NO. 60 THROUGH NO. 64

Maben-Patrick: All Ayes

- *44) Minutes for the week of October 31, 2005 - APPROVED

Maben-Patrick: All Ayes

- *45) Miscellaneous Letters and Documents - APPROVED

Maben-Patrick: All Ayes

- *46) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED

Maben-Patrick: All Ayes

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

Maben-Patrick: All Ayes

ADJOURNED TO WEDNESDAY, DECEMBER 14, 2005, AT 8:30 A.M., FOR CLOSED SESSION

Patrick

/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.

45) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

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

1) Parcel Map 11057 S.D. #4

2) Parcel Map 11285 S.D. #1

Engineering & Survey Services

- B) Received, prepared Certificates of Acceptance and forwarded to Recorder for recordation three (3) Irrevocable Offers of Dedication from The Torabi Family Inter Vivos Trust dated December 6, 1996, concerning Parcel Map 10665

Local Agency Formation Commission

- C) Resolution No. 05-41, Proceeding No. 1427, in the matter of City of Bakersfield, Annexation No. 483 (Old River No. 2) (Copies to each Supervisor, CAO and Resource Management Agency)

- D) Resolution No. 05-43, Proceeding No. 1428, in the matter of City of Shafter, Annexation No. 77; NOR Municipal Water District, Annexation No. 7 (Copies to each Supervisor, CAO and Resource Management Agency)

- E) Resolution No. 05-40, Proceeding No. 1426, in the matter of Mojave Public Utility District, Annexation No. 28 (Copies to each Supervisor, CAO and Resource Management Agency)

- F) Letter from Virginia Gennaro, City of Bakersfield, re Local Agency Formation Commission Proceeding No. 1438, Annexation No. 487, Madison No. 2 (Copies to each Supervisor and CAO)

Resource Management Agency

- G) One (1) thank you letter for donations to the Bakersfield Animal Care Center and the Mojave Animal Shelter (Copies to each Supervisor)

Roads

- H) Received, prepared Consent to Recordation and forwarded to Recorder for recordation an Irrevocable Offer of Dedication from Rodney J. and Cheryl M. Palla for additional right-of-way on Bear Mountain Boulevard as required by Conditional Use Permit No. 7, Map No. 141

- I) Received, prepared Consent to Recordation and forwarded to Recorder for recordation an Irrevocable Offer of Dedication from Jose and Marcia Marcial for additional right-of-way on Airport Drive and Douglas Street as required per Precise Development Plan No. 22, Map No. 102-12

Sheriff

- J) Response to 2005-2006 Grand Jury Final Report re Kern County Sheriff's Department, California Multijurisdictional Methamphetamine Enforcement Team (Cal-MMET) (Copies to each Supervisor and CAO)

- K) Response to 2005-2006 Grand Jury Final Report re Kern County Sheriff's Department Narcotics Division (Copies to each Supervisor and CAO)

Miscellaneous

- L) Letter from Kenneth M. Cannon in opposition to proposed fee increases at County parks (Copies to each Supervisor, CAO and Parks)
- M) Letter from James Knapp, Bakersfield Association of Realtors, Inc., re Board's November 15, 2005, decision concerning sewer/septic requirements (Copies to each Supervisor, CAO, Planning and County Counsel)
- N) Letter from Joel Nelsen, California Citrus Mutual, re medfly outbreak in the Rancho Cucamonga area occurring within the sphere of influence of the Ontario Airport (Copies to each Supervisor, CAO, Agricultural Commissioner, Airports and County Counsel)
- O) Letter from Charlotte Walker re complaint concerning Human Services' handling of case involving Destiny A. Bailey (Copies to each Supervisor, CAO, Human Services and County Counsel)
- P) Letter from Larry E. Reider and Christine Lizardi Frazier, Kern County Superintendent of Schools, re list of Kern County schools identified as Williams Lawsuit Settlement schools (Copies to each Supervisor and CAO)
- Q) Letter from Jeffrey K. Harp re political flier received from Sergeant Chevy Garza (Copies to each Supervisor and CAO)
- R) Letter from Sissy Smith, San Joaquin Valley Air Pollution Control District, re San Joaquin Valley United Air Pollution Control District Citizens Advisory Committee (CAC) industry/agriculture primary and alternate members for Kern County (Copies to each Supervisor, CAO and Clerk of the Board)
- S) Letter from the Board of Directors of the Kern County Table Grape Pest and Disease Control District and the Board of Directors of the Tulare County Table Grape Pest and Disease Control District, re importance of selecting the right person as Agricultural Commissioner (Copies to each Supervisor, CAO, Agricultural Commissioner and County Counsel)
- T) E-mail from Gregg Felsing re Board approved projects in Kern River Valley (Copies to each Supervisor, CAO and Planning)
- U) Notice from State Regional Water Quality Control Board re Public Meeting on Thursday and Friday, December 8 and 9, 2005 (Copies to each Supervisor, CAO and Resource Management Agency)

- V) Notice from Public Utilities Commission re filing and availability of Joint Application of Southern California Edison Company (U 338-E) and San Diego Gas & Electric Company (U 902-E) for the Nuclear Decommissioning Cost Triennial Proceeding (Copies to each Supervisor, CAO, Planning and County Counsel)
- W) Notice of availability and notice of intent to adopt a Negative Declaration by County of Los Angeles, for County of Los Angeles / County of Kern Proposed Boundary Change in the Gorman area (Copies to each Supervisor, CAO, Planning and County Counsel)
- X) Notices from the Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses from: Kern River Brewing Company, Inc., 13415 Sierra Way, Kernville; RBI Food Mart & Deli, 22520 Sidding Road, Bakersfield; and KF Lucky 7 Food Mart, Inc., 10530 Rosedale Highway, No. 9, Bakersfield (Copies to each Supervisor, CAO and Planning)
- Y) Agenda of meeting from In-Home Supportive Services Advisory Committee on Thursday, December 8, 2005
- Z) Minutes of meeting from In-Home Supportive Services Advisory Committee on Thursday, November 10, 2005
- 46) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Michael L. Kelley, Tehachapi Valley Recreation & Parks District, re request for the adoption of a Park and Recreation Facility Fee - REFERRED TO PLANNING (Copies to each Supervisor, CAO and County Counsel)
- 47) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Ian Gillies vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of David Snipes vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Jacqueline Beaver vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Margie Rodnar vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Michael R. Ramos vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Eloisa Fernandez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of Gustavo Gomez Fernandez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- H) Summons and complaint in the matter of Larry Murray vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- I) Request for dismissal in the matter of Rialto Housing Authority vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- J) Letter from Ahsante Davis re claim filed in September, 2005 - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Wednesday, December 14, 2005

8:30 A.M.

BOARD RECONVENED

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

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.

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

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 2) Request for Closed Session regarding public employee performance evaluations (Government Code Section 54957) - Titles: DIRECTOR OF AGRICULTURE AND MEASUREMENT STANDARDS; DIRECTOR OF AIRPORTS; EXECUTIVE DIRECTOR OF BOARD OF TRADE; DIRECTOR OF CHILD SUPPORT SERVICES; CLERK OF THE BOARD OF SUPERVISORS; COUNTY ADMINISTRATIVE OFFICER; COUNTY COUNSEL; DIRECTOR OF EMERGENCY MEDICAL SERVICES; DIRECTOR OF EMPLOYERS' TRAINING RESOURCE; CHIEF EXECUTIVE OFFICER OF KERN MEDICAL CENTER; LIBRARY DIRECTOR; DIRECTOR OF MENTAL HEALTH SERVICES; DIRECTOR OF PARKS AND RECREATION; PUBLIC DEFENDER; DIRECTOR OF RESOURCE MANAGEMENT AGENCY; VETERANS SERVICE OFFICER; DIRECTOR OF WASTE MANAGEMENT

(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 next regular session of the Board of Supervisors.)

RECONVENED FROM CLOSED SESSION; ADJOURNED TO TUESDAY,
DECEMBER 20, 2005, AT 9:00 A.M.

McQuiston-Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors