SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, August 30, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

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

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) Certificate of Recognition recognizing Nissan of Bakersfield for donation of two (2) Nissan Armada AWD vehicles to the District Attorney's Crime Scene Response Team - MADE PRESENTATION TO CHUCK HADDAD; DISTRICT ATTORNEY ED JAGELS AND CHUCK HADDAD HEARD; MASOUD BASHIRTASH AND JEFF HADDAD WERE INTRODUCED

PUBLIC PRESENTATIONS

2) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! – MICHAEL TURNIPSEED, KERN COUNTY TAX PAYERS ASSOCIATION, REQUESTED AN EVALUATION OF THE SHERIFF'S DEPARTMENT TRAINING PROCEDURES TO DETERMINE IF DEPUTIES RECENTLY INVOLVED IN THE DEATH OF AN INMATE IN CUSTODY HAD PROPER TRAINING

BERNARD BARMANN, COUNTY COUNSEL, RESPONDED THAT THIS MATTER IS AN ONGOING, INTERNAL INVESTIGATION AND THE BOARD OF SUPERVISORS ARE KEPT INFORMED THROUGHOUT THE INVESTIGATION

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 WATSON DISCUSSED AN ARTICLE PUBLISHED IN THE SACRAMENTO BEE RELATIVE TO THE STATE'S BACKGROUND CHECKS FOR UNLICENSED CHILD CARE PROVIDERS, AND ENCOURAGED BOARD SUPPORT OF A RESOLUTION TO COMMUNICATE WITH STATE LEGISLATORS TO PURSUE LEGISLATION ADDRESSING THIS ISSUE

REFERRED TO THE COUNTY ADMINISTRATIVE OFFICE TO REVIEW THIS MATTER AND BRING BACK A RESOLUTION ENCOURAGING STATE LEGISLATORS TO PURSUE LEGISLATION; FURTHER REQUESTED THE DEPARTMENT OF HUMAN SERVICES REPORT BACK ON THE FEASIBILITY OF ENLISTING THE SHERIFF'S DEPARTMENT TO PERFORM LOCAL INVESTIGATIONS FOR UNLICENSED CHILD CARE PROVIDERS

Maben-Rubio: All Ayes

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

*4) Request to employ retired County employee, Susan Curnow, as a Social Service Worker III, Range 53.7, Step A, 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: $17,472.29; Budgeted; Discretionary) – APPROVED

Patrick-Maben: All Ayes

AGRICULTURE AND MEASUREMENT STANDARDS

*5) Request for approval and authorization to submit revised Application for Federal Assistance for the development of area wide management of Glassy-winged Sharpshooter; and retroactive Amendment (Revision No. 05-01) to Cooperative Agreement Award with United States Department of Agriculture No. 05-8500-0654-CA, increasing amount of award to $1,350,000, from January 1, 2005 through December 31, 2005 (Fiscal Impact: $1,350,000; Federal Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 751-2005, REVISED APPLICATION FOR FEDERAL ASSISTANCE AND ACCOMPANYING REQUIRED FEDERAL DOCUMENTS; AUTHORIZED DEPARTMENT OF AGRICULTURE AND MEASUREMENT STANDARDS TO SUBMIT REVISED APPLICATION IN THE AMOUNT OF $1,350,000; APPROVED AMENDMENT TO COOPERATIVE AGREEMENT IN AN AMOUNT NOT TO EXCEED $1,350,000 EFFECTIVE FROM JANUARY 1, 2005 THROUGH DECEMBER 31, 2005

Patrick-Maben: All Ayes

*6) Proposed retroactive Agreement with California Department of Food and Agriculture to reimburse Kern County for Red Imported Fire Ant survey work within Kern County for Fiscal Year 2005-2006, in an amount not to exceed $26,000 (prior notification July 5, 2005) (Fiscal Impact: $26,000; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 752-2005

Patrick-Maben: All Ayes

*7) Proposed retroactive Agreement with California Department of Food and Agriculture to reimburse Kern County for providing enforcement of Fruit & Vegetable Inspection regulations within Kern County for Fiscal Year 2005-2006, in an amount not to exceed $50,947 (Fiscal Impact: $50,947; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 753-2005

Patrick-Maben: All Ayes

*8) Proposed retroactive Agreement with California Department of Food and Agriculture to reimburse Kern County for providing inspection services for maturity and freeze damage on citrus within Kern County for Fiscal Year 2005-2006, in an amount not to exceed $95,039.55 (prior notification July 5, 2005) (Fiscal Impact: $95,039.55; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 754-2005

Patrick-Maben: All Ayes

*9) Proposed retroactive Agreement with California Department of Food and Agriculture to reimburse Kern County for Multiple Trapping of exotic pests within Kern County for Fiscal Year 2005-2006, in an amount not to exceed $292,724 (prior notification July 5, 2005) (Fiscal Impact: $292,724; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 755-2005

Patrick-Maben: All Ayes

*10) Request to employ retired County employee Socorro Cervantes as Agricultural Weights & Measures Technician, Range 42.0, Step E, for a period not to exceed 120 working days, or 960 hours, whichever is greater, in the 12-month period following the date of employment (Fiscal Impact: $11,900; Fees for Service; Budgeted; Mandated) – APPROVED

Patrick-Maben: All Ayes

*11) Proposed retroactive Agreement with Profession's Health Care for medical services and supervision for Fiscal Year 2005-2006 as required by California Department of Pesticide Regulations for those employees who handle pesticides in Toxicity Category I or II containing phosphates or carbamates; Kern County Departments are: Department of Agriculture and Measurement Standards, Airports, Parks, Environmental Health and Farm and Home Advisor (prior notification July 5, 2005) (Fiscal Impact: $300; General Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 756-2005

Patrick-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

*12) Resolution from Lost Hills Union School District, requesting Elections Official to conduct Bond election to be held November 8, 2005 (Fiscal Impact: None) - AUTHORIZED ELECTIONS OFFICE TO PERFORM ELECTION-RELATED SERVICES REQUESTED

Patrick-Maben: All Ayes

BOARD OF SUPERVISORS

13) Request by Fifth District Supervisor Rubio for proposed Resolution in support of Amtrak as requested by the San Joaquin Valley Rail Committee - APPROVED; ADOPTED RESOLUTION 2005-384

Rubio-Patrick: All Ayes

COUNTY COUNSEL

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

Patrick-Maben: All Ayes

*15) Request of the Sheriff's Department for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) – APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

*16) Proposed Ordinance repealing subsection (2) of Section 10.16.090 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no parking zone on Segrue Road in Lamont (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

*17) Proposed Ordinance adding subsections (201) and (202) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning no stopping zones along Segrue Road in Lamont (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

DISTRICT ATTORNEY

*18) Department Performance Measures Report (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

*19) Request to employ retired County employee Cherlyn Sparks as an Information Systems Specialist II, Range 54.9, Step E, for a period not to exceed 120 days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: $15,097; Budgeted; Discretionary) –

WITHDRAWN

FIRE DEPARTMENT

*20) Proposed retroactive Agreement with Cascade Software Systems Inc., for Cost Accounting Management Systems (CAMS), from July 1, 2005 to June 30, 2006, in an amount not to exceed $17,988.94 (Fiscal Impact: $17,988.94; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 757-2005

Patrick-Maben: All Ayes

*21) Proposed sole source Agreement with Zoll Data Systems for patient care record software and support services, in an amount not to exceed $90,736.07 (Fiscal Impact: $90,736.07; Budgeted; Grant funded; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 758-2005

Patrick-Maben: All Ayes

*22) Report on U.S. Small Business Administration Disaster Declaration for Kern County in response to February 2005 severe winter storm disaster (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

*23) Report on State Office of Emergency Services Command and Communications vehicle loaned to County by the State Office of Emergency Services (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

HUMAN SERVICES

*24) Proposed Agreement with Kern Community College District for Foster Parent Pre-Service Training Program, from August 30, 2005 through June 30, 2006, at no cost (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 759-2005

Patrick-Maben: All Ayes

*25) Proposed Agreement with Moss Beach Homes Inc., as represented by Aspira Foster and Family Services, for provision of SB 163 Wraparound Services, from September 2, 2005 through August 31, 2006, in an amount not to exceed $1,458,566 (Fiscal Impact: $1,458,566; $583,426 State; $875,140 County; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 760-2005

Patrick-Maben: All Ayes

KERN MEDICAL CENTER

26) Update on Kern Medical Center's activities related to Macias Consulting Group's Evaluation of Billing Processes (Fiscal Impact: None) - RECEIVED AND FILED; REFERRED TO THE COUNTY ADMINISTRATIVE OFFICE AND KERN MEDICAL CENTER TO REPORT BACK TO THE BOARD REGARDING THE POTENTIAL FOR A COMPENSATION AND INCENTIVE PACKAGE FOR BILLING AND CODING PROCESSES AT KMC

Rubio-Patrick: All Ayes

27) Notification of retroactive Amendment No. 1 to Agreement 408-2005 with Arturo Gomez, M.D., a contract employee, for orthopedic surgery services in the Department of Surgery, to clarify the assignment of benefits and how professional fees will be paid, and revise the job description to incorporate medical record documentation requirements (Fiscal Impact: None) - RECEIVED AND FILED

REFERRED TO THE COUNTY ADMINISTRATIVE OFFICE AND COUNTY COUNSEL TO REPORT BACK REGARDING INTERNAL CONTRACT CONTROLS CURRENTLY IN PLACE AND THE METHOD THE CAO WILL PROPOSE TO INFORM THE BOARD OF CAO CONCURRENCE OR DISAGREEMENT WITH PROPOSED CONTRACTS

Patrick-Maben: All Ayes

*28) Notification of retroactive Agreement for Professional Services with Sher Institute for Reproductive Medicine, Los Angeles Medical Group, Inc., an independent contractor, for off-site clinical education and training on a rotational basis for OB/GYN physician residents (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

29) Notification of retroactive Agreement for Services (Practice Group) with KMC Pathology Associates, APC, an independent contractor, for pathology services in the Department of Pathology (Fiscal Impact: None) - RECEIVED AND FILED

REFERRED TO THE COUNTY ADMINISTRATIVE OFFICE AND COUNTY COUNSEL TO REPORT BACK REGARDING INTERNAL CONTRACT CONTROLS CURRENTLY IN PLACE AND THE METHOD THE CAO WILL PROPOSE TO INFORM THE BOARD OF CAO CONCURRENCE OR DISAGREEMENT WITH PROPOSED CONTRACTS

Patrick-Maben: All Ayes

*30) Proposed retroactive Amendment No. 1 to Agreement 271-2005 with Irwin E. Harris, M.D., a contract employee, for administrative services as Chief Medical Officer at Kern Medical Center, to reimburse approved expenses related to application and maintenance of state medical licenses and professional memberships, subscriptions, certifications, societies, organizations and credentials, in an amount not to exceed $35,000 over the five-year term of the Agreement (Fiscal Impact: $35,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 761-2005

Patrick-Maben: All Ayes

*31) Proposed Agreement with Pacific Gynecologic Specialists, an independent contractor, from September 1, 2005 through August 31, 2007, for gynecologic oncology services, in an amount not to exceed $500,000 (Fiscal Impact: $500,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 762-2005

Patrick-Maben: All Ayes

32) Proposed Agreement with Kenneth L. Kaylor, M.D., a contract employee, for orthopedic surgery services, from October 17, 2005 through October 16, 2010 in an amount not to exceed $2,175,000 (Fiscal Impact: $2,175,000; KMC Enterprise Fund; Budgeted; Mandated) (from August 23, 2005) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 763-2005

Patrick-McQuiston: All Ayes

LIBRARY

*33) Request to hire retired County employees: Audrey Deadrich, Kern River Valley Branch, Librarian I, Range 54.3, Step A; Delores Gisinger, Shafter Branch, Office Services Assistant, Range 43.2, Step E; Mary Jeffers, Ridgecrest Branch, Office Services Assistant, Range 43.2, Step E; Jane S. Hasten, Kern River Valley Branch, Librarian I, Range 54.3, Step E; Linda Knowles, Taft Branch, Office Services Technician, Range 45.4, Step E; Vivian Stowers, Tehachapi Branch, Office Services Technician, Range 45.4, Step E; and Karyl Towse, Beale Information Desk, Office Services Technician, Range 45.4, 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: $109,109; Budgeted; Discretionary) – APPROVED

Patrick-Maben: All Ayes

MENTAL HEALTH SERVICES

*34) Proposed approval for Mental Health Department to bill at the Fiscal Year 2005-2006 Drug Medi-Cal rates for services provided to individuals who are eligible under Federal Medicaid (California Medi-Cal) regulations, effective September 1, 2005 (Fiscal Impact: None) - APPROVED; AUTHORIZED DEPARTMENT TO BILL AT THE NEW 2005-2006 DRUG MEDI-CAL RATES EFFECTIVE SEPTEMBER 1, 2005

Patrick-Maben: All Ayes

*35) Proposed retroactive sole source Agreement with Transforming Local Communities, Inc., to provide program evaluation services and training activities on gathering data for the prevention of alcohol abuse among minors, from July 1, 2005 through June 30, 2006, in an amount not to exceed $100,249 (Fiscal Impact: $100,249; Federal, Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 764-2005

Patrick-Maben: All Ayes

PROBATION

*36) Request authorization to submit grant application to the Governor's Office of Emergency Services for the Special Emphasis Victim Assistance Program (SEVAP), in the amount of $137,500 which includes a 20% match ($27,500) for the period October 1, 2005 to September 30, 2006 (Fiscal Impact: $110,000 Grant; $27,500 Local Match; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHIEF PROBATION OFFICER TO EXECUTE REQUIRED APPLICATION AND GRANT AGREEMENT

Patrick-Maben: All Ayes

PUBLIC HEALTH SERVICES

*37) Notification of retroactive Agreement with Fairfax School District for School-based Medi-Cal Administrative Activities, for Fiscal Year 2005-2006 (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

*38) Proposed Agreement with Maric College, Kaplan Higher Education to provide Medical Assistant externship program for students training as Medical Office Assistants beginning August 30, 2005 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 765-2005

Patrick-Maben: All Ayes

*39) Proposed sole source Agreement with BtB Software for Public Health automated laboratory tracking software and support services, in an amount not to exceed $85,500 (Fiscal Impact: $85,500; State Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 766-2005

Patrick-Maben: All Ayes

SHERIFF

*40) Proposed acceptance of Performance Bond No. 104567014, issued by Travelers Casualty and Surety Company of America, for Canteen Correctional Services, Division of Compass Group USA, Inc., from July 1, 2005 to July 1, 2006, in an amount not to exceed $2,983,000 - (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 767-2005

Patrick-Maben: All Ayes

*41) Proposed Agreement with Justice Concepts Incorporated, to conduct inmate population research study to assess future jail needs, in an amount not to exceed $90,000 from August 30, 2005 to February 28, 2006 (Fiscal Impact: $90,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 768-2005

Patrick-Maben: All Ayes

*42) Proposed retroactive Agreement with Dog Training Center of California, Inc., for Sheriff's Canine Team Training, from July 1, 2005 to June 30, 2007, in an amount not to exceed $30,000 (Fiscal Impact: $30,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 769-2005

Patrick-Maben: All Ayes

*43) Proposed Federal Equitable Sharing Agreement Annual Certification Report to Department of Justice for property and funds received under the Federal Equitable Sharing Agreement for FY 2004-2005 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 770-2005

Patrick-Maben: All Ayes

TREASURER-TAX COLLECTOR

*44) Department Performance Measures Report (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

NOTE: MICHAEL TURNIPSEED APOLOGIZED FOR ANY MISLEADING INFORMATION HE MAY HAVE CONVEYED EARLIER UNDER PUBLIC PRESENTATIONS RELATING TO THE SHERIFF'S DEPARTMENT; SUPERVISOR PATRICK RESPONDED

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

45) Request for Closed Session re Meet and Confer, All Unions -

46) Request for Closed Session re Performance Evaluation - Director, Resource Management Agency -

COUNTY COUNSEL

47) Request for Closed Session regarding significant exposure to litigation against the County (one case) (Government Code Section 54945.9(b)(3)(C)) -

48) Request for Closed Session regarding a claim/lawsuit entitled Steven L. Baer (Government Code Section 54945.9(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.

Rubio-McQuiston

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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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

NOTE: ITEM NO. 15 WAS HEARD OUT OF ORDER AFTER ITEM NO. 2

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

3) **Request from Loma Vista Real Estate Holdings by Porter-Robertson Engineering and Surveying, Inc., to change the permitted uses from exclusive agriculture to limited agriculture on a five-acre site located at 12500 Ashe Road, Bakersfield (SD #2)**
Specific Request:
A change in zone classification from A to A-1 or a more restrictive district (ZCC #65, Map #142)
(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - OPENED HEARING; SHELLY THOMPSON, SECRETARY, RIO VIEJO PROPERTY OWNERS ASSOCIATION; EVELYN BAXTER AND JESS BAXTER HEARD IN OPPOSITION TO ZONE CHANGE; FRANK ST. CLAIR, PROJECT DEVELOPER, HEARD IN SUPPORT OF ZONE CHANGE; CLOSED HEARING; ADOPTED RESOLUTION 2005-385 AND ENACTED ORDINANCE G-7279 APPROVING ZONE CHANGE AS REQUESTED, TO BECOME EFFECTIVE UPON APPROVAL OF A DEVELOPMENT VARIATION ALLOWING PRIVATE ACCESS TO PROPOSED LOT B OF LOT LINE ADJUSTMENT 20-25, AND UPON RECORDATION OF A 25-FOOT PRIVATE ACCESS EASEMENT OR EQUIVALENT FROM THE EAST RIGHT-OF-WAY OF ASHE ROAD EASTERLY FOR 855.02 FEET, FOR THE BENEFIT OF PROPOSED LOTS A AND B OF LOT LINE ADJUSTMENT 20-25

Maben-McQuiston: 4 Ayes; 1 No - Watson

*4) **Request from Pablo Lopez by Frank A. Slinkard to change the permitted uses from estate residential to low-density residential and to allow two additional dwelling units on a 1/2-acre site located at 3018 Wood Lane, Bakersfield (SD #2)**
Specific Request:
(a) A change in zone classification from E (1/2) RS to R-1 or a more restrictive district (ZCC #77, Map #123-1)
(b) A Conditional Use Permit to allow two additional dwelling units (Section 19.18.030.A) in an R-1 District (CUP #53, Map #123-1)
(Categorically Exempt, Section 15303; Published Bakersfield Californian) – CONTINUED TO TUESDAY, SEPTEMBER 20, 2005, AT 2:00 P.M.
Maben-Patrick: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

S.D. #1

*5) Proposed Cooperative Agreement with the City of McFarland for Urban County Qualification Process for Fiscal Year (FY) 2006-2007 through 2008-2009 (Fiscal Impact: Increases approximately 5% to the County's FY 2006-2007 Entitlement Funds) -

WITHDRAWN

All S.D.'s

*6) Proposed Resolution to endorse Comprehensive Economic Development Strategy Annual Update for the U.S. Economic Development Administration (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-386

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearing

All S.D.'s

*7) Proposed Ordinance amending Sections 17.24.060 and 17.24.070 and adding new Section 17.24.075 and new Chapter 17.52 to Title 17 (Code of Building Regulations) of the Kern County Ordinance Code, which includes adoption of the California Building Standards Code and the referenced model code (2002 National Electrical Code and the 2005 California Energy Code) as modified to provide an Amended Code of Building Regulations (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDINGS THE PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(B)(3) OF THE CEQA GUIDELINES; MADE FINDING THE PROJECT IS COMPATIBLE WITH THE AIRPORT LAND USE COMPATIBILITY PLAN; ADOPTED RESOLUTION 2005-387 MAKING FINDINGS THAT LOCAL AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE, INCORPORATING THE MODEL CODES BY REFERENCE, ARE REASONABLE AND NECESSARY DUE TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS; WAIVED READING AND INTRODUCED ORDINANCE

Maben-Patrick: All Ayes

S.D. #1

*8) Request for release of monument security, Tract 6054, Phase 3, north Bakersfield area, Denela, LLC (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT IN THE AMOUNT OF $4,460 TO SUBDIVIDER, DENELA, LLC

Maben-Patrick: All Ayes

*9) Request for release of monument security, Tract 6063, Phase 1, north Bakersfield area, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT IN THE AMOUNT OF $765 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.

Maben-Patrick: All Ayes

*10) Request for release of monument security, Tract 6142, north Bakersfield area, North Country Meadows, Inc. (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT IN THE AMOUNT OF $5,650 TO SUBDIVIDER, NORTH COUNTRY MEADOWS, INC.

Maben-Patrick: All Ayes

*11) Request for release of monument security, Tract 6171, Phase 3, north Bakersfield area, Denela, LLC (Fiscal Impact: None) - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT IN THE AMOUNT OF $2,495 TO SUBDIVIDER, DENELA, LLC

Maben-Patrick: All Ayes

*12) Contract No. 05023, Plans and Specifications, and Notice to Contractors for construction of McFarland Sewer Back-up Generator Improvements (Fiscal Impact: $204,400; CEDD; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20150 OF PUBLIC CONTRACT CODE; BID OPENING DATE TO BE WEDNESDAY, SEPTEMBER 28, 2005, AT 11:00 A.M.

Maben-Patrick: All Ayes

S.D. #4

*13) Request to approve final map for Tract 6154, Phase 1, west side of Renfro Road, north side of Henderson Avenue, western Rosedale area, The Lusich Company for Delfino Bakersfield, LLC (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-388 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 HOLDERS 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 TURNAROUND, DRAINAGE AND SEWER EASEMENTS AND RESTORATION OF INGRESS AND EGRESS ACROSS LOTS "A" IN TRACT NO. 4259, UNIT A, AND TRACT NO. 6126, PHASE 1; 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 771-2005; ACCEPTED SEWAGE MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; ACCEPTED IRREVOCABLE OFFER OF DEDICATION FOR SEWER EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Maben-Patrick: All Ayes

All S.D.'s

14) Update and report on development of Geographic Information Systems (GIS) for the County of Kern (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-McQuiston: All Ayes

NOTE: ITEM NO. 15 WAS HEARD OUT OF ORDER AFTER ITEM NO. 2

WASTE MANAGEMENT

All S.D.'s

15) Briefing on departmental operations (from 7/5/2005) (Fiscal Impact: None) - HEARD PRESENTATION; RECEIVED AND FILED

Maben-Rubio: All Ayes

*16) Annual report concerning the Waste Management Department's 2005-2006 Strategic Goals and Status of 2004-2005 Goals (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

*17) Proposed termination of Agreement 643-2005 with STR Enterprises, Inc., and proposed five-year Agreement with Golden By Products, Inc., to provide waste tire removal and recycling services, in an amount not to exceed $220,000 per Fiscal Year (Fiscal Impact: $220,000 per Fiscal Year; Solid Waste Enterprise Fund; Budgeted; Mandated) - RATIFIED WASTE MANAGEMENT'S TERMINATION OF AGREEMENT 643-2005; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 772-2005

Maben-Patrick: All Ayes

*18) Report regarding referral on Construction and Demolition Waste Ordinance (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

*19) Proposed response to Grand Jury final report on Sheriff's Department Buttonwillow Substation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

Maben-Patrick: All Ayes

*20) Proposed Agreement with Kern Economic Development Corporation for economic development services for Fiscal Year ending June 30, 2006, in an amount not to exceed $100,000 and in-kind County contributions (Fiscal Impact: $100,000; Discretionary; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 773-2005

Maben-Patrick: All Ayes

*21) Proposed retroactive Amendment No. 1 to Memorandum of Understanding with Central California Association of Public Employees for bargaining units 1 through 6 (Agreement 720-2004) to provide supplemental salary adjustments for specified nursing and clinical positions effective July 9, 2005 through July 7, 2006, to increase the sign-on bonus for Hospital Staff Nurse from $3,000 to $6,000 and add the classification of Pharmacist to the sign-on bonus program, and to increase the KMC Charge Nurse premium from $.50 to $2.00 per hour and initiate a Pharmacist-in-Charge premium of 5% for designated KMC Pharmacists (Fiscal Impact: $7.6 million Discretionary - $6 million Budgeted KMC Enterprise Fund; $1.8 million Not Budgeted) - APPROVED; APPROVED SALARY ADJUSTMENTS FOR RELATED SPECIFIED MANAGEMENT POSITIONS EFFECTIVE JULY 9, 2005 THROUGH JULY 7, 2006; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 774-2005; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK, COUNTY ADMINISTRATIVE OFFICER, AND DIRECTOR OF PERSONNEL TO IMPLEMENT

Maben-Patrick: All Ayes

22) Response to referral regarding findings and recommendations from Macias Consulting Group, Inc., review of Kern Medical Center (Fiscal Impact: $87,000 for Fiscal Year 2005-2006; Not Budgeted; Discretionary) – DIRECTED COUNTY ADMINISTRATIVE OFFICE AND KERN MEDICAL CENTER TO ESTABLISH A FINANCE COMMITTEE AND PERSONNEL COMMITTEE TO FURTHER GOVERNANCE OF KERN MEDICAL CENTER; APPROVED ADDITION OF ONE (1) SENIOR ADMINISTRATIVE ANALYST POSITION TO BUDGET UNIT 1020, EFFECTIVE AUGUST 30, 2005; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Patrick: All Ayes

Legislative Matter

*23) Property Tax Administration: State Grants (Fiscal Impact: None) - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #2

*24) Request for subcontractor substitution for SG Acoustics on Mojave Pre-Engineered Pedestrian Walkway project (1960.8119) (Fiscal Impact: None) - FOUND THAT SG ACOUSTICS FAILED TO EXECUTE A WRITTEN CONTRACT WITH JTS CONSTRUCTION; APPROVED SUBSTITUTION OF WELLS ACOUSTICS TO COMPLETE ACOUSTICAL TILE PORTION OF PROJECT

Maben-Patrick: All Ayes

S.D. #3

25) Report on increase in scope and cost of International Airlines Terminal, identify apparent low bid submitted by JTS Construction for Phase 1 of the International Airlines Terminal, in an amount not to exceed $495,600 (8994.8422) (Fiscal Impact: $655,400; Airport Enterprise Fund; Not Budgeted; Discretionary) - RECEIVED AND FILED REPORT; IDENTIFIED APPARENT LOW BID; AUTHORIZED GENERAL SERVICES TO RELEASE ALL BID GUARANTEES; AUTHORIZED PREPARATION OF CONTRACT DOCUMENTS CONDITIONAL UPON NO FURTHER DESIGN CHANGES OCCURRING ON THIS PROJECT; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF $278,800 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO THE AIRPORT ENTERPRISE FUND, BUDGET UNIT 8994 IN THE AMOUNT OF $278,800 INCREASING THE TOTAL PROJECT BUDGET TO $655,400

McQuiston-Maben: All Ayes

*26) Change Order No. 16 for New Airport Terminal at Meadows Field, an increase of $144,053, for a new total of $21,664,867; and proposed Resolution to dispense with bidding requirements for Change Orders in excess of 10% of contract amount (8215.8415) (Fiscal Impact: $144,053; Airport Project Fund; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-389; AUTHORIZED CHAIRMAN TO SIGN

Maben-Patrick: All Ayes

S.D. #4

*27) Proposed Maintenance Agreement with Tejon Ranchcorp, Southern California Edison Company, Nextel of California, Inc., Verizon Wireless and the State of California for Grapevine Peak communications site tenants to share cost of electricity, road and power line maintenance until term ends December 31, 2018 or December 31, 2028, if the 10-year option is exercised (Fiscal Impact: $10,000; 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 AGREEMENT 775-2005

Maben-Patrick: All Ayes

All S.D.'s

*28) Update of Job Order Contract project list (various projects) (Fiscal Impact: None) – APPROVED

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE
Information Technology Services

*29) Proposed Agreement with Pacific Bell (SBC), under the State of California CALNET Agreement, for voice and data telecommunication services, for a term of three years to December 3, 2008; costs under Agreement will vary from year-to-year (actual costs for Fiscal Year 2004-2005 were $1,470,446.83) (Fiscal Impact: Approximately $1,500,000 for Fiscal Year 2005-2006; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 776-2005; GRANTED AUTHORIZATION TO DIRECTOR OF INFORMATION TECHNOLOGY SERVICES FOR ADMINISTRATION AND ACQUISITION OF SERVICES UNDER AGREEMENT

Maben-Patrick: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED ON AUGUST 23, 2005

*30) Proposed Ordinance adding subsection (2) to Section 10.24.025 of Chapter 10.24, Title 10, of the Kern County Ordinance Code concerning a handicap parking zone on Sequoia Drive, Oildale - ENACTED ORDINANCE G-7280

Maben-Patrick: All Ayes

*31) Proposed Ordinance adding subsection two (2) to Section 10.16.200 of Chapter 10.16, Title 10, of the Kern County Ordinance Code, concerning a bus loading and unloading zone on Segrue Road, Lamont - ENACTED ORDINANCE G-7281

Maben-Patrick: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

*32) Budget Transfers – APPROVED NO. 3 THROUGH NO. 7

Maben-Patrick: All Ayes

*33) Minutes for week of July 4, 2005 - APPROVED WITH CORRECTION TO ITEM NO. 37 A.M. TO CHANGE THE DATE FROM JULY 23, 2005 TO ***JULY 24, 2005***

Maben-Patrick: All Ayes

*34) Miscellaneous Letters and Documents – APPROVED

Maben-Patrick: All Ayes

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

Maben-Patrick: All Ayes

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

Maben-Patrick: All Ayes

ADJOURNED TO TUESDAY, SEPTEMBER 6, 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.

34) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Clerk of the Board

A) Monthly Referral Report, August 2005

Local Agency Formation Commission

B) Report and Recommendation, Proceeding No. 1418, in the matter of County Service Area No. 81, Annexation No. 2 (Copies to each Supervisor and CAO)

C) Report and Recommendation, Proceeding No. 1419, in the matter of County Service Area No. 98, Formation (Copies to each Supervisor and CAO)

Miscellaneous

D) Letter from Leslie Huffman, Dunlap, Van Vleck & Brown, LLC, re press release from Bion Dairy Corporation concerning non-enteric emissions testing (Copies to each Supervisor, CAO, Planning, Resource Management Agency and County Counsel)

E) Letter from Henry R. Renteria, Governor's Office of Emergency Services, re declaration of the primary counties of Los Angeles and Orange, and contiguous counties of Kern, Riverside, San Bernardino, San Diego and Ventura disaster areas as a result of damages caused by severe storms, flooding, debris flows and mudslides occurring February 12 through February 24, 2005 (Copies to each Supervisor, CAO, Emergency Services, Resource Management Agency, General Services, Fire and County Counsel)

F) Letter from Victoria A. Whitney, State Water Resources Control Board, re Application 17512, order approving petition for temporary transfer of up to 20,000 acre-feet of water to the U.S. Bureau of Reclamation (Copies to each Supervisor, CAO and Engineering & Survey Services)

G) Notice from the State Department of Alcoholic Beverage Control re application for Alcoholic Beverage License from: La Rosa Market, 700 Irene Street, Bakersfield (Copies to each Supervisor, CAO and Planning)

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

A) Letter from Mrunal Mehta Shah, Best Best & Krieger, LLP, re formation of Assessment District No. 2005-5 (Avenue A Well Association) by Rosamond Community Services District - REFERRED TO COUNTY COUNSEL (Copies to Auditor-Controller-County Clerk, Treasurer-Tax Collector, Engineering & Survey Services and Assessor-Recorder)

B) Letter from Lynn Molina, Kern-Tulare Water District, re Resolution 2005-9 establishing the 2006 annual estimate of obligations of the District - REFERRED TO COUNTY COUNSEL

C) Letter from Lynn Molina, Kern-Tulare Water District, re Resolution 2004-5 establishing the 2005 estimate of obligations of the District - REFERRED TO COUNTY COUNSEL

D) Letter from Lynn Molina, Rag Gulch Water District, re Resolution 2005-9 establishing the 2005 estimate of obligations of the District - REFERRED TO COUNTY COUNSEL

E) Letter from Lynn Molina, Rag Gulch Water District, re Resolution 2005-12 fixing the 2006 water rates, standby and assessments of the District - REFERRED TO COUNTY COUNSEL

36) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED

A) Claim in the matter of Maria A. Rodriguez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

B) Claim in the matter of Robyn Flores vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

C) Claim in the matter of John Russell Estes and Kathy Jean Mixon vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)