

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

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

Regular Meeting
Monday, February 14, 2005

2:00 P.M.

BOARD TO RECONVENE

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

SALUTE TO FLAG - Led by Supervisor Rubio

NOTE: Chairman Watson announced Peter Bryan was absent;
David Hill, Director of Ambulatory Care, will be acting on
Mr. Bryan's behalf

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 motions.

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]) -

AT THE REQUEST OF SUPERVISOR MABEN, REFERRED TO KERN MEDICAL CENTER TO REPORT BACK AT THE MONDAY, MARCH 14, 2005, KERN MEDICAL CENTER MEETING ON THE PROGRESS OF THE BARIATRIC UNIT TO INCLUDE FINANCIAL REPORTS AND NUMBER OF PROCEDURES PERFORMED

Maben-McQuiston: All Ayes

DEPARTMENTAL REQUESTS

- 3) Update report regarding Kern Medical Center's financial condition (Fiscal Impact: None) - DAVID HILL, DIRECTOR OF AMBULATORY CARE; MIKE EWALD, KERN MEDICAL CENTER HUMAN RESOURCES DIRECTOR; ROBERT WALLACE; AND TOM WILLMAN, KERN MEDICAL CENTER SPECIAL PROJECTS MANAGER, HEARD; RECEIVED AND FILED

Rubio-Maben: All Ayes

- 4) Report from County Administrative Office regarding loans to Kern Medical Center (Fiscal Impact: None) - TOM WILLMAN, KERN MEDICAL CENTER SPECIAL PROJECTS MANAGER, HEARD; RECEIVED AND FILED

Patrick-Maben: All Ayes

- 5) Proposed changes in clinical privilege status for 31 members of Kern Medical Center's Medical Staff (Fiscal Impact: None) - DR. JENNIFER ABRAHAM, CHAIR, CREDENTIALS COMMITTEE, HEARD; APPROVED

Rubio-Maben: All Ayes

- 6) Proposed addition of one (1) Associate Hospital Administrator for Operations position (Fiscal Impact: None) - MIKE EWALD, KERN MEDICAL CENTER HUMAN RESOURCES DIRECTOR, HEARD; APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Rubio-Patrick: All Ayes

- 7) Proposed addition of one (1) full-time Utilization Review Nurse I/II; one (1) full-time Pharmacy Technician I/II/III; one (1) full-time Office Services Specialist; two (2) Departmental Analyst I/II; four (4) full-time Nursing Attendant; and one (1) full-time Medical Support Technician positions and proposed deletion of one (1) full-time vacant Hospital Staff Nurse I/II; one (1) full-time vacant Office Services Assistant; one (1) full-time vacant Clinical Laboratory Assistant I/II; and one (1) full-time Special Projects Manager positions (upon retirement of incumbent), effective February 14, 2005 (Fiscal Impact: \$245,585; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: 4 Ayes; 1 No - Rubio

- *8) Request for sole source purchase of OSI PROfx Fracture Table, for fracture repair and minimally invasive orthopedic surgery procedures in the amount of \$140,000 (Fiscal Impact: \$140,000; KMC Enterprise Fund; Budgeted; Mandated) - AUTHORIZED PURCHASING AGENT TO ISSUE SOLE SOURCE PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$140,000

Patrick-McQuiston: All Ayes

- 9) Notification of and proposed retroactive Amendment No. 1 to Agreement 144-2004 with Twin Medical Transaction Services, Inc., an independent contractor, for revenue enhancement services, to amend the fee schedule to correct the compensation to be paid to inpatient accounts referred by Kern Medical Center to a maximum of \$5,000 per month per account, effective March 8, 2004 (Fiscal Impact: \$960,000; KMC Enterprise Fund; Budgeted; Mandated) - CONTINUED TO TUESDAY, FEBRUARY 22, 2005 AT 9:00 A.M.

Rubio-Maben: All Ayes

- 10) Notification of and proposed retroactive Amendment No. 1 to Agreement 773-2004 with Paul Westover, Inc., an independent contractor, for physician practice management and services as Executive Director of the KMC Faculty Practice Plan, to change the name from Paul Westover, Inc., to Physician Business Practices, Inc., effective December 20, 2004 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 094-2005

Rubio-McQuiston: All Ayes

- *11) Proposed Agreement for Professional Services with Jamshid Jamshidian, M.D., an independent contractor, for radiology services, from February 18, 2005 through February 17, 2006, in an amount not to exceed \$174,000 (Fiscal Impact: \$174,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 095-2005

Patrick-McQuiston: All Ayes

- *12) Proposed retroactive Amendment No. 6 to Physician Services Agreement 010-2001 with Kern Health Systems, for services of physicians employed by KMC who are on the provider panel with Kern Health Systems (prior notification December 13, 2004) (Fiscal Impact: Confidential) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 096-2005

Patrick-McQuiston: All Ayes

- *13) Proposed retroactive Amendment No. 7 to Hospital and Other Facility Services Agreement 011-2001 with Kern Health Systems, for hospital services provided by KMC to members of Kern Health Systems (prior notification December 13, 2004) (Fiscal Impact: Confidential) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 097-2005

Patrick-McQuiston: All Ayes

- *14) Proposed retroactive Amendment No. 5 to Provider Services Agreement 012-2001 with Kern Health Systems, for Home Health, pharmacy, and infusion therapy services provided by KMC to members of Kern Health Systems (prior notification December 13, 2004) (Fiscal Impact: Confidential) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 098-2005

Patrick-McQuiston: All Ayes

- 15) Proposed retroactive Amendment No. 3 to Agreement 329-99 with Cardinal Health*, formerly Cardinal Distribution*, an independent contractor, to enhance inventory management of the KMC pharmacy, effective May 15, 2003 (Fiscal Impact: \$42,304; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 099-2005

Rubio-Patrick: All Ayes

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

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

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, February 15, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

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.

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BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming February 20-26, 2005 as National Engineers' Week in Kern County - PROCLAIMED; MADE PRESENTATION TO MARK BAUMRUK, PRESIDENT, AMERICAN SOCIETY OF CIVIL ENGINEERS, SOUTHERN SAN JOAQUIN BRANCH; MARK BAUMRUK HEARD
Rubio-Patrick: All Ayes
- 2) Proclamation proclaiming March 11 - 13, 2005 as the 17th Annual Keyesville Classic Weekend - PROCLAIMED; MADE PRESENTATION TO ARIN RESNICKE, RACE DIRECTOR; ARIN RESNICKE HEARD
McQuiston-Maben: All Ayes
- 3) Proclamation proclaiming February 15, 2005 as Assistance League Day in Kern County - PROCLAIMED; MADE PRESENTATION TO BARBARA SANDRINI; BARBARA SANDRINI HEARD
Patrick-Maben: All Ayes

PUBLIC REQUESTS

- *4) Request from Kern County Child Care Council to approve Certification Statement Regarding Composition of Local Planning Council (LPC) Membership and submission to California Department of Education - APPROVED; AUTHORIZED CHAIRMAN TO SIGN
Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

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BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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SUPERVISOR PATRICK COMMENDED CHAIRMAN WATSON AND HIS STAFF FOR HOSTING THE SUCCESSFUL WATER SYMPOSIUM IN BAKERSFIELD LAST WEEK AND ACKNOWLEDGED DAVE PRICE, RESOURCE MANAGEMENT AGENCY DIRECTOR, FOR EMCEEING THE EVENT

DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

- *7) Request to set hearing on Petition to establish Kern Table Grape Pest and Disease District (Fiscal Impact: None) - RECEIVED AND FILED PETITION; REFERRED TO AGRICULTURAL COMMISSIONER/SEALER FOR PREPARATION OF REGISTER AND REPORT; SET TUESDAY, MARCH 8, 2005 AT 9:00 A.M. FOR HEARING ON PETITION; AUTHORIZED COUNTY COUNSEL TO PREPARE AND THE CLERK OF THE BOARD TO PUBLISH A NOTICE OF HEARING

Patrick-Maben: All Ayes

- *8) Proposed retroactive renewal Agreement with California Department of Food and Agriculture to reimburse County for Cotton Plowdown enforcement activities within Kern County, from December 1, 2004 through March 31, 2005, in an amount not to exceed \$13,010 (Fiscal Impact: \$13,010; State Agreement; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 100-2005

Patrick-Maben: All Ayes

ASSESSOR-RECORDER

- *9) Proposed addition of one (1) Appraiser I/II/III and deletion of one (1) Auditor-Appraiser I/II/III positions in Budget Unit 1130, effective February 19, 2005 (Fiscal Impact: Savings of \$1,965) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

CLERK OF THE BOARD

- *10) Amended Conflict of Interest Code for the Environmental Health Services Department (No Fiscal Impact) - APPROVED

Patrick-Maben: All Ayes

COUNTY COUNSEL

- *11) Request from North Kern Water Storage District for appointment of directors for Divisions 1, 3, and 4, pursuant to Water Code Section 41307 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-058 ORDERING APPOINTMENT OF FRANK FANUCCHI AS DIRECTOR FOR DIVISION 1, DONALD N. CASTLE AS DIRECTOR FOR DIVISION 3, AND KEVIN S. ANDREW AS DIRECTOR FOR DIVISION 4

Patrick-Maben: All Ayes

- *12) Request from Arvin-Edison Water Storage District for appointment of directors for Divisions 1, 3, 5 and 7, pursuant to Water Code Section 41307 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-059 ORDERING APPOINTMENT OF RONALD R. LEHR AS DIRECTOR FOR DIVISION 1, HOWARD R. FRICK AS DIRECTOR FOR DIVISION 3, JOHN C. MOORE AS DIRECTOR FOR DIVISION 5, AND CHARLES FANUCCHI AS DIRECTOR FOR DIVISION 7

Patrick-Maben: All Ayes

- *13) Request from Wheeler Ridge-Maricopa Water Storage District for appointment of directors for Divisions 1, 3, 6, 7 and 8, pursuant to Water Code Section 41307 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-060 ORDERING APPOINTMENT OF W.R. GREENLEE, JR. AS DIRECTOR FOR DIVISION 1, LARRY W. JOHNS AS DIRECTOR FOR DIVISION 3, JEFFREY R. METTLER AS DIRECTOR FOR DIVISION 6, N. ERNEST LARSON AS DIRECTOR FOR DIVISION 7, AND DENNIS J. ATKINSON AS DIRECTOR FOR DIVISION 8

Patrick-Maben: All Ayes

- *14) Request from Semitropic Water Storage District for appointment of directors for Divisions 2, 5, 6, and 7, pursuant to Water Code Section 41307 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-061 ORDERING APPOINTMENT OF JAMES A. CRETOL AS DIRECTOR FOR DIVISION 2, PHILLIP W. PORTWOOD AS DIRECTOR FOR DIVISION 5, TODD TRACY AS DIRECTOR FOR DIVISION 6, AND FREDRICK A. WEGIS AS DIRECTOR FOR DIVISION 7

Patrick-Maben: All Ayes

- *15) Proposed Ordinance adding Subsection (180) to Section 10.16.041 of Chapter 10.16, Title 10 of the Ordinance Code of the County of Kern concerning a no stopping zone on Patton Way and repealing Subsection (119) of Section 10.16.070 (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *16) Proposed Ordinance repealing Subsection (48) of Section 10.16.160 of Chapter 10.16 concerning a bus loading zone on Foothill Road - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *17) Proposed Ordinance adding Subsection (181) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone on Norris Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *18) Proposed Ordinance adding Subsection (27) to Section 10.24.021 of Chapter 10.24.021 of Chapter 10.24 concerning a handicap parking zone along the north side of Linda Vista Drive (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *19) Resolution Authorizing Participation in the California Desert Managers Group (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-062

Patrick-Maben: All Ayes

- *20) Request of the Clerk of the Assessment Appeals Board for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *21) Proposed Agreement with Experience Works to provide training and work experience activities for senior citizens (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 101-2005

Patrick-Maben: All Ayes

FIRE DEPARTMENT

- 22) Report on 2004 Kern County Cares canned food drive and presentation to County departments (Fiscal Impact: None) - PHIL ZANDER, GOLDEN EMPIRE GLEANERS HEARD; KERN COUNTY FIRE CHIEF DENNIS THOMPSON MADE PRESENTATIONS TO DAVE PRICE AND CONNIE LEWIS, RESOURCE MANAGEMENT AGENCY, AND DAPHNE HARLEY AND PAM VALDEZ, WASTE MANAGEMENT DEPARTMENT; DAVE PRICE AND DAPHNE HARLEY HEARD; RECEIVED AND FILED

Patrick-Rubio: All Ayes

MENTAL HEALTH SERVICES

- *23) Proposed Amendment No. 1 to Agreement 347-2004 with Raul Y. Mendoza, M.D., for professional psychiatric inpatient services for minors who are Medi-Cal beneficiaries, to revise billing rates to allow additional compensation to contractor from \$28,000, to an amount not to exceed \$29,800 for sentinel events (an increase of \$1,800) (Fiscal Impact: \$1,800; State, Federal Funds; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 102-2005

Patrick-Maben: All Ayes

- *24) Proposed Amendment No. 1 to Agreement 620-2004 with the State Department of Rehabilitation (State Agreement No. 24694) for the Individual Self-Sufficiency Planning Project (ISSP), to terminate the contract effective March 31, 2005, and to reduce the overall budget from \$186,662, to an amount not to exceed \$117,306 (Fiscal Impact: a decrease of \$69,356; State Grant [ISSP]) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 103-2005

Patrick-Maben: All Ayes

- *25) Proposed Amendment No. 2 to Agreement 837-2004 with Pamela Alfafara, M.D. for professional psychiatric inpatient services for minors who are Medi-Cal beneficiaries and minors who are indigent and are residents of Kern County, to revise billing rates to allow additional compensation to contractor from \$22,000, to an amount not to exceed \$23,800 for sentinel events (an increase of \$1,800) (Fiscal Impact: \$1,800; State, Federal Funds; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 104-2005

Patrick-Maben: All Ayes

- *26) Proposed Retroactive Amendment No. 1 to Agreement 1016-2004 with Michelle Montelongo for American Sign Language interpretation services for Department hearing impaired staff and clients, to extend the term from January 31, 2005 through June 30, 2005, and increase the maximum compensation from \$23,500, to an amount not to exceed \$52,875 (an increase of \$29,375) (Fiscal Impact: \$29,375; State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 105-2005

Patrick-Maben: All Ayes

- *27) Proposed Agreement with Aegis Institute, Inc., for outpatient drug free counseling services, from February 15, 2005 through June 30, 2005, in an amount not to exceed \$45,000 (Fiscal Impact: \$45,000; Drug Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 106-2005

Patrick-Maben: All Ayes

- *28) Proposed retroactive Memorandum of Understanding with Kern County Superintendent of Schools to receive funding for the IDEA Mental Health Allocation Plan and IDEA County Mental Health Services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$1,541,896, approximate grant revenue to the County (Fiscal Impact: \$1,541,896 Grant Revenue; Mandated; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 107-2005

Patrick-Maben: All Ayes

PARKS AND RECREATION DEPARTMENT

- 29) Request consideration of proposed waiver process for non-profit use of County Park buildings (Fiscal Impact: None) - RON BENOIT, LAKE ISABELLA/BODFISH PROPERTY OWNERS ASSOCIATION; LARRY LUNTZ, LAKE ISABELLA; BOB JAMISON, PARKS AND RECREATION COMMISSION; TONY SPRINKLE; AARON HODGES; CAROL WILSON, BODFISH; DOTIE SEMENT, ROSAMOND WOMEN'S CLUB; CARMEN ADAMS, ROSAMOND WOMEN'S CLUB; JOANNE LUNTZ; BILL TEBBE, LAKE ISABELLA MEALS ON WHEELS PROGRAM; AND ANTHONY MORENO, BOY SCOUT TROOP 41, ROSAMOND, HEARD; DETERMINED EXISTING POLICY RELATING TO FEES WILL REMAIN IN EFFECT; RECEIVED AND FILED

McQuiston-Maben: 4 Ayes; 1 No - Patrick

PROBATION

- *30) Request for relief from accountability of 453 delinquent Kern County Juvenile Traffic Court accounts, totaling \$549,559 (Fiscal Impact: None) -

WITHDRAWN

PUBLIC HEALTH SERVICES

- *31) Request for addition of one (1) full-time Fiscal Support Specialist position, and deletion of one (1) full-time Program Specialist position, effective February 15, 2005 (Fiscal Impact \$2,116 savings; State Grant; Budgeted) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

- *32) Proposed retroactive Agreement with California Department of Health Services for Preventive Health Care for the Aging, from November 1, 2004 through June 30, 2006, in an amount not to exceed \$64,000 (prior notification November 9, 2004) (Fiscal Impact: \$64,000; State Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 108-2005

Patrick-Maben: All Ayes

SHERIFF

- *33) Request to employ retired County employee, Robert Barrera, as an extra help Accountant III, Range 58.0, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the twelve month period following date of employment (Fiscal Impact: \$12,960; Budgeted) - APPROVED

Patrick-Maben: All Ayes

- *34) Report regarding request for proposal (RFP) process to select a provider of jail commissary services (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

TREASURER-TAX COLLECTOR

- *35) Cash receipts and disbursements for January 2005 (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

McQuiston

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 36) Request for Closed Session regarding Meet and Confer, All Unions -

COUNTY COUNSEL

- 37) Request for closed session regarding significant exposure to litigation against the County (Government Code Section 54956.9(b)(1)) -

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

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

Patrick-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Maben-McQuiston: All Ayes

KERN SANITATION AUTHORITY

- #1) Proposed Agreement with Union Pacific Railroad for a Pipeline Crossing (Fiscal Impact: \$3,185; Kern Sanitation Authority; Budgeted; Not Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 109-2005

Maben-McQuiston: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Maben-McQuiston: All Ayes

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BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 3) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - AT THE REQUEST OF SUPERVISOR PATRICK, REFERRED TO ENGINEERING & SURVEY SERVICES TO REPORT BACK IN 45 DAYS REGARDING POSSIBLE REVISION TO CODE COMPLIANCE REGULATIONS RELATIVE TO INOPERATIVE VEHICLE STORAGE

Patrick-Maben: All Ayes

SUPERVISOR RUBIO EXPRESSED APPRECIATION TO THE ROADS DEPARTMENT FOR THEIR PROMPT ACTION IN RESPONDING TO TRAFFIC HAZARDS NEAR THE LAMONT SCHOOL DISTRICT

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *4) **Request from Ido Banducci Trust by Albert D. Banducci, Trustee to cancel a portion of a Land Use Contract and approval of a Contract Amending Land Use Contract on 17.85 acres located on the west side of Gosford Road, approximately 900 feet south of Houghton Road, Old River area. (SD 4)**

Specific Request:

Cancellation of a 2.15-acre (gross) portion of an approximate 37-acre parcel of a Land Use Contract and approval of a Contract Amending Land Use Contract on 17.85 acres (Cancellation #04-8, Map #142)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) -

WITHDRAWN AT THE REQUEST OF THE APPLICANT

NOTE: AGENDA ITEM NO. 21 WAS HEARD OUT OF ORDER BEFORE ITEM NO. 5

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

All S.D.'s

- 5) Response to referral on Biosolids Program (Fiscal Impact: None) - JIM BECK, GENERAL MANAGER, KERN COUNTY WATER AGENCY; PAUL GIBONEY, KERN GROWERS AGAINST SEWAGE SLUDGE; JEFF GREEN, KERN FOOD GROWERS ASSOCIATION AND GRIMMWAY FARMS; ARTHUR UNGER, KERN KAWEAH CHAPTER OF THE SIERRA CLUB; SHAEN MAGAN; DENNIS FOX; AND JON COFFIN, RESPONSIBLE BIOSOLIDS MANAGEMENT, INC., HEARD; RECEIVED AND FILED

REFERRED TO COUNTY COUNSEL FOR REPORT BACK TO THE BOARD ON THE LEGAL ISSUES ASSOCIATED WITH A TOTAL BAN ON THE LAND APPLICATION OF BIOSOLIDS AS WELL AS OTHER POTENTIAL PERMITTING CONDITIONS TO FURTHER CONTROL LAND APPLICATION PRACTICES, FOLLOWING COMPLETION OF THE KERN COUNTY WATER AGENCY'S RFP PROCESS; RECEIVED AND FILED DOCUMENT

Rubio-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

S.D. #1

- *6) Proposed Amendment No. 2 to Agreement 710-2003 with City of Shafter to provide additional funds in the amount of \$95,714 for park construction, CD Nos. 18.02.3 and 18.03.1, for a new total amount of \$608,278 (Fiscal Impact: \$95,714; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 110-2005

McQuiston-Patrick: All Ayes

S.D. #4

- *7) Proposed Engineering Services Agreement with Quad Knopf, Inc., for Maricopa Sewer Improvements, Preliminary Engineering Report, CD No. 15.04.1, in an amount not to exceed \$42,790 (Fiscal Impact: \$42,790; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 111-2005

McQuiston-Patrick: All Ayes

All S.D.'s

- *8) Proposed Agreements with Alliance Against Family Violence, CD No. 46.04.1, for \$30,525; Bakersfield Rescue Mission, CD No. 46.04.2, for \$54,081; Bethany Services, CD No. 46.04.3, for \$54,081; Community Action Partnership of Kern, CD No. 46.04.4, for \$6,000; Women's Center High Desert, CD No. 46.04.6, for \$36,000; and one Memorandum of Understanding (MOU) with the Kern County Mental Health Department, CD No. 46.04.5, for \$44,878; for a total amount not to exceed \$225,565 under the Emergency Shelter Grants Program of the Stuart B. McKinney Act (Fiscal Impact: \$225,565; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 112-2005 THROUGH 116-2005; AUTHORIZED DIRECTORS TO EXECUTE MOU IN A FORM APPROVED BY COUNTY COUNSEL

McQuiston-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #3

- *9) Proposed findings that The Bama Group, LLC, is delinquent in performance of bonded agreements to provide subdivision improvements for Tract 5930, Phase 1, located at Fruitvale and Norris Roads (Fiscal Impact: None) - APPROVED; MADE FINDINGS; AUTHORIZED DIRECTOR OF ENGINEERING & SURVEY SERVICES TO COMPLETE OUTSTANDING IMPROVEMENTS AND SEEK RECOVERY OF ALL COSTS RELATED TO SUCH IMPROVEMENTS FROM THE DEVELOPER AND SURETY; DIRECTED ENGINEERING & SURVEY SERVICES TO SEND NOTICE TO SUBDIVIDER AND SURETY OF THE BOARD'S FINDINGS

McQuiston-Patrick: All Ayes

S.D. #5

- *10) Contract No. 05008, identify apparent low bid of Granite Construction for construction of Lamont Curb and Gutter Improvements, Wharton Avenue, Phase I, in an amount not to exceed \$446,887.50 (Fiscal Impact: \$226,070; CEDD; Budgeted; and \$225,000; Roads; Budgeted) - IDENTIFIED LOW BID; AUTHORIZED ROADS TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE NECESSARY CONTRACT DOCUMENTS

McQuiston-Patrick: All Ayes

- *11) Proposed Agreement with Kern Ridge Growers, LLC, for allocation of certain costs incidental to construction of Lamont Curb and Gutter Improvements, Wharton Avenue, Phase I, in an amount not to exceed \$15,000 (Fiscal Impact: \$15,000; ESS; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 117-2005

McQuiston-Patrick: All Ayes

All S.D.'s

- *12) Request for approval to hire retired County employee Stuart Bone as Building Inspector, Step E, 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 - APPROVED

McQuiston-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Environmental Health Services - Animal Control Services

S.D. #1

- *13) Proposed Amendment No. 2 to Agreement 239-99 with Deborah Anson, Lake Isabella Animal Shelter, to modify contractor services to secure the services of a licensed veterinarian to spay or neuter each dog and cat available for adoption, dogs to receive a rabies vaccination at that time, allow for treatment of flea/tick infestation on affected animals; and to be provided reimbursement consistent with increased services (Fiscal Impact: \$23,500; Spay/Neuter Trust Fund and Veterinarian Trust Fund; Not Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 118-2005

McQuiston-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #1

- *14) Contract No. 05011, Notice to Contractors for construction on Seventh Standard Road between Rio Del Norte Street and McCray Street (Fiscal Impact: \$110,000; Metropolitan Bakersfield Transportation Impact Fee; Budgeted; Discretionary) -

WITHDRAWN

- *15) Grant deed from Milton Dwight Grimes, Chere A. Grimes and Ty Kenneth Grimes, providing approximately 2.84 acres of their property on South Granite Road in order to create separate parcels (Fiscal Impact: None) - ACCEPTED GRANT DEED; DIRECTED CLERK OF THE BOARD TO RECORD

McQuiston-Patrick: All Ayes

S.D. #5

- 16) Proposed no stopping zone on San Diego Street, Lamont (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Rubio-Maben: All Ayes

WASTE MANAGEMENT

Hearing

All S.D.'s

- *17) Proposed Resolution to amend the Unincorporated Kern County Non-Disposal Facility Element of the Countywide Integrated Waste Management Plan to include the recycling programs at the Shafter-Wasco Sanitary Landfill and approve the Negative Declaration (Fiscal Impact: None) (from 2/1/2005) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-063

McQuiston-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *18) Proposed Memorandum of Understanding with City of Bakersfield for exchange of tax revenues attendant to certain types of annexations for a term of twenty years, to February 1, 2025 (Fiscal Impact: Unknown) (from 2/1/2005) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 119-2005

McQuiston-Patrick: All Ayes

- *19) Proposed Request for Proposal for review of Animal Control services (Fiscal Impact: None) - APPROVED; AUTHORIZED COUNTY ADMINISTRATIVE OFFICE TO ISSUE

McQuiston-Patrick: All Ayes

- 20) Response to referral on District Attorney Crime Lab funding request from February 1, 2005 (Fiscal Impact: FY 2004-05 \$479,888; Discretionary; Not Budgeted; Estimated FY 2005-06 \$777,550) - APPROVED ADDITION OF TWO (2) CRIMINALIST I/II AND TWO (2) FORENSIC LABORATORY TECHNICIAN I/II POSITIONS, EFFECTIVE FEBRUARY 15, 2005; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE; APPROVED BUDGET TRANSFER OF \$272,481 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2200 FOR EQUIPMENT ACQUISITION; REFERRED CONSIDERATION OF ADDITION OF ONE (1) CRIMINALIST I/II AND ONE (1) FORENSIC LABORATORY TECHNICIAN POSITIONS TO FY 2005-06 BUDGET FILE; REFERRED THE MATTER OF TRANSFER OF FUNDS FOR APPROVED POSITIONS TO COUNTY ADMINISTRATIVE OFFICE FOR SUBMISSION NO LATER THAN JUNE 7, 2005

Patrick-Rubio: All Ayes

NOTE: AGENDA ITEM NO. 21 WAS HEARD OUT OF ORDER BEFORE ITEM NO. 5

- 21) Presentation and consideration of proposed VLF gap loan bond financing (Fiscal Impact: Estimated net proceeds \$13.4 million) - HEARD PRESENTATION BY DAVID LEIFER, FINANCIAL ADVISOR; ADOPTED RESOLUTION 2005-064 APPROVING FORM OF AND AUTHORIZING EXECUTION AND DELIVERY OF PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO SALE OF COUNTY'S VEHICLE LICENSE FEE RECEIVABLE FROM THE STATE; REFERRED TO COUNTY ADMINISTRATIVE OFFICE AND COUNTY COUNSEL
- Rubio-Patrick: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- *22) Proposed Amendment No. 4 to Agreement 998-2002 with the State Board of Corrections (BOC) for Probation Department's new Juvenile Treatment Facility, extending the BOC grant completion date to March 31, 2005 (1960.8166) (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 120-2005
- McQuiston-Patrick: All Ayes**

All S.D.'s

- *23) Proposed Agreement with Becka Construction Company, Inc., for the Job Order Contract Sewer Collection System Maintenance/Repair, in an amount not to exceed \$400,000 (Various Projects) (Fiscal Impact: \$400,000; General Fund; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 121-2005
- McQuiston-Patrick: All Ayes**

MATTERS FOR EXECUTIVE APPROVAL

- *24) Budget Transfers - APPROVED NO. 97 THROUGH NO. 101
- McQuiston-Patrick: All Ayes**
- *25) Minutes for week of January 17, 2005 - APPROVED
- McQuiston-Patrick: All Ayes**
- *26) Miscellaneous Letters and Documents - APPROVED
- McQuiston-Patrick: All Ayes**
- *27) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED
- McQuiston-Patrick: All Ayes**
- *28) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED
- McQuiston-Patrick: All Ayes**

ADJOURNED TO TUESDAY, FEBRUARY 22, 2005, AT 9:00 A.M.

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.

26) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Aging and Adult Services

- A) Letter from Mary Vasinda, Chair, IHSS Advisory Committee regarding tentative agreement with United Domestic Workers of America for IHSS providers (Copies to each Supervisor and CAO)

Auditor-Controller-County Clerk

- B) 2004 County of Kern Comprehensive Annual Financial Report (CAFR)

- C) Kern County Hispanic Commission on Alcohol and Drug Abuse Services, Inc., report on costs allocated to Kern County Mental Health Programs for Fiscal Years 2001-2002 and 2002-2003

Clerk of the Board

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

1) Parcel Map No. 11225 S.D. #4

Grand Jury

- E) 2004-2005 Final Report regarding Kern County Sheriff's Department, Lerdo Detention Facility (Copies to each Supervisor, CAO, and Sheriff)

Miscellaneous

- F) Letter from J. R. Odom, California Highway Patrol, re Hazardous Materials Incident Report on January 27, 2005, on I-5, south bound at Tejon Pass Safety Rest Area (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)

- G) Notification letters from Nextel Communications to California Public Utilities Commission re modifications to CA1679D Sandrini and CA-1934 Arvin (Copies to Planning and County Counsel)

- H) Board of Forestry and Fire Protection Hearing Announcement for Thursday, February 23, 2005 (Copies to each Supervisor and CAO)

- I) Letter from Department of Health Services regarding California Healthcare for Indigents Program (CHIP) / Rural Health Services (RHS) Program Contacts (Copies to each Supervisor, CAO, Public Health and Auditor-Controller-County Clerk)

27) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED

- A) Petitions to form the Kern County Table Grape Pest and Disease Control District in accordance with the Table Grape Pest and Disease District Law (California Food and Agriculture Code section 6047 et seq for the purpose of eradicating, removing, or preventing the spread of any and all grape pests, including the Glassy-Winged Sharpshooter (GWSS) and Pierce's Disease - REFERRED TO AGRICULTURAL COMMISSIONER

- B) Letter from Ernest A. Conant re appointment of Directors for Semitropic Water Storage District - REFERRED TO COUNTY COUNSEL
- C) Letter from Pam Ovlen regarding remaining profit after taxes on Parcel 428-174-27-00-5 - REFERRED TO TREASURER-TAX COLLECTOR (Copies to each Supervisor and CAO)
- 28) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Enterprise Rent-A-Car vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Michael DeLamere vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Nathanael Richard Maine vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Michael Craig Franco vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)