

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, December 20, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Rubio

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

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

BOARD ACTION SHOWN IN CAPS

PUBLIC REQUESTS

- 1) Request from Minister Wesley Crawford, Sr., President Southern Christian Leadership Conference Kern County Chapter, to address the Board regarding implementing the Kern County Criminal Street Abatement Ordinance - MINISTER WESLEY CRAWFORD HEARD; RECEIVED AND FILED DOCUMENT; REQUESTED A REPORT TO THE BOARD BY LAW ENFORCEMENT ON EFFORTS BEING MADE TO ADDRESS THE VIOLENCE IN OUR COMMUNITY

Rubio-Maben: All Ayes

APPOINTMENTS

- *2) Appointment of Aaron Clemon Flucker as Fifth District Member to the Commission on Aging, term to expire August 18, 2006 - MADE APPOINTMENT

Patrick-Maben: All Ayes

- *3) Reappointment of Eugene Couture Ph.D, as Fourth District Member to the Behavioral Health Board, term to expire December 31, 2008 - MADE REAPPOINTMENT

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

- 4) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!
- JEFF CLARK ADDRESSED THE BOARD REGARDING ISSUES WITH THE CODE COMPLIANCE DIVISION IN THE BODFISH/LAKE ISABELLA AREA

REFERRED TO RESOURCE MANAGEMENT AGENCY TO PROVIDE A CODE COMPLIANCE STATUS REPORT TO THE FIRST DISTRICT SUPERVISOR REGARDING THIS MATTER

McQuiston-Maben: All Ayes

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 5) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR PATRICK REPORTED ON THE SUCCESSFUL INVESTMENT EFFORTS BY THE KERN COUNTY EMPLOYEES RETIREMENT ASSOCIATION

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- *6) Request for authorization to apply for grant funds available through the Kern County Air Pollution Control District's 2006 Motor Vehicle Emission Reduction Program (Fiscal Impact: \$31,000; Local Funds: \$3,100; Grant Funds: \$27,900; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED DIRECTOR TO SIGN APPLICATION DOCUMENTS

Patrick-Maben: All Ayes

AIRPORTS

- *7) Proposed Amendment No. 1 to Agreement 861-2005 with Omni Goods at the new airport terminal building at Meadows Field, to increase the rent credit to an amount not to exceed \$40,000 (Fiscal Impact: \$40,000 Rent Credit; Airport Enterprise Fund; Not 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 AGREEMENT 1053-2005

Patrick-Maben: All Ayes

- *8) Proposed Amendment No. 1 to Ground Lease Agreement 814-98 with Cendant Car Rental Group, Inc., dba Avis and Budget Rent A Car, at Meadows Field for a Servicing Facility, to extend term to end June 30, 2013 (Fiscal Impact: None) - 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 AGREEMENT 1054-2005

Patrick-Maben: All Ayes

- *9) Proposed Lease Amendments No. 1 to car rental concessions with: Hertz, Agreement 546-98; Cendant Car Rental Group, dba Avis, Agreement 548-98; and Budget, Agreement 549-98, at Meadows Field Airport, to extend term to end June 30, 2013 (Fiscal Impact: None) - MADE FINDING THAT PROJECTS ARE EXEMPT UNDER SECTION 15301 OF CEQA; DIRECTED CLERK OF THE BOARD TO FILE NOTICES OF EXEMPTION IF REQUESTED; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 1055-2005; 1056-2005; 1057-2005

Patrick-Maben: All Ayes

- *10) Proposed Amended Conflict of Interest Code for the Department of Airports (Fiscal Impact: None) - APPROVED AS AMENDED

Patrick-Maben: All Ayes

ASSESSOR-RECORDER

- *11) Proposed sole source Agreement with Exigent Computer Group, Inc., to provide programming and support services for Recorder's Imaging System, from January 1, 2006 through June 30, 2007, in an amount not to exceed \$416,000 (Fiscal Impact: \$416,000; Recorder's Automation Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1058-2005; APPROVED CANCELLATION OF DESIGNATIONS IN THE RECORDERS FEE FUND (#00198) DESIGNATION; APPROVED OPERATING TRANSFER FROM RECORDERS FEE FUND TO GENERAL FUND IN THE AMOUNT OF \$160,000; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$160,000 IN BUDGET UNIT 1970; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$160,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2705

Patrick-Maben: All Ayes

- *12) Proposed exemption of certain real and personal property with low values from property tax assessment pursuant to Revenue and Taxation Code 155.20 (Fiscal Impact: \$124,000 net savings annually; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-524

Patrick-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *13) Resolution from the McFarland Unified School District, requesting the Elections Official to conduct their Special Recall Election to be held April 4, 2006 - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES AS REQUESTED

Patrick-Maben: All Ayes

COUNTY COUNSEL

- *14) Proposed Ordinance adding Section 10.04.441 to Chapter 10.04, Title 10 of the Kern County Ordinance Code concerning a 40-miles-per-hour speed limit on Palm Avenue (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *15) Proposed Ordinance adding Section 10.04.262 to Chapter 10.04, Title 10 of the Kern County Ordinance Code concerning a 35-miles-per-hour speed limit on Verdugo Lane and rescinding Section 10.04.069 (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *16) Proposed Ordinance adding Section 10.04.164 to Chapter 10.04, Title 10 of the Kern County Ordinance Code concerning a 35-miles-per-hour speed limit on Hall Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *17) Proposed deletion of one (1) Legal Secretary position and addition of one (1) Paralegal position, Budget Unit 1210, effective December 24, 2005 (Fiscal Impact: \$28,733; Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

- *18) Proposed addition of one (1) Office Services Assistant position, Budget Unit 1910, effective December 24, 2005 (Fiscal Impact: \$19,138; Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

- 19) Report on Board referral of August 4, 2005, concerning feasibility of the County Counsel's Office undertaking prosecution of code enforcement violations - RECEIVED AND FILED; REFERRED TO COUNTY COUNSEL TO COORDINATE WITH COUNTY DEPARTMENTS TO IDENTIFY THOSE ORDINANCES WHERE IMPOSITION OF ADMINISTRATIVE FINES OR PENALTIES WOULD BE APPROPRIATE, AND FURTHER TO REPORT BACK ON ENFORCEMENT ALTERNATIVES AVAILABLE TO THE COUNTY WHEN A LIEN ON REAL PROPERTY IS NOT AN OPTION

Maben-Patrick: All Ayes

- 20) Proposal to impose administrative fines or penalties for violations of Ordinance Code Section 8.28.070 prohibiting uncovered loads (Fiscal Impact: None) - AUTHORIZED COUNTY COUNSEL TO DRAFT ORDINANCE CREATING ADMINISTRATIVE PROCEDURES TO IMPLEMENT GOVERNMENT CODE SECTION 53069.4 IN ORDER TO IMPOSE ADMINISTRATIVE FINES OR PENALTIES FOR VIOLATIONS OF ORDINANCE CODE SECTION 8.28.070; REFERRED TO THE COUNTY ADMINISTRATIVE OFFICE TO REVIEW APPROPRIATION OF FINES OR PENALTIES FROM THE GENERAL FUND TO THE ENFORCING DEPARTMENT

Patrick-Rubio: All Ayes

- *21) Request for continuance of Board referral of November 8, 2005 on the requirement that business license fees be assessed to non-profit organizations - APPROVED; CONTINUED TO TUESDAY, JANUARY 24, 2006 AT 9:00 A.M.

Patrick-Maben: All Ayes

Hearing

- 22) Request from the Kern County Table Grape Pest and Disease Control District and the Tulare County Table Grape Pest and Disease Control District to consolidate the districts into the Consolidated Central Valley Table Grape Pest and Disease Control District (Fiscal Impact: None) - OPENED HEARING; PAUL GIBONY, CHAIRMAN, KERN COUNTY TABLE GRAPE PEST AND DISEASE CONTROL DISTRICT, MAX JEHLE, CHAIRMAN, TULARE COUNTY TABLE GRAPE PEST AND DISEASE CONTROL DISTRICT, GARY KUNKLE, TULARE COUNTY AGRICULTURE COMMISSIONER, AND DAVID MOORE, KERN COUNTY AGRICULTURE AND SEALER'S OFFICE, HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-525 APPROVING CONSOLIDATION; MADE APPOINTMENTS OF: ANDREW PANDOL, PANDOL & SONS, INC., DISTRICT I; JASON KOSAREFF, VBZ FARMS, DISTRICT I; ERIC CASTERLINE, SUN WORLD INTERNATIONAL, DISTRICT II; GISELA WITTENBORN, MARKO ZANINOVICH, INC., DISTRICT IV; AND PAUL GIBONEY, M. CARATAN, INC., DISTRICT V, FOR KERN COUNTY; AND ART FOSTER, DELANO FARMS; BLAKE UEKE, LAGOMARSINO FARMING, LLC; BOB MCCLOSKEY, GREEN VALLEY; AND MAX JEHLE, MARKO ZANINOVICH, INC., FOR TULARE COUNTY, AS DIRECTORS FOR CONSOLIDATED DISTRICT

Patrick-Maben: All Ayes

NOTE: AGENDA ITEMS 43, 44 AND 45 WERE HEARD OUT OF ORDER BEFORE ITEM 23

- 23) Response to referral on December 6, 2005 to report back on the San Diego lawsuit challenging the State Medical Marijuana Program - WAYNE GARLAND AND RICHARD N. FANTE HEARD; RECEIVED AND FILED

Patrick-Rubio: All Ayes

DISTRICT ATTORNEY

- *24) Proposed addition of two (2) Investigative Aide positions to Budget Unit 2180, effective December 20, 2005 (Fiscal Impact: \$124,170 annually; Budgeted; Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

EMERGENCY MEDICAL SERVICES

- *25) Proposed retroactive Agreement with California City Fire Department for emergency medical services to indigents, for pre-hospital emergency medical air transportation services, from July 1, 2005 through June 30, 2006, in an amount not to exceed \$5,730 (prior notification June 28, 2005) (Fiscal Impact: \$5,730; General Fund and Emergency Medical Services Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1059-2005

Patrick-Maben: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *26) Notification of increased retroactive funding for CalWORKs paid work experience agreement in an amount not to exceed \$30,123 (prior notification November 15, 2005) (Fiscal Impact: \$30,123; State Grant; Not Budgeted; Discretionary) - APPROVED; RECEIVED AND FILED

Patrick-Maben: All Ayes

- *27) Proposed Resolution for continuation of extension of alternate public service hours Monday through Thursday, 8:00 A.M. to 5:00 P.M., through January 5, 2007 (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-526

Patrick-Maben: All Ayes

FIRE DEPARTMENT

- *28) Proposed Agreement with Robert Olson Associates, Inc., for emergency management services, from December 20, 2005 through December 19, 2006, in an amount not to exceed \$85,000 (Fiscal Impact: \$85,000; Homeland Security Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1060-2005

Patrick-Maben: All Ayes

HUMAN SERVICES

- *29) Approve unusual travel request for Richard Spencer to attend the Learning Content Management System (LCMS) training in Bellevue, Washington, from January 30, 2006 through February 1, 2006, in an amount not to exceed \$3,875 (Fiscal Impact: \$3,875; \$3,681 State/Federal; \$194 County; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY ASSOCIATED COSTS

Patrick-Maben: All Ayes

- *30) Proposed sole source Agreement with the Housing Authority of the County of Kern for provision of the Family Self-Sufficiency Program, from January 1, 2006 through December 31, 2006, in an amount not to exceed \$42,500 (Fiscal Impact: \$42,500 Federal/State; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1061-2005

Patrick-Maben: All Ayes

- *31) Proposed Agreement with Thomas V. Reese, Sr., M.D., for medical consultation services, from January 1, 2006 through December 31, 2006, in an amount not to exceed \$75,000 (Fiscal Impact: \$75,000; \$52,500 State/Federal; \$22,500 County; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1062-2005

Patrick-Maben: All Ayes

- *32) Proposed Agreement with United Way of Los Angeles, Inc., for participation as a disbursement agency in the utility assistance program, from January 1, 2006 through December 31, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1063-2005

Patrick-Maben: All Ayes

- *33) Proposed Agreement with Garden Pathways, Inc., for the Family to Family Mentoring Services Program, from December 20, 2005 through June 30, 2006, in an amount not to exceed \$84,000 (Fiscal Impact: \$84,000; \$71,400 State/Federal; \$12,600 County; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1064-2005

Patrick-Maben: All Ayes

- *34) Proposed Professional Services Agreement with Darryn Green for a Foster Youth Permanency Assistant position, from December 14, 2005 through September 30, 2006, in an amount to exceed \$13,797 (Fiscal Impact: \$13,797; \$11,727; State/Federal; \$2,070 County; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1065-2005

Patrick-Maben: All Ayes

KERN MEDICAL CENTER

- *35) Notification of proposed retroactive Contract Supplement 1-K1VYF to Agreement 276-99 with McKesson Information Solutions LLC, an independent contractor, for EMC Software Support of EMC CX600 Storage Area Network (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

- *36) Proposed changes in clinical privilege status for two allied health professionals (Fiscal Impact: None) - APPROVED

Patrick-Maben: All Ayes

- *37) Proposed sole source purchase Agreement with Philips Medical Systems North American for purchase of echocardiography machine for cardiac imaging of adult, pediatric and neonatal patients, in an amount not to exceed \$303,997.98 (Fiscal Impact: \$303,997.98; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN PURCHASE AGREEMENT 1066-2005 AND RELATED DOCUMENTS; AUTHORIZED PURCHASING AGENT TO ISSUE SOLE SOURCE PURCHASE ORDER

Patrick-Maben: All Ayes

- *38) Proposed sole source Agreement with Medical Data Recovery, Inc., an independent contractor, for services and software to extract, convert, and store for retrieval patient data from the Hill-Rom WatchChild system, in an amount not to exceed \$75,000 (Fiscal Impact: \$75,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1067-2005

Patrick-Maben: All Ayes

- *39) Proposed Amendment No. 5 to Agreement 304-2004 with Health Net of California, Inc., an independent contractor, for health care services rendered to Health Net Medi-Cal Managed Care and Healthy Families members (Fiscal Impact: Confidential; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1068-2005

Patrick-Maben: All Ayes

- *40) Proposed Amendment No. 3 to Agreement 067-2003 with Superior Consultant Company, Inc., an independent contractor, for the improvement of cash flow from collections associated with patient services, to extend the term from January 1, 2006 through December 31, 2006, adjust the performance fee, provide for additional management services if requested, and increase the maximum not to exceed amount for management services by \$960,000, from \$1,680,000 to \$2,640,000, to cover the extended term (Fiscal Impact: Minimum of \$960,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1069-2005

Patrick-Maben: All Ayes

- *41) Proposed Amendment No. 2 to Agreement 791-2003 with Medrium, Inc., an independent contractor, for RVU data collection and reporting, to extend the term for one year through December 31, 2006, and increase the maximum payable by \$24,000, from \$72,000 to \$96,000, to cover the extended term (Fiscal Impact: \$24,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1070-2005

Patrick-Maben: All Ayes

- *42) Proposed Amendment No. 2 to Agreement 1010-2003 with Medrium, Inc., an independent contractor, for physician professional fee billing, to extend the term for one year through January 1, 2007, and increase the maximum payable by \$250,000, from \$1,000,000 to \$1,250,000, to cover the extended term (Fiscal Impact: \$250,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1071-2005

Patrick-Maben: All Ayes

NOTE: AGENDA ITEMS 43, 44 AND 45 WERE HEARD OUT OF ORDER BEFORE ITEM 23

- 43) Notification of and proposed retroactive Amendment No. 1 to Agreement 1008-2003 with M. Javad Naderi, M.D., a contract employee, for radiology services, to extend the term of the interim agreement for an additional 24 months, through January 4, 2008, increase the maximum not to exceed amount by \$1,015,000, from \$1,015,000 to \$2,030,000, to cover the extended term, reflect the recent decision of the KMC Faculty Practice Board to establish a cap on the amount or percentage of administrative assessment on total core physician compensation, cap the administrative assessment on total core physician compensation at one quarter percent, clarify the malpractice liability coverage and indemnity provided by the County retroactive to January 5, 2004, reflect the recent decision of the KMC Faculty Practice Board to require participation of all core physicians in a practice group, and revise Exhibit "A" to reflect current clinical assignments and incorporate medical record documentation requirements (Fiscal Impact: \$1,015,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED EXTENSION OF CONTRACTS FOR A 30-DAY PERIOD; REFERRED TO KERN MEDICAL CENTER TO REPORT BACK TO THE BOARD IN 30 DAYS WITH CONTRACT REVISIONS

Rubio-Patrick: All Ayes

- 44) Notification of and proposed retroactive Amendment No. 1 to Agreement 1009-2003 with Chester K. Lau, M.D., a contract employee, for radiology services, to extend the term of the interim agreement for an additional 24 months, through January 4, 2008, increase the maximum not to exceed amount by \$1,015,000, from \$1,015,000 to \$2,030,000, to cover the extended term, reflect the recent decision of the KMC Faculty Practice Board to establish a cap on the amount or percentage of administrative assessment on total core physician compensation, cap the administrative assessment on total core physician compensation at one quarter percent, clarify the malpractice liability coverage and indemnity provided by the County retroactive to January 5, 2005, reflect the recent decision of the KMC Faculty Practice Board to require participation of all core physicians in a practice group, and revise Exhibit "A" to reflect current clinical assignments and incorporate medical record documentation requirements (Fiscal Impact: \$1,015,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1072-2005

Rubio-Patrick: All Ayes

- 45) Notification of and proposed retroactive Amendment No. 2 to Agreement 1007-2003 with Javed M. Syed, M.D., a contract employee, for radiology services, to extend the term of the interim agreement for an additional 24 months, through January 4, 2008, increase the maximum not to exceed amount by \$1,000,000, from \$1,000,000 to \$2,000,000, to cover the extended term, reflect the recent decision of the KMC Faculty Practice Board to establish a cap on the amount or percentage of administrative assessment on total core physician compensation, cap the administrative assessment on total core physician compensation at one quarter percent, clarify the malpractice liability coverage and indemnity provided by the County retroactive to January 5, 2004, reflect the recent decision of the KMC Faculty Practice Board to require participation of all core physicians in a practice group, and revise Exhibit "A" to reflect current clinical assignments and incorporate medical record documentation requirements (Fiscal Impact: \$1,000,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1073-2005

Rubio-Patrick: All Ayes

- *46) Proposed Agreement with CHG Medical Staffing, Inc., an independent contractor, for temporary staffing of non-physician laboratory specialty services, from February 1, 2006 through January 31, 2008, in an amount not to exceed \$1,081,600 (Fiscal Impact: \$1,081,600; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1074-2005

Patrick-Maben: All Ayes

- *47) Proposed Agreement with Khaled A. Tawansy, M.D., an independent contractor, for ophthalmology services, from December 20, 2005 through December 19, 2006, in an amount not to exceed \$312,000 (Fiscal Impact: \$312,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1075-2005

Patrick-Maben: All Ayes

MENTAL HEALTH SERVICES

- *48) Proposed Amendment No. 1 to Agreement 259-2005 with Your Drug Store, 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 1076-2005

Patrick-Maben: All Ayes

- *49) Proposed Amendment No. 1 to Agreement 291-2005 with North Chester Drugs, Inc., dba North Chester Pharmacy, 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 1077-2005

Patrick-Maben: All Ayes

- *50) Proposed Amendment No. 1 to Agreement 296-2005, with American Health Services L.L.C., dba Bakersfield Medical and Mental Health 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 1078-2005

Patrick-Maben: All Ayes

- *51) Proposed Amendment No. 1 to Agreement 372-2005, with Westcare California, 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 1079-2005

Patrick-Maben: All Ayes

- *52) Proposed Amendment No. 1 to Agreement 457-2005, with Gene Saint-Amand dba Saint-Amand and Associates 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 1080-2005

Patrick-Maben: All Ayes

- *53) Proposed Amendment No. 1 to Agreement 465-2005, with Ebony Counseling Center, 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 1081-2005

Patrick-Maben: All Ayes

- *54) Proposed approval for Kern County Mental Health to increase rates for billing Medi-Cal Mental Health Services for Adult Crisis Residential, Hospital Inpatient, Urgent Care and Crisis Intervention and to add two new billing categories for Crisis Stabilization ER and Full Day Rehabilitation (Fiscal Impact: None) - APPROVED; AUTHORIZED THE MENTAL HEALTH DEPARTMENT TO BILL AT THESE RATES EFFECTIVE DECEMBER 1, 2005

Patrick-Maben: All Ayes

- *55) Request to employ retired employee, Shirley Spiker, as a Senior Office Services Specialist, Step E, Range 49.8, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12 month period following the date of employment (Fiscal Impact: \$14,383.87; Not Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

- *56) Proposed addition/deletion of three (3) MH Recovery Specialist I/II/III, one (1) Clinical Psychologist I/II, one (1) Office Services Technician, one (1) Vocational Nurse I/II, one (1) Office Services Specialist positions, and deletion of one (1) MH Technician II, two (2) Office Services Assistants, and one (1) Substance Abuse Specialist I/II positions, effective December 20, 2005 (Fiscal Impact: Increase of approximately \$216,399 to \$257,643; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

PARKS AND RECREATION DEPARTMENT

- *57) Request for authorization to apply for grant funding available through the County Kern Air Pollution Control District's 2006 Motor Vehicle Emission Reduction Program (Fiscal Impact: FY 2006-2007 \$30,000; \$27,000 District Grant; \$3,000 Local Funds; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED INTERIM DIRECTOR TO SIGN DOCUMENTS

Patrick-Maben: All Ayes

PUBLIC HEALTH SERVICES

- 58) Response to referral by the Board of Supervisors on December 6, 2005, to report back on the requirement for a January 9, 2006 implementation of the Medical Marijuana Program - JOHN WYATT; JASON FRIEDLEY; JEFF CLARK, PRESIDENT, UPPER KERN COUNTY CHAPTER NORML; RUDOLPH KENNEDY, VICE PRESIDENT, UPPER KERN COUNTY CHAPTER NORML; CELTIC JUAN; JAIME GALINDO, MANAGING EDITOR, OAKSTERDAM NEWS; APRIL FOWLER; ROBERT GOMEZ; RICHARD N. FANTE; MICHAEL ANTHONY O'LEARY; JEFF PIERCE; SILVESTRY HERNANDEZ; SHANNON WATKINS; DOUGLAS MCAFEE, PRESIDENT BAKERSFIELD NORML; CARSON STEWART; AARON SMITH, CALIFORNIA SAFE ACCESS NOW; AND DAN ESTABROOK HEARD; RECEIVED AND FILED; APPROVED IMPLEMENTATION; RECEIVED AND FILED DOCUMENTS

Maben-Patrick: All Ayes

SHERIFF

- *59) Proposed Amendment No. 1 to Agreement 817-2005 with Liberty Ambulance for paramedic services for the Sheriff's Lerdo Maximum-Medium Facility to allow for retroactive payment of corrected rate for first two weeks of service (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1082-2005

Patrick-Maben: All Ayes

- *60) Unusual travel request for Evidence Technician, Tom Fugitt, to attend training in Santa Barbara, California, from January 22, 2006 to February 3, 2006, in an amount not to exceed \$1,799 - (Fiscal Impact: \$1,799; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

- *61) Request to purchase fixed asset, Wide Area Network Equipment, to access the California Law Enforcement Teletype System (CLETS) in the amount of \$76,252 (Fiscal Impact: \$76,252; Budgeted; Mandated) - APPROVED

Patrick-Maben: All Ayes

TREASURER-TAX COLLECTOR

- *62) Proposed retroactive Master Maintenance Agreement with Opex Corporation for Maintenance and Cleaning Services, from June 2, 2005 through June 1, 2006, in an amount not to exceed \$7,245 (Fiscal Impact: \$7,245; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1083-2005

Patrick-Maben: All Ayes

- *63) Request to delete one (1) Programmer II position effective December 20, 2005 (Fiscal Impact: \$58,273; Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 64) Request for Closed Session regarding public employee performance evaluation - Title: Chief Executive Officer of Kern Medical Center (Government Code Section 54957) - CONTINUED TO TUESDAY, DECEMBER 20, 2005 AT 2:00 P.M., ITEM 49
- 65) Request for Closed Session regarding public employee performance evaluation - Title: Director of Human Services (Government Code Section 54957) - CONTINUED TO TUESDAY, DECEMBER 20, 2005 AT 2:00 P.M., ITEM 50
- 66) Request for Closed Session regarding public employee appointment (recruitment) - Title: Director of Agriculture and Measurement Standards (Government Code Section 54957) -
- 67) Request for Closed Session regarding public employee appointment (recruitment) - Title: Director of Parks and Recreation (Government Code Section 54957) -

- 68) Request for Closed Session regarding conference with real property negotiators concerning negotiations with the following owners relating to their respective properties: Sill Properties, Inc. et al for 8.9 acres, APN # 482-010-32; Small Trust for portion of 16.3 acre parcel, APN #483-010-15; Leon G. Frost for portions of two 2.6 acre parcels, APN #483-010-10 and 11; JR and Sonya Brady for portion of 16.7 acre parcel, APN #483-010-13; Western District of United Pentecostal for portion of 16.7 acre parcel, APN #483-010-14; and Felipe Blake, George Martin and Jimmy Yee for portion of 151.7 acre parcel, APN #483-010-19; agency negotiators, Ronald M. Errea, County Administrative Officer, and designated staff; grant authority to the negotiators on price, terms of payment and conditions of transfer for purchase, sale, exchange or lease (Government Code Section 54956.8) -
- 69) Request for Closed Session regarding public employee performance evaluation - Title: County Counsel (Government Code Section 54957) - CONTINUED TO TUESDAY, DECEMBER 20, 2005 AT 2:00 P.M., ITEM 51
- 70) Request for Closed Session regarding public employee performance evaluation - Title: County Administrative Officer (Government Code Section 54957) - CONTINUED TO TUESDAY, DECEMBER 20, 2005 AT 2:00 P.M., ITEM 52

COUNTY COUNSEL

- 71) Request for Closed Session regarding a need to discuss Kern Medical Center information that is a "trade secret" (Government Code Section 54962 and Health and Safety Code Section 1462) -
- 72) Request for Closed Session regarding a lawsuit entitled James Woodrow Moore v. County of Kern, USDC (E) Case No. CIV F 05 01100 AWI TAG (Government Code Section 54956.9(a)) -
- 73) 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.

Rubio-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, December 20, 2005

2:00 P.M.

BOARD RECONVENED

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

NOTE: SUPERVISOR PATRICK WAS EXCUSED FROM THE 2:00 P.M. SESSION

NOTE: CHAIRMAN WATSON ANNOUNCED THE APPOINTMENT OF DAVID MOORE AS INTERIM DIRECTOR OF AGRICULTURE AND MEASUREMENT STANDARDS EFFECTIVE JANUARY 21, 2006; DAVID MOORE HEARD

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

BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

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

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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

HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- *3) **Request from David L. Lange to vacate a portion of vehicular access rights dedicated along the west side of Summit Road, approximately 289 feet south of Comanche Drive in the Mountain Meadows area, Tehachapi (SD #2)**

Specific Request:

Nonsummary vacation of a portion of vehicular access rights dedicated along the west side of Summit Road (166-32 3 098 Streets and Highways)

(General Rule, Section 15061(b)(3); Published Tehachapi News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-527 APPROVING VACATION AS REQUESTED

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- 4) **Request from Lenox Homes by DeWalt Corporation for Vesting Tentative Tract 6797 proposing to divide a 12.02-acre parcel into 43 single-family residential parcels and to allow lot frontage on an interior lot to be less than 55 feet located at the southwest corner of Breckenridge Road and Vineland Road, east Bakersfield (SD #3)**

Specific Request:

Vesting Tentative Tract 6797 proposing to divide a 12.02-acre parcel into 43 single-family residential parcels ranging in size from 6,600 square feet to 12,393 square feet; four limited design variations; a development variation to allow lot frontage on an interior lot to be less than 55 feet (TR #6797)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; KEITH JAGELS HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2005-528 APPROVING VESTING TENTATIVE TRACT MAP, SUBJECT TO CONDITIONS

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- *5) **Request from Erma N. Funk to cancel a 1.86-acre (net) portion of an approximate 77-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 18.14 acres located at the northeast corner of Seventh Street and Western Avenue, Wasco (SD #4)**

Specific Request:

Cancellation of a 1.86-acre (net) portion of an approximate 77-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 18.14 acres (Cancellation #05-4)

(General Rule, Section 15061(b)(3); Published Wasco Tribune) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-529 APPROVING CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE; DIRECTED CLERK OF THE BOARD TO RECORD CONTRACT AMENDING LAND USE CONTRACT; DIRECTED CLERK OF THE BOARD TO ISSUE A TENTATIVE CERTIFICATE OF CANCELLATION AND A CERTIFICATE OF CANCELLATION SUBJECT TO PAYMENT OF PENALTY FEE AND COMPLIANCE WITH ALL OTHER CONDITIONS CONTAINED IN THE TENTATIVE CERTIFICATE OF CANCELLATION

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Hearings

Miscellaneous

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

- 6) Public hearing for proposed North of the River Recreation and Park District park development fee increase and approval of related amendments to the Capital Improvement Plan and Chapter 17.70 of the County Ordinance Code (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-530 AND ENACTED ORDINANCE G-7329 AMENDING CAPITAL IMPROVEMENT PLAN, INCREASING PARK DEVELOPMENT FEE FROM \$1,275 TO \$1,430, IMPLEMENTING NAME CHANGE, AND MODIFYING MANNER OF REMITTANCE; REFERRED TO COUNTY ADMINISTRATIVE OFFICE TO COORDINATE FUTURE NORTH OF THE RIVER RECREATION AND PARK DISTRICT FEE INCREASES FOR CONSIDERATION AT JOINT CITY OF BAKERSFIELD/COUNTY OF KERN MEETINGS

McQuiston-Maben: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- *7) Proposed update of Capital Improvement Plan and review of public information for the Metropolitan Bakersfield Habitat Conservation Fee Program - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED; ADOPTED RESOLUTION 2005-531 UPDATING AND CONFIRMING THE CURRENT CAPITAL IMPROVEMENT PLAN

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

Land Use

S.D. #2

- *8) Proposed Williamson Act Land Use Contract No. 05-11 with Tejon Ranch Corp. for 2006 Calendar Year, Lebec Area, Agricultural Preserve No. 19, 82.9 acres (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

S.D. #5

- *9) Proposed Notice of Nonrenewal Petition No. 05-44 by Alejandro Bernal, et al, for approximately 144 acres within Agricultural Preserve No. 11 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

Miscellaneous

S.D. #4

- *10) Request from the Buttonwillow Recreation and Park District to set a hearing to amend the Kern County Land Division Ordinance (Title 18 of the Kern County Ordinance Code) to add a new Chapter 18.104 Park Land Dedication Ordinance for the Buttonwillow Recreation and Park District (Fiscal Impact: None) - SET HEARING FOR TUESDAY, JANUARY 24, 2006, AT 2:00 P.M. FOR CONSIDERATION OF AMENDMENT OF TITLE 18 TO ADD CHAPTER 18.104 PARK LAND DEDICATION ORDINANCE FOR THE BUTTONWILLOW RECREATION AND PARK DISTRICT; DIRECTED COUNTY COUNSEL TO PREPARE A FAIR AND ADEQUATE SUMMARY; DIRECTED CLERK OF THE BOARD TO POST AND PUBLISH SUMMARY AND NOTICE IN ACCORDANCE WITH SECTION 25124(b)(1) OF THE CALIFORNIA GOVERNMENT CODE

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY

- 11) 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) (from 12/13/2005) - PAUL SOUSA, WESTERN UNITED DAIRYMEN; BOB BEECHINOR, 3-BRAND CATTLE COMPANY; AND DAVID SCHOLLS, UNIT CHIEF, REGIONAL WATER QUALITY CONTROL BOARD, HEARD; WAIVED READING; INTRODUCED ORDINANCE ADDING A NEW CHAPTER 7.20 AND AMENDING SECTIONS 8.04.010 AND 8.04.060 OF THE KERN COUNTY ORDINANCE CODE; ENACTED UNCODIFIED ORDINANCE G-7330 ESTABLISHING A PERMIT FEE FOR CONCENTRATED ANIMAL FEEDING OPERATIONS

Rubio-Maben: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY

Animal Control Services

All S.D.'s

- *12) Monthly update report on activities of Animal Control Services Division (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- 13) Proposed Ordinance adding Chapter 2.150 and amending sections 7.04.020 and 7.08.280 of the Kern County Ordinance Code creating an Animal Control Commission and designating the Commission to hear appeals of animal control decisions (Fiscal Impact: None) - LIZ KEOGH HEARD; WAIVED READING; INTRODUCED ORDINANCE

Maben-Rubio: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

S.D. #1

- *14) Proposed Agreement with the City of Shafter to provide Community Development Block Grant funds for Shafter Town Square Improvements, CD No. 18.05.2, in an amount not to exceed \$93,600 (Fiscal Impact: \$93,600; Federal Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1084-2005

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #5

- *15) Request to approve final map for Tract No. 6400, Phase 1, east side of Cottonwood Road at Cheatham Avenue, Type "A" subdivision, DeWalt Corporation for Corporation for Better Housing, a California Non-Profit Public Benefit Corporation (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-532 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 EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE); APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- *16) Proposed Agreement with T.J. Cross Engineers, Inc., for plan review services, from December 20, 2005 through December 31, 2007, in an amount not to exceed \$200,000 annually (Fiscal Impact: \$200,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1085-2005

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- *17) Proposed Agreement with Minner, Stinnett, Koo and Agbayani for plan review services, from December 20, 2005 through December 31, 2007, in an amount not to exceed \$200,000 annually (Fiscal Impact: \$200,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1086-2005

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY
Roads Department

Hearings

S.D. #2

- *18) 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 2005-533; RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- *19) 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 2005-534; RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

S.D. #3

- *20) Contract No. 05012 Notice of Completion for construction on Seventh Standard Road at Wings Way (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- *21) Proposed Cooperative Agreement with the State of California, Department of Transportation, for the installation of traffic signals and safety lighting on State Route 58 at Renfro Road, in an amount not to exceed \$403,000 (Fiscal Impact: \$403,000; Metropolitan Bakersfield Transportation Impact Fee Program; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1087-2005

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

S.D.'s #1 & #2

- *22) Proposed Agreements with the California Department of Transportation (Caltrans) (Nos. 645416 and 645417) for transit operating assistance funding for the East Kern Bus Route and the Mojave to Ridgecrest bus route, in amounts not to exceed \$207,841 and \$42,390, respectively (Fiscal Impact: \$250,231; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED ROADS DIRECTOR TO SIGN

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

S.D.'s #1 & #3

- *23) Contract No. 06004 Plans, Specifications and Notice to Contractors for construction of a traffic signal and lighting system on Norris Road at Patton Way (Fiscal Impact: \$111,000; Road Fund; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF CEQA, PER SECTION 15301(C); AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; 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 18, 2006, AT 11:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

WASTE MANAGEMENT

S.D. #4

- *24) Proposed Resolution to set Public Hearing to consider Amendment No. 142-5A of the Unincorporated Kern County Non-Disposal Facility Element to include the Martin Feed, Inc., facility (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-535 SETTING HEARING FOR TUESDAY, JANUARY 24, 2006, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH HEARING NOTICE

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- *25) Proposed Agreement with Environmental Treatment and Technology, Inc., dba Advanced Technology Laboratories, to provide chemical analytical services for Kern County facilities from December 20, 2005 through December 31, 2008, in an amount not to exceed \$400,000 (Fiscal Impact: \$400,000; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1088-2005

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- *26) Proposed Agreement with BC Laboratories, Inc., to provide chemical analytical services for Kern County facilities from December 20, 2005 through December 31, 2008, in an amount not to exceed \$400,000 (Fiscal Impact: \$400,000; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1089-2005

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

COUNTY ADMINISTRATIVE OFFICE

- *27) Transfer of property tax entitlement related to City of Bakersfield Annexation No. 478, Local Agency Formation Commission (LAFCO) Proceeding No. 1440 (Fiscal Impact: FY 2006-2007 \$1,063 General Fund) - APPROVED; ADOPTED RESOLUTION 2005-536

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- *28) Proposed response to Grand Jury Report entitled Kern County District Attorney's Office Forensic Science Division Crime Lab (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *29) Proposed retroactive Agreement with City of Bakersfield for jail booking and processing services for Fiscal Year 2005-2006 (Fiscal Impact: FY 2005-2006 \$685,091; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1090-2005
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *30) Proposed Resolution amending the Agency Agreement and approving admission of Los Angeles County to the California County Tobacco Securitization Agency (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-537
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *31) Proposed three-year Agreement for State legislative consultant services with Donald F. Peterson, Inc., Shaw/Yoder, Inc., and Dunlap Van Vleck & Brown, in an amount not to exceed \$82,000 per year, effective January 1, 2006 (Fiscal Impact: FY 2005-2006 \$13,600 increase; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1091-2005
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *32) Proposed Amendment No. 1 to Agreement 827-2005 with Milliman, Inc., for valuation estimate studies of available retirement tiers provided in the County Employees' Retirement Law of 1937 to revise the scope of services and schedule of delivery of services and increase the not-to-exceed amount by \$50,000 to \$150,000 (Fiscal Impact: \$50,000; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1092-2005
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *33) Proposed Amendment No. 5 to Administrative Services Agreement 686-99 with Chimienti and Associates to extend term one year to December 31, 2006, and increase fee to \$1.50 per participant per month from \$1.00 effective January 1, 2006 (Fiscal Impact: FY 2005-2006 \$33,000 Group Health Internal Service Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1093-2005
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *34) Proposed Amendment No. 17 to Administrative Services Agreement 702-86 with Vision Service Plan to extend term two years to December 31, 2007 (Fiscal Impact: No Increase; Group Health Internal Service Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1094-2005
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- *35) Proposed Amendment No. 1 to Administrative Services Agreement 189-2005 with Gallagher Benefit Administrators, a Division of the Parker Group, modifying the monthly administrative fee from \$40.43 to \$45.34 per subscriber per month effective January 1, 2006, and effective June 1, 2006, to \$41.25 per subscriber per month, and the Acute Hospital Admission Review Program fees from \$600 per case to \$5.81 per subscriber per month effective January 1, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 1095-2005

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- *36) Correction to Amendment No. 1 to Memorandum of Understanding (Agreement 720-2004) with Central California Association of Public Employees for Bargaining Units 1 through 6 to include omitted classifications (Fiscal Impact: Public Health Department, \$15,000; Discretionary; Not Budgeted; Kern Medical Center, \$150,000; Discretionary; Budgeted) - APPROVED; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK, COUNTY ADMINISTRATIVE OFFICER, AND DIRECTOR OF PERSONNEL TO IMPLEMENT CORRECTIONS AND AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- *37) Request to increase salary range for two (2) classifications identified as below minimum wage: Transport Services Associate (item number 4218) and Hospital Services Aide (item number 4220), increase from range 33.7 to 33.9 (Fiscal Impact: Kern Medical Center, \$2,000; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- *38) Report on the need and feasibility of establishing trust fund for unused repair and demolition appropriations in Code Compliance budget unit (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- 39) Proposed review of Human Services Department (Fiscal Impact: None) - DIRECTED COUNTY ADMINISTRATIVE OFFICE TO COMPLETE INVESTIGATION OF POTENTIAL CONSULTING FIRM TO PERFORM REVIEW OF HUMAN SERVICES DEPARTMENT AND REPORT BACK NO LATER THAN TUESDAY, JANUARY 24, 2006

Maben-Rubio: 4 Ayes; 1 Absent - Patrick

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *40) Identify apparent low bid from Sierra Range Construction for the Delano Memorial Park & Lake Woollomes Tot Lot Improvements, in an amount not to exceed \$145,719 (1960.8263.04C) (Fiscal Impact: \$145,719; Parkland Grant; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE CONTRACT DOCUMENTS

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

S.D. #2

- *41) Change Order No. 3 for the Rosamond Fire Station No. 15, an increase of \$6,000, for a new total of \$2,310,768 (8235.8365) (Fiscal Impact: \$6,000; Tobacco Secured Proceeds Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

S.D. #3

- *42) Notification of prior approval and Change Order No. 2 for the International Airlines Terminal Phase I, an increase of \$11,117, for a new total of \$528,426 (8994.8422) (Fiscal Impact: \$11,117; Airport Enterprise Fund; Budgeted; Discretionary) - RECEIVED AND FILED REPORT; APPROVED; AUTHORIZED CHAIRMAN TO SIGN
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

All S.D.'s

- *43) Proposed addition of Contract Administrator position and deletion of Internal Services Manager position effective December 20, 2005 (Fiscal Impact: Savings \$14,881; General Fund; Not Budgeted; Discretionary)- APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *44) Report on the final acceptance of Radio Communications project with Motorola, Inc. (Fiscal Impact: None) - RECEIVED AND FILED
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

MATTERS FOR EXECUTIVE APPROVAL

- *45) Budget Transfers - APPROVED NO. 65 THROUGH NO. 68
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *46) Minutes for week of November 7, 2005 - APPROVED
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *47) Miscellaneous Letters and Documents - APPROVED
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick
- *48) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED
Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

ADJOURNED TO CLOSED SESSION

McQuiston

CLOSED SESSION

- 49) Request for Closed Session regarding public employee performance evaluation - Title: Chief Executive Officer of Kern Medical Center (Government Code Section 54957) (from Item No. 64 A.M.) -

- 50) Request for Closed Session regarding public employee performance evaluation - Title: Director of Human Services (Government Code Section 54957) (from Item No. 65 A.M.) - CONTINUED TO TUESDAY, JANUARY 10, 2006, AT 9:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- 51) Request for Closed Session regarding public employee performance evaluation - Title: County Counsel (Government Code Section 54957) (from Item No. 69 A.M. - CONTINUED TO TUESDAY, JANUARY 10, 2006, AT 9:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

- 52) Request for Closed Session regarding public employee performance evaluation - Title: County Administrative Officer (Government Code Section 54957) (from Item No. 70 A.M.) - CONTINUED TO TUESDAY, JANUARY 10, 2006, AT 9:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Patrick

RECONVENED FROM CLOSED SESSION; ADJOURNED TO MONDAY, JANUARY 9, 2006, AT 12:00 NOON

McQuiston-Maben

/s/ Denise Pennell
Clerk of the Board

/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.

47) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Report on costs allocated to Kern County Mental Health Programs by Desert Counseling Clinic for Fiscal Years 1999-2000 and 2000-2001

Clerk of the Board

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

- | | |
|----------------------------|---------|
| 1) Tract Map 6062, Unit B | S.D. #2 |
| 2) Tract Map 6195, Phase 8 | S.D. #1 |
| 3) Tract Map 6250, Unit 6 | S.D. #4 |
| 4) Tract Map 6250, Unit 7 | S.D. #4 |
| 5) Tract Map 6289, Unit 3 | S.D. #4 |
| 6) Tract Map 6349, Phase 4 | S.D. #4 |

General Services

- C) Received, prepared Certificate of Acceptance and transmitted to Recorder for recordation, a Grant of Easement from Carriage Homes to provide access across private land to the Rosamond Burn Dump site

Local Agency Formation Commission

- D) Notice of Protest Hearing, Proceeding No. 1420, in the matter of City of Bakersfield, Annexation No. 485, Meany No. 4 (Copies to each Supervisor and CAO)

Public Health

- E) Letter to Mary C. Wallace, San Joaquin Valley Health Consortium, re funding for Central Valley Information System Regional Operations Manager (Copies to each Supervisor, CAO and County Counsel)

Resource Management Agency

- F) Two (2) thank you letters for donations to the Bakersfield Animal Care Center and Mojave Animal Shelter (Copies to each Supervisor and CAO)

Roads

- G) Received, prepared Consent to Recordation and transmitted to Recorder for recordation, Irrevocable Offers of Dedication for Power Partners Southwest LLC's wind energy project to provide 55-foot-wide Access Easements for the improvement of 170th Street West, Rosamond area, from:

- 1) Edwin D. and Marilyn S. Buxton
- 2) Andrew J. Ott
- 3) Henry and Marian M. Fast
- 4) Bradley John Gurasich, Stephen James Gurasich, John F. Gurasich, and George Paul Besich
- 5) Gwen T. McAllon
- 6) Domingo J. and Leticia G. Lagos
- 7) Bernard Grant and Eldina Marie Benninger

- 8) Karl E. and Margarita A. Holstrom
 - 9) Alexander Joseph and Carolyn Lee Balian
 - 10) Arthur A. and Ann C. Klause
 - 11) Shirley McIntyre, William D. Rowe, Richard Whitfield Self, Charles Everett Self, and Steven Scott Self
 - 12) Harry R. and Catherine W. Simmonds
- H) Received, prepared Consent to Recordation and transmitted to Recorder for recordation, Irrevocable Offer of Dedication from Tim and Cory Binns for additional right-of-way on Lake Isabella Boulevard for Permit No. 2005-8384, 8393 and 8397
- I) Received, prepared Consent to Recordation and transmitted to Recorder for recordation, Irrevocable Offer of Dedication from Roy G. and Gail L. Lutrel for additional right-of-way on Snow Road and Fruitvale Avenue for Precise Development Plan No. 26, Map No. 102-10
- J) Received, prepared Consent to Recordation and transmitted to Recorder for recordation, Irrevocable Offer of Dedication from Paul A. and Cheryl D. Coombs for additional right-of-way on Heath Avenue and Noriega Road for future road improvements
- Treasurer-Tax Collector
- K) Cash Receipts and Disbursements for November 2005
- Miscellaneous
- L) Letter from Henry R. Renteria, Governor's Office of Emergency Services, re declaration of primary counties of Fresno, Kern, Madera, Merced and Tulare, and contiguous counties of Inyo, Kings, Los Angeles, Mariposa, Mono, Monterey, San Benito, San Bernardino, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, Tuolumne and Ventura, a disaster area as a result of rain and hailstorms occurring April 28 through May 9, 2005 (Copies to each Supervisor, CAO, Emergency Services and County Counsel)
- M) Letter from John Varela re State and Federal "hate crime" legislation (Copies to each Supervisor, CAO, County Counsel, Sheriff and District Attorney)
- N) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report for Sunday, November 27, 2005, on State Route 99, south bound just north of State Route 65 (Copies to each Supervisor, CAO, Environmental Health and Fire Haz-Mat)
- O) Letter from Mary M. Murdoch, Nextel, re new cell site at 24265 Highway 166, Maricopa, APN 239-310-43 (Copies to each Supervisor and CAO)

- 48) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Janey Morgantini vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Gregory Dollor, Sr. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Oswaldo Salomon Medina vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Christina Parker vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Gilbert Limones vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Claim in the matter of Ronald Scott Mitchell vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Summons and complaint in the matter of Christine Garcia vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - H) Summons and complaint in the matter of Matthew Montague vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - I) Summons in the matter of Shirley E. Wessig vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - J) Discrimination complaint in the matter of Isaiah Crompton vs. Kern County - REFERRED TO COUNTY COUNSEL (Copies to Risk Management and Personnel)
 - K) Discrimination complaint in the matter of Gregory Joseph Powell vs. Kern County - REFERRED TO COUNTY COUNSEL (Copies to Risk Management and Personnel)
 - L) Notice of case closure in the matter of Gregory Joseph Powell vs. Kern County - REFERRED TO COUNTY COUNSEL (Copies to Risk Management and Personnel)