

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

KERN MEDICAL CENTER
1830 Flower Street
Bakersfield, California

Regular Meeting
Monday, May 9, 2005

2:00 P.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

NOTE: CHAIRMAN WATSON ANNOUNCED SUPERVISOR MCQUISTON WILL BE ABSENT FROM TODAY'S MEETING

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

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

BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

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

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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

DEPARTMENTAL REQUESTS

KERN MEDICAL CENTER

- 3) Update report regarding Kern Medical Center's financial condition (Fiscal Impact: None) - RECEIVED AND FILED
Patrick-Maben: 4 Ayes; 1 Absent - McQuiston
- 4) Report regarding findings and recommendations from Macias Consulting Group, Inc. (Fiscal Impact: None) - RECEIVED AND FILED
Patrick-Maben: 4 Ayes; 1 Absent - McQuiston
- 5) Proposed implementation measures in response to referral regarding findings and recommendations from Macias Consulting Group, Inc. (Fiscal Impact: Fiscal Year 2005-2006 \$198,500; Discretionary) - REFERRED TO COUNTY ADMINISTRATIVE OFFICE FOR REPORT BACK TO THE BOARD ON MONDAY, JUNE 13, 2005 AT 2:00 P.M.
Rubio-Maben: 4 Ayes; 1 Absent - McQuiston
- 6) Proposed Resolution revising and updating uniform standards and procedures for determination of ability to pay and collection of payments for services rendered through Kern Medical Center (Continued from April 11, 2005) (Fiscal Impact: Unknown) - CONTINUED TO MONDAY, JUNE 13, 2005 AT 2:00 P.M.
Patrick-Rubio: 4 Ayes; 1 Absent - McQuiston
- 7) Monthly report from CAO regarding Kern Medical Center's General Fund loan (Fiscal Impact: None) - RECEIVED AND FILED
Rubio-Maben: 4 Ayes; 1 Absent - McQuiston
- *8) Proposed approval of unanticipated revenue, transfer of funds to contingency and transfer of funds to Kern Medical Center Enterprise Fund to be used for the purchase and installation of a Magnetic Resonance Imaging (MRI) System (Fiscal Impact: \$1,194,212 revenue to County) - APPROVED APPROPRIATION IN THE AMOUNT OF \$1,194,212 IN UNANTICIPATED REVENUE TO KMC ENTERPRISE FUND; APPROVED \$1,194,212 INCREASE IN APPROPRIATIONS FOR CONTINGENCIES WITH KMC OPERATING BUDGET; APPROVED TRANSFER IN THE AMOUNT OF \$1,194,212 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 8997
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston
- *9) Proposed Amendment No. 1 to Graduate Medical Education Agreement for graduate medical education students enrolled in approved physician residency-training programs at KMC to provide for an hourly stipend for in-house call coverage (Fiscal Impact: \$33,000 Estimated; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER OF KMC TO SIGN INDIVIDUAL AMENDMENTS WITH RESIDENT PHYSICIANS SELECTED TO PROVIDE IN-HOUSE CALL COVERAGE
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *10) Proposed retroactive Amendment No. 1 to Agreement 137-2004 with Mansukh R. Ghadiya, M.D., a contract employee, for professional medical services, increasing annual compensation by \$40,930 to \$599,158 over the remainder of the term effective May 14, 2005 through March 19, 2009, establishing a cap on total core physician compensation, clarifying malpractice liability and indemnity coverage, and reflecting the KMC Faculty Practice Plan requirement that all core physicians participate in a practice group (Fiscal Impact: \$40,963; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 267-2005

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *11) Proposed Agreement with Golden Empire Transit District, an independent contractor, for transportation services to participants of ElderLife Adult Day Health Care program, from July 1, 2005 through June 30, 2008, in an amount not to exceed \$177,000 (Fiscal Impact: \$177,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 268-2005

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *12) Proposed Amendment No. 2 to Agreement 865-2002 with Mansoor Gilani, D.D.S., an independent contractor, for dental services to adult inmates in county-owned and operated detention facilities, extending the term for one year through May 31, 2006, and increasing the contractual not to exceed amount by \$90,000, from \$270,000 to \$360,000 (Fiscal Impact: \$90,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 269-2005

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- 13) Proposed Agreement for Services (Practice Group) with Comprehensive Pediatric & Family Practice Medical Group, Inc., for pediatric and family medicine professional medical services through the Department of Family Practice, from May 9, 2005 through May 8, 2010 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 270-2005

Rubio-Patrick: 4 Ayes; 1 Absent - McQuiston

- 14) Proposed Agreement with Irwin E. Harris, M.D., a contract employee, for services as chief medical officer, from May 14, 2005 through May 13, 2010, in an amount not to exceed \$1,232,225 (Fiscal Impact: \$1,232,225; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 271-2005

Rubio-Patrick: 4 Ayes; 1 Absent - McQuiston

ADJOURNED TO TUESDAY, MAY 10, 2005 AT 9:00 A.M.

Rubio

/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, May 10, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Rubio

NOTE: CHAIRMAN WATSON ANNOUNCED SUPERVISOR MCQUISTON IS
RECOVERING AT HOME FOLLOWING A BRIEF ILLNESS

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

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming May 2005 as National Community
Action Month in Kern County - PROCLAIMED; MADE PRESENTATION
TO FRED DREW, EXECUTIVE DIRECTOR, COMMUNITY ACTION
PARTNERSHIP OF KERN; FRED DREW AND CHARLIE RODRIGUEZ,
PRESIDENT, COMMUNITY ACTION PARTNERSHIP OF KERN BOARD OF
DIRECTORS, HEARD; BOARD MEMBERS AND STAFF PRESENT WERE
INTRODUCED

Rubio-Maben: 4 Ayes; 1 Absent - McQuiston

- 2) Proclamation proclaiming May 9 - 13, 2005 as Wildfire
Awareness Week in Kern County - PROCLAIMED; MADE
PRESENTATION TO KEN STEVENS, KERN COUNTY FIRE DEPARTMENT;
MARCINE HUGHES, KERN RIVER VALLEY FIRE SAFE COUNCIL; JOE
FONTAINE, TEHACHAPI FIRE SAFE COUNCIL; MATT MONTAS, MT.
PINOS FIRE SAFE COUNCIL; DEBBIE SANTIAGO, BUREAU OF LAND
MANAGEMENT; AND KEN STEVENS HEARD

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- 3) Proclaim May 15 - 21, 2005 as Emergency Medical Services Week in Kern County, in conjunction with National Emergency Medical Services Week (Fiscal Impact: None) - PROCLAIMED; MADE PRESENTATION TO ROSS ELLIOTT, DIRECTOR, EMERGENCY MEDICAL SERVICES; ROSS ELLIOTT HEARD; EMERGENCY MEDICAL SERVICES AWARDS WERE PRESENTED TO: MICHAEL HILL, EMT-1, CHINA LAKE NAVAL WEAPONS CENTER, EMERGENCY MEDICAL TECHNICIAN OF THE YEAR; MICHAEL HILL HEARD; JILL PETERSON, EMT-P, DELANO AMBULANCE SERVICE, PARAMEDIC OF THE YEAR; JILL PETERSON HEARD; TANYA BIRD, FLIGHT NURSE, HALL AIR AMBULANCE SERVICE, EMERGENCY CARE NURSE OF THE YEAR; TANYA BIRD HEARD; KATIE HUTCHINS, EMERGENCY MEDICAL DISPATCHER, KERN COUNTY FIRE DEPARTMENT/EMERGENCY COMMUNICATIONS CENTER, EMERGENCY MEDICAL DISPATCHER OF THE YEAR; KATIE HUTCHINS HEARD; PATSY CARPENTER ON BEHALF OF FRANK SUBRIAR, OWNER/FOUNDER DELANO AMBULANCE SERVICE, LIFETIME ACHIEVEMENT IN EMERGENCY MEDICAL SERVICES; PATSY CARPENTER HEARD

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

PUBLIC REQUESTS

- 4) Request of Milton M. Younger, President, Bakersfield Symphony Orchestra Board, to address the Board regarding a contribution to the Bakersfield Symphony Orchestra - MILTON YOUNGER HEARD; REFERRED TO FISCAL YEAR 2005-2006 BUDGET FILE

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- 5) Request of Steven L. Baer to address the Board regarding retirement reciprocity upon separation from Kern County public service -

WITHDRAWN

PUBLIC PRESENTATIONS

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BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 7) Standard 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 WATSON DISCUSSED CORRESPONDENCE HE SENT TO THE FRESNO CITY COUNCIL REGARDING THEIR CONSIDERATION OF TRANSPORTING BIOSOLIDS FOR LAND APPLICATION IN KERN COUNTY, URGING THEM TO POSTPONE ANY DECISION AT THIS TIME

HE FURTHER DISCUSSED CORRESPONDENCE HE RECEIVED FROM THE ORANGE COUNTY SANITATION DISTRICT AND STATE SENATOR DEAN FLOREZ REGARDING APPLICATION OF BIOSOLIDS IN KERN COUNTY

DEPARTMENTAL REQUESTS

AIRPORTS

- *8) Identify apparent low bid from Griffith Company for Meadows Field Runway Extension 30L/12R and Parallel Taxiway in an amount not to exceed \$6,738,824 (Contract 05009) (Fiscal Impact: \$6,738,824; Airports Budget; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASED ALL OTHER BID GUARANTEES

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

AUDITOR-CONTROLLER-COUNTY CLERK

- *9) Appointment in-lieu of election to the Board of Retirement of Howard Eddy as Safety Alternate (Fiscal Impact: None) - MADE APPOINTMENT IN-LIEU OF ELECTION

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

BOARD OF SUPERVISORS

- *10) Request from First District Supervisor Jon McQuiston for Board support of Senate Joint Resolution (SJR) 1 (Ashburn), which urges the President and the Congress to support establishment of Naval Air Station (NAS) Lemoore Military Operating Area for joint use by aircraft from both NAS Lemoore and the California Air National Guard, and requests the Federal Aviation Administration to approve the Lemoore Military Operating Area (MOA) as soon as possible - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN APPROPRIATE CORRESPONDENCE

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- *11) Request from First District Supervisor Jon McQuiston to adopt Resolution in opposition to proposal by the Los Angeles Department of Water and Power (LADWP) to close Haiwee Reservoir in Inyo County to public access - APPROVED; ADOPTED RESOLUTION 2005-185

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

COUNTY COUNSEL

- *12) Proposed establishment of a County Hearing Officer (Fiscal Impact: None) - CONTINUED TO TUESDAY, JUNE 14, 2005, AT 9:00 A.M.

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- *13) Request of the Library 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

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- 14) Report on Options for Regulation of Land Application of Biosolids (from February 15, 2005 and April 5, 2005) (Fiscal Impact \$750,000; Not Budgeted; Discretionary) - ARTHUR UNGER, KERN KAWEAH CHAPTER, SIERRA CLUB; JIM BECK, GENERAL MANAGER, KERN COUNTY WATER AGENCY; AND SHAEN MAGAN HEARD; RECEIVED AND FILED REPORT; REFERRED TO RESOURCE MANAGEMENT AGENCY TO PREPARE ENVIRONMENTAL IMPACT REPORT (EIR) AS REQUIRED BY THE 5TH DISTRICT COURT OF APPEAL IN COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY ET AL. V. KERN COUNTY WITH RESPECT TO THE CURRENT COUNTY ORDINANCE; PROVIDED DIRECTION TO STAFF ON THE PREPARATION OF ANY FURTHER ORDINANCE REVISIONS TO BE INCLUDED IN THE ALTERNATIVES STUDIED BY THE EIR INCLUDING A TOTAL BAN ON THE LAND APPLICATION OF BIOSOLIDS IN THE UNINCORPORATED AREA OF THE COUNTY, AND A REVIEW OF ALL MATERIALS CONTAINING BIOSOLIDS (COMPOSTED SLUDGE)

Rubio-Maben: 4 Ayes; 1 Absent - McQuiston

DISTRICT ATTORNEY

- *15) Proposed Federal Equitable Sharing Agreement, for participation in Federal programs for the use of forfeited cash, property and other items, from May 10, 2005 through September 30, 2008 (Fiscal Impact: Unknown; Not Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 272-2005

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

EMERGENCY MEDICAL SERVICES

- 16) Acceptance of donation from Cardiac Science, Inc., for automatic external defibrillator (Fiscal Impact: None) - MATTHEW BAKER, CARDIAC SCIENCE, INC., HEARD; ACCEPTED DONATION; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *17) Appropriation of unanticipated revenue in the amount of \$13,000 to support EMS Week activities (Fiscal Impact: \$13,000; private fund raising; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$13,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$13,000 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 4200

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

FIRE DEPARTMENT

- *18) Request to accept funding from Kern County Air Pollution Control District (APCD) to replace high pollution vehicle with a hybrid vehicle (Fiscal Impact: \$29,375; Fire Fund; Not Budgeted; Discretionary) - APPROVED; ACCEPTED FUNDING; AUTHORIZED CHAIRMAN TO EXECUTE AGREEMENT 273-2005; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$29,375 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$29,375 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2415

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

HUMAN SERVICES

- *19) Request to employ retired County employee, Lupe Ramirez, as Human Services Technician IV, Range 48.9, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater in the 12-month period following date of employment (Fiscal Impact: \$18,188 Federal/State; Budgeted; Mandated) - APPROVED

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- *20) Request for procurement of SafeMeasures Reporting Service for child welfare case management, from June 1, 2005 to May 31, 2007, in an amount not to exceed \$114,750 (Fiscal Impact: \$114,750; \$57,375 Federal; \$40,162.50 State; \$17,212.50 County; Budgeted; Mandated) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

LIBRARY

- *21) Request to appropriate unanticipated revenue from donations for the new Tehachapi Branch Library (Fiscal Impact: \$45,863; Donations; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$45,863 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$45,863 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 6210

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

MENTAL HEALTH SERVICES

- *22) Proposed Amendment No. 1 to Agreement 438-2004 with Community Services Organization, Behavioral Health Programs, for substance abuse outpatient drug free treatment services to County substance abuse clients residing in the Lamont/Arvin areas, to update contractor's corporate address (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 274-2005

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- *23) Proposed Amendment No. 1 to Agreement 439-2004 with Community Services Organization, Behavioral Health Programs, for mental health services including CalWORKs services to clients residing in the Lamont/Arvin areas to update contractor's corporate address (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 275-2005

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- *24) Proposed Amendment No. 1 to Agreement 781-2004 with Community Services Organization, Behavioral Health Programs, for substance abuse outpatient drug free treatment services to substance abuse clients residing in the Bakersfield area, to update contractor's corporate address and realign service levels to match actual service delivery (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 276-2005

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- *25) Proposed Agreement with North Chester Drugs, Inc., DBA North Chester Pharmacy, for pharmacy prescription services to County indigent mentally ill clients residing in the greater Bakersfield area, from July 1, 2005 through June 30, 2006, in an amount not to exceed \$115,000 (Fiscal Impact: \$115,000; State (Realignment); Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 277-2005

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

PARKS AND RECREATION DEPARTMENT

- *26) Proposed retroactive Agreement with the City of Bakersfield to replenish evaporation and percolation losses at Buena Vista Aquatic Recreation Area, from April 1, 2005 through December 31, 2005, in an amount not to exceed \$404,280 (Fiscal Impact: \$404,280; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 278-2005

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

PERSONNEL

- 27) Presentation by Human Relations Commission Chairperson, Bernita Jenkins on the Human Relations Commission's Annual Report for 2004 - RECEIVED AND FILED

Maben-Rubio: 4 Ayes; 1 Absent - McQuiston

PROBATION

- *28) Proposed application to the State Board of Corrections for Juvenile Accountability Block Grant program (Fiscal Impact: \$65,223 Federal Grant; Net County Cost: \$7,247; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-186 AUTHORIZING SUBMISSION OF GRANT APPLICATION AND EXECUTION OF NECESSARY DOCUMENTS

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

SHERIFF

- *29) Proposed Grant Agreement with USDA Rural Development Office to accept grant funding for SWAT radios in the amount of \$7,875 (Fiscal Impact: \$7,875 Revenue; Federal Grant; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-187 APPROVING THE COMMUNITY FACILITIES GRANT AGREEMENT; AUTHORIZED SHERIFF OR HIS DESIGNEE TO SIGN

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- *30) Proposed Grant Agreement with USDA Rural Development Office to accept grant funding for Rural Crime equipment in the amount of \$45,000 (Fiscal Impact: \$45,000 Revenue; Federal Grant; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-188 APPROVING THE COMMUNITY FACILITIES GRANT AGREEMENT; AUTHORIZED SHERIFF OR HIS DESIGNEE TO SIGN

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

- *31) Proposed Resolution authorizing application for Department of Justice, Office of Community Oriented Policing Services Technology Grant (Fiscal Impact: \$295,993; Federal Grant; Not Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-189 APPROVING THE SHERIFF'S APPLICATION FOR TECHNOLOGY GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, AND AUTHORIZING THE SHERIFF AND THE CHAIRMAN TO SIGN THE GRANT CONTRACT AND DOCUMENTS AND CERTIFICATIONS AS REQUIRED

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

TREASURER-TAX COLLECTOR

Hearing

- 32) Proposed increase in fee to collect delinquent unsecured property taxes to \$74 per hour, effective July 1, 2005 (Fiscal Impact: \$20,000 Revenue to County) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ENACTED ORDINANCE G-7235

Patrick-Rubio: 4 Ayes; 1 Absent - McQuiston

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 35: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED AS IT CAME TO THE ATTENTION OF COUNTY OFFICIALS AND COUNTY COUNSEL ON THURSDAY AFTERNOON, MAY 5, 2005. IN ORDER FOR COUNTY ATTORNEYS TO PREPARE, MAKE AN APPEARANCE AND A PUBLIC RECORD IN A MATTER SCHEDULED FOR MAY 17, 2005, BOARD DIRECTION AND APPROVAL IS NEEDED ON THIS DATE, MAY 10, 2005

Maben-Patrick

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 33) Request for closed session regarding Meet and Confer, CCAPE
-

COUNTY COUNSEL

- 34) Request for closed session regarding a lawsuit entitled County of Kern vs. Carl Sparks, et al., KCSC Case No. S-1500-CV254074 RJA (Government Code Section 54956.9(a)) -

Non-Agenda Item

- 35) Request for closed session regarding determination on whether the County will initiate litigation (Government Code Section 54956.9(c)) - (SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION)

(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.

Maben-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, May 10, 2005

2:00 P.M.

BOARD RECONVENED

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

RESULTS OF CLOSED SESSION

Request for Closed Session regarding determination on whether the County will initiate litigation (Government Code Section 54956.9(c)) - CHAIRMAN WATSON REPORTED ON THE RESULTS OF CLOSED SESSION FROM 9:00 A.M., ITEM NO. 35, WHERE THE BOARD OF SUPERVISORS MET IN CLOSED SESSION THIS MORNING TO CONFER WITH COUNSEL REGARDING A MATTER RELATING TO POSSIBLE LITIGATION. AS A RESULT OF THAT SESSION, THE BOARD BY A UNANIMOUS VOTE DECIDED TO SEND A LETTER TO THE FRESNO CITY COUNCIL REQUESTING THAT THE CITY OF FRESNO COMPLY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BEFORE APPROVING THE CONTRACT WITH SHAEN MAGAN, DBA TULE RANCH, FOR SHIPMENT OF SLUDGE INTO KERN COUNTY.

THE FIFTH DISTRICT COURT OF APPEAL HAS RULED IN LOS ANGELES COUNTY SANITATION DISTRICT, ET AL, V. THE COUNTY OF KERN, ET AL, THAT KERN COUNTY MUST COMPLETE AN EIR BEFORE REGULATING THE LAND APPLICATION OF SLUDGE BY ORDINANCE AND THAT ORANGE COUNTY SANITATION DISTRICT AND LOS ANGELES COUNTY SANITATION DISTRICT MUST COMPLY WITH THE ENVIRONMENTAL PROCESS BEFORE APPROVING CONTRACTS TO BRING SLUDGE INTO KERN COUNTY. THEREFORE, THE KERN COUNTY BOARD OF SUPERVISORS ARE OF THE OPINION THAT NO LESS IS REQUIRED OF THE CITY OF FRESNO BEFORE IT ACTS ON THE PROPOSED CONTRACT.

THE BOARD ALSO AUTHORIZED COUNTY STAFF TO APPEAR BEFORE THE FRESNO CITY COUNCIL TO MAKE A RECORD RELATING TO THE IMPACTS OF THE PROPOSED CONTRACT ON KERN COUNTY AND TO REQUEST THAT THE COUNCIL SUBMIT THE PROPOSED PROJECT TO FULL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BEFORE CONSIDERING THE CONTRACT OR APPROVING IT.

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 FORD CITY-TAFT HEIGHTS SANITATION DISTRICT

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

FORD CITY-TAFT HEIGHTS SANITATION DISTRICT

- #1) Proposed Ordinance concerning collection on the tax rolls of Fiscal Year 2005-2006 Sewer Service Charges for Ford City-Taft Heights Sanitation District (Fiscal Impact: \$392,500 [Revenue]; Ford City-Taft Heights Sanitation District; Budgeted; Mandated) - WAIVED READING; INTRODUCED ORDINANCE
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

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

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

PUBLIC PRESENTATIONS

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- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 3) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR MABEN EXPRESSED APPRECIATION TO THE RESOURCE MANAGEMENT AGENCY AND ROADS DEPARTMENT FOR INITIATING THE BID PROCESS ON CONSENT AGENDA ITEM NO. 14 FOR CONSTRUCTION ON RED APPLE ROAD

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Land Use
S.D. #4

- *4) Proposed Notice of Nonrenewal Petition No. 05-26 by the Frank W. Gafner Trust, for approximately 58 acres within Agricultural Preserve No. 6 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 4A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE THE PLANNING DEPARTMENT BECAME AWARE ON FRIDAY, MAY 6, 2005, THAT POTENTIAL FUNDING WAS AVAILABLE UNDER THE INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) GRANT PROGRAM FROM THE STATE OF CALIFORNIA TO PROVIDE FOR THE MANAGEMENT OF WATER RESOURCES IN THE KERN RIVER VALLEY FOR WATER WELL PROGRAMS. THE DEADLINE FOR ACCEPTANCE OF THE GRANT PROPOSAL AND RETURN OF AN EXECUTED AGREEMENT IS THIS WEEK AND THIS IS THE LAST MEETING THE BOARD WILL HAVE TO AUTHORIZE SUBMISSION OF A GRANT APPLICATION

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

RESOURCE MANAGEMENT AGENCY

Planning Department

All S.D.'s

- 4A) Proposed Resolution authorizing Planning Department to apply for grant funding under the State Integrated Regional Water Management Grant Program (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-190 AUTHORIZING PLANNING DIRECTOR TO SUBMIT GRANT APPLICATION AND EXECUTE NECESSARY DOCUMENTS

Patrick-Maben: 4 Ayes; 1 Absent - McQuiston

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

Hearing

All S.D.'s

- *5) Public Hearing regarding the County of Kern Consolidated Plan (Con Plan) for Fiscal Year 2005-2006 through Fiscal Year 2009-2010 and the Fiscal Year 2005-2006 Annual Action Plan (Action Plan) for Community Development Programs (Fiscal Impact: \$9,729,644; Community Development Block Grant Program, Home Investment Partnership Program, American Dream Downpayment Initiative, and Emergency Shelter Grant; Budgeted; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED CON PLAN AND ACTION PLAN; AUTHORIZED CHAIRMAN TO SIGN APPLICATION FOR FEDERAL ASSISTANCE FORMS AND CERTIFICATIONS; AUTHORIZED DIRECTOR TO MAKE ANY MINOR REVISIONS NECESSARY TO CON PLAN AND ACTION PLAN FOR CONSISTENCY, CHANGES IN RESPONSE TO DIRECTIVES OF BOARD, AND/OR AS MAY BE REQUIRED BY U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AUTHORIZED SUBMISSION OF CON PLAN AND ACTION PLAN DOCUMENTS TO HUD

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *6) Request for procurement of color photocopier (Fiscal Impact: Approximately \$5,000 Annually; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #1

- *7) Request for approval of completed street, drainage, water, landscaping and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement, Tract 6053, Phase 3, south side of Seventh Standard Road, 1,000 feet west of the intersection of Seventh Standard Road and North Chester Avenue, north Bakersfield; and proposed Resolution for acceptance of roads into the County road system for maintenance (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$459,138 TO \$45,914, FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING MAY 10, 2005; REDUCED FAITHFUL PERFORMANCE BOND NO. 1883651, IN THE AMOUNT OF \$459,138, ISSUED BY INSURANCE COMPANY OF THE WEST, TO \$45,914; ADOPTED RESOLUTION 2005-191 FOR ACCEPTANCE OF ROADS WITHIN TRACT 6053, PHASE 3, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *8) Request for approval of completed street, drainage, water, landscaping and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement, Tract 6053, Phase 6, west side of North Chester Avenue, 713 feet north of West Day Avenue, north Bakersfield; and proposed Resolution for acceptance of roads into the County road system for maintenance (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$760,378 TO \$76,038, FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER, LANDSCAPING AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING MAY 10, 2005; REDUCED FAITHFUL PERFORMANCE BOND NO. 1883651, IN THE AMOUNT OF \$760,378, ISSUED BY INSURANCE COMPANY OF THE WEST, TO \$76,038; ADOPTED RESOLUTION 2005-192 FOR ACCEPTANCE OF ROADS WITHIN TRACT 6053, PHASE 6, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *9) Request for approval of completed street, drainage, water and sewer improvements and reduction of Faithful Performance Security in Subdivision Improvement Agreement, Parcel Map 10104, southwest corner of Rosamond Boulevard and Eagle Way, Rosamond; and proposed Resolution for acceptance of roads into the County road system for maintenance (Fiscal Impact: None) - APPROVED COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS; REDUCED EXISTING FAITHFUL PERFORMANCE SECURITY IN THE AMOUNT OF \$126,665 TO \$12,666, FOR THE GUARANTEE AND MAINTENANCE OF COMPLETED STREET, DRAINAGE, WATER AND SEWER IMPROVEMENTS AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP FOR A ONE-YEAR PERIOD STARTING MAY 10, 2005; REDUCED FAITHFUL PERFORMANCE BOND NO. 814872S, IN THE AMOUNT OF \$126,665, ISSUED BY DEVELOPER'S SURETY AND INDEMNITY COMPANY, TO \$12,666; ADOPTED RESOLUTION 2005-193 FOR ACCEPTANCE OF ROADS WITHIN PARCEL MAP 10104, INTO THE COUNTY ROAD SYSTEM FOR MAINTENANCE

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

S.D. #2

- *10) Request to set public hearing to consider levying assessments for Zone of Benefit Nos. 1, 2 and 3, within County Service Area No. 63; and proposed Resolution of Intention to Extend Zone of Benefit No. 2, Tract 6239, located south of Orange Street and west of 30th Street West, Rosamond (Fiscal Impact: \$10,120; CSA's; Budgeted) - APPROVED; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(b)(3) AND SECTION 15273 OF THE STATE CEQA GUIDELINES; ADOPTED RESOLUTION 2005-194 SETTING PUBLIC HEARING FOR TUESDAY, JUNE 28, 2005, AT 2:00 P.M., TO RECEIVE PUBLIC COMMENT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO THE PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC INFORMATIONAL MEETING IN COMPLIANCE WITH ARTICLE XIIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE A NOTICE OF EXEMPTION, IF REQUESTED

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

RESOURCE MANAGEMENT AGENCY

Roads Department

Hearing

All S.D.'s

- *11) Public hearing on unmet transit needs (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED REPORT; ADOPTED RESOLUTION 2005-195

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

S.D. #2

- *12) Proposed Controlled Access Highway Agreement with the California Department of Transportation for State Route 14 from 2.5 miles south of State Route 58 to Rogers Road (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 279-2005

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *13) Contract No. 05018, identify apparent low bid submitted by Asphalt Construction Company for asphalt concrete (stockpile) at various locations in east Kern County, in an amount not to exceed \$210,000 (Fiscal Impact: \$210,000; Road Fund; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASED ALL OTHER BID GUARANTEES

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *14) Contract No. 05034, Plans, Specifications, and Notice to Contractors for construction on Red Apple Avenue between Westwood Boulevard and State Route 202 (Tucker Road) in Tehachapi (Fiscal Impact: \$1,520,000; Road Fund; Budgeted; Discretionary) - 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, JUNE 8, 2005, AT 11:00 A.M.

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

All S.D.'s

- *15) Contract No. 05017, identify apparent low bid submitted by Granite Construction Company for asphalt concrete (stockpile) at various locations in Kern County, in an amount not to exceed \$837,000 (Fiscal Impact: \$837,000; Road Fund; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *16) Report on Disadvantaged Business Enterprise (DBE) Program for Federal Fiscal Year 2004-2005 (Fiscal Impact: None) - RECEIVED AND FILED; SET PUBLIC HEARING FOR TUESDAY, JUNE 28, 2005, AT 2:00 P.M., FOR DBE GOAL APPROVAL

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

WASTE MANAGEMENT

Hearing

All S.D.'s

- *17) Public Hearing on proposed Ordinance establishing the schedule of Solid Waste Management Program Service Charges for residential property (Land Use Fees) for Fiscal Year 2005-2006 [Fiscal Impact: \$15,227,857 (Revenue); Solid Waste Enterprise Fund; Budgeted; Discretionary] - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 21080(b)(8) OF PUBLIC RESOURCES CODE; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; ENACTED ORDINANCE G-7236

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

S.D. #1

- *18) Proposed Plans and Special Provisions for construction of all weather roads at the McFarland-Delano Sanitary Landfill (Fiscal Impact: \$42,000; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; AUTHORIZED WASTE MANAGEMENT TO PREPARE REQUISITION AND PURCHASING TO SOLICIT BIDS
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

S.D.'s #1 & #2

- *19) Contract No. 05025, Proposed Plans, Special Provisions and Notice to Contractors for construction of the South Access Improvements and Module 2 Earthworks (Alternate Bid) Project at the Bakersfield Metropolitan (Bena) Sanitary Landfill (Fiscal Impact: \$8,000,000; Solid Waste Enterprise Fund; Budgeted; Mandated) (from 4/26/2005) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(c); DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; AUTHORIZED WASTE MANAGEMENT TO PUBLISH NOTICE TO CONTRACTORS; BID OPENING TO BE WEDNESDAY, JUNE 8, 2005, AT 11:00 A.M.
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *20) Contract No. 05030, Proposed Plans, Special Provisions and Notice to Contractors for construction of Phase 2A, Module 2 Earthworks at the Bakersfield Metropolitan (Bena) Sanitary Landfill (Fiscal Impact: \$6,000,000; Solid Waste Enterprise Fund; Budgeted; Mandated) (from 4/26/2005) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(c); DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; AUTHORIZED WASTE MANAGEMENT TO PUBLISH NOTICE TO CONTRACTORS; BID OPENING TO BE WEDNESDAY, JUNE 8, 2005 AT 11:00 A.M.
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

All S.D.'s

- *21) Report concerning Solid Waste Diversion Update (Fiscal Impact: None) - RECEIVED AND FILED
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

COUNTY ADMINISTRATIVE OFFICE

- *22) Proposed response to Grand Jury Report entitled Environmental Health Department Animal Control Division (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston
- *23) Proposed response to Grand Jury Report entitled Biosolid Use in Kern County (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE
Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *24) Proposed response to Grand Jury Report entitled Kern County Sheriff's Department Central Receiving Facility (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *25) Proposed response to Grand Jury Report entitled Kern County Sheriff's Department K-9 Unit (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *26) Proposed transfer of funds for participation in Fiscal Year 2004-2005 Medi-Cal Disproportionate Share Hospital Program (Fiscal Impact: Estimated Net \$6.275 Million; KMC Enterprise Fund; Budgeted) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$14,695,883 TO APPROPRIATIONS FOR CONTINGENCIES (GENERAL FUND); APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES IN THE AMOUNT OF \$14,695,883 TO CONTRIBUTIONS FOR MEDICAL CARE BUDGET UNIT 4204; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE INTERGOVERNMENTAL TRANSFER TO STATE

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

Legislative Matters

- *27) Proposed legislative strategy to address proposed changes in Federal and State Medicaid payments to California hospitals (Fiscal Impact: None) - APPROVED

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *28) AB 232: Nurse Education (Fiscal Impact: None) - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *29) AB 667: Child Support Performance Measures (Fiscal Impact: None) - ADOPTED POSITION IN OPPOSITION; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

COUNTY ADMINISTRATIVE OFFICE

General Services Division

Hearing

S.D. #4

- *30) Proposed Resolution and Ordinance granting pipeline franchise to Inergy Propane, LLC, d/b/a Inergy Services (Fiscal Impact: \$1,272 Revenue; Not Budgeted; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; ADOPTED RESOLUTION 2005-196 AND ENACTED ORDINANCE F-483

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

S.D. #1

- *31) Plans and Specifications for modifications to the pump station at the Lerdo Facility (1650.7037) (Fiscal Impact: \$275,000; General Fund; Budgeted; Discretionary) - 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; AUTHORIZED GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE TUESDAY, JUNE 7, 2005, AT 2:00 P.M.

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

S.D.'s #1, #2 & #4

- *32) Proposed Agreement with Berry & Associates, for topographical services for tot lot improvements at various locations, in an amount not to exceed \$32,950 (1960.8263) (Fiscal Impact: \$32,950; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 280-2005

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

S.D. #3

- *33) Plans and Specifications for the lav dump at the new Airport Terminal (8215.8416) (Fiscal Impact: \$82,700; Airport Enterprise Fund; Budgeted; Discretionary) - 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; AUTHORIZED PURCHASING AGENT TO SOLICIT BIDS

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *34) Plans and Specifications for the upgrade to the fuel system at Sheriff's Norris Road Facility (1650.7124) (Fiscal Impact: \$98,000; General Fund; Budgeted; Discretionary) - 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; AUTHORIZED PURCHASING AGENT TO SOLICIT BIDS

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *35) Identify apparent low bid submitted by Pacific Coast Cabling, Inc., for the New Airport Terminal Telecom Systems, in an amount not to exceed \$274,324.95 (8215.8416) (Fiscal Impact: \$274,324.95; Airport Enterprise Fund; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE CONTRACT DOCUMENTS

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

S.D. #4

- *36) Change Order No. 2 for Lake Webb West and Lake Evans East Paving, an increase of \$2,000, for a new total of \$186,754.10 (1960.8163) (Fiscal Impact: \$2,000; Parkland Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *37) Request for Proposal for architectural services for the Frazier Park Branch Library (1960.8158) (Fiscal Impact: \$550,000; California Library Bond Act 2000; Budgeted; Discretionary) - APPROVED; AUTHORIZED GENERAL SERVICES TO ISSUE

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

S.D. #5

- *38) Proposed Amendment No. 8 to Agreement 085-97 with Lee Development Group, LLC, for lease of office space and parking structure at 1300 - 18th Street, Bakersfield, for use by the Department of Child Support to provide for tenant improvements, in an amount not to exceed \$164,163 (Fiscal Impact: \$164,163; One Time; Budgeted; Discretionary) - 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 281-2005 UPON FINAL APPROVAL OF DOCUMENT BY COUNTY COUNSEL

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

COUNTY ADMINISTRATIVE OFFICE

Information Technology Services

- 39) Briefing on Information Technology Services Department Operations (Fiscal Impact: None) - HEARD PRESENTATION; RECEIVED AND FILED

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

CONSIDERATION OF ORDINANCES INTRODUCED ON MAY 3, 2005

- *40) Proposed Ordinance adding Subsection (28) to Section 10.24.021 of Chapter 10.24, Title 10 of the Kern County Ordinance Code establishing a handicap parking zone on Tanner Street, Bakersfield - ENACTED ORDINANCE G-7237

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

MATTERS FOR EXECUTIVE APPROVAL

- *41) Budget Transfers - APPROVED NO. 180 THROUGH NO. 193

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *42) Minutes for week of April 11, 2005 - APPROVED

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

- *43) Miscellaneous Letters and Documents - APPROVED

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

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

Maben-Patrick: 4 Ayes; 1 Absent - McQuiston

ADJOURNED TO TUESDAY, MAY 17, 2005, AT 9:00 A.M.

Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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

The 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.

43) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

- A) Letter from Holly N. Gallagher re resignation from the Kern County Local Campaign Finance Hearing Panel (Copies to each Supervisor, CAO, County Counsel and Auditor-Controller-County Clerk)
- B) Received, certified and forwarded to Recorder for recordation, as follows:
 - 1) Tract Map 6240, Unit A S.D. #1
 - 2) Parcel Map 11294 S.D. #2

Community & Economic Development

- C) County Loan Agreement, HOME Investment Partnerships Program, Owner Rehabilitation Program, with Alberto R. Mercado, Jr., and Maria R. Mercado
- D) County Loan Agreement, HOME Investment Partnerships Program, Owner Rehabilitation Program, with William Segrest and Irene Segrest

General Services

- E) Letter from Robert R. Guzzetta, California Water Service, re Notice of Completion and Unconditional Waiver and Release Upon Final Payment signed by West Valley Construction Company relating to County's acceptance of ownership of pipeline and facilities installed by California Water (Agenda of April 5, 2005, Item No. 46 p.m.) (Copy to Clerk of the Board)

Miscellaneous

- F) Letter from Mark W. Lee, USA Tyger Industries, Inc., re development of Wayside Church, Rosamond (Copies to each Supervisor, CAO, Planning and County Counsel)
- G) Letter from Vera J. Edwards re problems with the Animal Control Facility on Mt. Vernon Avenue (Copies to each Supervisor, CAO and Environmental Health-Animal Control)
- H) Letter from Chris Nagano, U.S. Department of the Interior, Fish and Wildlife Service, re request for additional information on the proposed relicensing for the Borel Hydroelectric Project, FERC Project No. 382-026 and Kern Canyon Hydroelectric Project, FERC Project No. 178-017 (Copies to each Supervisor, CAO, Planning and County Counsel)
- I) Letter from David McArthur, North Bakersfield Recreation and Park District, re Resolution No. 12-05 renaming the district to North of the River Recreation and Park District (Copies to each Supervisor, CAO, Elections, Assessor, County Counsel, Resource Management Agency and Clerk of the Board)
- J) Letter from Kevin K. Stockton, State Farm Insurance Companies, re recommendation of Richard Hsiung for Workforce Investment Board (Copies to each Supervisor, CAO and Employers' Training Resource)

- K) E-mail from Panfilo Fuentes in opposition to certain County programs and departments (Copies to each Supervisor and CAO)
- L) Notice from State Water Resources Control Board re petition to change effective date of permit/license conditions by the Department of Water Resources and the U.S. Bureau of Reclamation for the San Francisco Bay / Sacramento-San Joaquin River Delta stream system (Copies to each Supervisor and CAO)
- M) Notice from State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses: Beacon Liquor, 6495 So. Union Avenue, Suite B, Bakersfield; Sabor Inka Peruvian Restaurant, 4236-4240 Cannon Street, Bakersfield (Copies to each Supervisor, CAO and Planning)
- N) Notice from U.S. Fish and Wildlife Service re proposal to designate 1,556 miles within the 100-year floodplain of waters in California, Arizona, Nevada, Utah, Colorado and New Mexico as critical habitat for the endangered southwestern willow flycatcher (Copies to each Supervisor, CAO and Planning)
- O) Agenda of meeting from State of California, Fish and Game Commission, on Tuesday, May 3, 2005 (Copies to each Supervisor and CAO)
- P) Agenda of meeting from Kern County Child Care Council on Wednesday, May 4, 2005
- Q) Minutes of meeting from Kern County Child Care Council on Wednesday, April 6, 2005
- 44) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of William C. Wonderly vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Macy Albertson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Summons and complaint in the matter of Bakersfield Redevelopment Agency vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Summons and complaint in the matter of Karla Littlejohn vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Notice of case closure in the matter of Kin Shum vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)