

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

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

Regular Meeting
Monday, December 13, 2004

2:00 P.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Parra
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

PUBLIC PRESENTATIONS

- 1) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!
- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR PATRICK EXPRESSED APPRECIATION TO KERN MEDICAL CENTER STAFF FOR EXCELLENT CARE PROVIDED TO SOME FRIENDS WHO WERE INVOLVED IN A VEHICLE ACCIDENT OVER THE WEEKEND

DEPARTMENTAL REQUESTS

KERN MEDICAL CENTER

- 3) Update report regarding Kern Medical Center's financial condition (Fiscal Impact: None) - REFERRED TO KERN MEDICAL CENTER AND COUNTY ADMINISTRATIVE OFFICE TO DEVELOP A LEGISLATIVE STRATEGY CONCERNING THE PROPOSED MEDICAL DISPROPORTIONATE SHARE PAYMENT PROGRAM FOR REPORT BACK TO THE BOARD

Parra-Watson: All Ayes

RECEIVED AND FILED

Maben-Parra: All Ayes

- *4) Proposed retroactive request to hire retired County employee Margot Allsman, as a Per Diem Pharmacist, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period March 11, 2003 to March 10, 2004 (Fiscal Impact: \$52,378; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Maben-Patrick: All Ayes

- *5) Proposed retroactive request to hire retired County employee Margot Allsman, as a Per Diem Pharmacist, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period March 11, 2004 to March 10, 2005 (Fiscal Impact: \$52,378; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Maben-Patrick: All Ayes

- *6) Proposed retroactive request to hire retired County employee Sandra Boxley, as a Per Diem Nurse II, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period September 22, 2002 to September 21, 2003 (Fiscal Impact: \$34,560; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Maben-Patrick: All Ayes

- *7) Proposed retroactive request to hire retired County employee Sandra Boxley, as a Per Diem Nurse II, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period September 22, 2003 to September 21, 2004 (Fiscal Impact: \$34,560; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Maben-Patrick: All Ayes

- *8) Proposed retroactive request to hire retired County employee Sandra Boxley, as a Per Diem Nurse II, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period September 22, 2004 to September 21, 2005 (Fiscal Impact: \$34,560; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Maben-Patrick: All Ayes

- *9) Proposed retroactive request to hire retired County employee Jane Hartley, as a Per Diem Radiology Technologist, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period October 22, 2002 to October 21, 2003 (Fiscal Impact: \$22,810; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Maben-Patrick: All Ayes

- *10) Proposed retroactive request to hire retired County employee Jane Hartley, as a Per Diem Radiology Technologist, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period October 22, 2003 to October 21, 2004 (Fiscal Impact: \$22,810; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Maben-Patrick: All Ayes

- *11) Proposed retroactive request to hire retired County employee Jane Hartley, as a Per Diem Radiology Technologist, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period October 22, 2004 to October 21, 2005 (Fiscal Impact: \$22,810; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

Maben-Patrick: All Ayes

- *12) Notification of retroactive Agreement with Randolph Fok, M.D., an independent contractor, for obstetric, gynecologic and perinatal services (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *13) Notification of retroactive Agreement with Access Nurses, Inc., an independent contractor, for temporary nurse staffing (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *14) Notification of retroactive Agreement with Pulse Healthcare Services, Inc., an independent contractor, for temporary nurse staffing (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *15) Notification of retroactive Agreement with Onward Healthcare Inc., an independent contractor, for temporary nurse staffing (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *16) Notification of retroactive Amendment No. 6 to Physician Services Agreement No. 010-2001 with Kern Health Systems, for physicians employed by KMC who are on the provider panel with Kern Health Systems (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *17) Notification of retroactive Amendment No. 6 to Hospital and Other Facility Services Agreement No. 011-2001, for hospital services with Kern Health Systems (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *18) Notification of retroactive Amendment No. 5 to Provider Services Agreement No. 012-2001 with Kern Health Systems, for Home Health, pharmacy, and infusion therapy services provided by KMC to members of Kern Health Systems (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

- *19) Proposed changes in clinical privilege status for 19 members of Kern Medical Center's Medical Staff (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

- *20) Proposed revisions to Medical Staff Bylaws (Fiscal Impact: None) - APPROVED

Maben-Patrick: All Ayes

- *21) Proposed Amendment No. 1 to Agreement 1010-2003 with Medrium, Inc., an independent contractor, for physician professional fee billing, extending term for 12 months through January 1, 2006, and increasing the maximum payable by \$250,000, from \$750,000 to \$1,000,000 (Fiscal Impact: \$250,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1072-2004

Maben-Patrick: All Ayes

- *22) Proposed Amendment No. 1 to Agreement 791-2003 with Medrium, Inc., an independent contractor, for physician professional fee billing and reporting services, extending term for 12 months through December 31, 2005, and increasing the maximum payable by \$24,000, from \$48,000 to \$72,000 (Fiscal Impact: \$24,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1073-2004

Maben-Patrick: All Ayes

- *23) Proposed retroactive Amendment No. 2 to Letter of Agreement with Health Net of California, for health care services rendered to Health Net Medi-Cal Managed Care members (Fiscal Impact: Confidential; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1074-2004

Maben-Patrick: All Ayes

- *24) Proposed Agreement with Cardinal Health 414, Inc., an independent contractor, for physicist monitoring and testing for nuclear medicine department, from January 1, 2005 through December 31, 2007, in an amount not to exceed \$20,000 (Fiscal Impact: \$20,000, KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1075-2004

Maben-Patrick: All Ayes

- *25) Proposed retroactive Agreement with Nurses Internet Staffing, an independent contractor, for temporary nurse staffing, from November 23, 2004 through November 22, 2006, in an amount not to exceed \$4,000,000 (prior notification November 2, 2004) (Fiscal Impact: \$4,000,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1076-2004

Maben-Patrick: All Ayes

- *26) Proposed Agreement with Able Nurses, Inc., an independent contractor, for temporary nurse staffing, from January 1, 2005 through December 31, 2007, in an amount not to exceed \$1,300,000 (Fiscal Impact: \$1,300,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1077-2004

Maben-Patrick: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 27: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE CIRCUMSTANCES AROSE AFTER THE PUBLICATION OF THE AGENDA AND IT IS NECESSARY TO CONSIDER THIS MATTER IMMEDIATELY

Watson-Parra: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- *27) Request for Closed Session regarding public employee performance evaluation - Title: Chief Executive Officer Kern Medical Center -

(If public reporting is required by Government Code Section 54957.1 relating to the above matter, the public reporting of any action taken in closed session will be made at the beginning of the 9:00 a.m. session of the Board of Supervisors.)

RECONVENED FROM CLOSED SESSION; ADJOURNED TO TUESDAY, DECEMBER 14, 2004 AT 9:00 A.M.

Parra-Patrick

/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, December 14, 2004

9:00 A.M.

BOARD RECONVENED

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

NOTE: CHAIRMAN MCQUISTON EXPRESSED APPRECIATION FOR THE PUBLIC'S PATIENCE DURING A SAFETY EVACUATION OF THE BUILDING

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.

NOTE: SUPERVISOR WATSON RECOGNIZED DARLENE DENISON, FOURTH DISTRICT APPOINTEE TO THE BEHAVIORAL HEALTH BOARD

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution honoring Fifth District Supervisor Pete H. Parra for 35 years of service to Kern County - ADOPTED RESOLUTION; MADE PRESENTATION TO SUPERVISOR PETE PARRA; MAYOR HARVEY HALL, CITY OF BAKERSFIELD, PRESENTED A KEY TO THE CITY; SUPERVISOR PARRA INTRODUCED FAMILY MEMBERS PRESENT, HIS WIFE YOLANDA, AND DAUGHTER ASSEMBLYWOMAN NICOLE PARRA; BOARD MEMBERS EXPRESSED THEIR GRATITUDE TO SUPERVISOR PARRA FOR HIS MANY YEARS OF SERVICE

Maben-Patrick: All Ayes

- 2) Resolution honoring Vincent M. "Mike" Chapman for 34 years of service - ADOPTED RESOLUTION; MADE PRESENTATION TO MIKE CHAPMAN; MIKE'S WIFE, JOYCE, INTRODUCED; MIKE CHAPMAN HEARD

Parra-Maben: All Ayes

PUBLIC REQUESTS

- 3) Request from Therese M. Foley, Attorney at Law, to address the Board of Supervisors regarding the Children's Waiting Room at the Juvenile Justice Center - THERESE M. FOLEY HEARD; REFERRED TO THE COUNTY ADMINISTRATIVE OFFICER FOR REPORT BACK TO THE BOARD

Patrick-Maben: All Ayes

APPOINTMENTS

- *4) Appointment of Darlene Marie Denison as Fourth District Member to the Behavioral Health Board, term to expire December 31, 2006 - MADE APPOINTMENT

Patrick-Parra: All Ayes

- *5) Reappointments to the Oak Grove Cemetery Board of At-large Members Fred David Lavers, term to expire December 30, 2008, Jeff Bowen, term to expire December 30, 2007, and Nathan Carver, term to expire December 30, 2006 - MADE REAPPOINTMENTS

Patrick-Parra: All Ayes

- *6) Reappointments of Robert J. Mayborn and J.B. Selvidge as At-large Members to the Kern Mosquito and Vector Control District, terms to expire December 31, 2006 - MADE REAPPOINTMENTS

Patrick-Parra: All Ayes

- *7) Reappointments of Claude D. Fiddler as Fifth, At-large Member and Bradley C. Barnes as Ninth, At-large Member to the Retirement Board, terms to expire December 31, 2007 - MADE REAPPOINTMENTS

Patrick-Parra: All Ayes

- *8) Reappointments of Wilmar Boschman and Dana S. Munn as Third District Members to the Water Resources Committee, terms to expire December 31, 2008 - MADE REAPPOINTMENTS

Patrick-Parra: All Ayes

- *9) Reappointment of Percy Robinson as Third District Member to the Behavioral Health Board, term to expire December 31, 2007 - MADE REAPPOINTMENT

Patrick-Parra: All Ayes

PUBLIC PRESENTATIONS

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RECEIVED AND FILED REPORT

Watson-Maben: All Ayes

ROY WEYGAND, PRESIDENT, KERN COUNTY TAX PAYERS ASSOCIATION, VOICED HIS APPRECIATION TO SUPERVISOR PARRA FOR HIS YEARS OF SERVICE

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 11) 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 PARRA EXTENDED AN INVITATION TO COUNTY EMPLOYEES AND THE PUBLIC TO HIS LAST CHRISTMAS PARTY IN THE ROTUNDA ON DECEMBER 17

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- *12) Proposed Amendment No. 1 to Agreement 360-2004 with California Department of Aging for Multipurpose Senior Services Program (Contract Number MS-0405-29), Fiscal Year 2004-2005, in an amount not to exceed \$768,616, and addition of one (1) Social Services Worker I/II/III position, effective December 14, 2004 (Fiscal Impact: \$111,743; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1078-2004; AUTHORIZED DIRECTOR TO SIGN ALL RELATED STATE TRANSMITTAL DOCUMENTS; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE TO APPROPRIATIONS FOR CONTINGENCIES IN THE AMOUNT OF \$111,743; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$111,743 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 5610; APPROVED ADDITION OF POSITION; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITION AND SALARY SCHEDULE

Patrick-Parra: All Ayes

AIRPORTS

- 13) Proposed Term Special Use Permit with the U.S. Department of Agriculture Forest Service to allow operation of Kern Valley Airport, Lake Isabella, California, for a term of 30 years (Fiscal Impact: Annual Expenditure of \$3,220; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15301 OF CEQA; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION, IF REQUESTED; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Watson: All Ayes

ASSESSOR-RECORDER

- *14) Proposed Agreement with Dolphin Safe Software to provide contract analyst support to continue upgrading the Kern Integrated Property System (KIPS) pursuant to AB 589, from January 1, 2005 through December 31, 2005, in an amount not to exceed \$62,400 (Fiscal Impact: \$62,400; State Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1079-2004

Patrick-Parra: All Ayes

- *15) Proposed Agreement with Exigent Computer Group, Inc., to provide programming and support services for Recorder's Imaging System, from January 1, 2005 through December 31, 2005, in an amount not to exceed \$150,000 (Fiscal Impact: \$150,000; Recorder's Automation Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1080-2004

Patrick-Parra: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *16) Certification of the results of the Presidential General Election held November 2, 2004 (Fiscal Impact: None) - DECLARED THE NOVEMBER 2, 2004 PRESIDENTIAL GENERAL ELECTION RESULTS OFFICIAL, AS CERTIFIED BY THE COUNTY CLERK, PURSUANT TO ELECTIONS CODE SECTION 15400

Patrick-Parra: All Ayes

CHILD SUPPORT SERVICES

- *17) Proposed Amendment No. 2 to Agreement with Laboratory Corporation of America Holdings, Inc., for DNA testing, to increase the maximum compensation payable by \$140,000 and extend the term to December 31, 2005 (Fiscal Impact \$140,000; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1081-2004

Patrick-Parra: All Ayes

CLERK OF THE BOARD

- *18) Amended Conflict of Interest Codes for the East Nile Community Services District and Kern County Water Agency (No Fiscal Impact) - APPROVED

Patrick-Parra: All Ayes

COUNTY COUNSEL

- 19) Proposed Amendment No. 1 to Agreement 332-2004 with the Law Firm of Kuhs, Parker & Hughes to increase the amount payable by \$20,000, to an amount not to exceed \$40,000 (Fiscal Impact: \$20,000; Budgeted) - KERN COUNTY SHERIFF'S COMMANDER CHRIS DAVIS, PRESIDENT OF THE SHERIFF'S COMMANDERS ASSOCIATION, HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1082-2004

Maben-Patrick: All Ayes

DISTRICT ATTORNEY

- *19A) Proposed license and maintenance Agreements with Pen-Link, Ltd., for equipment and software upgrades of the electronic surveillance system per grant proposal with the federal government, in the amount of \$113,845 (Fiscal Impact: \$113,845; Federal Grant: Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1083-2004 AND 1102-2004

Patrick-Parra: All Ayes

FARM AND HOME ADVISOR

- *20) Request to appropriate unanticipated revenue from the Farm Advisor Agricultural Research Trust Fund for the purchase of a facility security system in the amount of \$8,500 (Fiscal Impact: \$8,500 from Farm Advisor Agricultural Research Trust Fund) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE FROM FARM ADVISOR AGRICULTURAL RESEARCH TRUST FUND TO THE GENERAL FUND; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$8,500 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$8,500 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 6310

Patrick-Parra: All Ayes

HUMAN SERVICES

- *21) Proposed Amendment No. 1 to Agreement 114-2004 with the Central California Area Social Service Consortium for membership fees, increasing maximum compensation by \$14,259 to \$25,518, and extending term to December 31, 2005 (Fiscal Impact: \$14,259; 95% Federal and State Funds, County Cost \$712; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1084-2004

Patrick-Parra: All Ayes

- *22) Proposed retroactive Professional Services Agreement with Bobbie Rufus as an at-will contract employee for a Foster Parent Coordinator position, from December 1, 2004 through November 30, 2005, in the amount of \$30,000 (Fiscal Impact: \$30,000 Federal/State Funds, \$0 County funds; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1085-2004

Patrick-Parra: All Ayes

- *23) Proposed approval of a confirming purchase order with Campesina Radio Network for advertising received, in the amount of \$2,992 (Fiscal Impact: \$2,992; 100% Combined Federal/State Funds; Budgeted; Discretionary) - APPROVED

Patrick-Parra: All Ayes

LIBRARY

- *24) Request to temporarily close the Tehachapi Branch of Kern County Library, from December 21, 2004 through January 8, 2005, for move to new branch location (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-438

Patrick-Parra: All Ayes

- *25) Request to approve Partnership Statement and authorize joining with California State University Bakersfield (CSUB) in its application for a Librarian Recruitment Partnership Grant From the United States Institute of Museum and Library Services (Fiscal Impact: None) - APPROVED; AUTHORIZED DIRECTOR OF LIBRARIES TO SIGN PARTNERSHIP STATEMENT

Patrick-Parra: All Ayes

PROBATION

- *26) Proposed Amendment No. 2 to Agreement 501-2003 with R. Bruce Walker, Ed.D., Inc., (formerly Brief Counseling and Psychological Services), to provide mental health services to high risk adolescents at the Larry J. Rhoades Kern Crossroads Facility, to extend the term to December 31, 2006, and increase the total compensation by \$359,820 per year for a new total not to exceed \$1,064,718 (Fiscal Impact: \$359,820 annually; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1086-2004

Patrick-Parra: All Ayes

TREASURER-TAX COLLECTOR

- *27) Proposed Resolution to continue to apply the five-year time period for Tax-Defaulted Non-Residential Commercial Property - ADOPTED RESOLUTION 2004-439

Patrick-Parra: All Ayes

- *28) Proposed revisions to Deferred Compensation Plan II Documents to conform to current tax laws - APPROVED

Patrick-Parra: All Ayes

- *29) Proposed revisions to Deferred Compensation Plan I Documents to conform to current tax laws - APPROVED

Patrick-Parra: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER CLOSED SESSION NON-AGENDA ITEM 32: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE THE MATTER CAME TO THE ATTENTION OF STAFF MONDAY, DECEMBER 13, 2004 AND SINCE THE BOARD WILL NOT MEET AGAIN UNTIL JANUARY 4, 2005, AUTHORITY TO INITIATE LITIGATION MAY BE NEEDED IF THE MATTER CANNOT OTHERWISE BE RESOLVED

Watson-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Parra

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 30) Request for Closed Session regarding Meet and Confer, KCPA -
- 31) Request for Closed Session regarding public employee performance evaluation - Title: County Administrative Officer, County Counsel, Director of Aging and Adult Services, Chief Executive Officer of Kern Medical Center and Director of Mental Health Services (from 12/8/04 9:30 a.m., Item 3) -

COUNTY COUNSEL

- 32) Request for Closed Session regarding a determination of whether the County will initiate litigation (Government Code Section 54956.9(c)) -

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

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

Parra-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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ROLL CALL: All Ayes

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BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Watson-Patrick: All Ayes

KERN SANITATION AUTHORITY

- #1) Report concerning rate needs for Kern Sanitation Authority (Fiscal Impact: None) - RECEIVED AND FILED

Watson-Maben: All Ayes

- #2) Proposed appointment of Daphne H. Washington as Superintendent of Sewers and General Manager of Kern Sanitation Authority, effective December 14, 2004 (Fiscal Impact: None) - MADE APPOINTMENT

Watson-Maben: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS FORD CITY-TAFT HEIGHTS SANITATION DISTRICT

Watson-Maben: All Ayes

FORD CITY-TAFT HEIGHTS SANITATION DISTRICT

- #3) Proposed appointment of Daphne H. Washington as Superintendent of Sewers and General Manager of Ford City-Taft Heights Sanitation District, effective December 14, 2004 (Fiscal Impact: None) - MADE APPOINTMENT

Watson-Parra: All Ayes

ADJOURNED AS FORD CITY-TAFT HEIGHTS SANITATION DISTRICT; RECONVENED AS BOARD OF SUPERVISORS

Watson-Parra: All Ayes

PUBLIC PRESENTATIONS

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BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 5) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - NO ONE HEARD

CONTINUED HEARING

RESOURCE MANAGEMENT AGENCY
Planning Department

- *6) **Request from National Farm Workers Service Center, Inc., by Porter-Robertson Engineering and Surveying, Inc., to change the permitted uses from industrial to single-family residential on 7.22 acres located at the northwest corner of Washington Street and Potomac Avenue, east Bakersfield (SD #5)**

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) SI to Map Code(s) LMR or a more restrictive map code designation (GPA #1, Map #103-33)
- (b) A change in zone classification from M-3 to R-1 or a more restrictive district (ZCC #12, Map #103-33)
- (General Rule, Section 15061(b)(3); Published Bakersfield Californian) (from 12/7/2004) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-439 AND 2004-440 AND ENACTED ORDINANCE G-7176 APPROVING GENERAL PLAN AMENDMENT AND APPROVING ZONE CHANGE, TO BE HELD IN SUSPENSE PENDING RECORDATION OF A FINAL SUBDIVISION MAP

Maben-Parra: All Ayes

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *7) **Request from Mark Bobier to change the permitted uses from exclusive agriculture to general commercial and to allow a small museum with outdoor exhibits on 4,000 square feet located at 15012 Highway 178, southeast corner of Highway 178 and Larsen Road, Southlake (SD #1)**

Specific Request:

- (a) A change in zone classification from A to C-2 PD or a more restrictive district (ZCC #4, Map #42)

(Continued on Page 16)

(Continued from Page 15)

(b) A Conditional Use Permit to allow a small museum with outdoor exhibits (Section 19.32.030.I) in a C-2 PD District CUP #5, Map #42)

(General Rule, Section 15061(b)(3); (b) Categorically Exempt, Section 15301; Published Kern Valley Sun) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTIONS 2004-441 AND ENACTED ORDINANCE G-7177 APPROVING ZONE CHANGE AS REQUESTED AND APPROVING CONDITIONAL USE PERMIT SUBJECT TO CONDITIONS

Maben-Parra: All Ayes

- *8) **Request from Epic Mortgage Company by Cornerstone Engineering, Inc., to change the permitted uses from limited agriculture to low-density residential on 25 acres located at the southeast corner of 25th Street West and Orange Avenue alignments, Rosamond (SD #2)**

Specific Request:

A change in zone classification from A-1 to R-1 or a more restrictive district (ZCC #59, Map #230-20)

(Special Situation, Section 15182; Published Rosamond Weekly News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-442 AND ENACTED ORDINANCE G-7178 APPROVING ZONE CHANGE, WITH THE ADDITION OF THE FPS (FLOODPLAIN SECONDARY COMBINING) DISTRICT, TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL SUBDIVISION MAP

Maben-Parra: All Ayes

- *9) **Request from Payless Mini-Storage by Porter-Robertson Engineering and Surveying, Inc., to change the permitted uses from multifamily residential to commercial and to allow a ministorage facility and drainage sump on a 1.84-acre parcel located at 10202 Rosedale Highway, Bakersfield (SD #3)**

Specific Request:

(a) A change in zone classification from R-2 to C-2 PD or a more restrictive district (ZCC #76, Map #102-19)

(b) A Conditional Use Permit to allow a drainage sump (Section 19.16.030.L) in an E (2-1/2) RS District (CUP #38, Map #102-19)

(c) A Precise Development Plan for a ministorage facility with an on-site office and caretakers quarters (PD Plan #27, Map #102-19)

(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 2004-443, 2004-444 AND 2004-445 AND ENACTED ORDINANCE G-7179 APPROVING ZONE CHANGE AS REQUESTED, APPROVING CONDITIONAL USE PERMIT AND PRECISE DEVELOPMENT PLAN SUBJECT TO CONDITIONS

Maben-Parra: All Ayes

- *10) Request from Kern County Planning Department for the creation of Farmland Security Zones within Agricultural Preserves for the purpose of defining boundaries of those areas within which Farmland Security Zone contracts are being considered on 5,932.75 acres located Countywide (SD's #1, #2 & #4)

Specific Request:

Creation of Farmland Security Zones within Agricultural Preserve Nos. 6, 7, 12, 14, and 19 for the purpose of defining boundaries of those areas within which Farmland Security Zone contracts are being considered (Farmland Security Zones)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTIONS 2004-446 THROUGH 2004-450 APPROVING FARMLAND SECURITY ZONES

Maben-Parra: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Hearing

Miscellaneous

All S.D.'s

- *11) Proposed Update of Capital Improvement Plan and review of public information for the Metropolitan Bakersfield Habitat Conservation Fee Program (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2004-451 UPDATING AND CONFIRMING THE CURRENT CAPITAL IMPROVEMENT PLAN

Maben-Parra: All Ayes

Land Use

S.D. #1

- *12) Proposed Farmland Security Zone (FSZ) Contract No. 03-6 for 2005 Calendar Year with Paramount Citrus Association, northeast of Shafter, Agriculture Preserve Nos. 6 & 7, 666.73 acres (Fiscal Impact: None) - RESCINDED EXISTING 10-YEAR WILLIAMSON ACT CONTRACT FOR PARCELS INCLUDED WITHIN PROPOSED FARMLAND SECURITY ZONE CONTRACT AND SIMULTANEOUSLY APPROVED FARMLAND SECURITY ZONE CONTRACT; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

- *13) Proposed Farmland Security Zone (FSZ) Contract No. 04-4 for 2005 Calendar Year with Rodney T. Stiefvater, east of Wasco and northeast of McFarland, Agricultural Preserve Nos. 6 & 14, 223.93 acres (Fiscal Impact: None) - RESCINDED EXISTING 10-YEAR WILLIAMSON ACT CONTRACT FOR PARCELS INCLUDED WITHIN PROPOSED FARMLAND SECURITY ZONE CONTRACT AND SIMULTANEOUSLY APPROVED FARMLAND SECURITY ZONE CONTRACT; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

- *14) Proposed Farmland Security Zone (FSZ) Contract No. 04-6 for 2005 Calendar Year with Rocky Hill Partners, northeast of Famoso, Agricultural Preserve No. 6, 349.88 acres (Fiscal Impact: None) - RESCINDED EXISTING 10-YEAR WILLIAMSON ACT CONTRACT FOR PARCELS INCLUDED WITHIN PROPOSED FARMLAND SECURITY ZONE CONTRACT AND SIMULTANEOUSLY APPROVED FARMLAND SECURITY ZONE CONTRACT; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

S.D. #2

- *15) Proposed Farmland Security Zone (FSZ) Contract No. 03-10 for 2005 Calendar Year with Switchback Partners, south of Arvin, Agricultural Preserve No. 19, 136.72 acres (Fiscal Impact: None) - RESCINDED EXISTING 10-YEAR WILLIAMSON ACT CONTRACT FOR PARCELS INCLUDED WITHIN PROPOSED FARMLAND SECURITY ZONE CONTRACT AND SIMULTANEOUSLY APPROVED FARMLAND SECURITY ZONE CONTRACT; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

S.D. #4

- *16) Proposed Farmland Security Zone (FSZ) Contract No. 03-9 for 2005 Calendar Year with Rocky Hill Partners, Wheeler Ridge area, Agricultural Preserve No. 12, 363.88 acres (Fiscal Impact: None) - RESCINDED EXISTING 10-YEAR WILLIAMSON ACT CONTRACT FOR PARCELS INCLUDED WITHIN PROPOSED FARMLAND SECURITY ZONE CONTRACT AND SIMULTANEOUSLY APPROVED FARMLAND SECURITY ZONE CONTRACT; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

- *17) Proposed Farmland Security Zone (FSZ) Contract No. 04-2 for 2005 Calendar Year with Ag Resources II, LLC, southwest of Wasco, Agricultural Preserve No. 6, 1,028.17 acres (Fiscal Impact: None) - RESCINDED EXISTING 10-YEAR WILLIAMSON ACT CONTRACT FOR PARCELS INCLUDED WITHIN PROPOSED FARMLAND SECURITY ZONE CONTRACT AND SIMULTANEOUSLY APPROVED FARMLAND SECURITY ZONE CONTRACT; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

- *18) Proposed Farmland Security Zone (FSZ) Contract No. 04-7 for 2005 Calendar Year with Citrus Ranches, LLC, Wheeler Ridge area, Agricultural Preserve No. 12, 2,490.19 acres (Fiscal Impact: None) - RESCINDED EXISTING 10-YEAR WILLIAMSON ACT CONTRACT FOR PARCELS INCLUDED WITHIN PROPOSED FARMLAND SECURITY ZONE CONTRACT AND SIMULTANEOUSLY APPROVED FARMLAND SECURITY ZONE CONTRACT; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

- *19) Notice of Nonrenewal Petition No. 05-1 by Albert Banducci, trustee, of the Ido Banducci Trust, for 2.15 acres within Agricultural Preserve No. 10 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

S.D.'s #1 & #4

- *20) Proposed Farmland Security Zone (FSZ) Contract No. 03-7 for 2005 Calendar Year with Citrus Ranches, LLC, east of Wasco, Agricultural Preserve Nos. 6, 7, 12 & 14, 673.25 acres (Fiscal Impact: None) - RESCINDED EXISTING 10-YEAR WILLIAMSON ACT CONTRACT FOR PARCELS INCLUDED WITHIN PROPOSED FARMLAND SECURITY ZONE CONTRACT AND SIMULTANEOUSLY APPROVED FARMLAND SECURITY ZONE CONTRACT; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

All S.D.'s

- *21) Request to set hearing to consider proposed Zoning Ordinance text changes - SET HEARING FOR TUESDAY, JANUARY 25, 2005, AT 2:00 P.M. TO APPROVE ZONING ORDINANCE CHANGES; DESIGNATED COUNTY COUNSEL TO PREPARE A FAIR AND ADEQUATE SUMMARY; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH REQUIRED NOTICE AND SUMMARY IN ACCORDANCE WITH SECTIONS 25124(b)(1) AND 65091 OF THE CALIFORNIA GOVERNMENT CODE

Maben-Parra: All Ayes

Miscellaneous

S.D. #1

- *22) Proposed Amendment No. 2 to Agreement 506-2003 with Cotton / Bridges / Associates for Planning Consulting Services to prepare a Specific Plan and Program Environmental Impact Report (PEIR) for the Kern River Valley Portion of Kern County to add Phase III and increase the contract amount by \$107,420, for a new total not to exceed \$288,673 (Fiscal Impact: \$38,684; Budgeted: \$68,736; Planning Department Saving Incentive Credits) - APPROVED; APPROVED BUDGET TRANSFER FROM OFS/SAVING INCENTIVE CREDITS IN THE AMOUNT OF \$68,736; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1087-2004

Maben-Parra: All Ayes

- *23) Proposed Amendment No. 1 to Agreement 059-2004 with Northcutt and Associates to provide additional support services during the preparation of the Specific Plan and Program Environmental Impact (PEIR) for the Kern River Valley portion of Kern County and increase the contract amount by \$3,000, for a new total not to exceed \$11,000 (Fiscal Impact: \$3,000; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1088-2004

Maben-Parra: All Ayes

All S.D.'s

- *24) Proposed amended Conflict of Interest Code for the Planning Department (Fiscal Impact: None) - APPROVED

Maben-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY

All S.D.'s

- *25) Proposed Resolution expressing continued support for mitigation of air emissions from railroad track beds and diesel engine operations - APPROVED; ADOPTED RESOLUTION 2004-452

Maben-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

Hearing

S.D. #1

- *26) Public Hearing regarding amendment of the County of Kern's Fiscal Year (FY) 2001-2002 Annual Action Plan to amend Community Development Block Grant Activity No. 17.01.1, Ridgecrest Sunset Street Improvements (Fiscal Impact: None; Federal CDBG Grant; Budgeted; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENT TO COUNTY'S FY 2001-2002 ANNUAL ACTION PLAN AND REVISED ACTIVITY DESCRIPTION; AUTHORIZED DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO SUBMIT ALL RELATED DOCUMENTATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Maben-Parra: All Ayes

S.D. #1

- *27) Proposed Agreement with the City of Shafter to provide Community Development Block Grant funds for Shafter Street Improvements, CD No. 18.04.1, in an amount not to exceed \$208,000 (Fiscal Impact: \$208,000; Federal Grant; Budgeted; Discretionary - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1089-2004

Maben-Parra: All Ayes

S.D. #4

- *28) Proposed Agreement with the City of Maricopa to provide Community Development Block Grant funds for Maricopa Sewer Improvements, Preliminary Engineering, CD No. 15.04.1, in an amount not to exceed \$44,800 (Fiscal Impact: \$44,800; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1090-2004; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER FUNDS

Maben-Parra: All Ayes

- *29) Request to issue a Request for Proposal for Maricopa Sewer Improvements, Preliminary Engineering Report, CD No. 15.04.1, in an amount not to exceed \$44,800 (Fiscal Impact: \$44,800; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED COMMUNITY AND ECONOMIC DEVELOPMENT TO SOLICIT PROPOSALS

Maben-Parra: All Ayes

All S.D.'s

- *30) Report regarding Analysis of Impediments to Fair Housing Choice for Kern County and the Cities of Arvin, California City, Maricopa, McFarland, Ridgecrest, Shafter, and Tehachapi, dated May 2004 (Fiscal Impact: None) - APPROVED ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE DATED MAY 2004; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Maben-Parra: All Ayes

- *31) Proposed Amendment No. 1 to Agreement 457-2004 with ICF Consulting Services to extend the term to June 30, 2005, for preparation of Community and Economic Development Plans (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1091-2004

Maben-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearings

S.D. #1

- 32) Proposed Resolution ordering the extension of Zone of Benefit Nos. 3, 5, 7 And 8 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 6175, northwest Bakersfield, located south of Snow Road and east of Coffee Road (Fiscal Impact: \$34,346, 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-7180 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2004-453 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT AND APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$130 PER PARCEL FOR STREET LIGHT MAINTENANCE, \$140 PER PARCEL FOR SEWER SERVICE, \$12 PER PARCEL FOR STREET SWEEPING, \$50 PER PARCEL FOR DRAINAGE FACILITIES MAINTENANCE, \$1,200 PER PARCEL FOR 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 AND 8 IN COUNTY SERVICE AREA NO. 71

Maben-Parra: All Ayes

S.D. #3

- 33) Proposed Resolution ordering the extension of Zone of Benefit No. 2 in County Service Area No. 60, determining to adopt and accept an Ordinance enacting assessments for the area included within County Service Area No. 60, Zone of Benefit Nos. 1 and 2, Parcel 7 of Parcel Map 10684, located east of Highway 99, south of Seventh Standard Road and west of Pegasus Road, Oildale (Fiscal Impact: \$2,321.50; CSA's; Budgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; TABULATED BALLOTS; CONFIRM THAT MAJORITY OF BALLOTS SUBMITTED WERE IN FAVOR OF ASSESSMENTS; ENACTED ORDINANCE

(Continued on Page 22)

(Continued from Page 21)

G-7181 ESTABLISHING ASSESSMENTS; ADOPTED RESOLUTION 2004-454 CONFIRMING ENGINEERING & SURVEY SERVICES DEPARTMENT DIRECTOR'S REPORT AND APPROVING ANNUAL ASSESSMENT NOT TO EXCEED \$80 PER GROSS ACRE FOR STREET LIGHT MAINTENANCE-COMMERCIAL/LARGE LOT, \$24 PER PARCEL FOR STREET SWEEPING-COMMERCIAL/LARGE LOT, \$200 PER GROSS ACRE FOR DRAINAGE FACILITIES MAINTENANCE-COMMERCIAL/LARGE LOT; 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 NO. 2 IN COUNTY SERVICE AREA NO. 60

Patrick-Watson: All Ayes

S.D. #4

- *34) Request to approve final map for Tract 6126, Phase 1, southeast corner Rudd Avenue (West Beltway) and Rosedale Highway, The Lusich Company for Delfino Bakersfield, LLC (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-455 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), ACKNOWLEDGEMENT OF REVERSION OF TEMPORARY TURNAROUND EASEMENT AND RESTORATION OF INGRESS AND EGRESS ACROSS LOT "A" IN TRACT NO. 6122; APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; CONSENTED TO MAKING OF IRREVOCABLE OFFER OF DEDICATION FOR OFF-SITE TEMPORARY TURNAROUND, DRAINAGE, SEWER AND WATER EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Maben-Parra: All Ayes

S.D. #5

- *35) Contract No. 05008, Plans and Specifications, and Notice to Contractors for Proposal and Contract for construction of Lamont Curb and Gutter Improvements-Wharton Street, Phase I (Fiscal Impact: \$193,300; CEDD; Budgeted) - 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 19, 2005, AT 11:00 A.M.

Maben-Parra: All Ayes

All S.D.'s

- *36) Proposed Personal/Professional Services Agreement with Latitude Geographics, Ltd., for installation of GIS Data Warehouse and Internet Mapping Infrastructure and related software, in an amount not to exceed \$35,000, and approval of purchase orders and License Agreements in an amount not to exceed \$17,500 plus applicable tax (Fiscal Impact: \$52,500; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 1092-2004, 1103-2004, 1104-2004 AND 1105-2004; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDERS

Maben-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department
Hearings

S.D. #2

- *37) Proposed update of Capital Improvement Plan and Review of Public Information for Rosamond / Willow Springs Transportation Impact Fee Program (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-456; RECEIVED AND FILED

Maben-Parra: All Ayes

All S.D.'s

- *38) Proposed update of Capital Improvement Plan and review of public information for Metropolitan Bakersfield Transportation Impact Fee Program (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-457; RECEIVED AND FILED

Maben-Parra: All Ayes

S.D. #1

- *39) Contract No. 04006, Notice of Completion for construction on Browning Road between Garces Highway and Cecil Avenue (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Parra: All Ayes

S.D. #4

- *40) Contract No. 04016, Notice of Completion for construction on Brown Material Road (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Parra: All Ayes

- *41) Proposed Regional Impact Fee Program Credit Agreement with Delfino Bakersfield, LLC, for developer-constructed improvements, in an amount not to exceed \$16,994.98 (Fiscal Impact: \$16,994.98; Metropolitan Bakersfield Transportation Impact Fee Program; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1093-2004

Maben-Parra: All Ayes

- *42) Proposed Regional Impact Fee Program Credit Agreement with Delfino Bakersfield, LLC, for developer-constructed improvements, in an amount not to exceed \$76,362 (Fiscal Impact: \$76,362; Metropolitan Bakersfield Transportation Impact Fee Program; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1094-2004

Maben-Parra: All Ayes

- *43) Contract No. 05007, Plans, Specifications, and Notice to Contractors for construction on Belle Terrace from South Real Road to 400 feet east, on South Real Road from Wood Lane to 600 feet south and on Wood Lane from South Real Road to 200 feet west - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF CEQA, PER SECTION 15301(c); 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 12, 2005, AT 11:00 A.M.

Maben-Parra: All Ayes

S.D.'s #3 & #4

- 44) Proposed approval of request from City of Bakersfield for consent to acquire, through eminent domain, two (2) properties necessary for the Westside Parkway project, at the following locations: a parcel on Stockdale Highway at Heath Road (APN 408-020-12) and 5601-A Rosedale Highway (APN 332-270-05) - APPROVED

Parra-Patrick: All Ayes

All S.D.'s

- *45) Proposed annual update of Kern Regional Transit Disadvantaged Business Enterprise (DBE) program for Federal Fiscal Year 2004-2005 (Fiscal Impact: None) - RECEIVED AND FILED; SET TUESDAY, FEBRUARY 1, 2005, AT 2:00 P.M. AS THE DATE TO ESTABLISH THE 2004-2005 UPDATED DBE GOAL

Maben-Parra: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *46) Proposed Amendment No. 3 to Agreement 134-2002 with Roland Consulting, Inc., for financial forecasting services to bin density and feasibility studies, to extend the term to June 30, 2006, and increase the compensation by \$50,000, for a total amount not to exceed \$200,000 (Fiscal Impact: \$50,000; Solid Waste Enterprise Fund; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1095-2004

Maben-Parra: All Ayes

- *47) Proposed Agreement with the California Living Museum Foundation to waive up to \$2,000 in disposal gate fees at Bakersfield Metropolitan (Bena) Sanitary Landfill from December 14, 2004 through January 15, 2005, in exchange for public education opportunities at the "Holiday Lights" event (Fiscal Impact: \$2,000; Solid Waste Enterprise Fund; Budgeted; Mandatory) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1096-2004

Maben-Parra: All Ayes

- *48) Report concerning Solid Waste Diversion Status (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *49) Application for California Healthcare for Indigents Program (CHIP) for Fiscal Year 2004-2005 (Fiscal Impact: To be determined) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

- *50) Proposed retroactive Agreement with City of Bakersfield for jail booking and processing services from July 1, 2004 through June 30, 2005 (Fiscal Impact: \$913,787 Revenue; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1097-2004

Maben-Parra: All Ayes

- *51) Proposed Amendment No. 1 to Agreement 850-2004 with IWV 2000 for military base retention promotional activities to increase the scope of work and increase the amount from \$60,000 to \$90,000 (Fiscal Impact: \$30,000; General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1098-2004

Maben-Parra: All Ayes

- *52) Transfer of Property Tax Entitlement related to City of Tehachapi Annexation No. 77, Local Agency Formation Commission (LAFCO) Proceeding No. 1398 (Fiscal Impact: FY 2005-2006 \$172, General Fund; \$1 Fire Fund) - APPROVED; ADOPTED RESOLUTION 2004-458 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF THE COUNTY'S PROPERTY TAX ENTITLEMENT TO THE CITY OF TEHACHAPI COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Maben-Parra: All Ayes

- *53) Request for approval of County-provided life insurance plan for Management, Mid-Management, Elected Officials, and Confidential employees pursuant to Resolution 2004-296 (Fiscal Impact: Annual increase of \$135,000; Budgeted) - AUTHORIZED COUNTY ADMINISTRATIVE OFFICER TO NOTIFY BC LIFE AND ACCIDENT COMPANY OF TERMINATION OF EXISTING GROUP LIFE INSURANCE POLICY EFFECTIVE DECEMBER 31, 2004; AUTHORIZED COUNTY ADMINISTRATIVE OFFICER TO SIGN APPLICATION FOR POLICY OFFERED BY GE GROUP LIFE ASSURANCE COMPANY PROVIDING \$100,000 GROUP TERM LIFE INSURANCE FOR MANAGERS, MID-MANAGERS, AND ELECTED OFFICIALS, \$50,000 FOR CONFIDENTIAL EMPLOYEES, AND \$10,000 FOR OTHER COVERED EMPLOYEES, EFFECTIVE JANUARY 1, 2005; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY PREMIUMS TO GE GROUP LIFE ASSURANCE COMPANY AT THE RATE OF NINETEEN CENTS (\$0.19) PER ONE THOUSAND DOLLARS (\$1,000) OF COVERAGE PER MONTH

Maben-Parra: All Ayes

- *54) Proposed Amendment No. 4 to Agreement 177-99 with The Lynn Company for COBRA administration to extend the term of the agreement on a month-to-month basis through February 28, 2005 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1099-2004

Maben-Parra: All Ayes

Legislative Matter

- *55) Proposed 2005 County Legislative Platform (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *56) Proposed License Agreement with City of Ridgecrest for use of a portion of County's Administration Building facilities in Ridgecrest by the City of Ridgecrest Police Department, from December 14, 2004 through December 13, 2024 (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1100-2004

Maben-Parra: All Ayes

- *57) Change Order No. 14 for the new Juvenile Treatment Facility, an increase of \$90,000, for a new total of \$17,402,250.06 (1960.8166) (Fiscal Impact: \$90,000; General Fund; Budgeted) (from 11/30/2004 & 12/7/2004) -

WITHDRAWN

S.D. #3

- *58) Change Order No. 8 for the new Airport Terminal at Meadows Field, an increase of \$347,646.23, for a new total of \$20,297,554.16 (8215.8415) (Fiscal Impact: \$347,646.23; Airport Enterprise Fund; Budgeted) (from 11/30/2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Parra: All Ayes

- *59) Identify apparent low bid submitted by Gilliam & Sons, Inc., for the demolition of the motel and restaurant at Meadows Field, in an amount not to exceed \$64,354, (8994.8417) - IDENTIFIED APPARENT LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES; AUTHORIZED PREPARATION OF CONTRACT DOCUMENTS

Maben-Parra: All Ayes

- *60) Request for authorization to submit a grant application for infrastructure improvement at Meadows Field (Fiscal Impact: \$273,378; Not Budgeted) - APPROVED; AUTHORIZED GRANT SUBMITTAL

Maben-Parra: All Ayes

S.D. #4

- *61) Proposed Agreement with Elmer F. Karpe, Inc., for lease of Sheriff's substation at 10814 Rosedale Highway, Bakersfield, from January 1, 2005 through December 31, 2009 (Fiscal Impact: \$1,400 per month rent; Budgeted)- MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1101-2004

Maben-Parra: All Ayes

- *62) Change Order No. 2 for the restroom reroofs at Buena Vista Aquatic Recreation Area (BVARA), a decrease of \$25,000, for a new total of \$179,000 (1650.7159) - APPROVED; AUTHORIZED CHAIRMAN SIGN

Maben-Parra: All Ayes

All S.D.'s

- *63) Proposed addition of one (1) Programmer I position, effective December 17, 2004 (Fiscal Impact: \$29,900; Unbudgeted) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Parra: All Ayes

SHERIFF

- 64) Request for approval to re-open the Sheriff's Lerdo Maximum-Medium Facility and add additional personnel during Fiscal Year 2004-2005 (Fiscal Impact: \$1,402,000 Unanticipated Revenue; Not Budgeted; Discretionary) - APPROVED; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$1,402,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210 IN THE AMOUNT OF \$1,402,000; APPROVED ADDITION OF FOUR (4) SHERIFF'S DETENTION SERGEANT, FOURTEEN (14) SHERIFF'S DETENTION DEPUTY AND ONE (1) MAINTENANCE WORKER I-IV POSITIONS; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE; REFERRED PHASE TWO TO FISCAL YEAR 2005-2006 BUDGET FILE

Watson-Parra: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *65) Budget Transfers - APPROVED NO. 60 THROUGH NO. 71
Maben-Parra: All Ayes
- *66) Minutes for week of November 1, 2004 - APPROVED
Maben-Parra: All Ayes
- *67) Miscellaneous Letters and Documents - APPROVED
Maben-Parra: All Ayes
- *68) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED
Maben-Parra: All Ayes

ADJOURNED TO MONDAY, JANUARY 3, 2005, AT 12:00 NOON

Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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

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

67) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Certificate of Results of the Retirement Board Election held November 16, 2004

Clerk of the Board

- B) Received, certified and transmitted to Recorder for recordation as follows:

- | | |
|---------------------------|---------|
| 1) Amended Tract Map 6079 | S.D. #4 |
| 2) Parcel Map No. 10954 | S.D. #3 |
| 3) Parcel Map No. 10943 | S.D. #2 |

Community and Economic Development Department

- C) County Loan Agreement, HOME Investment Partnerships Program, Owner Rehabilitation Program, with Luis Valencia and Maria Valencia

Local Agency Formation Commission

- D) Notice of Hearing, Proceeding No. 1389, in the matter of East Niles CSD, Annexation No. 38

Miscellaneous

- E) Letter from Ken Seaton-Msemaji and Fahari Jeffers, United Domestic Workers of America, re proposed settlement for IHSS Public Authority contract (Copies to each Supervisor and CAO)
- F) Letter from Jennifer Schwerin, Eastern Kern County Resource Conservation District, re two (2) Board vacancies in November, 2004 (Copies to each Supervisor and CAO)
- G) Letter from Louis E. Gitomer, Ball Janik LLP, re San Joaquin Valley Railroad Company - Discontinuance Exemption between Levee and Taft and Sunset Railway Company - Abandonment Exemption between Levee and Taft, Notice of Exemption (Copies to each Supervisor, CAO, Planning and County Counsel)
- H) Letter from Louis E. Gitomer, Ball Janik LLP, re San Joaquin Valley Railroad Company - Discontinuance Exemption between Levee and Taft and Sunset Railway Company - Abandonment Exemption between Levee and Taft, amending Verified Notice of Exemption to reduce length of the abandonment and discontinuance of service (Copies to each Supervisor, CAO, Planning and County Counsel)
- I) Letter from Robert J. Lee, Lois L. Lee and Christopher Robert Lee re request for burial date of mass gravesite in Delano (Copies to each Supervisor, CAO and County Counsel)
- J) Letter from John R. Smith re newspaper articles concerning false claims submitted for overtime within the Sheriff's Department (Copies to each Supervisor, CAO and County Counsel)

- K) Letter from John Hamill, Desert Managers Group (DMG), re County's request to participate in the DMG (Copies to each Supervisor, CAO and Planning)
- L) Kern County Water Agency 2001-2002 Biennial Report, Building for Tomorrow's Water Today (Copies to each Supervisor and CAO)
- M) Notice from U.S. Fish and Wildlife Service re re-opening of comment period for draft economic analysis for the proposed critical habitat for the Buena Vista Lake Shrew (Copies to each Supervisor, CAO and Planning)
- N) Notice from U.S. Fish and Wildlife Service re short comment period for draft economic analysis for proposed critical habitat for the Buena Vista Lake Shrew (Copies to each Supervisor, CAO, Planning and County Counsel)
- O) Notices from the State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses: Los Arcos, 2911 Taft Highway, Bakersfield; Don Pericos Mexican Grill & Cantina, 9021 Grapevine Road West, Lebec (Copies to each Supervisor, CAO and Planning)
- P) Agenda of meeting from In-Home Supportive Services Advisory Committee on Thursday, December 9, 2004
- Q) Minutes of meeting from In-Home Supportive Services Advisory Committee on Thursday, November 11, 2004
- 68) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Christopher J. Bromley vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Mary Kay Stolting vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Lisa Atkison vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Cameron James St. Clair vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Elisha Mayo vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Claim in the matter of Laurie Russell vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

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