

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, July 6, 2004

9:00 A.M.

BOARD TO RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Watson

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 July 2004 as Hemochromatosis Screening Awareness Month in Kern County - PROCLAIMED; MADE PRESENTATION TO DR. B.A. JINADU AND TOM CURRAN; TOM CURRAN AND DR. JINADU HEARD

Maben-Patrick: All Ayes

RECEIVED AND FILED DOCUMENTS

Watson-Patrick: All Ayes

PUBLIC REQUESTS

- *2) Request of Tammy Burns, Child Care Facilitator, Kern County Child Care Council, for the Board to 1) authorize the Kern County Child Care Council to submit an application for the Early Learning Opportunities Act discretionary grant; 2) designate the Kern County Child Care Council as the eligible council; 3) authorize the Kern County Superintendent of Schools to act as fiscal agent; and 4) authorize the Kern County Child Care Council to administer the grant - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Watson: All Ayes

PUBLIC PRESENTATIONS

- 3) 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

- 4) 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

AUDITOR-CONTROLLER-COUNTY CLERK

- *5) Proposed Budget Transfer from Appropriations for Contingencies in the amount of \$308,122 to Travel and Purchasing Card Expense, Budget Unit 1115, and recognition of unanticipated revenue in Budget Unit 1115 in the amount of \$308,122 to cover expenses for travel and purchasing cards - APPROVED

Patrick-Watson: All Ayes

COUNTY COUNSEL

- *6) Resolution authorizing the issuance and sale of Fairfax School District General Obligation Bonds, Election of 2000, Series 2004 in the aggregate principal amount not to exceed \$333,698.15 - ADOPTED RESOLUTION 2004-215

Patrick-Watson: All Ayes

- *7) Resolution authorizing the issuance and sale of Wasco Union School District General Obligation Bonds, Election of 2001, Series 2004 in the aggregate principal amount not to exceed \$2,685,784.75 - ADOPTED RESOLUTION 2004-216

Patrick-Watson: All Ayes

EMERGENCY MEDICAL SERVICES

- *8) Notification of retroactive Agreements with ambulance service providers for indigent pre-hospital emergency services - RECEIVED AND FILED

Patrick-Watson: All Ayes

- *9) Notification of retroactive Professional Services Agreement with Dr. Barnes for Medical Director Services - RECEIVED AND FILED

Patrick-Watson: All Ayes

FIRE DEPARTMENT

- *10) Request for retroactive approval to purchase helicopter part from Bell Helicopter Textron in the amount of \$1,788.48 - APPROVED; AUTHORIZED AUDITOR-CONTROLLER TO PAY VENDOR

Patrick-Watson: All Ayes

HUMAN SERVICES

- *11) Proposed addition of nine (9) Human Services Technician I/II/III positions, deletion of nine (9) vacant Human Services Technician IV positions and concurrent deletion of thirty (30) Human Services Technician IV positions through attrition, and addition of thirty (30) Human Services Technician I/II/III positions to Budget Unit 5120, effective July 10, 2004 (net cost savings of \$42,606 annually) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Watson: All Ayes

MENTAL HEALTH SERVICES

- *12) Proposed Agreement with California Department of Rehabilitation for funding of the Individual Self-Sufficiency Program (ISSP) to assist mentally ill individuals retain employment after having obtained employment through the primary cooperative program with the local Department of Rehabilitation, for Fiscal Year 2004-2005 and the first quarter of Fiscal Year 2005-2006, in an amount not to exceed \$186,662 (funding to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 620-2004 AND SIGNATURE AUTHORIZATION FORM

Patrick-Watson: All Ayes

- *13) Proposed Contract Employee Agreement with Tanya Hocker for professional Psychology testing, treatment and case management services to be provided under the psychology internship program as specified by the Association of Psychology Postdoctoral and Internship Centers (APPIC), from August 2, 2004 through July 29, 2005, in an amount not to exceed \$25,045 (Realignment, State, Discretionary/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 621-2004

Patrick-Watson: All Ayes

- *14) Proposed Contract Employee Agreement with Jana Swearingin for professional Psychology testing, treatment and case management services to be provided under the psychology internship program as specified by the Association of Psychology Postdoctoral and Internship Centers (APPIC), from August 2, 2004 through July 29, 2005, in an amount not to exceed \$25,045 (Realignment, State, Discretionary/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 622-2004

Patrick-Watson: All Ayes

- *15) Proposed Contract Employee Agreement with Mary Valenti for professional Psychology testing, treatment and case management services to be provided under the psychology internship program as specified by the Association of Psychology Postdoctoral and Internship Centers (APPIC), from August 2, 2004 through July 29, 2005, in an amount not to exceed \$12,480 (Realignment, State, Discretionary/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 623-2004

Patrick-Watson: All Ayes

- *16) Proposed Contract Employee Agreement with Alexis Valos for professional Psychology testing, treatment and case management services to be provided under the psychology internship program as specified by the Association of Psychology Postdoctoral and Internship Centers (APPIC), from August 2, 2004 through July 29, 2005, in an amount not to exceed \$12,480 (Realignment, State, Discretionary/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 624-2004

Patrick-Watson: All Ayes

PUBLIC HEALTH SERVICES

- *17) Proposed retroactive Agreement with Delano Regional Medical Center for clinical x-ray services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$8,000 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 625-2004

Patrick-Watson: All Ayes

RECESSED TO 2:00 P.M.

Watson

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *3) **Request from Jack Ratliff to appeal the decision of the Kern County Planning Commission disapproving Conditional Use Permit 7, Map 83 to allow a paintball facility on 58 acres located on the east side of Round Mountain Road, approximately 15 miles northeast of Bakersfield (SD 1)**

Specific Request:

An appeal to the decision of the Kern County Planning Commission disapproving Conditional Use Permit 7, Map 83 (Resolution 70-04; disapproved May 13, 2004) to allow a paintball facility (Section 19.12.030) in an A (Exclusive Agriculture) District (Appeal #1, Map #83) (Negative Declaration; Published Bakersfield Californian) - CONTINUED TO TUESDAY, AUGUST 3, 2004, AT 2:00 P.M.

Maben-Parra: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department
Miscellaneous
All S.D.'s

- 4) Proposed process to review the City Sphere of Influence (SOI) requests in accordance with State law - APPROVED; RECEIVED AND FILED

Watson-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services
Hearing
S.D. #3

- *5) Hearing regarding proposed formation of the Seventh Standard Road and Wings Way Underground Utility District - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ADOPTED RESOLUTION 2004-217; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION, IF REQUESTED, AND NOTIFY AFFECTED PROPERTY OWNERS

Maben-Parra: All Ayes

S.D. #1

- *6) Request for release of Laborers and Materialmen Security for Tract 6014, John R. Meystedt - APPROVED; RELEASED LABORERS AND MATERIALMEN SECURITY LETTER OF CREDIT NO. 2003-17 AND RETURNED TO ISSUING BANK, MISSION BANK

Maben-Parra: All Ayes

S.D. #4

- *7) Request to approve final map for Tract 6028, northwest corner Brimhall Road and Rudd Avenue, Rosedale area, SmithTech, USA for Heath Road Partners, LLC - CONTINUED TO TUESDAY, JULY 13, 2004 AT 2:00 P.M.

Maben-Parra: All Ayes

- *8) Request for release of Monument Security, Parcel Map 10714, Allen Road, northwest Bakersfield, Joseph Maniaci - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$1,355 TO SUBDIVIDER, JOSEPH MANIACI

Maben-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

All S.D.'s

- *9) Proposed Agreement with Mead and Hunt, Inc., for electrical engineering services at Meadows Field Runway 12R/30L Extension, Taxiway and related facilities, from July 6, 2004 through June 30, 2006, in an amount not to exceed \$560,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 626-2004

Maben-Parra: All Ayes

WASTE MANAGEMENT

S.D.'s #1 & #2

- *10) Proposed Agreement with Alta Environmental Services, Inc., to provide operational services at the Bakersfield Metropolitan (Bena) Sanitary Landfill, from August 4, 2004 through August 3, 2011, in an amount not to exceed \$75,000 per month plus \$3.20 per ton - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 627-2004

Maben-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *11) Transfer of property tax entitlement City of Delano Annexation No. 39, Local Agency Formation Commission (LAFCO) Proceeding No. 1387 - ADOPTED RESOLUTION 2004-218 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF DELANO COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Maben-Parra: All Ayes

- *12) Actuarial study estimating cost of implementing 3% at age 60 retirement tier for general members - ADOPTED

Maben-Parra: All Ayes

- 13) Response to Board referral regarding Citizens Review Panel recommendations on Child Protective Services oversight (from 6/29/2004) - DEBRA MATHENEY, KERN COUNTY SUPERIOR COURT, AND COLLEEN MCGAULEY, EXECUTIVE DIRECTOR, COURT APPOINTED SPECIAL ADVOCATES (CASA) AND CO-CHAIR OF THE CITIZEN REVIEW PANEL, HEARD; RECEIVED AND FILED; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Parra-Maben: All Ayes

- 14) Proposed performance measures for selected County departments (Phase I implementation) (from 6/29/2004) - APPROVED; DIRECTED AFFECTED DEPARTMENTS TO DEVELOP FISCAL YEAR 2004-2005 GOALS AND REPORT RESULTS WITHIN 45 DAYS OF THE END OF EACH FISCAL YEAR QUARTER; APPROVED DEPARTMENTS TO BE INCLUDED IN SECOND PHASE OF PERFORMANCE MEASURES IMPLEMENTATION

Parra-Watson: All Ayes

Legislative Matters

- *15) AB 1983 State Reclamation Board Authority and Power - ADOPTED POSITION IN OPPOSITION; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

Hearing

S.D. #5

- *16) Proposed Ordinance and Resolution amending Franchise F-466 for Casa Loma Water Company to revise insurance requirements - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(b)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; ADOPTED RESOLUTION 2004-219 AND ENACTED ORDINANCE F-474

Maben-Parra: All Ayes

S.D. #3

- *17) Notice of correction to the description of surplus real property being offered for sale (Olive Drive and Victor Street) to adjust property size from 4.53± acres to 4.4± acres - RECEIVED AND FILED

Maben-Parra: All Ayes

- *18) Proposed retroactive Amendment No. 2 to Engineering Services Agreement 303-2004 with BSK & Associates for the new airport terminal at Meadows Field, modifying the effective date from June 1, 2004 to May 15, 2004 (8215.7500) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 628-2004

Maben-Parra: All Ayes

S.D. #4

- *19) Proposed Agreement with Khaled M. Hussein, d.b.a. Village Market, for month-to-month lease of vacant County property located at the corner of Highway 46 and Woodland Avenue, Lost Hills, California, for use as a parking area (\$185 monthly rent) (from 6/15/2004) - REFERRED BACK TO GENERAL SERVICES

Maben-Parra: All Ayes

- *20) 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) - CONTINUED TO TUESDAY, JULY 13, 2004, AT 2:00 P.M.

Maben-Parra: All Ayes

All S.D.'s

- *21) Rescind Golden Handshake retirement for one (1) Building Services Worker II position, and related deletion of one (1) Building Services Worker I/II/III position in Budget Unit 1610, approved on June 8, 2004 - APPROVED; REFERRED TO PERSONNEL DEPARTMENT TO AMEND THE DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Parra: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *22) Budget Transfers - NONE

Maben-Parra: All Ayes

- *23) Minutes for week of June 14, 2004 - APPROVED

Maben-Parra: All Ayes

- *24) Miscellaneous Letters and Documents - APPROVED

Maben-Parra: All Ayes

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

Maben-Parra: All Ayes

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

Maben-Parra: All Ayes

ADJOURNED TO MONDAY, JULY 12, 2004, AT 2:00 P.M.

Patrick

/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.

24) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

A) Audit report of the Sheriff's Department for Fiscal Year 2003-2004

B) Response to Grand Jury report re Elections Division, Electronic Voting

Clerk of the Board

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

1) Tract Map 6097 S.D. #1

2) Tract Map 6143 S.D. #1

Community & Economic Development

D) County Loan Agreement, HOME Investment Partnerships Program, Owner Rehabilitation Program, with Apolonio Tovar and Frances L. Tovar

Engineering & Survey Services

E) Received, executed and forwarded to Recorder for recordation a Consent to Recordation for Public Access and Drainage Easement from Cenval LP, re Tract 6144

General Services

F) Acceptance of Franchise and Safeco 1 Insurance Company of America Franchise Bond No. 6214953 from Pacific Marketing and Transportation, LLC, in compliance with Franchise Ordinance F-467

Grand Jury

G) 2003-2004 Final Report

Miscellaneous

H) Letter from R. E. Clements, California Highway Patrol, re Hazardous Materials Incident Report on Sunday, May 23, 2004, at Buena Vista Road and Adobe Road (Copies to each Supervisor, CAO, Environmental Health and Fire-Haz Mat)

I) Letter from Doyle Green, California Highway Patrol, re Hazardous Materials Incident Report on Friday, June 11, 2004, at north bound I-5, north of Eastside Canal overcrossing (Copies to each Supervisor, CAO and Fire-Haz Mat)

J) Letter from Theresa MacKinnon, NORESCO, re Kern County Agreement 164-2003, Pacific Gas and Electric Rebate Program (Copies to each Supervisor, CAO, General Services, Sheriff and County Counsel)

K) Letter from Louise Fox Meredith in opposition to proposed Zoning Ordinance Revision re dog keeping limit (Copies to each Supervisor, CAO, Planning, Environmental Health and County Counsel)

- L) Thank you letter from Dennis and Deborah Turner re efforts by Code Compliance to remove abandoned trailer on San Emidio Way in Frazier Park (Copies to each Supervisor, CAO and Engineering & Survey Services)
- M) Letter from G. Neil Farr, Kern County Juvenile Justice and Delinquency Prevention Commission, re preventing closure of Camp Erwin Owen due to budget cuts (Copies to each Supervisor, CAO and Probation)
- N) Letter from Mary Davis re request for higher wages and health benefits for United Domestic Workers of America (Copies to each Supervisor, CAO and Aging & Adult Services)
- O) Letter from Assemblyman Bill Maze re Governor Schwarzenegger's local government finance reform package (Copies to each Supervisor and CAO)
- P) Letter from Assemblyman Bill Maze re Assembly Joint Resolution 63 to enact legislation to include Highway 99 in the interstate highway system (Copies to each Supervisor, CAO and Roads)
- Q) Notice from Kern County Kennel, Inc., in opposition to proposed ordinance limiting number of dogs (Copies to each Supervisor, CAO, Planning, Resource Management Agency, County Counsel and Environmental Health-Animal Control)
- R) Notice from State Water Resources Control Board re petition for temporary change involving the transfer of up to 20,000 acre feet of water from the Placer County Water Agency to the Department of Water Resources' Environmental Water Account under Permits 13856 and 13858 (Applications 18085 and 18087) (Copies to each Supervisor and CAO)
- S) Notice from Southern California Gas Company (SoCalGas) re proposed rate increase (Copies to each Supervisor, CAO and General Services)
- T) Notice from Cal-Western Reconveyance Corporation re Trustee's Sale on Wednesday, July 14, 2004, Loan No. 30256069, Edward Aguirre and Helena Aguirre, 1503 Tejon Street, Bakersfield (Copies to Property Management and Treasurer-Tax Collector)
- U) Notice from Department of Alcoholic Beverage Control re Application for Alcoholic Beverage License: Dancing, 3933 So. Chester Avenue, Bakersfield (Copies to each Supervisor, CAO and Planning)
- V) News Release from Caltrans re availability for review of Draft 99 Corridor Master Plan (Copies to each Supervisor, CAO and Roads)

- 25) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Bernard J. Herman, Bakersfield Museum of Art, re funding for programs - REFERRED TO CAO-BUDGET FILE (Copies to each Supervisor)
 - B) Letter from Helen Dennis, City of California City, re Resolution 06-04-2122 requesting a General Municipal Election to be held on Tuesday, November 2, 2004, to elect a Mayor and two (2) Councilmembers - REFERRED TO ELECTIONS
 - C) Letter from Pamela A. McCarthy, City of Bakersfield, re Resolution 213-04 requesting a General Municipal Election to be held on Tuesday, November 2, 2004, to elect Councilmembers for Wards 2, 5 and 6 and a Special Election for the election of a Councilmember for Ward 7 - REFERRED TO ELECTIONS
- 26) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Louis A. Formano vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Sandra Heflin vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Kimberly D. Love vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Randy Poteete vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Rafael Duran and Blanca Duran vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Amended claim in the matter of Diane Kind, Kirsten Kind and Warner Kind vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Summons and complaint in the matter of Monica Mon and Monirot Mon vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)