

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, August 31, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Patrick

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Presentation of National Association of Counties 2004 Achievement Awards by Chairman Jon McQuiston - CONTINUED TO TUESDAY, SEPTEMBER 7, 2004 AT 9:00 A.M.

Maben-Parra: All Ayes

PUBLIC REQUESTS

- 2) Appeal by Henrietta Weill Memorial Child Guidance Clinic of proposed award of contract to Clinica Sierra Vista for children's mental health services in the Bakersfield area for Fiscal Year 2004-2005 - BOB STEWART, ATTORNEY REPRESENTING HENRIETTA WEILL MEMORIAL CHILD GUIDANCE CLINIC; DAVID CAMARA, EXECUTIVE DIRECTOR, HENRIETTA WEILL MEMORIAL CHILD GUIDANCE CLINIC; DR. FRED ROWE, CHILD ADOLESCENT PSYCHIATRIST; SCOTT STEVENSON; MARK COREY, THERAPIST, HENRIETTA WEILL MEMORIAL CHILD GUIDANCE CLINIC; LINDA HOYLE, CLINICAL DIRECTOR, HENRIETTA WEILL MEMORIAL CHILD GUIDANCE CLINIC; GINA SHIELDS, THERAPIST, HENRIETTA WEILL MEMORIAL CHILD GUIDANCE CLINIC; FRED SMITH; RANDY MARTIN, DIRECTOR, COVENANT COMMUNITY SERVICES; STEVE SCHILLING, CHIEF EXECUTIVE OFFICER, CLINICA SIERRA VISTA; KATHLEEN DRUMMY, HENRIETTA WEILL MEMORIAL CHILD GUIDANCE CLINIC, HEARD; RECEIVED AND FILED DOCUMENTS; DENIED APPEAL

Watson-Maben: All Ayes

RECESSED FOR FIVE MINUTES

RECONVENED WITH ALL MEMBERS PRESENT

APPOINTMENTS

- *3) Reappointment of Gloria Delgado as Second District Member to the Kern County AIDS Advisory Board, term to expire August 16, 2007 - MADE REAPPOINTMENT

Watson-Maben: All Ayes

PUBLIC PRESENTATIONS

- 4) 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

- 5) 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

AGRICULTURE AND MEASUREMENT STANDARDS

- *6) Request for authorization to submit revised Application for Federal Assistance for the development of Glassy-winged Sharpshooter pest management strategies increasing amount of award by \$750,000 to \$1,619,376, effective January 1, 2004 through December 31, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN REVISED APPLICATION FOR FEDERAL ASSISTANCE, CERTIFICATION OF ASSURANCES - NON-CONSTRUCTION PROGRAMS, AND REVISION NO. 04-2 TO COOPERATIVE AGREEMENT AWARD WITH UNITED STATES DEPARTMENT OF AGRICULTURE NO. 04-8500-0654-CA (AGREEMENT 763-2004), IN SUBSTANTIALLY THE FORM SUBMITTED SUBJECT TO APPROVAL AS TO FINAL FORM BY COUNTY COUNSEL; AUTHORIZED DEPARTMENT OF AGRICULTURE AND MEASUREMENT STANDARDS TO SUBMIT APPLICATION

Watson-Maben: All Ayes

- *7) Proposed retroactive Agreement with the California Crop Improvement Association to reimburse County for certified seed work performed within Kern County for Fiscal Year 2004-2005, commencing July 1, 2004, in an amount not to exceed \$1,000 (prior notification August 3, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 764-2004

Watson-Maben: All Ayes

- *8) Proposed retroactive Agreement with California Department of Food and Agriculture to reimburse funds for enforcement of laws, regulations and procedures pertaining to the Nematode Control Program for Fiscal Year 2004-2005, commencing July 1, 2004, in an amount not to exceed \$24,000 (prior notification August 3, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 765-2004

Watson-Maben: All Ayes

- *9) Proposed retroactive Agreement with California Department of Food and Agriculture to reimburse County for services performed pertaining to Egg Quality Control Program for Fiscal Year 2004-2005, commencing July 1, 2004, in an amount not to exceed \$21,999.72 (prior notification August 3, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 766-2004

Watson-Maben: All Ayes

- *10) Proposed retroactive Agreement with California Department of Food and Agriculture to reimburse County for High Risk Trapping activities within Kern County for Fiscal Year 2004-2005, commencing July 1, 2004, in an amount not to exceed \$273,223.99 (prior notification August 3, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 767-2004

Watson-Maben: All Ayes

- *11) Proposed retroactive Agreement with California Department of Food and Agriculture to reimburse County for nursery inspection and enforcement activities within Kern County during Fiscal Year 2004-2005, commencing July 1, 2004, in an amount not to exceed \$34,116.87 (prior notification August 3, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 768-2004

Watson-Maben: All Ayes

AIRPORTS

- *12) Proposed month-to-month Hangar Lease Agreement with Bernard Heimos for Hangar #19 at Taft Airport, at a monthly rate of \$71, to be reviewed annually - MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15301 OF CEQA; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION, IF REQUESTED; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 769-2004

Watson-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *13) Proposed Amendment No. 3 to Agreement 327-2004 with Brown Armstrong Accountancy Corporation to provide additional audits for the New Tot Lot Playgrounds project (General Services) in an amount not to exceed \$4,000 for period from October 1, 2003 to December 31, 2004; the C.H.D.P. Treatment Program (Public Health) in an amount not to exceed \$4,000 for period from November 1, 2003 to October 31, 2004; and the Nurse-Family Partnership Program (Public Health) in an amount not to exceed \$3,500 for the period from November 1, 2003 to October 31, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 770-2004

Watson-Maben: All Ayes

- *14) Proposed calculation of Proposition 4 Appropriations Limit for Fiscal Year 2004-2005 by selection of "the percentage change in the per capita personal income" in determining the Fiscal Year 2004-2005 appropriations limit and selection of "the change in population within the incorporated area of the County" as the population factor and setting Proposition 4 Appropriations Limit for Fiscal Year 2004-2005 for Kern County at \$553,983,711 - APPROVED; ADOPTED RESOLUTION 2004-297

Watson-Maben: All Ayes

COUNTY COUNSEL

- *15) Proposed addition of one (1) Deputy County Counsel I-V Confidential position and one (1) Legal Secretary position, and deletion of one (1) Senior Paralegal position, effective September 18, 2004; and deletion of one (1) Office Services Specialist position, upon vacation of position through promotion of staff - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Watson-Maben: All Ayes

- *16) Resolution providing for the authorization, issuance and sale of bonds of Schools Facilities Improvement District No. 1 of the Mojave Unified School District in an aggregate principal amount not to exceed \$1,497,458.90 (Election of 2002, Series 2004) - ADOPTED RESOLUTION 2004-298

Watson-Maben: All Ayes

- 17) Report regarding Disability Management, Disability Retirement and Return to Work (from March 9, 2004) - ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS ASSOCIATION, HEARD; CONTINUED TO TUESDAY, SEPTEMBER 14, 2004, AT 9:00 A.M.; DIRECTED COUNTY ADMINISTRATIVE OFFICE TO DISTRIBUTE REPORT TO DEPARTMENT HEADS, FOR INPUT

Parra-Watson: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *18) Proposed retroactive Agreement with ACS State & Local Solutions, Inc., to provide comprehensive educational and employment readiness activities for in- and out-of-school youths, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$230,695 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 771-2004

Watson-Maben: All Ayes

- *19) Proposed retroactive Agreement with Wasco Union High School District to provide comprehensive educational and employment readiness activities for in- and out-of-school youths, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$30,000 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 772-2004

Watson-Maben: All Ayes

FIRE DEPARTMENT

- *20) Request for approval of unusual travel for Deputy Chief Mike Cody to attend National Fire Academy in Emmitsburg, Maryland, September 12 - 24, 2004, in an amount not to exceed \$200 - APPROVED

Watson-Maben: All Ayes

HUMAN SERVICES

- *21) Request approval to allow two (2) Foster Parent Association Officers to attend 2004-2005 Board Meetings and Training Conferences as approved by the Department of Human Services, and for payment of travel expenses in an amount not to exceed \$4,660 (State/Federal; no County cost) - APPROVED; AUTHORIZED AUDITOR CONTROLLER-COUNTY CLERK TO PAY

Watson-Maben: All Ayes

- *22) Request approval to allow up to twenty (20) County licensed foster parents to attend training conferences during Fiscal Year 2004-2005 as approved by the Department of Human Services, and for payment of travel expenses in an amount not to exceed \$22,400 (State/Federal; no County cost) - APPROVED; AUTHORIZED AUDITOR CONTROLLER-COUNTY CLERK TO PAY

Watson-Maben: All Ayes

KERN MEDICAL CENTER

- *23) Proposed sole source Agreement with Paul Westover, Inc., an independent contractor, for services as Executive Director of the Kern Medical Center Faculty Practice, from September 1, 2004 through August 31, 2009, in an amount not to exceed \$294,276.65 (from the KMC Enterprise Fund) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 773-2004

Watson-Maben: All Ayes

- *24) Proposed sole source McKesson Contract Supplement to Agreement 276-99, for the McKesson Connect 2000 Citrix upgrade, in an amount not to exceed \$218,122 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 774-2004

Watson-Maben: All Ayes

- *25) Proposed sole source McKesson Contract Supplement to Agreement 276-99, for the OpenVMS operating system to upgrade the computer server for the McKesson TrendStar Decision Support system, in an amount not to exceed \$3,688 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 775-2004

Watson-Maben: All Ayes

- *26) Proposed retroactive Agreement with AMN Healthcare, Inc., for temporary nurse staffing, from July 25, 2004 through July 24, 2006, in an amount not to exceed \$3,260,000 (prior notification July 12, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 776-2004

Watson-Maben: All Ayes

- *27) Proposed Amendment No. 1 to Agreement 1037-2002 with Michael C. Weighall, an independent contractor, for physical, speech, and occupational therapy services for patients of Sagebrush Home and Family Service and the ElderLife Adult Day Health Care Center, increasing the annual maximum payable to \$77,000 (an increase of \$7,000), for the period November 1, 2003 through October 31, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 777-2004

Watson-Maben: All Ayes

- *28) Proposed Letter of Agreement with McKesson Information Solutions, LLC, relating to the purchase and implementation of the Horizon Patient Folder, for the period August 31, 2004 through September 30, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 778-2004

Watson-Maben: All Ayes

MENTAL HEALTH SERVICES

- *29) Proposed Amendment No. 2 to Agreement 357-2001 with the Department of Alcohol and Drug Program's Agreement - County 15 (Kern) for Alcohol and Drug Prevention Treatment and Services, for Fiscal Year 2003-2004, to increase funding from \$9,059,251 to \$9,245,900 (an increase of \$186,649) (funding to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 779-2004

Watson-Maben: All Ayes

- *30) Proposed Amendment No. 2 to Agreement 560-2003 with Henrietta Weill Memorial Child Guidance Clinic, Inc., for mental health services for children residing in the Greater Bakersfield area, to extend the term for a two month period, from September 1, 2004 through October 31, 2004, and increase compensation from \$2,284,569 to an amount not to exceed \$2,584,533 (an increase of \$309,244) (Drug Medi-Cal, State, Grant - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 780-2004

Watson-Maben: All Ayes

- *31) Proposed Agreement with Community Services Organization Behavioral Health Programs, Inc., for substance abuse outpatient treatment services for substance abuse clients residing in Metropolitan Bakersfield, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$211,905 (Drug Medi-Cal, Federal, Grant - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 781-2004

Watson-Maben: All Ayes

- *32) Proposed Agreement with Ebony Counseling Center, Inc., for substance abuse outpatient treatment services for substance abuse clients residing in Metropolitan Bakersfield, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$494,672 (Drug Medi-Cal, Federal, State, Grant - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 782-2004

Watson-Maben: All Ayes

- *33) Proposed Agreement with Kern County Hispanic Commission on Alcohol and Drugs, Inc., for substance abuse residential and outpatient treatment services for substance abuse clients residing in Metropolitan Bakersfield, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$237,916 (Federal, State - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 783-2004

Watson-Maben: All Ayes

- *34) Proposed Agreement with Legacy Behavioral Services, Inc., for substance abuse sober living environment services for substance abuse clients residing in Metropolitan Bakersfield, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$51,008 (Grant - Mandated/Budgeted) -

WITHDRAWN

- *35) Proposed Agreement with Vince and Elizabeth Saldias, dba Positive Visions for Men, for sober living environment (SLE) services for substance abuse clients residing in Metropolitan Bakersfield, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$51,818 (Grant - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 784-2004

Watson-Maben: All Ayes

- *36) Proposed Agreement with Restoration Village Treatment Center, Inc., dba Hannah's Haven, for sober living environment (SLE) services for substance abuse clients residing in Metropolitan Bakersfield, from September 1, 2004 through June 30, 2005, in an amount not to exceed \$57,487 (State, Grant - Mandated/Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 785-2004

Watson-Maben: All Ayes

- *37) Proposed Agreement with The Commission on Accreditation of Rehabilitation Facilities (CARF) for re-accreditation of mental health services/programs, in an amount not to exceed \$15,500 (Realignment; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 786-2004

Watson-Maben: All Ayes

PARKS AND RECREATION DEPARTMENT

Hearing

- 38) Public Hearing regarding proposed revisions to and addition of certain fees relating to facility use and recreational activities - OPENED HEARING; EDWARD COLE, TREASURER, ROSAMOND SENIOR CITIZENS, INC.; RON BENOIT, PRESIDENT, LAKE ISABELLA-BODFISH PROPERTY OWNERS; DAVID GRAHAM; RITA SCOTT, MOJAVE SENIOR CITIZENS; ROBERT WOLF, PRESIDENT, KERN RIVER VALLEY SENIOR CITIZENS AT LAKE ISABELLA SENIOR CENTER, INC., JULIANN D'ASCENZO, LINE DANCE INSTRUCTOR; LARRY LUNTZ; ROGER BIRDSEYE; EDWARD COLE, REPRESENTING AMERICAN LEGION IN ROSAMOND; AND BILL TEBBE, HEARD; CLOSED HEARING; ENACTED ORDINANCE G-7129 DELETING PROVISIONS CONCERNING NON-PROFIT GROUPS; RECEIVED AND FILED DOCUMENTS; REFERRED TO PARKS AND RECREATION, AGING AND ADULT SERVICES, COUNTY COUNSEL AND COUNTY ADMINISTRATIVE OFFICE TO REVIEW FEE OPTIONS FOR NON-PROFIT AND SENIOR CITIZEN GROUPS, INCLUDING FUNDING SOURCES FOR SENIOR CITIZEN GROUPS FOR REPORT BACK TO THE BOARD ON TUESDAY, OCTOBER 5, 2004 AT 9:00 A.M.; DIRECTED PARKS DEPARTMENT TO NOTIFY FUTURE NON-PROFIT APPLICANTS THAT THE RATES MAY CHANGE

Watson-Parra: All Ayes

PROBATION

- *39) Request to hire retired County employee James Albitre as a Group Counselor-Support Services, Range 48.7, 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 - APPROVED

Watson-Maben: All Ayes

- *40) Request authorization to submit grant application to the Governor's Office of Emergency Services for the Probation Specialized Units Program, in the amount of \$111,084, which includes a 25% match (\$27,771), from October 1, 2004 through September 30, 2005 - APPROVED; AUTHORIZED CHIEF PROBATION OFFICER TO EXECUTE REQUIRED APPLICATION AND GRANT AGREEMENT

Watson-Maben: All Ayes

- *41) Request authorization to submit grant application to the Governor's Office of Emergency Services for the Special Emphasis Victim Assistance (SEVAP) Program, in the amount of \$137,500, which includes a 20% match (\$27,500), from October 1, 2004 through September 30, 2005 - APPROVED; AUTHORIZED CHIEF PROBATION OFFICER TO EXECUTE REQUIRED APPLICATION AND GRANT AGREEMENT

Watson-Maben: All Ayes

- *42) Proposed retroactive Agreement with South Fork Union School District for truancy prevention services, from August 15, 2004 through June 15, 2005, in an amount not to exceed \$70,926 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 787-2004

Watson-Maben: All Ayes

PUBLIC HEALTH SERVICES

- *43) Proposed retroactive Agreement with the Society of Disabled Children, for maintenance and transportation bookkeeping services, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$120,000 (prior notification June 29, 2004) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 788-2004

Watson-Maben: All Ayes

- *44) Request to accept California Department of Health Services, Tuberculosis Local Assistance Award of \$208,696 for local assistance and \$19,000 in Food, Shelter, Incentives and Enablers Allotment, for a total of \$227,696 for Fiscal Year 2004-2005 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN ACCEPTANCE DOCUMENTS

Watson-Maben: All Ayes

- *45) Request to delete six (6) part-time temporary Departmental Aide I/II positions and add three (3) full-time permanent Departmental Aide I/II positions (Salary Schedule 4110-C), effective August 31, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Watson-Maben: All Ayes

SHERIFF

- *46) Request for authorization to apply for grant funding from the Governor's Office of Emergency Services for continued funding of the Kern California Multijurisdictional Methamphetamine Enforcement Team (CALMMET) Task Force - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CERTIFICATION OF ASSURANCE OF COMPLIANCE

Watson-Maben: All Ayes

MOTION BY SUPERVISOR WATSON TO CONTINUE CLOSED SESSION ITEMS 47 THROUGH 53 TO 2:00 P.M. (SEE ITEMS 35 THROUGH 41)

ADJOURN AS BOARD OF SUPERVISORS AND RECONVENE AS IHSS PUBLIC AUTHORITY

ADJOURN TO CLOSED SESSION

CLOSED SESSIONS

IHSS PUBLIC AUTHORITY

- 47) Request for closed session regarding Meet and Confer, UDWA -
RECONVENE FROM CLOSED SESSION; ADJOURN AS IHSS PUBLIC AUTHORITY AND RECONVENE AS BOARD OF SUPERVISORS
ADJOURN TO CLOSED SESSION

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 48) Request for closed session regarding Meet and Confer, KCSCA -
49) Request for closed session regarding public employee recruitment - Title: Executive Director Board of Trade -

COUNTY COUNSEL

- 50) Request for closed session regarding a lawsuit entitled County of Kern vs. Thomas E. Vontz and related actions, Kern County Superior Court Case No. S-1500-CV-245787 RJA (Government Code Section 54956.9(a)) -
51) Request for closed session regarding a lawsuit entitled Carmen Ochoa vs. Floyd Johnston Construction Company and related actions, Kern County Superior Court Case No. S-1500-CV-251125 RJA (Government Code Section 54956.9(a)) -
52) Request for closed session regarding a lawsuit entitled Antonio Martinez, et al. vs. County of Kern, et al., USDC (E) Case No. CIV-F-02-0962 MCE PAN (Government Code Section 54956.9(a)) -
53) Request for closed session regarding significant exposure to litigation against the County (one case) (Government Code Section 54956.9(b)(3)(E)) -

(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.)

RECESSED TO 2:00 P.M.

Watson

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Jon McQuiston
Chairman, Board of Supervisors

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2:00 P.M.

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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!
- MARY DAVIS, CYNTHIA IBARRA AND CYNTHIA HANNA, REPRESENTATIVE OF UNITED DOMESTIC WORKERS OF AMERICA, HEARD REGARDING HOME CARE SERVICES

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

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CONTINUED 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) (from 7/6/2004 & 8/3/2004) - OPENED HEARING; HEARD IN OPPOSITION TO STAFF RECOMMENDATION: NILE KINNEY, LEBEAU THELEN, LLP, REPRESENTING MACPHERSON OIL COMPANY; GERALD LEVERETT, ATTORNEY REPRESENTING ART MCADAMS; JOSEPH A. AUSTIN, OIL AND GAS ENGINEER WITH CALIFORNIA DEPARTMENT OF CONSERVATION/DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES; HEARD IN SUPPORT OF STAFF RECOMMENDATION: JACK DRAPER, COUNSEL FOR APPLICANT; CLOSED HEARING; NILE KINNEY, JACK RATLIFF, AND BRETT COOPER ANSWERED QUESTIONS POSED BY THE BOARD; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2004-299 APPROVING THE APPEAL IN ACCORDANCE WITH THE RECOMMENDED CONDITIONS, WITH CHANGES TO CONDITIONS 2G AND 6F RELATING TO REMOVABLE FENCING, FENCE SET BACK AND UNDERGROUNDING AND WRAPPING FLOW LINES AND WITH AN ADDITIONAL CONDITION REGARDING DEMARCATION OF PLAYING FIELDS, NOT TO BECOME EFFECTIVE UNLESS BY END OF WORKDAY ON OCTOBER 15, 2004, THE PROPERTY OWNER(S) OR THEIR REPRESENTATIVE SIGNS AND FILES THE REQUIRED INDEMNIFICATION AGREEMENT WITH THE PLANNING DIRECTOR, APPROVED AS TO FORM BY COUNTY COUNSEL

Parra-Maben: All Ayes

- 4) **Request from Robert Waters (original applicant - Tommy Thompson) to appeal the decision of the Planning Commission approving Conditional Use Permit 41, Map 100, to allow an equestrian facility and on-site employee housing on five acres located on Snow Road, east of Enos Lane, Bakersfield (SD 1)**

Specific Request:

An appeal to the decision of the Kern County Planning Commission approving Conditional Use Permit 41, Map 100 (Resolution 77-04; approved May 27, 2004) to allow an equestrian establishment (Section 19.46.030.C) and on-site employee housing (Section 19.46.030.A) in an NR(5) (Natural Resources - 5-acre minimum) District (Appeal #8, Map #100)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) (from 8/3/2004) - OPENED HEARING; ROBERT WATERS, APPELLANT, HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2004-300 DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION

Parra-Watson: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Hearing

All S.D.'s

- *5) Proposed modification to Interim Urgency Ordinance regulating structure and tower height within military restricted airspace and low-level flight routes and corridors to re-impose more restrictive height limits associated with previously existing base zone regulations - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ENACTED ORDINANCE G-7130

Maben-Parra: All Ayes

S.D. #1

- *6) Proposed Notice of Nonrenewal Petition No. 04-14 by Waymon and Christine Howze for 118.34 acres within Agricultural Preserve No. 8 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY

Engineering and Survey Services

S.D. #1

- *7) Request for release of Monument Security, Tract 5909, Snow Road, northwest Bakersfield, type "A" subdivision, Porter-Robertson Engineering for Donald Wattenbarger - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$3,305 TO SUBDIVIDER, DONALD WATTENBARGER

Maben-Parra: All Ayes

S.D. #2

- *8) Request for release of Monument Security, Tract 5201, Unit C, northeast corner of 35th Street West and Holiday Avenue, Rosamond area, Barratt American, Inc. - APPROVED; RELEASED MONUMENT SECURITY BOND NO. 111-1945-4491, UNDERWRITTEN BY AMERICAN INSURANCE COMPANY, IN THE AMOUNT OF \$5,520

Maben-Parra: All Ayes

S.D. #4

- *9) Request for release of Monument Security, Tract 5557, Phase B, north side of Palm Avenue, Rosedale area, type "A" subdivision, McIntosh and Associates Land Surveying and Engineering for George Delfino - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$4,690 TO SUBDIVIDER, GEORGE DELFINO BAKERSFIELD, LLC

Maben-Parra: All Ayes

- *10) Request for release of Monument Security, Tract 5557, Phase C, north side of Palm Avenue, Rosedale area, type "A" subdivision, McIntosh and Associates Land Surveying and Engineering for George Delfino - APPROVED; RELEASED MONUMENT SECURITY (CASH DEPOSIT); AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE WARRANT IN THE AMOUNT OF \$5,665 TO SUBDIVIDER, GEORGE DELFINO BAKERSFIELD, LLC

Maben-Parra: All Ayes

All S.D.'s

- *11) Request for relief from accountability of accounts receivable for code violation penalties and charges in the amount of \$47,518.09 - APPROVED

Maben-Parra: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department
S.D. #2

- *12) Request to repeal several obsolete portions of Chapter 10.20 of the Kern County Ordinance Code regarding "Parking and Safety Zones on State Highways" - APPROVED MODIFICATIONS; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF NECESSARY ORDINANCE

Maben-Parra: All Ayes

- *13) Proposed no stopping zone on Compagnoni Street south of State Route 119 - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF NECESSARY ORDINANCE

Maben-Parra: All Ayes

- *14) Proposed no stopping zone on State Route 119 west of State Route 99 - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF NECESSARY ORDINANCE

Maben-Parra: All Ayes

S.D. #3

- *15) Proposed Amendment No. 2 to Agreement 668-97 with Caltrans (No. 06R068) to extend State Funding Agreement for Calloway Drive underpass at BNSF Railroad to December 31, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 789-2004

Maben-Parra: All Ayes

- *16) Proposed no stopping zone along Pegasus Drive, south of Mars Court - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF NECESSARY ORDINANCE

Maben-Parra: All Ayes

S.D. #5

- *17) Proposed Resolution to accept Offer of Dedication, declaration as public highway and incorporation into the County road system as a portion of Ross Street - APPROVED; ADOPTED RESOLUTION 2004-301; DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Parra: All Ayes

- *18) Change from a no stopping zone to a bus loading zone on Foothill Drive - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF NECESSARY ORDINANCE

Maben-Parra: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *19) Proposed Resolution to set Public Hearing for Tuesday, September 28, 2004, at 2:00 p.m. to consider a report concerning the Annual Review of Garbage Franchises, establishing the schedule of Refuse Service Rates for Calendar Year 2005 and implementing a pilot program for voluntary curbside recycling - RECEIVED AND FILED; ADOPTED RESOLUTION 2004-302; SET HEARING FOR TUESDAY, SEPTEMBER 28, 2004, AT 2:00 P.M.; DIRECTED COUNTY COUNSEL TO PREPARE, AND CLERK OF THE BOARD TO PUBLISH, HEARING NOTICE

Maben-Parra: All Ayes

- *20) Proposed Agreement with GeoSyntec Consultants to provide environmental, civil and geotechnical engineering services at closed and inactive facilities from August 31, 2004 through August 31, 2009, in an amount not to exceed \$500,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 790-2004

Maben-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *21) Proposed establishment of Ad Hoc Task Force on affordable housing - APPROVED; REFERRED IMPLEMENTATION TO COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Maben-Parra: All Ayes

- *22) Request for continuance on response from Citizen Review Panel regarding independent oversight in cases of child death or serious abuse or neglect of a child - CONTINUED TO TUESDAY, SEPTEMBER 14, 2004, AT 2:00 P.M.

Maben-Parra: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #3

- *23) Proposed Resolution designating a portion of County property at Olive Drive and Victor Streets for public access and utility purposes - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061(B)(3); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; ADOPTED RESOLUTION 2004-303; DIRECTED CLERK OF THE BOARD TO RECORD RESOLUTION

Maben-Parra: All Ayes

S.D. #4

- *24) Proposed Agreement with Dennis Martin for lease of 930 "F" Street, Wasco, for use by Mental Health Department to provide services in the Wasco area, from September 1, 2004 through August 31, 2007, in an amount not to exceed \$77,600 for Fiscal Year 2004-2005 - 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 791-2004

Maben-Parra: All Ayes

S.D. #5

- *25) Proposed Agreement with Golden Empire Affordable Housing, Inc., for lease of a portion of 2300 Union Avenue, Bakersfield, for use by Mental Health Department to provide counseling services to residents of the Green Gardens respite care facility for homeless people, from August 31, 2004 through August 31, 2008, for a total cost for Fiscal Year 2004-2005 not to exceed \$11,720 - 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 792-2004; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY RENT FOR JULY AND AUGUST 2004 IN THE AMOUNT OF \$1,900

Maben-Parra: All Ayes

S.D.'s #1 & #4

- *26) Request to set hearing for granting of pipeline franchise to Chevron U.S.A., Inc. (renewal of Ordinance F-245) - ADOPTED RESOLUTION 2004-304 SETTING HEARING FOR TUESDAY, OCTOBER 5, 2004, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Maben-Parra: All Ayes

All S.D.'s

- *27) Request to set hearing to consider granting Coxcom, Inc., a cable television franchise for continued operation in the greater Bakersfield area - SET HEARING FOR TUESDAY, SEPTEMBER 28, 2004, AT 2:00 P.M.; DESIGNATED COUNTY COUNSEL AS OFFICIAL TO PREPARE ORDINANCE SUMMARY; DIRECTED CLERK OF THE BOARD TO POST PROPOSED ORDINANCE AND PUBLISH NOTICE AND SUMMARY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 25124(b)(1)

Maben-Parra: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED ON AUGUST 24, 2004

- *28) Proposed Ordinance adding Subsection (229) to Section 10.16.070 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning a one-hour (1) parking zone along the north side of East California Avenue - ENACTED ORDINANCE G-7131

Maben-Parra: All Ayes

- *29) Proposed Ordinance adding Subsection (228) to Section 10.16.070 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning a no parking zone on the north side of Shirley Lane - ENACTED ORDINANCE G-7132

Maben-Parra: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *30) Budget Transfers - NONE

Maben-Parra: All Ayes

- *31) Minutes for week of July 12, 2004 - APPROVED

Maben-Parra: All Ayes

- *32) Miscellaneous Letters and Documents - APPROVED

Maben-Parra: All Ayes

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

Maben-Parra: All Ayes

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

Maben-Parra: All Ayes

ADJOURNED AS BOARD OF SUPERVISORS AND RECONVENED AS IHSS PUBLIC AUTHORITY

Maben-Patrick

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSIONS

IHSS PUBLIC AUTHORITY

- 35) Request for closed session regarding Meet and Confer, UDWA (from 8/31/2004, 9:00 A.M., Item No. 47) -

RECONVENED FROM CLOSED SESSION WITH ALL MEMBERS PRESENT; ADJOURNED AS IHSS PUBLIC AUTHORITY AND RECONVENED AS BOARD OF SUPERVISORS

Maben

ADJOURNED TO CLOSED SESSION

Maben

CLOSED SESSIONS

COUNTY ADMINISTRATIVE OFFICE

- 36) Request for closed session regarding Meet and Confer, KCSCA (from 8/31/2004, 9:00 A.M., Item No. 48) -

- 37) Request for closed session regarding public employee recruitment - Title: Executive Director Board of Trade (from 8/31/2004, 9:00 A.M., Item No. 49) -

COUNTY COUNSEL

- 38) Request for closed session regarding a lawsuit entitled County of Kern vs. Thomas E. Vontz and related actions, Kern County Superior Court Case No. S-1500-CV-245787 RJA (Government Code Section 54956.9(a)) (from 8/31/2004, 9:00 A.M., Item No. 50) -
- 39) Request for closed session regarding a lawsuit entitled Carmen Ochoa vs. Floyd Johnston Construction Company and related actions, Kern County Superior Court Case No. S-1500-CV-251125 RJA (Government Code Section 54956.9(a)) (from 8/31/2004, 9:00 A.M., Item No. 51) -
- 40) Request for closed session regarding a lawsuit entitled Antonio Martinez, et al. vs. County of Kern, et al., USDC (E) Case No. CIV-F-02-0962 MCE PAN (Government Code Section 54956.9(a)) (from 8/31/2004, 9:00 A.M., Item No. 52) -
- 41) Request for closed session regarding significant exposure to litigation against the County (one case) (Government Code Section 54956.9(b)(3)(E)) (from 8/31/2004, 9:00 A.M., Item No. 53) -

(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 next meeting of the Board of Supervisors.)

RECONVENED FROM CLOSED SESSION; ADJOURNED TO TUESDAY, SEPTEMBER 7, 2004, AT 9:00 A.M.

Parra-Maben

/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

Assessor

- A) Response to referral to Michele M. Spencer re obtaining copy of her birth certificate (Copies to each Supervisor and CAO)

Auditor-Controller-County Clerk

- B) Kern County Mentally Ill Offender Crime Reduction Grant Audit Report for July 1, 1999 to March 31, 2004

Clerk of the Board

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

- | | |
|---------------------|---------|
| 1) Tract Map 6220 | S.D. #3 |
| 2) Parcel Map 11040 | S.D. #4 |
| 3) Parcel Map 11063 | S.D. #1 |

Employers' Training Resource

- D) WIA OJT Agreements:

- 1) HPS Mechanical, Inc., WIA Title 201, dated July 28, 2004
- 2) Hall Ambulance Service, Inc., WIA Title 201, dated August 16, 2004
- 3) Mechanical Industries, Inc., WIA Title 501/543, dated July 26, 2004
- 4) Torch Rig Services, Inc., WIA Title 201, dated August 9, 2004
- 5) Torch Rig Services, Inc., WIA Title 501, dated August 9, 2004

- E) Modification No. 9 to Agreement R485279 with the State of California Employment Development Department to add WIA 25% funding

- F) Modification No. 10 to Agreement R485279 with the State of California Employment Development Department to incorporate and add WIA 15% funding for the second increment of NWI funding

Engineering & Survey Services

- G) Received, prepared Consent to Recordation and forwarded to Recorder for recordation an Irrevocable Offer of Dedication from James Tyack, IV and Karen Lynn Tyack for drainage easement

Local Agency Formation Commission

- H) Resolution No. 04-24, Proceeding No. 1380, in the matter of Pond-Shafter-Wasco, Buena Vista and Western Kern Resource Conservation Districts (RCD): Consolidation to the North West Kern RCD (Copies to each Supervisor and CAO)

- I) Resolution 04-25, Proceeding No. 1381, in the matter of Kern Tulare Water District, Detachment R

- J) Report and Recommendation, Proceeding No. 1382, in the matter of City of Bakersfield, Annexation No. 452 (Mohawk No. 1)

Miscellaneous

- K) Letter from Laurence Davenport, Mountain Mesa Community Services District, re their petition to vacate roads in the Community Services District (Copies to each Supervisor, CAO, Planning and County Counsel)
- L) Letter from G. Edward and Margaret Jeanne Eversole in support of Planning Commission's recommendations re Mountain Meadows Community Service District (Copies to each Supervisor, CAO, Planning and County Counsel)
- M) Letter from Kathleen H. Drummy and Robert K. Stewart, Jr., Davis Wright Tremain, LLP, re appeal by Henrietta Weill Memorial Child Guidance Clinic for children's mental health services (Copies to each Supervisor, CAO, Mental Health, Purchasing and County Counsel)
- N) Letter from Brian A. Flynn re selection of Clinica Sierra Vista over Henrietta Weill Memorial Child Guidance Clinic to provide mental health services (Copies to each Supervisor, CAO, Mental Health, Purchasing and County Counsel)
- O) Letter from Stan and Karen Enns in opposition to Planning Commission recommendation re General Plan Amendment No. 6, Map No. 78 (Copies to each Supervisor, CAO, Planning and County Counsel)
- P) Letter from Gordon Jones re dust from Lehigh Southwest Cement Company (Copies to each Supervisor, CAO and Kern County Air Pollution Control District)
- Q) Letter from Wayne S. White, U.S. Department of the Interior, Fish and Wildlife Service, re final rule designating the California Tiger Salamander as a threatened species and proposed rule to designate critical habitat (Copies to each Supervisor, CAO, Planning and County Counsel)
- R) E-mail from Panfilo Fuentes re Bakersfield law enforcement (Copies to each Supervisor, CAO and Sheriff)
- S) E-mail from Kristen Porterfield re animal overpopulation and suggested development of mandatory spay and neutering programs (Copies to each Supervisor, CAO and Environmental Health-Animal Control)
- 33) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Tracy Leach, NO on 68, requesting resolution opposing Proposition 68, which would expand casino-style gambling in California - REFERRED TO COUNTY ADMINISTRATIVE OFFICE (Copies to each Supervisor)

- B) Maricopa Unified School District Resolution No. 05-01 re ordering an election to authorize issuance of school bonds, establishing specifications of election order and requesting consolidation with other elections occurring on November 2, 2004 - REFERRED TO ELECTIONS
- 34) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Emmanuel Foreman vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Jose Flores vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Randall Robertson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Joyce Dishman, Daniel Kenneth Williams, Danny Williams, Kathy Amurmarutani and Joshua Epps vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of J.D. Rush Company vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Summons and Complaint in the matter of Senaido Velazquez, Soleny Velazquez and Ricardo Velazquez, Jr., minors by and through their Guardian ad Litem, Marisol Vargas, and Marisol Sanchez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Subrogation claim in the matter of Michelle Ammons by Farmers Insurance Group vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)