

## SUMMARY OF PROCEEDINGS

### BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, April 5, 2005

9:00 A.M.

#### BOARD RECONVENED

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

NOTE: THE CHAIRMAN ANNOUNCED THE ABSENCE OF SUPERVISOR PATRICK WHO IS REPRESENTING THE COUNTY IN WASHINGTON, D.C. TO SEEK CONTINUED FUNDING FOR THE CALIFORNIA OZONE STUDY

SALUTE TO FLAG - Led by Supervisor Maben

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

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

BOARD ACTION SHOWN IN CAPS

#### RESULTS OF CLOSED SESSION

Request for closed session regarding Anthony Covelli v. County of Kern and David Benson - CHAIRMAN WATSON REPORTED THE RESULTS OF CLOSED SESSION, AGENDA ITEM 39 FROM THE MARCH 8, 2005, 9:00 A.M. SESSION, IN THE MATTER OF ANTHONY COVELLI V. COUNTY OF KERN AND DAVID BENSON PENDING IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT, WHERE A FULL JURY TRIAL WAS HELD IN FEDERAL COURT IN FRESNO THAT COMMENCED ON MARCH 15 AND CONCLUDED WITH A VERDICT ON MARCH 30, 2005. THE PLAINTIFFS REQUESTED A DAMAGE AWARD OF \$10 MILLION.

THE JURY AWARDED THE PLAINTIFFS NOTHING AND FOUND THAT DEPUTY BENSON HAD PROBABLE CAUSE TO BELIEVE THAT NICHOLAS COVELLI POSED AN IMMEDIATE THREAT TO HIS SAFETY AND ACTED REASONABLY. THE INCIDENT OCCURRED ON FEBRUARY 9, 2003, IN FRAZIER PARK.

MARK NATIONS AND JENNIFER THURSTON PRESENTED THE CASE ON BEHALF OF THE COUNTY AND THE SHERIFF'S DEPARTMENT. THE BOARD CONSIDERED A SETTLEMENT PROPOSAL OF THIS MATTER ON MARCH 8, 2005, THAT WAS REJECTED BY PLAINTIFFS BEFORE TRIAL.

- 1) Welcoming address by Chairman Ray Watson to Teen Government Day Representatives - CHAIRMAN WATSON WELCOMED STUDENTS PARTICIPATING IN TEEN GOVERNMENT DAY; BOARD MEMBERS AND DEPARTMENT HEADS INTRODUCED STUDENTS: BRAD HUGE, STOCKDALE HIGH SCHOOL, CHAIRMAN RAY WATSON; SYLVIA RIOS, CESAR CHAVEZ HIGH SCHOOL, SUPERVISOR JON MCQUISTON; SERGIO RODRIGUEZ, ARVIN HIGH SCHOOL, SUPERVISOR MICHAEL RUBIO; TANYA VELASQUEZ, SOUTH HIGH SCHOOL, SUPERVISOR DON MABEN; JAMES PETTIJOHN, KERN VALLEY HIGH SCHOOL, BERNARD BARMANN, COUNTY COUNSEL; ALESSANDRA LOPEZ-HUTCHINSON, BAKERSFIELD HIGH SCHOOL, RON ERREA, COUNTY ADMINISTRATIVE OFFICER; SEAN WEXLER, KERN VALLEY HIGH SCHOOL, DENISE PENNELL, CLERK OF THE BOARD; ALI ZANIAL, CENTENNIAL HIGH SCHOOL, BEVERLY JOHNSON, DEPARTMENT OF HUMAN SERVICES; KERI RUSHING, TAFT HIGH SCHOOL, DIANE DUQUETTE, DIRECTOR OF LIBRARIES; CHRISTINE YSIDRA, CESAR CHAVEZ HIGH SCHOOL, VERNA LEWIS, EMPLOYERS' TRAINING RESOURCE; AND JAVIER YNIGUEZ, ARVIN HIGH SCHOOL, ROSS ELLIOTT, EMERGENCY MEDICAL SERVICES

RESOLUTIONS/PROCLAMATIONS

NOTE: ITEMS 2 AND 3 WERE HEARD CONCURRENTLY

- 2) Resolution honoring Florence E. Rogers, Department of Human Services, upon her retirement with 34 years of service to the County of Kern - ADOPTED RESOLUTION; MADE PRESENTATION TO FLORENCE ROGERS; DENA BRESHEARS, ASSISTANT DIRECTOR, DEPARTMENT HUMAN SERVICES, AND FLORENCE ROGERS HEARD

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- 3) Proclamation proclaiming April 7, 2005 as CASA Day in Kern County - PROCLAIMED; MADE PRESENTATION TO COLLEEN MC GAULEY, EXECUTIVE DIRECTOR, CASA; SELF INTRODUCTIONS WERE MADE BY CASA VOLUNTEERS AND STAFF MEMBERS; COLLEEN MC GAULEY HEARD

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

NOTE: ITEMS 4 AND 7 WERE HEARD CONCURRENTLY

- 4) Proclamation proclaiming April 10 - 16, 2005 as National Library Week in Kern County - PROCLAIMED; MADE PRESENTATION TO DIANE DUQUETTE, DIRECTOR OF LIBRARIES; TEEN GOVERNMENT STUDENT KERI RUSHING HEARD

**Rubio-Maben: 4 Ayes; 1 Absent - Patrick**

NOTE: ITEMS 5 AND 6 WERE HEARD CONCURRENTLY

- 5) Proclamation proclaiming April 2005 as Fair Housing Month in Kern County - PROCLAIMED; MADE PRESENTATION TO LANEICE KERSTEN, BAKERSFIELD ASSOCIATION OF REALTORS; LANEICE KERSTEN HEARD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- 6) Proclamation proclaiming April 2005 as Child Abuse Prevention Month in Kern County - PROCLAIMED; MADE PRESENTATION TO BEVERLY JOHNSON, DIRECTOR, DEPARTMENT HUMAN SERVICES; BEVERLY JOHNSON, TEEN GOVERNMENT STUDENT, ALI ZANIAL, AND KAREN COOLEY, KERN CHILD ABUSE PREVENTION COUNCIL, HEARD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- 7) Certificate of Recognition recognizing Sammy Donohue for outstanding generosity and unselfishness to help the victims of the devastating tsunami that struck southern Asia - MADE PRESENTATION TO SAMMY DONOHUE; SAMMY DONOHUE HEARD

- \*8) Proclamation proclaiming May 15 - 21, 2005 as Peace Officers' Memorial Week in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION; APPROVED REQUEST TO OBSERVE NATIONAL PEACE OFFICERS' MEMORIAL WEEK BY FLYING THE PEACE OFFICER MEMORIAL FLAG; AUTHORIZED SHERIFF'S DEPARTMENT TO FLY THE FLAGS AT ALL SHERIFF'S DEPARTMENT FACILITIES AT HALF-STAFF DURING THE WEEK OF OBSERVANCE

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

APPOINTMENTS

- \*9) Appointment of Wendy Wayne as Fifth District Member to the Planning Commission, term to expire January 1, 2007 - MADE APPOINTMENT

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*10) Reappointments of James Bock, Michael A. Neal, George C. Palmer and John DeMario and appointment of William C. Descary to the Treasury Oversight Committee, terms to expire April 2, 2008 - MADE REAPPOINTMENTS AND APPOINTMENT

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*11) Reappointment of Vikki Del Pellegrino as Fifth District Member to the Behavioral Health Board, term to expire December 31, 2007 - MADE REAPPOINTMENT

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

PUBLIC PRESENTATIONS

- 12) 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

- 13) 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 MABEN DISCUSSED A RULING BY THE FIFTH DISTRICT COURT OF APPEALS AGAINST KERN COUNTY THAT REQUIRES THE COUNTY TO PREPARE AN ENVIRONMENTAL IMPACT REPORT TO ADDRESS THE BAN OF CLASS B BIOSOLIDS IN KERN COUNTY

REFERRED TO COUNTY COUNSEL FOR REPORT BACK IN 30 DAYS ON COUNTY'S OPTIONS WITH RESPECT TO ADDITIONAL REGULATIONS OF BIOSOLIDS, TO SUBMIT A PROPOSED ORDINANCE PROHIBITING THE IMPORTATION FOR LAND APPLICATION OF BIOSOLIDS IN UNINCORPORATED AREAS OF KERN COUNTY, AND TO INCLUDE DATA ON OTHER KERN COUNTY ENTITIES WHO ARE APPLYING BIOSOLIDS WHICH ARE LESS THAN CLASS A-EQ

**Maben-Rubio: 4 Ayes; 1 Absent - Patrick**

SUPERVISOR RUBIO QUESTIONED KERN MEDICAL CENTER, CHIEF EXECUTIVE OFFICER PETER BRYAN ABOUT THE OB/GYN CONTRACTS APPROVED BY THE BOARD ON JANUARY 4, 2005

MOTION TO MODIFY THE REFERRAL OF MARCH 15, 2005 WITH RESPECT TO THE AUDIT FINDINGS BY THE MACIAS GROUP TO IDENTIFY RECOMMENDATIONS TO BE IMPLEMENTED OR NOT IMPLEMENTED FOR THE FACULTY PRACTICE PLAN WITHIN THE TIME PREVIOUSLY SPECIFIED, 45 DAYS FROM MARCH 15, 2005

**Rubio-Maben: 4 Ayes; 1 Absent - Patrick**

DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

- \*14) Proposed Resolution regarding supporting the use of Biotechnology in agriculture (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-122

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*15) Proposed Agreement with California Department of Food and Agriculture (State Agreement 05-0041) for Weighmaster inspection and audit, Fiscal Year 2005/2006 (Fiscal Impact: \$8,250 Revenue to County; State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 193-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*16) Proposed Agreement with California Department of Food and Agriculture (State Agreement 05-0017) for enforcement of the California Organic Foods Act, Fiscal Year 2005/2006 (Fiscal Impact: \$1,700 Revenue to County; State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 194-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- 17) Briefing on departmental operations (Fiscal Impact: None) - ARVIN HIGH SCHOOL STUDENTS INTRODUCED, NALLELY BANUELOS AND ELIZABETH BERMUDEZ; HEARD PRESENTATION; RECEIVED AND FILED

**Maben-Rubio: 4 Ayes; 1 Absent - Patrick**

AUDITOR-CONTROLLER-COUNTY CLERK

- \*18) Resolution from West Side Health Care District requesting the Elections Official to conduct their tax election to be held June 7, 2005 (Fiscal Impact: None) - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES REQUESTED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*19) Temporary transfer of funds (Fiscal Impact: \$221,000,000) - APPROVED RESOLUTIONS 2005-123 and 2005-124 AUTHORIZING COUNTY TREASURER TO EFFECT A TEMPORARY TRANSFER OF FUNDS, IN OR AFTER APRIL OF 2005, TO THE COUNTY GENERAL FUND IN THE AMOUNT OF \$200,000,000 AND THE COUNTY FIRE FUND IN THE AMOUNT OF \$21,000,000

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

BOARD OF SUPERVISORS

- 20) Request from Fifth District Supervisor Michael Rubio for Board support of SB 926 (State Senator Dean Florez), banning export of sewage sludge across county lines (Fiscal Impact: None) - STATE SENATOR DEAN FLOREZ; ARTHUR UNGER, KERN KAWEAH CHAPTER, SIERRA CLUB; TOM MAYO, TAFT; SAM RAMIREZ, CITY OF DELANO; R. A. CAMPBELL; JERRY BOWEN; AND WILLIAM JERRY GARNER, EXECUTIVE DIRECTOR, KERN-INYO-MONO BUILDING TRADES, HEARD; ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

**Rubio-Maben: 4 Ayes; 1 Absent - Patrick**

COUNTY COUNSEL

- \*21) Proposed Ordinance amending Subsections (90) and (172) of Section 10.16.041 of Chapter 10.16, Title 10 of the Ordinance Code of the County of Kern concerning no stopping zones on Quail Creek Road between Norris Road and Snow Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*22) Proposed Ordinance adding Subsection (191) 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 Jenkins Road in Bakersfield (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*23) Proposed Ordinance adding Subsection (190) 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 along the west side of Park Drive (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*24) Request of the Sheriff's Department 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

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*25) Request of the Agriculture Commissioner-Sealer 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

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*26) Request of the Emergency Medical Services Department 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

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*27) Request of the Personnel Department 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

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*28) Request of the Sheriff's Department, Lerdo (WRP) 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

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*29) Request of the Sheriff's Department (CRF) 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

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

DISTRICT ATTORNEY

- \*30) Request for sole source procurement of Forensic Science Laboratory equipment, purchase and lease-purchase, in an amount not to exceed \$427,713, Fiscal Year 2004-2005 (Fiscal Impact: \$427,713; Budgeted; General Fund; Discretionary) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDERS

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*31) Proposed Resolution to apply for Title II Delinquency Prevention Intervention Program funds from the California Board of Corrections (Fiscal Impact: \$178,126; Budgeted; Discretionary) - ADOPTED RESOLUTION 2005-125

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

EMPLOYERS' TRAINING RESOURCE

- \*32) Proposed retroactive Memorandum of Understanding with the Kern River Valley Collaborative to provide employment services in the Kern River Valley area and pay Department's proportional share of utilities and janitorial costs of the Family Resource Center effective February 1, 2005, at an estimated cost of \$5,040 annually (Fiscal Impact: estimated \$5,040 annually; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 195-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*33) Proposed retroactive Amendment No. 1 to Agreement 689-2004 with the Mexican American Opportunity Foundation for the Migrant and Seasonal Farmworker (MSFW) Temporary Housing Assistance Program, to extend the term through March 15, 2005 (prior notification February 22, 2005) (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 196-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*34) Proposed retroactive Agreement with the Mexican American Opportunity Foundation for a Migrant and Seasonal Farmworker (MSFW) Temporary Housing Assistance Program to provide related assistance to eligible MSFWs within Kern County, from February 1, 2005 through June 30, 2005, in an amount not to exceed \$66,507 (prior notification March 1, 2005) (Fiscal Impact: \$66,507; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 197-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*35) Proposed retroactive Amendment No. 1 to Agreement 690-2004 with Proteus, Inc., for Migrant and Seasonal Farmworker (MSFW) Temporary Housing Assistance Program to extend term through March 15, 2005 (prior notification February 22, 2005) (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 198-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*36) Proposed retroactive Agreement with Proteus, Inc., for Migrant and Seasonal Farmworker (MSFW) Temporary Housing Assistance Program to provide related assistance to eligible MSFWs within Kern County, from February 1, 2005 through June 30, 2005, in an amount not to exceed \$20,000 (prior notification March 1, 2005) (Fiscal Impact: \$20,000; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 199-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*37) Request to appropriate unanticipated revenue from Kern County Department of Human Services to provide paid work experience training for CalWORKs participants, from March 1, 2005 through June 30, 2005, in an amount not to exceed \$1,000,000 (Fiscal Impact: \$1,000,000; State Funds; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$1,000,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$1,000,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 8907

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*38) Notification of anticipated retroactive Agreements with Kern High School District and the Mexican American Opportunity Foundation for CalWORKs paid work experience (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*39) Proposed retroactive Agreement with ARBOR E&T for paid work experience program for Department of Human Services CalWORKs clients, from March 1, 2005 through June 30, 2005, in an amount not to exceed \$95,000 (Fiscal Impact: \$95,000; State Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 200-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*40) Proposed retroactive Agreement with Proteus, Inc., for paid work experience program for Department of Human Services CalWORKs clients, from March 1, 2005 through June 30, 2005, in an amount not to exceed \$202,201 (Fiscal Impact: \$202,201; State Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 201-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

FIRE DEPARTMENT

- \*41) Request to continue Local Emergency (Fiscal Impact: None) - APPROVED; EXTENDED LOCAL EMERGENCY

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**



- \*42) Request to accept grant from California Office of Traffic Safety for acquisition of rescue equipment (Fiscal Impact: \$43,583 Revenue to County; Not Budgeted) - ACCEPTED GRANT; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$27,583 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$27,583 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2415

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*43) Request authorization for Purchasing Agent to increase amount of blanket purchase order with Jim Burke Ford, in an amount not to exceed \$75,000, and with Jim Burke Lincoln Mercury, in an amount not to exceed \$65,000, for automotive repairs to Sheriff vehicles (Fiscal Impact: \$140,000; Fire Fund; Budgeted) - APPROVED; AUTHORIZED PURCHASING AGENT TO INCREASE BLANKET PURCHASE ORDER

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*44) Request for authorization to apply for seven Federal Wildland Urban Interface Grants to fund Hazardous Fuels Reduction and Fire Safe Planning (Fiscal Impact: None) - APPROVED; AUTHORIZED DEPARTMENT TO EXECUTE NECESSARY DOCUMENTS

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*45) Request for authorization to apply for Assistance to Firefighters Grant Funding for purchase of Vehicle Exhaust Extraction Systems (Fiscal Impact: \$285,868; Fire Fund; Budgeted) - APPROVED; AUTHORIZED COUNTY ADMINISTRATIVE OFFICER TO SIGN ALL DOCUMENTS RELATED TO GRANT APPLICATION

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*46) Request to employ retired County employee, Robert Custer, as a Fire Captain, Range 62.7, 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 (Fiscal Impact: Approximately \$35,000; Fire Cost Reimbursement; Budgeted) - APPROVED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*47) Request to employ retired County employee, Ralph Tucker, as a Fire Engineer, Range 58.9, 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 (Fiscal Impact: Approximately \$31,000; Budgeted) - APPROVED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

HUMAN SERVICES

- \*48) Proposed form Agreement for Outstationing Child Protective Services Social Service Workers, from April 5, 2005 to June 30, 2007 (Fiscal Impact: None) - APPROVED; AUTHORIZED DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR DESIGNEE, TO SIGN AGREEMENT SUBJECT TO APPROVAL BY COUNTY COUNSEL

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*49) Proposed Agreement with Kern Child Abuse Prevention Council for oversight of child abuse cases, from April 5, 2005 through June 30, 2008, in an amount not to exceed \$6,000 annually (Fiscal Impact: \$6,000 annually - \$4,200 State; \$1,800 County; Budgeted; Discretionary) -

**WITHDRAWN**

KERN MEDICAL CENTER

- \*50) Acceptance of restricted donation from Kern Health Systems in the amount of \$1,194,212 with projected 2005 contract incentive distribution by Kern Health Systems in the amount of \$1,406,065, to cover balance of \$815,788 to purchase and install a Magnetic Resonance Imaging system costing \$2,010,000 (Fiscal Impact: \$1,194,212 Revenue to County; KMC Enterprise Fund; Not Budgeted; Mandated) - ACCEPTED DONATION; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*51) Proposed Agreement with California Nurses Bureau for temporary nurse staffing, from April 6, 2005 through April 5, 2007, in an amount not to exceed \$350,000 (Fiscal Impact: \$350,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 202-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

LIBRARY

- \*52) Request to temporarily close Beale Memorial Library on Monday, April 11, 2005 and Monday, April 25, 2005, for installation of new heating, ventilation, and air conditioning unit (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-126

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

MENTAL HEALTH SERVICES

- \*53) Proposed Amendment No. 1 to Agreement 312-2004 with Your Drug Store, Inc., for pharmacy prescription services to mentally ill clients residing in Kern County, to increase service levels and compensation from \$260,000 to an amount not to exceed \$375,300 (an increase of \$115,300) to meet greater than anticipated needs (Fiscal Impact: \$115,300; State Realignment; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 203-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*54) Proposed Amendment No. 1 to Agreement 874-2004 with College Community Services, Inc., for a full continuum of behavioral health and CalWORKs services for adult clients residing in Ridgecrest and surrounding areas, to add after hours crisis response services and increase compensation from \$475,305 to an amount not to exceed \$496,305, an increase of \$21,000 (Fiscal Impact: \$21,000; State Funds; Mandated; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 204-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*55) Proposed Amendment No. 1 to Agreement 880-2004 with College Community Services, Inc., for a full continuum of behavioral health and CalWORKs services for adult clients residing in Lake Isabella and surrounding areas, to add after hours crisis response services and increase compensation from \$481,835 to an amount not to exceed \$488,835 (an increase of \$7,000) (Fiscal Impact: \$7,000; State Funds; Mandated; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 205-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*56) Proposed Amendment No. 1 to Agreement 953-2004 with Community Activators, Inc., for training, professional development and consultation services for Department staff, to add requirements for "change management" training and facilitations services related to Proposition 63 the Mental Health Services Act (MHSA) program planning to identify priority needs, and increase compensation from \$27,000 to an amount not to exceed \$37,000 (an increase of \$10,000) (Fiscal Impact: \$10,000; State; Discretionary; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 206-2005

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

PARKS AND RECREATION DEPARTMENT

- \*57) Proposed Agreement with the City of California City for a grant award of \$37,522 of Off-Highway Vehicle (OHV) License Funds for recreation enhancement, from April 4, 2005 through September 30, 2005 (Fiscal Impact: \$37,522; OHV License Funds) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 207-2005; APPROVED CANCELLATION OF DESIGNATION IN THE OHV LICENSE FUNDS IN THE AMOUNT OF \$37,522; APPROVED AN OPERATING TRANSFER FROM THE OHV LICENSE FUND TO THE GENERAL FUND IN THE AMOUNT OF \$37,522; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$37,522 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$37,522 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 7100

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

PERSONNEL

- \*58) Classification of positions recommended by Civil Service Commission effective April 5, 2005 (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

SHERIFF

- \*59) Proposed Resolution authorizing Kern County Sheriff to give honorably retiring employees and volunteers with 20 or more years of service, their assigned badges and cap devices, and to allow honorably retiring employees and volunteers with less than 20 years service to purchase their assigned badges and cap devices in special recognition of their dedicated service to Kern County (Fiscal Impact: Negligible impact to the General Fund) - APPROVED; ADOPTED RESOLUTION 2005-127

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*60) Request to appropriate unanticipated revenue from the Rural Crime Grant for purchase of equipment and supplies for the Rural Crime Unit (Fiscal Impact: \$23,835; State Grant; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$23,835 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$23,835 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*61) Application to hold a parade - 5k & 10k Cinco De Mayo Marathon, on May 1, 2005 - Concern for Kern (No Fiscal Impact) - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*62) Application to hold a Parade - 57th Annual Glennville Round-up & parade on June 12, 2005, in Glennville, California (No Fiscal Impact) - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*63) Unusual travel request for Deputy Doug Ely to attend MD500E Recurrent Pilot Training in Mesa, Arizona, from April 24, 2005 to April 28, 2005, in an amount not to exceed \$4,216 (Fiscal Impact: \$4,216; Budgeted; Discretionary) - APPROVED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*64) Proposed addition of one (1) Sheriff's Detentions Lieutenant position and deletion of one (1) Sheriff's Commander position effective April 5, 2005 (Fiscal Impact: Savings of \$11,472) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

TREASURER-TAX COLLECTOR

- 65) Proposed addition of one (1) Programmer I to Budget Unit 1120, effective April 5, 2005 (Fiscal Impact: Fiscal Year 2004-2005, \$8,935; Fiscal Year 2005-2006, \$58,273) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE; REFERRED TO COUNTY ADMINISTRATIVE OFFICE TO REPORT BACK PRIOR TO BUDGET HEARINGS REGARDING CONTROLLED BUDGET GROWTH

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

- \*66) Pooled Cash Portfolio Analysis for Month Ended February 2005 (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- \*67) Independent Auditor's Report for Deferred Compensation Plans 1 and 2 Financial Statements for Years Ended June 30, 2003 and June 30, 2004 (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

RECESSED TO 2:00 P.M.

**Rubio**

/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, April 5, 2005

2:00 P.M.

BOARD RECONVENED

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

NOTE: THE CHAIRMAN ANNOUNCED THE ABSENCE OF SUPERVISOR PATRICK WHO IS REPRESENTING THE COUNTY IN WASHINGTON, D.C. TO SEEK CONTINUED FUNDING FOR THE CALIFORNIA OZONE STUDY

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

BOARD ACTION SHOWN IN CAPS

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

KERN SANITATION AUTHORITY

- 1) Report concerning the Kern Sanitation Authority - CONTINUED TO TUESDAY, APRIL 12, 2005, AT 2:00 P.M.

**Maben-Rubio: 4 Ayes; 1 Absent - Patrick**

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

**Maben-Rubio: 4 Ayes; 1 Absent - Patrick**

PUBLIC PRESENTATIONS

- 2) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!  
- JACK RADEMACHER HEARD REGARDING DETACHMENT FROM KERN-TULARE WATER DISTRICT

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]) - SUPERVISOR MABEN ANNOUNCED THAT THE MOJAVE HIGH SCHOOL ROBOTICS TEAM WON THE REGIONAL HIGH SCHOOL ROBOTICS COMPETITION AND WILL NOW COMPETE AT THE NATIONAL LEVEL IN ATLANTA.

SUPERVISOR MABEN ALSO ANNOUNCED THAT DESIGN NEWS MAGAZINE AWARDED JIM TEAGUE, OF MOJAVE'S SCALED COMPOSITES, WITH THE ENGINEER OF THE YEAR AWARD

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- 4) **Request from John Ohannesson by McIntosh and Associates to change the permitted uses from agriculture to 1/4-acre single-family residential on 19.55 acres located at the southwest corner of Renfro Road and Hageman Road, Bakersfield (SD #4)**

Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Code(s) RR to Map Code(s) SR or a more restrictive map code designation (SPA #56, Map #101)
- (b) A change in zone classification from A to E (1/4) or a more restrictive district (ZCC #143, Map #101)

(Negative Declaration; Published Bakersfield Californian) (from 3/15/2005) - OPENED HEARING; ROGER MCINTOSH, MCINTOSH AND ASSOCIATES; AND WILLIAM THRASHER, HEARD; CLOSED HEARING; ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-128 AND 2005-129 AND ENACTED ORDINANCE G-7214 APPROVING GENERAL PLAN AMENDMENT AND ZONE CHANGE AS REQUESTED, WITH THE ZONE CHANGE TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL SUBDIVISION MAP

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

- 5) **Request from Kenneth Kerr by B & L Anderson Consulting to change the permitted uses from agriculture to industrial and to exclude 40 acres from an Agricultural Preserve located on the south side of Taft Highway, 1/2 mile west of Enos Lane, southwest of Bakersfield (SD #4)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.3 to Map Code(s) 6.3 or a more restrictive map code designation (GPA #6, Map #140)
- (b) A change in zone classification from A to M-1 PD or a more restrictive district on 40 acres (ZCC #12, Map #140)
- (c) A Precise Development Plan for the conversion of two existing agricultural buildings into (1) a heavy/construction equipment sales/shop/warehouse building; and (2) a contractor's office/shop/warehouse building with associated storage yards (PD Plan #3, Map #140)

(Continued on Page 16)

(Continued from Page 15)

(d) Exclusion of 40 acres from the boundaries of an Agricultural Preserve (Ag Pres #10 - Excl) (Negative Declaration; Published Daily Midway Driller) (from 3/15/2005) - OPENED HEARING; BRUCE ANDERSON, B & L ANDERSON CONSULTING; KEN KERR, OWNER, K & L EQUIPMENT SALES; RANDY ABBOTT; BOB HAMPTON, REPRESENTING CHAIRMAN OF THE WESTSIDE ECONOMIC DEVELOPMENT COMPANY, LLC; KEN KNOST, FORMER MAYOR OF TAFT; CHARLES BEARD; MILTON DAVIS; DAVE LONG, WATSON REALTY, COMMERCIAL DIVISION; LONNIE STILLWELL; AND LEONE HARRISON, HEARD; CLOSED HEARING; ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-130, 2005-131 AND 2005-132 AND ENACTED ORDINANCE G-7215 APPROVING GENERAL PLAN AMENDMENT WITH A 6.3 MAP CODE, AND APPROVING THE ZONE CHANGE AND EXCLUSION AS REQUESTED; REFERRED PD PLAN BACK TO STAFF TO BE CONSIDERED AT A DIRECTOR'S HEARING

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

HEARINGS

RESOURCE MANAGEMENT AGENCY  
Planning Department

- 6) **Request from Crimson Resource Management (original applicant - Ron Burgess by B & L Anderson Consulting) to appeal the decision of the Hearing Officer to allow a third and fourth contractor's storage building on two separate parcels on 15 acres located on the north side of Snow Road, approximately 500 feet east of Allen Road, northwest Bakersfield (SD #1)**

Specific Request:

An appeal to the decision of the Hearing Officer to approve a Modification of Precise Development Plan 7, Map 101 (Notice of Decision 13-05; approved January 20, 2005) to allow a third and fourth contractor's storage building on two separate parcels for this precise development plan for the development of three separate contractor's storage yards in an NR (5) PD District (Appeal #14, Map #101) (Categorically Exempt, Section 15303; Published Bakersfield Californian) - OPENED HEARING; PAULINE LARWOOD, REPRESENTING CRIMSON RESOURCE MANAGEMENT; BRUCE ANDERSON, B & L ANDERSON CONSULTING; AND RON BURGESS, HEARD; CLOSED HEARING; CONTINUED TO TUESDAY, APRIL 26, 2005, AT 2:00 P.M.

**McQuiston-Maben: 4 Ayes; 1 Absent - Patrick**

- 7) **Request from Kern County Planning Department to change street names resulting from the construction of the Mojave Bypass, to rename portions of old State Route 58 as Business Route 58 North, the intersection of State Route 58 as Business Route 58 East and a portion of an unnamed road near the Randsburg Cutoff Road, to be named Cache Creek Boulevard, Mojave area (SD #2)**

Specific Request:

A change in street names related to the construction of the Mojave Bypass

(General Rule, Section 15061(b)(3); Published Mojave Desert News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-133 APPROVING STREET NAME CHANGES AS RECOMMENDED BY STAFF

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**



- \*8) **Request from Steve Hendrix by The Lusich Company to reduce the size of a sump access and drainage easement located on the north side of a cul-de-sac at west end of Henderson Avenue, east of Rudd Avenue, Rosedale (SD 4)**

Specific Request:

Nonsummary vacation of a sump access and drainage easement located within Lot 46 of Tract 6122 (101-27 3 098 - Streets and Highways)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - CONTINUED TO TUESDAY, APRIL 19, 2005, AT 2:00 P.M. AT REQUEST OF APPLICANT

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- 9) **Request from Probuilt Development by DeWalt Corporation to change the permitted uses from agriculture to commercial on 7.24 acres located on the southeast corner of Brimhall Road and Heath Road, Rosedale area (SD #4)**

Specific Request:

A change in zone classification from A to C-2 PD or a more restrictive district (ZCC #23, Map #101-34)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; ROBERT BALOW, DEWALT CORPORATION, REPRESENTING PROBUILT DEVELOPMENT, HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2005-134 AND ENACTED ORDINANCE G-7216 APPROVING THE MORE RESTRICTIVE C-1 PD (NEIGHBORHOOD COMMERCIAL - PRECISE DEVELOPMENT COMBINING) DISTRICT

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Streets & Highways

S.D. #1

- \*10) Request from Valerie Colb for a Summary Vacation of a 30-foot wide, 1,330-foot long, public access easement located along Jennifer Street, south of Walker Basin Road, approximately 11 miles northeast of Caliente, Map No. 107-14 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-135 APPROVING VACATION, EXCEPTING AND RESERVING AN EASEMENT FOR EXISTING UTILITIES

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

Land Use

S.D. #1

- \*11) Notice of Nonrenewal Petition No. 05-16 by Alan Scroggs, Elizabeth Scroggs, Jonathan J. Flora and Beverly A. Flora for 15.83 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #2

- \*12) Notice of Nonrenewal Petition No. 05-10 by Andrew and Julie Dahl, for 20.35 acres within Agricultural Preserve No. 18 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*13) Notice of Nonrenewal Petition No. 05-15 by Minaberri Family Trust for 37.69 acres within Agricultural Preserve No. 10 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*14) Proposed Williamson Act Land Use Contract No. 05-2 for 2006 Calendar Year with Diamond Farming Company by Delmarter and Deifel, south side of Herring Road, one mile east of Wheeler Ridge Road, southwest of Arvin, Agricultural Preserve No. 13, 124.89 acres (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DIRECTED CLERK OF THE BOARD TO RECORD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #4

- \*15) Notice of Nonrenewal Petition No. 05-4 by Erma Funk for approximately 77 acres within Agricultural Preserve No. 6 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*16) Notice of Nonrenewal Petition No. 05-11 by the Scharpenberg Marital Trust for approximately 150 acres within Agricultural Preserve No. 10 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #5

- \*17) Notice of Nonrenewal Petition No. 05-5 by Sikander Singh Jassar and Daljaetaet K. Jassar for 40.96 acres within Agricultural Preserve No. 13 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

Miscellaneous

All S.D.'s

- \*18) Proposed request to the Bureau of Land Management to make certain public lands available for public sale through the Federal Land Exchange Program (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-136

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

RESOURCE MANAGEMENT AGENCY

All S.D.'s

- \*19) Proposed Request for Proposal to develop Capital Improvement Plan and Potential Development Fee Impact Program for unincorporated Kern County - AUTHORIZED ISSUANCE  
**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

RESOURCE MANAGEMENT AGENCY  
Community and Economic Development Department

Hearing

All S.D.'s

- 20) Presentation by ICF Consulting regarding its proposed Final Report on the County of Kern Economic Development Strategy (Fiscal Impact: None) - HEARD PRESENTATION; OPENED HEARING; SHERYL BARBICH, BARBICH CONSULTING; LESLIE GOLICH, CHAIRMAN, KERN ECONOMIC DEVELOPMENT CORPORATION (KEDC) AND DIRECTOR OF HOSPITAL HEALTH PLAN OPERATIONS FOR KAISER PERMANENTE IN KERN COUNTY; STEPHEN TEGLIA, GOVERNMENTAL AFFAIRS MANAGER FOR THE GREATER BAKERSFIELD CHAMBER OF COMMERCE; JAY ROSENLIEB, MEMBER, BOARD OF DIRECTORS, KEDC; PATRICK COLLINS, KEDC; AND FRED DREW, COMMUNITY ACTION PARTNERSHIP OF KERN, HEARD; CLOSED HEARING; APPROVED FINAL REPORT AND PROPOSED ECONOMIC DEVELOPMENT STRATEGY

**Rubio-Maben: 4 Ayes; 1 Absent - Patrick**

S.D. #1

- \*21) Proposed Finding of No Significant Impact (FONSI), Mitigated Negative Declaration, and Request for Release of Funds (RROF) for McFarland Test Water Well Project, CD No. 16.04.1 (Fiscal Impact: \$215,450; Community Development Block Grant; Budgeted; Not Mandated) - APPROVED FONSI AND MITIGATED NEGATIVE DECLARATION; AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF DETERMINATION; AUTHORIZED CHAIRMAN TO SIGN RROF AND CERTIFICATION; AUTHORIZED DIRECTOR TO SUBMIT RROF AND CERTIFICATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #4

- \*22) Proposed Finding of No Significant Impact (FONSI), Mitigated Negative Declaration, and Request for Release of Fund (RROF) for Lost Hills Drainage and Street Improvements, CD No. 30.03.2 (Fiscal Impact: \$1,663,069; Community Development Block Grant; Partially Budgeted; Not Mandated) - APPROVED FONSI AND MITIGATED NEGATIVE DECLARATION; AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF DETERMINATION; AUTHORIZED CHAIRMAN TO SIGN RROF AND CERTIFICATION; AUTHORIZED DIRECTOR TO SUBMIT RROF AND CERTIFICATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

RESOURCE MANAGEMENT AGENCY  
Engineering and Survey Services

S.D. #1

- \*23) Proposed Agreement with Boyle Engineering Corporation for preparation of plans and specifications for construction of streetscape and lighting improvements to an area of downtown McFarland, in an amount not to exceed \$25,711 (Fiscal Impact: \$25,711; CEDD; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 208-2005

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*24) Introduction of Ordinance continuing in effect and fixing a sewer standby or availability charge in County Service Area No. 23, Shafter (Fiscal Impact: \$240; CSA; Budgeted) - WAIVED READING; INTRODUCED ORDINANCE

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*25) Introduction of Ordinance continuing in effect and fixing a sewer standby or availability charge in County Service Area No. 39, Kern Valley (Fiscal Impact: \$750; CSA; Budgeted) - WAIVED READING; INTRODUCED ORDINANCE

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #5

- \*26) Proposed Resolution authorizing the Director of Engineering & Survey Services to sign and submit grant application documents for the Rexland Acres Sewer System for Workforce Housing Reward Program (Fiscal Impact: \$707,000; Grant Funds) - APPROVED; ADOPTED RESOLUTION 2005-137; AUTHORIZED DIRECTOR TO SIGN GRANT APPLICATION

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

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

- \*27) Introduction of Ordinance continuing in effect and fixing a sewer standby or availability charge in County Service Area No. 71, west Bakersfield (Fiscal Impact \$103,560; CSA; Budgeted) - WAIVED READING; INTRODUCED ORDINANCE

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

All S.D.'s

- \*28) Request for approval of confirming Purchase Order with SA Camp for drainage pump repair, in the amount of \$10,806.57 (Fiscal Impact: \$10,806.57; Budgeted) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE PAYMENT

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D. #2

- \*29) Quitclaim Deed from Donald R. and Betty Jean Burgeis for approximately 15,093 square feet of right-of-way for the improvement of Red Apple Avenue (Fiscal Impact: None) - ACCEPTED DEED; DIRECTED CLERK OF THE BOARD TO RECORD

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*30) Proposed Right-of-Way Contract and Easement Deed from Barry Berman, D.D.S., for approximately 16,662 square feet of property for the improvement of Red Apple Avenue (Fiscal Impact: \$10,830; Road Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 209-2005; ACCEPTED EASEMENT DEED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE PAYMENT

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*31) Contract No. 05018, Plans, Specifications and Notice to Contractors for asphalt concrete (stockpile) at various locations in east Kern County, in an amount not to exceed \$240,000 (Fiscal Impact: \$240,000; 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, APRIL 27, 2005, AT 11:00 A.M.

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #3

- \*32) Contract No. 04014, Notice of Completion for construction on Olive Drive in Bakersfield (Fiscal Impact: \$1,110,000; Road Fund; Budgeted; Discretionary) - RECEIVED AND FILED

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #4

- 33) Proposed Emergency Contract with Granite Construction Company, in an amount not to exceed \$300,000, and related proposed plans and specifications, for emergency replacement of a canal culvert at Stine Road north of Belle Terrace in the Bakersfield area as authorized under Public Contract Code Sections 20134(a) and 22050 on the basis that the present deteriorated canal crossing and attendant risks to the traveling public will not permit the delay necessary to seek competitive bids (Fiscal impact: \$300,000; Road Fund; Not Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF CEQA, PER SECTIONS 15301(c) AND 15302; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; ADOPTED RESOLUTION 2005-138 APPROVING CONTRACT AND PLANS AND SPECIFICATIONS; AUTHORIZED ROADS COMMISSIONER TO SIGN SUBJECT TO APPROVAL AS TO FORM BY COUNTY COUNSEL

**Maben-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #5

- \*34) Report on traffic flows and potential stop signs at Pacheco Road and Sparks Street and at Bernard Street, west of Mt. Vernon Avenue and east of Haley Street, Bakersfield (Fiscal Impact: None) - RECEIVED AND FILED

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*35) Contract No. 05002, Notice of Completion for construction on Weedpatch Highway, Lamont (Fiscal Impact: \$46,320; Road Fund; Budgeted; Discretionary) - RECEIVED AND FILED

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*36) Proposed handicap parking zone on Tanner Street, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

All S.D.'s

- \*37) Contract No. 05017, Plans, Specifications and Notice to Contractors for asphalt concrete (stockpile) at various locations in Kern County, in an amount not to exceed \$875,000 (Fiscal Impact: \$875,000; Road Fund; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS CEQA, PER SECTION 15301(c) OF THE STATE CEQA GUIDELINES; 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, APRIL 27, 2005, AT 11:00 A.M.

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

WASTE MANAGEMENT

S.D. #1

- \*38) Request by Charles and Louise Weaver for exemption from the Land Use Fee and election to use the Bin Disposal Fee Payment Method for Assessor's Parcel No. 486-030-05-00-6 for the mobile home park located at 12072 Mountain Mesa Road, Lake Isabella (Fiscal Impact: \$1,028.84 Decrease; Solid Waste Enterprise Fund; Not Budgeted; Mandated) - APPROVED; AUTHORIZED PAYMENT OF BIN DISPOSAL FEES

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #2

- \*39) Request by Michael Auten for exemption from the Land Use Fee and election to use the Bin Disposal Fee Payment Method for Assessor's Parcel No. 231-070-03-00-4 for the mobile home park located at 26601 Prospect Avenue, Boron (Fiscal Impact: \$1,156.68 Decrease; Solid Waste Enterprise Fund; Not Budgeted; Mandated) - APPROVED; AUTHORIZED PAYMENT OF BIN DISPOSAL FEES

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*40) Proposed Agreement with The Stonybrook Corporation concerning remediation and maintenance services at the Keene Burn Dump (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 210-2005

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

COUNTY ADMINISTRATIVE OFFICE

- \*41) Request for authorization to apply for Fiscal Year 2005 State Homeland Security Grant from the California Office of Homeland Security in the amount of \$2,085,263 (Fiscal Impact: \$2,085,263 State Grant; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-139 AUTHORIZING APPLICATION AND COUNTY ADMINISTRATIVE OFFICER OR ASSISTANT COUNTY ADMINISTRATIVE OFFICER TO SIGN DOCUMENTS AS NECESSARY; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO REIMBURSE CITY OF BAKERSFIELD IN AN AMOUNT NOT TO EXCEED \$221,000 FOR METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS) PROGRAM

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*42) Proposed establishment of Mental Health Services Fund pursuant to Proposition 63, Mental Health Services Act (Fiscal Impact: None; Mandated) - APPROVED; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK TO ESTABLISH INTEREST-BEARING MENTAL HEALTH SERVICES FUND

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

Legislative Matters

- \*43) SB 539 (Ashburn): Withholding CalWORKs child care provider payments pending criminal record search (Fiscal Impact: None) - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN APPROPRIATE CORRESPONDENCE

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*44) AB 31 (Parra): San Joaquin Valley Interagency Task Force (Fiscal Impact: None) - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN APPROPRIATE CORRESPONDENCE

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*45) SB 453 (Poochigian): Restoring Central Valley Rural Crime Prevention Program (Fiscal Impact: None) - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN APPROPRIATE CORRESPONDENCE

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #1

- \*46) Proposed Bill of Sale and Deed from the California Water Service Company regarding easements and pipeline installations that benefit the Kern County Soccer Fields and Hart Park near Alfred Harrell Highway (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; ACCEPTED BILL OF SALE AND DEED; AUTHORIZED CHAIRMAN TO SIGN

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*47) Proposed Agreement for Lease with Kernville Union School District for office space at 6401 Lake Isabella Boulevard, Lake Isabella, for School District's Healthy Start Program, Family Resource Center, for a term of five (5) years (District to pay electricity but no rent) (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 211-2005

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*48) Change Order No. 3 for the Communications Towers & Site Improvements Phase III, an increase of \$5,285.30, for a new total of \$291,623 (8235.8361A) (Fiscal Impact: \$5,285.30; Tobacco Secured Proceeds; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*49) Change Order No. 1 for the Shafter Veteran's Hall Remodel, an increase of \$12,070.20, for a new total of \$132,772.20 (8920.18032) (Fiscal Impact: \$12,070.20; Community & Economic Development Department; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #2

- 50) Plans and Specifications for the Mojave Pre-Engineered Pedestrian Walkway (1960.8119)(Fiscal Impact: \$580,000; Capital Projects; Budgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE THURSDAY MAY 5, 2005, AT 11:00 A.M.; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$180,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATION FOR CONTINGENCIES TO THE CAPITAL PROJECTS BUDGET UNIT 1960 IN THE AMOUNT OF \$180,000

**Maben-McQuiston: 4 Ayes; 1 Absent - Patrick**

S.D. #4

- \*51) Request to set hearing for granting of pipeline franchise to Inergy Propane, LLC, d/b/a Inergy Services (Fiscal Impact: \$1,200 One-Time Application Fee and \$72 Annually) - ADOPTED RESOLUTION 2005-140 SETTING HEARING FOR TUESDAY, MAY 10, 2005, AT 2:00 P.M.; DIRECTED CLERK OF BOARD TO PUBLISH NOTICE

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

S.D. #5

- \*52) Plans and Specifications for Belle Terrace Park Picnic Shelter Replacement (8920.07042) (Fiscal Impact: \$127,600; Community Development Block Grant; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED PURCHASING AGENT TO SOLICIT BIDS

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**



- \*53) Plans and Specifications for the Public Services Building Reroof, in an amount not to exceed \$750,000 (1650.7027) (Fiscal Impact: \$750,000; General Fund; Budgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE THURSDAY, MAY 5, 2005, AT 2:00 P.M.

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

All S.D.'s

- \*54) Proposed addition of one (1) Mail Clerk II position and deletion of one (1) Mail Clerk I position in the Mail Services Division, effective immediately (Fiscal Impact: \$2,167 Annually; Not Budgeted) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*55) Proposed Agreement with City of Bakersfield, Pacific Gas and Electric Company, Southern California Edison Company and Southern California Gas Company to implement the Bakersfield & Kern County Energy Watch Program to provide energy savings measures for municipal, residential, and commercial buildings (Fiscal Impact: \$500,000 Revenue; Budgeted; \$2.75 Million Total Benefit) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 212-2005

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*56) Report on referral regarding potential inclusion of "services" in County's current Local Vendor Preference Program - RECEIVED AND FILED

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

CONSIDERATION OF ORDINANCES INTRODUCED MARCH 15, 2005

- \*57) Proposed Ordinance amending Section 2.38.110, Chapter 2.38, Title 2, of the Kern County Ordinance Code increasing the amount Purchasing Agent may approve without bidding - ENACTED ORDINANCE G-7217

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*58) Proposed Ordinance adding Subsection (189) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code, concerning a no stopping zone along the west side of South Union Avenue - ENACTED ORDINANCE G-7218

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*59) Proposed Ordinance adding Subsection (188) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code, concerning a no stopping zone along the east side of Landco Drive - ENACTED ORDINANCE G-7219

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*60) Proposed Ordinance adding Subsection (3) to Section 10.16.045 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning a no stopping zone along the south side of Kernville Road - ENACTED ORDINANCE G-7220

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*61) Proposed Ordinance adding Subsections (183), (184) and (187) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code, concerning no stopping zones along the west side of South Union Avenue - ENACTED ORDINANCE G-7221

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*62) Proposed Ordinance adding Subsections (51) and (52) to Section 10.16.160 of Chapter 10.16, Title 10, of the Kern County Ordinance Code, concerning bus loading and unloading zones along the west side of South Union Avenue - ENACTED ORDINANCE G-7222

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

MATTERS FOR EXECUTIVE APPROVAL

- \*63) Budget Transfers - APPROVED NO. 127 THROUGH NO. 137

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*64) Minutes for week of February 21, 2005 - APPROVED

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*65) Miscellaneous Letters and Documents - APPROVED

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*66) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

- \*67) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

**McQuiston-Rubio: 4 Ayes; 1 Absent - Patrick**

ADJOURNED TO MONDAY, APRIL 11, 2005, AT 2:00 P.M. AT KERN MEDICAL CENTER

**McQuiston**

/s/ Tracey E. Cody  
Administrative Coordinator

/s/ Ray Watson  
Chairman, Board of Supervisors

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

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

65) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Response to Grand Jury Report re County Contract Procedures (Copies to each Supervisor and CAO)

Board of Supervisors

- B) Memorandum from Supervisor Rubio re proposed Kern County Nurses Reinvestment Act of 2005 (Copies to each Supervisor, CAO, Kern Medical Center and County Counsel)
- C) Memorandum from Supervisor Rubio re proposed restaurant letter grading system (Copies to each Supervisor, CAO and County Counsel)
- D) Memorandum from Supervisor Rubio re proposed revocation of OB/Gyn contracts at Kern Medical Center (Copies to each Supervisor, CAO, Kern Medical Center, Auditor-Controller-County Clerk and County Counsel)
- E) Memorandum from Supervisor Rubio re legal requirements of the Brown Act (Copies to each Supervisor, CAO, Auditor-Controller-County Clerk, Kern Medical Center and County Counsel)

Clerk of the Board

- F) Letter from Kay F. Madden re resignation of Peter Lomely from the Civil Service Commission (Copies to each Supervisor and CAO)

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

- |                               |         |
|-------------------------------|---------|
| 1) Tract Map 5987, Phase B    | S.D. #1 |
| 2) Tract Map 5998             | S.D. #1 |
| 3) Tract Map 6056, Phase 2    | S.D. #3 |
| 4) Tract Map 6056, Phase 5    | S.D. #3 |
| 5) Tract Map 6061, Phase 3    | S.D. #4 |
| 6) Tract Map 6095, Phase 4    | S.D. #2 |
| 7) Tract Map 6144, Phase 1    | S.D. #4 |
| 8) Tract Map 6149, Phase 3    | S.D. #1 |
| 9) Tract Map 6156, Unit 5     | S.D. #4 |
| 10) Tract Map 6165, Unit 1    | S.D. #2 |
| 11) Tract Map 6169, Unit 8    | S.D. #4 |
| 12) Tract Map 6179            | S.D. #1 |
| 13) Tract Map 6230, Unit 1    | S.D. #4 |
| 14) Tract Map 6234, Unit 1    | S.D. #4 |
| 15) Tract Map 6234, Unit 3    | S.D. #4 |
| 16) Tract Map 6234, Unit 4    | S.D. #4 |
| 17) Parcel Map 11119, Phase 1 | S.D. #4 |

Environmental Health

- H) Five (5) thank you letters for donations to the Bakersfield Animal Care Center and Mojave Shelter (Copies to each Supervisor and CAO)

Grand Jury

- I) 2004-2005 Final Report re Kern County Sheriff's Department Central Receiving Facility (Copies to each Supervisor, CAO and Sheriff)
- J) 2004-2005 Final Report re Kern County Sheriff's Department K-9 Unit (Copies to each Supervisor, CAO and Sheriff)
- K) 2004-2005 Final Report re Kern County Probation Department Victim-Witness Program (Copies to each Supervisor, CAO and Probation)
- L) 2004-2005 Final Report re Kern County Emergency Management Services (Copies to each Supervisor, CAO and Fire)
- M) 2004-2005 Final Report re Kern County Sheriff's Department Property Room (Copies to each Supervisor, CAO and Sheriff)

Local Agency Formation Commission

- N) Letter from Virginia Gennaro, City of Bakersfield, re Allen Road No. 11, Annexation No. 461, LAFCO Proceeding No. 1405 (Copies to each Supervisor and CAO)
- O) Letter from Virginia Gennaro, City of Bakersfield, re Brimhall No. 10, Annexation No. 469, LAFCO Proceeding No. 1406 (Copies to each Supervisor and CAO)
- P) Letter from Virginia Gennaro, City of Bakersfield, re Stine No. 12, Annexation No. 470, LAFCO Proceeding No. 1409 (Copies to each Supervisor and CAO)
- Q) Letter from Virginia Gennaro, City of Bakersfield, re Calloway No. 10, Annexation No. 472, LAFCO Proceeding No. 1407 (Copies to each Supervisor and CAO)
- R) Letter from Virginia Gennaro, City of Bakersfield, re Hosking Avenue No. 8, Annexation No. 476, LAFCO Proceeding No. 1408 (Copies to each Supervisor and CAO)
- S) Letter from Virginia Gennaro, City of Bakersfield, re Ashe No. 3, Annexation No. 477, LAFCO Proceeding No. 1410 (Copies to each Supervisor and CAO)
- T) Letter from Virginia Gennaro, City of Bakersfield, re Panama No. 14, Annexation No. 440, LAFCO Proceeding No. 1403 (Copies to each Supervisor and CAO)
- U) Letter from Virginia Gennaro, City of Bakersfield, re Allen Road No. 12, Annexation No. 471, LAFCO Proceeding No. 1412 (Copies to each Supervisor and CAO)
- V) Letter from Virginia Gennaro, City of Bakersfield, re McKee Road No. 4, Annexation No. 1414 (Copies to each Supervisor and CAO)

- W) Letter from Virginia Gennaro, City of Bakersfield, re Panama No. 15, Annexation No. 479, LAFCO Proceeding No. 1415 (Copies to each Supervisor and CAO)
- X) Report and Recommendation, Proceeding No. 1398, in the matter of City of Tehachapi, Annexation No. 77 (Copies to each Supervisor and CAO)
- Y) Report and Recommendation, Proceeding No. 1397, in the matter of Greenfield County Water District, Annexation No. 36 (Copies to each Supervisor and CAO)
- Z) Report and Recommendation, Proceeding No. 1399, in the matter of City of Delano, Annexation No. 41 (Copies to each Supervisor and CAO)

Planning

- AA) Letter to Lois Watson, League of Women Voters, re Conditional Use Permit approval of the SYNAGRO Organic Waste Recycling Facility (Copies to each Supervisor, CAO and County Counsel)
- BB) Letter to Senator Dean Florez re status of the SYNAGRO Organic Waste Recycling Facility Conditional Use Permit (Copies to each Supervisor, CAO and County Counsel)

Roads

- CC) Received, prepared Consent to Recordation and transmitted to Recorder for recordation an Irrevocable Offer of Dedication from National Farm Workers Service Center, Inc., for additional right-of-way on Washington Street for Conditional Use Permit No. 36, Map No. 103-33
- DD) Received, prepared Certificate of Acceptance and transmitted to Recorder for recordation an Easement Deed from North of the River Municipal Water District for additional right-of-way for improvement of Seventh Standard Road

Sheriff

- EE) Response to 2004-2005 Grand Jury Final Report re the Kern County Sheriff's Department Property Room (Copies to each Supervisor and CAO)
- FF) Thank you letter to Paul Benz, Benz Sanitation, for donation to Off Highway Enforcement Team

Miscellaneous

- GG) Letter from James M. Beck, Kern County Water Agency, re review of Requests for Proposals to relocate existing biosolids land application sites to a relocation zone (Copies to each Supervisor, CAO, Resource Management Agency, Environmental Health and County Counsel)
- HH) Letter from Nancy E. Hayward, State Department of Health Services, re Emergency Medical Services Appropriation (EMSA) standard agreement for Fiscal Year 2004-2005 (Copies to each Supervisor, CAO, Kern Medical Center and Auditor-Controller-County Clerk)

- II) Letter from Gary Gilbert, Madera County Board of Supervisors, re support of Assembly Bill 183 to authorize the creation of a correctional conservation camp within one of the two female prisons located in Madera County (Copies to each Supervisor and CAO)
  
- JJ) Letter from Cris K. O'Neill, Rodi-Pollock, re West Side Health Care District, Parcel Tax Resolution 05-1 (Copies to each Supervisor and CAO)
  
- KK) Letter from Glenn R. Medina, State Department of Transportation, re CTC Resolution No. R3595 for relinquishment of collateral facilities on State Route 14 near Mojave, recorded on February 8, 2005, Document No. 0205031544 (Copies to each Supervisor, CAO, Roads and Planning)
  
- LL) Letter from Richard L. Haberman, State Department of Health Services, to Edgemont Acres Mutual Water Company, re analytical results of water quality samples collected (Copies to each Supervisor, CAO, Public Health and Environmental Health)
  
- MM) Letter from Elaine Thompson, Verizon Wireless, re cell site at Haley Street and Highway 178, APN 126-192-01 (Copies to Planning and County Counsel)
  
- NN) Letter from Robert Roman re obtaining a permit to place a mobile home behind a present mobile home, Bakersfield area (Copies to each Supervisor, CAO and Planning)
  
- OO) E-mail from Larry Hogan in opposition to proposed Troesh Gravel Pit, Cuyama area (Copies to each Supervisor and CAO)
  
- PP) Memorandum from Sissy Smith, San Joaquin Valley Air Pollution Control District, re Citizens Advisory Committee (CAC) Attendance Record (Copies to each Supervisor, CAO and City Selection Committee)
  
- QQ) Memorandum from Alan Tandy, City of Bakersfield, re past and current comments from City staff on subject of a joint Planning Commission (Copies to each Supervisor, CAO, Planning and County Counsel)
  
- RR) Notice from State Department of Alcoholic Beverage Control re applications for Alcoholic Beverage Licenses: El Tejon Mini Mart, 1019 El Tejon Avenue, Bakersfield; Inyokern Chevron, 6260 Highway 178, Inyokern; Sirloin's Pub & Grill, 8105 Kern Canyon Road, Suite D, Bakersfield; Family Market, 2100 River Boulevard, Bakersfield; and Rustler's Enterprize LLC, 27725 Stallion Springs Dr., Tehachapi (Copies to each Supervisor, CAO and Planning)
  
- SS) Notice from State Water Resources Control Board requesting changes, corrections or extensions of time in water right permits and licenses (Copies to each Supervisor and CAO)

- TT) Fact Sheet from State Department of Toxic Substances Control, re removal of soil and ash at the former Osage Industries, 60th Street West, 1-1/2 miles north of Rosamond Boulevard, Rosamond (Copies to each Supervisor, CAO, Environmental Health, Planning and County Counsel)
- UU) News release from U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) re declaration of Kern, Orange, Riverside, San Bernardino, San Diego and Santa Barbara Counties as disaster areas from the February winter storms (Copies to each Supervisor, CAO, Emergency Services, Fire and County Counsel)
- VV) Agenda of meeting from State Fish and Game Commission on Thursday, March 17, 2005 (Copies to each Supervisor and CAO)
- WW) Agenda of meeting from Kern County Child Care Council on Wednesday, April 6, 2005
- XX) Minutes of meeting from Kern County Child Care Council on Wednesday, March 2, 2005
- 66) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Resolution No. 05-1 from the West Side Health Care District Board of Directors, re special election to be held on Tuesday, June 7, 2005, re levying a special tax upon each developed parcel in the District and establishing the specifications of the election order - REFERRED TO ELECTIONS
- B) E-mail from Dan Zimmerman re animal control services in Mojave - REFERRED TO ANIMAL CONTROL (Copies to each Supervisor, CAO and Environmental Health)
- 67) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Manuel Alcala Farias vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Doreen Rae Spears vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Rosemary Sanchez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Sherry Carr vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Cheryl Lee vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of Stephen Ballew vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of Juan Andres Ruiz vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)



- H) Claim in the matter of David Whitaker vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- I) Claim in the matter of Daniel Ellis vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- J) Claim in the matter of Tina Jones on behalf of Harzet Lonnel James, Jr., a Minor vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- K) Claim in the matter of Karla Littlejohn vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- L) Claim in the matter of Martha Cantrell vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- M) Claim in the matter of Devin Roberson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- N) Claim in the matter of Gilbert Tarr vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- O) Claim in the matter of Holly Jones vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- P) Claim in the matter of Shawn Dodd vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- Q) Claim in the matter of Scott Thompson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- R) Claim in the matter of Maria P. Garza vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- S) Claim in the matter of Donald Wayne Lee and Kyla Yvette Lee vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- T) Late claim in the matter of Serenity Barboza, a Minor, by and through her Guardian ad litem, Sandra Castro vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- U) Late claim in the matter of Annette Barker vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- V) Summons and complaint in the matter of Moises Medina, a Minor, by and through his Guardian ad litem, Elena Duque; Elena Duque; and Moises Medina, Sr. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- W) Summons and complaint in the matter of Sylvia Calzada, Jorge Garcia, Eduardo Calzada (deceased), by and through his personal representative, Sylvia Calzada vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- X) Summons and complaint in the matter of Joyce Dishman, Daniel Kenneth Williams, Danny Williams, Kathy Amurmarutani and Joshua Epps vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  
- Y) Discrimination complaint in the matter of Sheryl Adams vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)