

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

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

Regular Meeting
Monday, July 12, 2004

2:00 P.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

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

BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

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

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR PATRICK INTRODUCED STUDENT INTERN JULEE KAMPPII WHO IS WORKING IN THE THIRD DISTRICT THIS SUMMER

DEPARTMENTAL REQUESTS

KERN MEDICAL CENTER

- 3) Update report regarding Kern Medical Center's financial condition - EVELYN ELLIOTT, DIRECTOR OF PHARMACY, HEARD; RECEIVED AND FILED

Watson-Patrick: All Ayes

- 4) Proposed changes in clinical privilege status for 16 members of Kern Medical Center's Medical Staff - APPROVED

Patrick-Parra: All Ayes

- *5) Notification of retroactive Amendment No. 3 to Agreement 329-99 with Cardinal Distribution to enhance drug inventory management at Kern Medical Center through the expansion of the CardinalASSIST® program - RECEIVED AND FILED

Maben-Parra: All Ayes

- *6) Notification of retroactive Agreement with AMN Healthcare, Inc., for temporary nurse staffing - RECEIVED AND FILED

Maben-Parra: All Ayes

- *7) Notification of retroactive Agreement with the Regents of the University of California at Los Angeles (UCLA), Department of Pathology, for pathology services - RECEIVED AND FILED

Maben-Parra: All Ayes

- *8) Notification of retroactive Agreement with Dornier Therapy Services for extracorporeal shockwave lithotripsy services to urology patients - RECEIVED AND FILED

Maben-Parra: All Ayes

- *9) Notification of retroactive Agreement with Mobile Med, Inc., to provide ureteroscopy (laser) equipment and technician services to urology patients - RECEIVED AND FILED

Maben-Parra: All Ayes

- *10) Proposed Resolution and retroactive Ninth Amendment to the Kern County Pension Plan for Physician Employees, to clarify those physicians entitled to participate in the Plan as required by the Internal Revenue Service, and permit voluntary distributions of assets upon attainment of age 70.5, when a participant in the Plan is still employed by the County, effective January 1, 2003 - APPROVED; ADOPTED RESOLUTION 2004-220; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 629-2004

Maben-Parra: All Ayes

- *11) Proposed sole source Master License Agreement with Optio Software, Inc., for software, services, training and out-of-pocket expenses for the MedEx Product Suite, in an amount not to exceed \$81,345 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 630-2004

Maben-Parra: All Ayes

- *12) Proposed retroactive Amendment No. 1 to Agreement 288-2004 with Gary L. Zohman, M.D., to provide relocation assistance in an amount not to exceed \$8,000, and clarify the malpractice liability coverage and indemnification provided Dr. Zohman by the County (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 631-2004

Maben-Parra: All Ayes

- *13) Proposed Agreement with Paramvir S. Rahal, M.D., Inc., dba Advanced Gastroenterology Medical Associates, for gastroenterology services, from July 29, 2004 through July 28, 2006, in an amount not to exceed \$768,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 632-2004

Maben-Parra: All Ayes

- *14) Proposed Amendment No. 6 to Agreement 1087-2002 with CompHealth, Inc., reflecting the addition of temporary staffing for the laboratory specialties of histotechnologist and clinical laboratory scientist and the associated rate schedule, increasing the annual not to exceed amount for year two of the Agreement from \$250,000 to \$381,257, and increasing the contractual not to exceed amount from \$500,000 to \$631,257 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 633-2004

Maben-Parra: All Ayes

- *15) Proposed Agreement with Vahdatyar Amirpour, M.D., for orthopedic surgery coverage, from July 24, 2004 through July 23, 2009, in an amount not to exceed \$1,367,654 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 634-2004

Maben-Parra: All Ayes

- *16) Proposed Agreement with Donald V. Jagger, M.D., for orthopedic surgery coverage, from July 24, 2004 through July 23, 2009, in an amount not to exceed \$767,027 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 635-2004

Maben-Parra: All Ayes

- *17) Proposed Agreement with Daniel M. D'Amico, M.D., for orthopedic surgery coverage, from July 24, 2004 through July 23, 2009, in an amount not to exceed \$1,657,109 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 636-2004

Maben-Parra: All Ayes

ADJOURNED TO TUESDAY, JULY 13, 2004 AT 9:00 A.M.

Maben-

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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

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

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, July 13, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Parra

NOTE: The vote is displayed in bold below each item. For example, Patrick-Parra denotes Supervisor Patrick made the motion and Supervisor Parra 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 August 1, 2004 as National Kids Day in Kern County - PROCLAIMED; MADE PRESENTATION TO BRIAN MENDIBURU; BRIAN MENDIBURU HEARD

Parra-Maben: All Ayes

NOTE: SUPERVISOR PATRICK RECOGNIZED AND WELCOMED DEBRA PEPERS AS A RECENT APPOINTEE TO THE AIDS ADVISORY BOARD

- 2) Proclamation proclaiming July 24, 2004 as Pioneer Day in Kern County - PROCLAIMED; MADE PRESENTATION TO ALAN CHRISTENSEN; ALAN CHRISTENSEN HEARD

Watson-Patrick: All Ayes

- *3) Proclamation proclaiming July 14, 2004 as Bill Pickett Invitational Rodeo Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Patrick-Maben: All Ayes

NOTE: SUPERVISOR PARRA INTRODUCED DENNIS REED AND REPRESENTATIVES OF THE BILL PICKETT INVITATIONAL RODEO AND PRESENTED THE PROCLAMATION; DENNIS REED HEARD

APPOINTMENTS

- *4) Appointment of Debra Pepers as Higher Education Member to the Kern County AIDS Advisory Board, term to expire August 16, 2004 - MADE APPOINTMENT

Patrick-Maben: All Ayes

- *5) Reappointment of Arturo Munoz as At-large Member to the North Kern Cemetery District, term to expire July 18, 2008 - MADE REAPPOINTMENT

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

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- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 7) 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 THE JULY 6, 2004 REPORT RELATING TO OVERSIGHT OF CHILD PROTECTIVE SERVICES

REFERRED TO THE DEPARTMENT OF HUMAN SERVICES, COUNTY ADMINISTRATIVE OFFICE AND COUNTY COUNSEL TO REPORT BACK TO THE BOARD IN 30 DAYS REGARDING INDEPENDENT OVERSIGHT BY MEMBERS OF THE CITIZENS REVIEW PANEL IN CASES OF CHILD DEATH OR SERIOUS ABUSE OR NEGLECT OF A CHILD; RECEIVED AND FILED

Watson-Maben: All Ayes

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- *8) Request to employ retired County employee, Susan Curnow, as Social Services Worker III, Step A, for a period not to exceed 120 days or 960 hours, whichever is greater, in the 12-month period following the date of employment - APPROVED

Patrick-Maben: All Ayes

- *9) Proposed retroactive Amendment No. 3 to Agreement 205-2002 with Alzheimer's Disease Association of Kern County to provide Title III-E National Caregiver Support services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$139,663 (prior notification June 15, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 637-2004

Patrick-Maben: All Ayes

- *10) Proposed retroactive Amendment No. 1 to Agreement 428-2003 with Alzheimer's Disease Association of Kern County to provide services for the Alzheimer's Day Care Resource Center Program, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$64,246 (prior notification June 15, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 638-2004

Patrick-Maben: All Ayes

- *11) Proposed retroactive Amendment No. 3 to Agreement 614-2001 with Kern Around the Clock Foundation for homemaker services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$21,150 (prior notification June 15, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 639-2004

Patrick-Maben: All Ayes

- *12) Proposed retroactive Amendment No. 2 to Agreement 208-2002 with Kern Around the Clock Foundation for Title III-E National Caregiver Support services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$33,392 (prior notification June 15, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 640-2004

Patrick-Maben: All Ayes

- *13) Proposed retroactive Amendment No. 1 to Agreement 427-2003 with Kern Around the Clock Foundation for the Linkages and Respite Purchase of Services Program, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$191,904 (prior notification June 15, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 641-2004

Patrick-Maben: All Ayes

- *14) Proposed retroactive Amendment No. 3 to Agreement 476-2001 with North Bakersfield Recreation and Park District for homemaker services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$70,617 (prior notification June 15, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 642-2004

Patrick-Maben: All Ayes

- *15) Proposed retroactive Amendment No. 3 to Agreement 474-2001 with North Bakersfield Recreation and Park District for nutrition services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$287,857 (prior notification June 15, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 643-2004

Patrick-Maben: All Ayes

- *16) Proposed retroactive Amendment No. 3 to Agreement 475-2001 with Richard Prado Senior Center for nutrition services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$252,322 (prior notification June 15, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 644-2004

Patrick-Maben: All Ayes

- *17) Proposed retroactive Agreement with the California Department of Aging (State Agreement No. AP-0405-33) for Title III/VII, Title III-E, and State Funded Consolidated Block Grant Funds, for Fiscal Year 2004-2005, in an amount not to exceed \$2,840,331 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 645-2004; AUTHORIZED DIRECTOR TO SIGN ALL RELATED STATE TRANSMITTAL DOCUMENTS

Patrick-Maben: All Ayes

COUNTY COUNSEL

- *18) Resolution authorizing the issuance and sale of Edison School District General Obligation Bonds, Election of 2004, Series 2004A, in the aggregate principal amount not to exceed \$3,500,000 - ADOPTED RESOLUTION 2004-221

Patrick-Maben: All Ayes

- *19) Request of the Sheriff's Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

EMERGENCY MEDICAL SERVICES

- *20) Request to accept grant of \$634,811 from California Department of Health Services by Agreement, for Bioterrorism Hospital Preparedness - ACCEPTED GRANT; APPROVED AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 646-2004; REFERRED TO BUDGET FILE

Patrick-Maben: All Ayes

HUMAN SERVICES

- *21) Request to enter negotiations with Kern County Children and Families Commission (First 5 Kern) and selected Healthy Kids Program Administrator for the Department of Human Services to provide screening and eligibility determination services for the Healthy Kids Program and to increase administrative capacity for the existing Medi-Cal and Healthy Families Programs - APPROVED

Patrick-Maben: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 21A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER AGENDA WAS POSTED BECAUSE THE MEDICAL NEEDS OF A FIVE-YEAR OLD MEDICALLY-FRAGILE FOSTER CHILD MUST BE MET. THIS AMOUNT OF CARE REQUIRED BY THE MINOR HAS CAUSED A FINANCIAL HARDSHIP TO THE FOSTER PARENTS, WHO HAVE DEPLETED THEIR SAVINGS. WITHOUT SUPPLEMENTAL FOSTER CARE PAYMENTS, THE FOSTER FAMILY CAN NO LONGER AFFORD TO KEEP THIS CHILD IN THEIR HOME

Patrick-Maben: All Ayes

- 21A) Request a special care monthly payment of \$4,751 in County cost to supplement the State foster care rate to begin in July 2004, and a one-time payment of \$57,012 in retroactive benefits for the previous 12 months of skilled, in-home foster care services - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY

Watson-Patrick: All Ayes

MENTAL HEALTH SERVICES

- *22) Proposed Agreement with the U.S. Department of Housing and Urban Development (HUD) to accept Grant Revenue in the amount of \$372,790 for acquiring, implementing and supporting a Homeless Management Information System (HMIS) in support of the Kern County Homeless Continuum of Care, from July 15, 2004 through June 30, 2007 (Mental Health required to contribute 25% match in the amount of \$93,445) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 647-2004

Patrick-Maben: All Ayes

PUBLIC HEALTH SERVICES

- *23) Proposed retroactive Amendment No. 1 to Agreement 044-2004 with Unilab Corporation for laboratory services for additional laboratory procedures and test codes at no additional cost, from July 1, 2003 through June 30, 2005 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 648-2004

Patrick-Maben: All Ayes

- *24) Proposed Agreement with Vasinda Investments, Inc., dba Around the Clock Companion Care, for attendant care services, from July 13, 2004 through June 30, 2005, in an amount not to exceed \$14,660 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 649-2004

Patrick-Maben: All Ayes

- *25) Proposed retroactive Agreement with North Bakersfield Recreation and Park District for Medi-Cal Administrative Activities, from July 1, 2004 through June 30 2005, in an amount not to exceed \$15,000 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 650-2004

Patrick-Maben: All Ayes

SHERIFF

- *26) Unusual travel request for Information System Specialist Jennifer Burris, Sheriff's Dispatch Supervisor Patricia Chase, and Senior Information System Specialist Mary Beth Dieter to attend the ILEADS Pre-Conference and I.P.S. Users Group Conference 2004 in Montreal, Canada, from August 1, 2004 to August 7, 2004, in an amount not to exceed \$2,489 each - APPROVED

Patrick-Maben: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 26A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER AGENDA WAS POSTED BECAUSE APPLICATION WAS NOT FILED TIMELY WITH THE SHERIFF'S DEPARTMENT, AND WAS SUBMITTED AFTER THE AGENDA WAS POSTED

Patrick-Parra: All Ayes

- 26A) Application to hold a parade - United Farm Workers of America on July 11, 2004 - 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 PERMIT; AUTHORIZED CHAIRMAN TO SIGN

Parra-Patrick: All Ayes

TREASURER-TAX COLLECTOR

- *27) Notice of Intention to Sell Tax-Defaulted Property Subject to the Power of Sale - APPROVED; ADOPTED RESOLUTION 2004-222

Patrick-Maben: All Ayes

- *28) Proposed Resolution and Agreement with the East Kern Airport District for the Sale and Purchase of Tax-Defaulted Property, in an amount not to exceed \$19,900, plus the cost of Treasurer-Tax Collector giving notice by legal publication - APPROVED; ADOPTED RESOLUTION 2004-223; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 651-2004

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Parra-

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 29) Request for Closed Session regarding Meet and Confer, KCPA and KCSCA -
- 30) Request for Closed Session regarding public employee performance evaluation - Title: Fire Chief -

WITHDRAWN

COUNTY COUNSEL

- 31) Request for Closed Session regarding a lawsuit entitled Peter Benavidez, et al. vs. Kevin Shelley, etc., USDC(C) CB-04-01526 FMC(PJWx) State (Government Code Section 54956.9(a)) -

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

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

Parra-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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- CORNELIA LIMONES AND MARY DAVIS READ LETTERS FROM TRISHA ROBANCHO AND ANTONIO ROBANCHO REGARDING CARE RECEIVED FROM THEIR CAREGIVERS

RECEIVED AND FILED DOCUMENTS

Parra-Maben: All Ayes

SENATOR DEAN FLOREZ ADDRESSED THE BOARD REGARDING EXTERNAL INDEPENDENT REVIEW OF CHILD PROTECTIVE SERVICES AND THE POSITION OF AN OMBUDSMAN; COUNTY COUNSEL BERNARD BARMANN ANSWERED QUESTIONS BY THE BOARD

RECEIVED AND FILED DOCUMENT

Patrick-Watson: All Ayes

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- 3) **Request from Olive-Landco Associates by McIntosh and Associates to appeal the decision of the Hearing Officer regarding the imposition of Condition 16(b) in approving Parcel Map 11029 on January 8, 2004, which requires construction of Landco Drive as a half-width major highway including a raised median and construction of full street improvements to the south boundary of the proposed sump on the site located at the southeast corner of Olive Drive and Landco Drive at the State Highway 99 southbound on ramp, northwest Bakersfield (SD 3)**

Specific Request:

An appeal to the decision of the Hearing Officer regarding the imposition of Condition 16(b) in approving Parcel Map 11029 on January 8, 2004. Condition 16(b) requires construction of Landco Drive as a half-width major highway including a raised median and construction of full street improvements to the south boundary of the proposed sump located on the proposed designated remainder (TPM #11029) (Negative Declaration; Published Bakersfield Californian) (from 2/17/2004, 3/16/2004 & 6/15/2004) - OPENED HEARING; ROGER MCINTOSH, MCINTOSH AND ASSOCIATES, REPRESENTING OLIVE-LANDCO ASSOCIATES, HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2004-225 DENYING APPEAL AND UPHOLDING DECISION OF THE HEARING OFFICER INCLUDING THE REQUIREMENT FOR IMPROVEMENTS ON THE DESIGNATED REMAINDER; REVISED CONDITION 8(a) AND CONDITION 16(b) AS RECOMMENDED BY STAFF

Patrick-Watson: All Ayes

HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- *4) **Request from Gene R. Melchers to change the permitted uses from medium residential to high density residential on 7,500 square feet located on the east side of Dixie Street, 175 feet south of Locust Street, Rosamond (SD 2)**

Specific Request:

A change in zone classification from R-2 to R-3 or a more restrictive district (ZCC #37, Map #230-21) (General Rule, Section 15061(b)(3); Published Rosamond Weekly News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2004-226 AND ENACTED ORDINANCE G-7119 APPROVING ZONE CHANGE AS REQUESTED

Patrick-Watson: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Miscellaneous

S.D. #5

- *5) Request by Dollar Tree Stores, Inc., for Determination of Public Convenience for the issuance of an off-sale beer and wine license at 6151 Niles Street, Bakersfield, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ADOPTED RESOLUTION 2004-227

Patrick-Watson: All Ayes

- *6) Request by Jaswant Singh Gill for Determination of Public Convenience for the issuance of an off-sale beer and wine license at 390 Bernard Street, Bakersfield, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ADOPTED RESOLUTION 2004-228

Patrick-Watson: All Ayes

All S.D.'s

- *7) Request to set public hearing regarding proposed General Plan Administration surcharge - SET TUESDAY, AUGUST 3, 2004, AT 2:00 P.M. AS THE HEARING DATE; DIRECTED CLERK OF THE BOARD TO GIVE NOTICE PURSUANT TO GOVERNMENT CODE SECTIONS 66016, 66018 AND 6062a

Patrick-Watson: All Ayes

NOTE: SUPERVISOR PATRICK WAS EXCUSED AT 4:30 P.M. JUST PRIOR TO THE VOTE ON AGENDA ITEM NO. 8

- 8) Report on dairy and other confined animal facility development standards for multiple dairy proposals located northwest of Wasco - JAY ROSENLIEB, REPRESENTING GEORGE PETRISSAN; GEORGE PETRISSAN; J. B. AGUERRE; MARY JANE WILSON; LARRY PEARSON, COUNCIL MEMBER, CITY OF WASCO; DANNY ESPITIA, MAYOR, CITY OF WASCO, BILL DESCARY; RICHARD REYNEVELD; BOB FEENSTRA, MILK PRODUCERS COUNCIL; SENATOR DEAN FLOREZ; LARRY PENNELL, CITY MANAGER, CITY OF WASCO; ARTHUR UNGER, KERN KAWEAH CHAPTER OF THE SIERRA CLUB; J. P. CATIVIELA, COMMUNITY ALLIANCE FOR RESPONSIBLE ENVIRONMENTAL STEWARDSHIP (CARES); DICK CULLEY, CENTRAL CALIFORNIA DIESEL SERVICES; AND DENNIS FOX, HEARD; RECEIVED AND FILED; SET HEARING FOR TUESDAY, AUGUST 24, 2004 AT 2:00 P.M. TO CONSIDER INTERIM URGENCY ORDINANCE TO IMPOSE MORATORIUM ON FUTURE DAIRIES AND DAIRY CALF FEEDLOTS IN THE SAN JOAQUIN VALLEY PORTION OF KERN COUNTY WITH EXCEPTIONS, AND TO CONSIDER ENVIRONMENTAL IMPACT REPORT REQUIREMENTS FOR FUTURE DAIRY OPERATIONS; DIRECTED STAFF TO SUSPEND APPLICATIONS AND NOTIFY APPLICANTS

Watson-Maben: 4 Ayes; 1 Absent - Patrick

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

S.D. #1

- *9) Public Hearing for proposed Amendments to the County of Kern's Fiscal Years 2002-2003 and 2003-2004 Annual Action Plans to cancel Agreement 850-2003 with the City of Shafter, CD Activity No. 18.02.2, Shafter Skate Park, and transfer the remaining \$95,714.84 to CD Activity No. 18.03.1, Shafter Community Park (Phase II); and increase budget for CD Activity No. 18.03.1 by \$95,714.84 for a new total amount of \$579,158.84 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENT TO COUNTY'S FY 2002-2003 ANNUAL ACTION PLAN TO CANCEL CD ACTIVITY NO. 18.02.2, SHAFTER SKATE PARK, TRANSFER REMAINING FUNDS TO CD ACTIVITY NO. 18.03.1; CANCELLED AGREEMENT 850-2003, SHAFTER SKATE PARK; APPROVED AMENDMENT OF COUNTY'S FY 2003-2004 ANNUAL ACTION PLAN TO INCREASE BUDGET FOR CD ACTIVITY NO. 18.03.1, SHAFTER COMMUNITY PARK (PHASE II) BY \$95,714.84; AUTHORIZED NECESSARY U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND COUNTY BUDGET ADJUSTMENTS; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION RELATED TO AMENDMENTS TO HUD

Patrick-Watson: All Ayes

- *10) Proposed Agreement with Southern Sierra Boys and Girls Club for Youth Summer Program Scholarships for economically disadvantaged school age children in the Ridgecrest area, in an amount not to exceed \$15,000 in Community Development Block Grant funds - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 652-2004

Patrick-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearings

S.D. #2

- *11) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 8528 70th Street West, Rosamond, APN 345-142-25, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-229 DECLARING ABANDONED STRUCTURE(S) AND REAL PROPERTY A PUBLIC NUISANCE; DIRECTED ENGINEERING & SURVEY SERVICES TO POST AND MAIL NOTICE OF DETERMINATION PURSUANT TO ORDINANCE CODE 8.44.100; IF NUISANCES ARE NOT ABATED WITHIN 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION OF THE GARAGE ONLY AND REMOVAL AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF THE DEMOLITION CONTRACT

Patrick-Watson: All Ayes

S.D. #4

- *12) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at 2211 Terrace Way, Bakersfield, APN 147-341-02, \$705 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; ADOPTED RESOLUTION 2004-230 CONFIRMING COSTS INCURRED BY COUNTY FOR WORK PERFORMED TO REMOVE THE PUBLIC NUISANCE FROM PROPERTY; ORDERED THAT ANY COSTS, IF NOT PAID WITHIN TEN (10) DAYS, BE A LIEN AGAINST THE PROPERTY AND CONSTITUTE A SPECIAL ASSESSMENT TO BE PLACED ON TAX ROLL BY THE AUDITOR AND TO BE COLLECTED IN THE SAME MANNER AND SUBJECT TO THE SAME PENALTIES AS ORDINARY COUNTY TAXES ON THE REAL PROPERTY FROM WHICH NUISANCE WAS ABATED; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICE OF BOARD ACTION TO THE PROPERTY OWNER(S)

Patrick-Watson: All Ayes

S.D. #5

- *13) Hearing for the abatement of a public nuisance involving the demolition of abandoned and dangerous structure(s) at 909 Cannon Avenue, Bakersfield, APN 168-061-04, estimated cost \$6,500 - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2004-231 DECLARING ABANDONED STRUCTURE(S) AND REAL PROPERTY A PUBLIC NUISANCE; DIRECTED ENGINEERING & SURVEY SERVICES TO POST AND MAIL NOTICE OF DETERMINATION PURSUANT TO ORDINANCE CODE 8.44.100; IF NUISANCES ARE NOT ABATED WITHIN 30 DAYS AFTER POSTING AND MAILING OF NOTICE OF DETERMINATION, AUTHORIZED ENGINEERING & SURVEY SERVICES TO USE ABATEMENT FUNDS TO AWARD BIDS FOR DEMOLITION AND REMOVAL AND TO PERFORM NECESSARY INSPECTIONS IN PERFORMANCE OF THE DEMOLITION CONTRACT

Patrick-Watson: All Ayes

S.D. #1

- *14) Contract No. 03018, identify apparent low bid of Hobbs Construction for construction of the Rand water tank replacement, in an amount not to exceed \$114,049 - IDENTIFIED LOW BID; AUTHORIZED ROADS TO RELEASE ALL OTHER BID GUARANTEES AND PREPARE NECESSARY CONTRACT DOCUMENTS

Patrick-Watson: All Ayes

S.D. #2

- *15) Contract No. 03026, Notice of Completion for curb cut improvements, Mojave/Rosamond - RECEIVED AND FILED

Patrick-Watson: All Ayes

S.D. #4

- *16) Request to approve final map for Tract 6028, northwest corner Brimhall Road and Rudd Avenue, Rosedale area, SmithTech, USA for Heath Road Partners, LLC (from July 6, 2004) - ADOPTED RESOLUTION 2004-232 MAKING FINDINGS PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNERS WITHOUT SURFACE ENTRY RIGHTS AND EASEMENT HOLDER PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE), ACKNOWLEDGEMENT OF REVERSION OF TEMPORARY SEWER, SLOPE, AND STORM DRAIN EASEMENTS, AND RESTORATION OF INGRESS AND EGRESS ACROSS LOT "A" IN TRACT NO. 6025; APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; APPROVED CONSENT TO COMMON USE AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 653-2004; ACCEPTED SEWAGE MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; CONSENTED TO MAKING OF IRREVOCABLE OFFER OF DEDICATION FOR OFF-SITE TEMPORARY TURNAROUND EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; AUTHORIZED THE TRANSPORTATION DEPARTMENT AND PROPERTY MANAGEMENT TO COMMENCE NEGOTIATIONS TO ACQUIRE OFFSITE ACCESS; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Patrick-Watson: All Ayes

S.D. #5

- *17) Purchasing Agent Contract, Final Plans, Specifications, and Notice to Contractors for the Casa Loma Water System Improvements - APPROVED; AUTHORIZED COMMUNITY & ECONOMIC DEVELOPMENT TO PREPARE NECESSARY REQUISITION AND GENERAL SERVICES TO SOLICIT BIDS

Patrick-Watson: All Ayes

All S.D. 's

- *18) Proposed appointment of Robert D. Mills as the Kern County Surveyor, effective July 13, 2004 - APPROVED

Patrick-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY
Environmental Health Services
Animal Control Services

All S.D. 's

- *19) Proposed Amendment No. 2 to Agreement No. 883-2001 with North of the River Veterinary Hospital for veterinary medical services extending the term to July 31, 2005 and increasing the amounts in the fee schedule - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 654-2004

Patrick-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #2

- *20) Proposed Agreement with Golden Hills Community Service District for dedication of right-of-way for Red Apple Avenue - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 655-2004

Patrick-Watson: All Ayes

- *21) Proposed no-stopping zone along White Lane at Gordon Street - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF THE NECESSARY ORDINANCE

Patrick-Watson: All Ayes

S.D. #5

- *22) Proposed no-stopping zone on Fairview Road - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF THE NECESSARY ORDINANCE

Patrick-Watson: All Ayes

WASTE MANAGEMENT

Hearing

All S.D.'s

- *23) Public Hearing to consider the Annual Review of Garbage Franchises and establish the Schedule of Refuse Service Rates for Calendar Year 2005 -

WITHDRAWN

All S.D.'s

- *24) Proposed Request for Proposal to provide Biological Assessment services for Kern County Facilities - APPROVED; AUTHORIZED DISTRIBUTION

Patrick-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *25) Transfer of property tax entitlement related to City of Bakersfield Annexation No. 455, Local Agency Formation Commission (LAFCO) Proceeding No. 1384 - ADOPTED RESOLUTION 2004-233; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Patrick-Watson: All Ayes

- *26) Response to Board referral regarding impact of closing County facilities under alternative work schedules - RECEIVED AND FILED

Patrick-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *27) Notification of anticipated retroactive request for approval of proposed License Agreement with the Shafter Recreation and Park District for Use of Space in W.C. Walker Senior Center, 505 Sunset Avenue, Shafter for Shafter/Wasco Senior Nutrition Program (month-to-month from August 2, 2004) - RECEIVED AND FILED

Patrick-Watson: All Ayes

S.D. #2

- *28) Proposed Amendment No. 1 to Lease Agreement for Lease of Caliente Transfer Station Site with William G. Dukes to extend the term of the existing lease through June 30, 2013 - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 656-2004

Patrick-Watson: All Ayes

S.D. #4

- *29) Change Order No. 6 for improvements to the boat launching facilities at Buena Vista Aquatic Recreational Area (BVARA), an increase of \$11,035.63, for a new total of \$1,464,051.94 (1960.8195 & 1960.8163) (from July 6, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Watson: All Ayes

All S.D.'s

- *30) Report on status of proposed lease of County facilities for the Bakersfield Business Conference and request to form committee to review and coordinate activities within the County Administrative Building at the conference - RECEIVED AND FILED; AUTHORIZED FORMATION OF COMMITTEE; REFERRED TO GENERAL SERVICES FOR IMPLEMENTATION

Patrick-Watson: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *31) Minutes for week of June 21, 2004 - APPROVED WITH CORRECTION TO JUNE 22, 2004, ITEM NO. 11 A.M. TO CHANGE FIELD REPRESENTATIVE II TO III, TO CORRECT A TYPOGRAPHICAL ERROR

Patrick-Watson: All Ayes

- *32) Miscellaneous Letters and Documents - APPROVED

Patrick-Watson: All Ayes

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

Patrick-Watson: All Ayes

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

Patrick-Watson: All Ayes

ADJOURNED TO TUESDAY, AUGUST 3, 2004, AT 9:00 A.M.

Parra

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Jon McQuiston
Chairman, Board of Supervisors

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

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

32) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Aging and Adult Services

- A) Agenda of In-Home Supportive Services Advisory Committee on Thursday, July 8, 2004
- B) Minutes of In-Home Supportive Services Advisory Committee on Thursday, June 10, 2004
- C) Report from In-Home Supportive Services Advisory Committee re California Association of Public Authorities (CAPA) meeting in Sacramento on Thursday, June 24, 2004

- D) Report regarding 2003 Kern County In-Home Supportive Services (IHSS) Consumer Survey and Needs Assessment

Auditor-Controller-County Clerk

- E) Report on audit activity by the County Auditor-Controller-County Clerk during the fiscal year ended June 30, 2004

Clerk of the Board

- F) Letter from Sharon Jackson regarding her resignation from the IHSS Advisory Committee (Copy to Each Supervisor, CAO, and Aging and Adult Services)

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

- 1) Tract Map 5993 Phase 7 S.D. #1
- 2) Tract Map 6178 Unit 2 S.D. #2

Local Agency Formation Commission

- H) Resolution No. 04-23, Proceeding No. 1379, in the matter of City of Bakersfield (Annex No. 451), NOR Sanitary District (Annex No. 60), North Kern Water Storage District (Detachment G): Reorganization (Calloway No. 8) (Copies to each Supervisor and CAO)

- I) Resolution No. 04-22, Proceeding No. 1378, in the matter of City of Delano, Annexation No. 34 (Copies to each Supervisor and CAO)

- J) Resolution No. 04-21, Proceeding No. 1371, in the matter of City of Delano, Annexation No. 33 (Copies to each Supervisor and CAO)

Planning

- K) Letter to Marsha Burch regarding Fay Ranch Road Water Wholesaling Operation (Copies to each Supervisor and CAO)

Probation

- L) Kern County Juvenile Justice Coordinating Council Minutes of meeting held May 27, 2004

Miscellaneous

- M) Letter from Aaron J. Leibovic of Health Advocates, LLP, regarding Medi-Cal Lien Legislation, Senate Bill 494 (Copies to each Supervisor, CAO and Kern Medical Center)

- N) Letter from Stephen E. Coombs regarding a complaint filed with the California State Water Resources Control Board (Copies to each Supervisor, CAO, Resource Management Agency, Engineering and Survey Services, Planning and County Counsel)
- O) Notice of Availability of the Draft Destination 2030 Regional Transportation Plan for Kern County from Kern Council of Governments (Copies to each Supervisor and CAO)
- 33) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Cliff Brownlee re code violations at 340 Hudson Drive - REFERRED TO ENGINEERING AND SURVEY SERVICES - CODE COMPLIANCE (Copies to each Supervisor and CAO)
- 34) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Dane Boyle vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Melissa Ann Bell vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Rudy V. Vega vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Mary Dean Reed vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)