

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

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

Regular Meeting
Monday, September 13, 2004

2:00 P.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Maben

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

BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

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

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - AT THE REQUEST OF SUPERVISOR MABEN, REFERRED CORRESPONDENCE FROM MARGARET ENGLAND REGARDING ENDOCRINOLOGY CARE AT KERN MEDICAL CENTER RECEIVED AND FILED SEPTEMBER 9, 2004, TO KMC FOR REPORT BACK TO THE BOARD AT THE NEXT REGULAR MEETING TO BE HELD AT KMC

Maben-Parra: All Ayes

SUPERVISOR PATRICK INTRODUCED NICK GATTI, THIRD DISTRICT FIELD REPRESENTATIVE, RECENTLY APPOINTED TO HER STAFF

RECESSED FOR FIVE MINUTES; RECONVENED WITH ALL MEMBERS PRESENT

DEPARTMENTAL REQUESTS

KERN MEDICAL CENTER

- 3) Update report regarding Kern Medical Center's financial condition - RECEIVED AND FILED

Parra-Patrick: All Ayes

- 4) Report regarding "Current Status of America's Public Hospitals & Health Systems" - CHRISTINE BURCH, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF PUBLIC HOSPITALS, MADE PRESENTATION; RECEIVED AND FILED

Watson-Parra: All Ayes

- 5) Proposed renewal application for the ElderLife Adult Day Health Care Center for Medi-Cal certification with the Adult Day Health Care Branch, California Department of Aging - DAVID HILL, KMC DIRECTOR OF AMBULATORY CARE, MADE PRESENTATION; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Parra-Patrick: All Ayes

- *6) Annual application for renewal of Agreement with State Department of Education to participate in Child and Adult Care Food Program, for funding of nutritional supplements for ElderLife participants (funding to County) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 821-2004

Patrick-Watson: All Ayes

- *7) Proposed Supplement to Master Agreement 276-99 with McKesson Information Solutions LLC, for services to implement the integration between Horizon Physician Portal and the Softmed Chartscrip Software system, in an amount not to exceed \$15,000 - CONTINUED TO TUESDAY, SEPTEMBER 28, 2004, AT 9:00 A.M.

Patrick-Watson: All Ayes

- *8) Proposed Amendment No. 2 to Agreement 898-2002 with Murray A. Brown, M.D., Inc., to assist with ongoing development of psychiatry residency program, to extend term to September 23, 2005, and increase the not to exceed amount to \$225,000 (an increase of \$75,000) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 822-2004

Patrick-Watson: All Ayes

- *9) Proposed Amendment No. 2 to Agreement 899-2002 with Marvin Karno, M.D., to assist with ongoing development of psychiatry residency program, to extend term to September 23, 2005, and increase the not to exceed amount to \$225,000 (an increase of \$75,000) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 823-2004

Patrick-Watson: All Ayes

- *10) Proposed sole source Agreement with Physician Executive Management Center, Inc., for an executive physician search, from September 13, 2004 through September 12, 2005, in an amount not to exceed \$60,000 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 824-2004

Patrick-Watson: All Ayes

ADJOURNED TO TUESDAY, SEPTEMBER 14, 2004 AT 9:00 A.M.

Maben-

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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

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

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, September 14, 2004

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor Parra

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) Resolution honoring the late Arthur Tognini for his efforts in bringing the Liberty Bell to Kern County and his work as Chairman of the Kern County Heritage Commission - ADOPTED RESOLUTION; MADE PRESENTATION TO SANDRA BAYS, DAUGHTER, AND MRS. PAT TOGNINI; JOHN ENRIQUEZ HEARD; PRESENTATIONS WERE MADE BY MAYOR HARVEY HALL, TREVA ELLIOTT, FIELD REPRESENTATIVE FOR ASSEMBLYMAN KEVIN MC CARTHY, AND BILLIE JO MEDDERS, FIELD REPRESENTATIVE FOR CONGRESSMAN BILL THOMAS; LEE OLSON, BOB ADDISON, AND JOHN ENRIQUEZ, REPRESENTING THE KERN COUNTY HERITAGE COMMISSION, PRESENTED THE KERN COUNTY FLAG TO FAMILY MEMBERS; SANDRA BAYS HEARD

Maben-Parra: All Ayes

- 2) Proclamation proclaiming September 2004 as National Preparedness Month in Kern County - PROCLAIMED; MADE PRESENTATION TO KERN COUNTY FIRE CHIEF DENNIS THOMPSON; CHIEF THOMPSON HEARD

Watson-Patrick: All Ayes

- *3) Resolution honoring Robin Garden upon her retirement after 36 years of service to Kern County - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

Patrick-Watson: All Ayes

- *4) Proclamation proclaiming September 17, 2004, as Constitution Day in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Patrick-Watson: All Ayes

- *5) Proclamation proclaiming October 25 - 31, 2004, as Red Ribbon Week in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

Patrick-Watson: All Ayes

APPOINTMENTS

- *6) Appointment of Jon W. Johnston as First District Member to the Commission on Aging, term to expire May 4, 2006 - MADE APPOINTMENT

Patrick-Watson: All Ayes

- *7) Appointment of Mitchell R. Byers (replacing Margie Ezell) as At-large Member to the West Side Cemetery District, term to expire July 11, 2005 - MADE APPOINTMENT

Patrick-Watson: All Ayes

PUBLIC PRESENTATIONS

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- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 9) 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

AIRPORTS

- *10) Contract No. 05001, Plans, Specifications and Notice to Contractors for reconstruction of Southeast Taxiway on Meadows Field Airport (Fiscal Impact: \$800,000; Federal Grant; Budgeted; Non Mandated) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PER SECTION 15301 OF STATE CEQA GUIDELINES; AUTHORIZED ROADS DEPARTMENT TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN PLANS; AUTHORIZED ROADS DEPARTMENT TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, OCTOBER 13, 2004, 11:00 A.M.

Patrick-Watson: All Ayes

- *11) Contract No. 05003, Plans, Specifications and Notice to Contractors for construction of overlay of runway at Lost Hills Airport (Fiscal Impact: \$388,000; Federal Grant; Budgeted; Non Mandated) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PER SECTIONS 15301 AND 15304 OF STATE CEQA GUIDELINES; AUTHORIZED ROADS DEPARTMENT TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN PLANS; AUTHORIZED ROADS DEPARTMENT TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, OCTOBER 13, 2004, 11:00 A.M.

Patrick-Watson: All Ayes

BOARD OF SUPERVISORS

- *12) AB 2673 (Simitian), State review of applications for recordable disclaimers to preserve local government rights-of-way on federal lands - ADOPTED POSITION IN OPPOSITION; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Patrick-Watson: All Ayes

CHILD SUPPORT SERVICES

- *13) Proposed addition of one (1) Accountant I/II/III and deletion of one (1) vacant Fiscal Support Specialist effective September 14, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Watson: All Ayes

COUNTY COUNSEL

- *14) Request to extend time for response to referral relating to Disability Management, Disability Retirement and Return to Work from September 14, 2004 to Tuesday, October 19, 2004, at 9:00 a.m. - APPROVED

Patrick-Watson: All Ayes

EMERGENCY MEDICAL SERVICES

- *15) Proposed retroactive Agreements with ambulance service providers for emergency medical services to indigents: CARE Ambulance Service, in an amount not to exceed \$29,168; Delano Ambulance Service, in an amount not to exceed \$29,168; Hall Ambulance Service, Inc., in an amount not to exceed \$308,347; Kern Ambulance Service, in an amount not to exceed \$16,667; Kern Emergency Medical Transportation, Inc., in an amount not to exceed \$16,667; Liberty Ambulance Service, in an amount not to exceed \$16,667, for prehospital emergency medical ground transportation services; and with: California City Fire Department, in an amount not to exceed \$5,730; Hall Ambulance Service, Inc., in an amount not to exceed \$26,738; and Mercy Air Service, Inc., in an amount not to exceed \$5,730, for pre-hospital emergency medical air transportation services, from July 1, 2004 through June 30, 2005 (prior notification July 6, 2004) (Fiscal Impact: \$454,882; General Fund and Emergency Medical Services Fund; budgeted; discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 825-2004; 826-2004; 827-2004; 828-2004; 829-2004; 830-2004; 831-2004; 832-2004; and 833-2004

Patrick-Watson: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *16) Request for authorization to apply for an Innovations in American Government Award from the Ash Institute for Democratic Governance and Innovation, Harvard University to identify and promote excellence and creativity in the public sector (Fiscal Impact: \$100,000; Foundation Grant; Not Budgeted; Not Mandated) - APPROVED; AUTHORIZED ETR TO APPLY FOR GRANT AND, IF AWARDED, ACT AS THE FISCAL AGENT FOR GRANT FUNDS AND EXECUTE REQUIRED DOCUMENTS

Patrick-Watson: All Ayes

- *17) Request for authorization to apply for an incentive award from the California Workforce Investment Board for Workforce Investment Act funding to increase emphasis on meeting business needs (Fiscal Impact: \$70,000; Federal Grant; Not Budgeted; Not Mandated) - APPROVED; AUTHORIZED ETR TO APPLY FOR GRANT AND, IF AWARDED, ACT AS THE FISCAL AGENT FOR GRANT FUNDS AND EXECUTE REQUIRED DOCUMENTS

Patrick-Watson: All Ayes

- *18) Proposed retroactive Amendment No. 1 to Agreement 180-2004 with Ebony Counseling Center for the Community Agencies TANF Services Program to extend the term through June 30, 2005 (prior notification August 24, 2004) (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 834-2004

Patrick-Watson: All Ayes

- *19) Proposed retroactive Agreement with Proteus, Inc. to provide employment and training services to Workforce Investment Act-eligible customers from July 1, 2004 through June 30, 2005, in an amount not to exceed \$617,441 (prior notification June 29, 2004) (Fiscal Impact: \$617,441, Federal Grant, Budgeted, Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 835-2004

Patrick-Watson: All Ayes

FIRE DEPARTMENT

- *20) Proposed Letter of Agreement with Golden Hills Community Services District (GHCSO) regarding use of GHCSO facilities for water supplies for fires (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 836-2004

Patrick-Watson: All Ayes

MENTAL HEALTH SERVICES

- *21) Proposed retroactive Agreement with Pamela Alfafra, M.D. for professional psychiatric inpatient services at Memorial Center Hospital for adult and minor beneficiaries and indigent minor residents of Kern County, from August 30, 2004 to June 30, 2005, in an amount not to exceed \$22,000 (Fiscal Impact: \$22,000; Medi-Cal, State; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 837-2004

Patrick-Watson: All Ayes

- *22) Proposed addition of one (1) Mental Health Nurse position and deletion of one (1) vacant Staff Nurse position from Budget Unit 4120; and addition of one (1) Substance Abuse Specialist I/II position and deletion of one (1) vacant Mental Health Recovery Specialist Aide position from Budget Unit 4123, effective September 14, 2004 - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Watson: All Ayes

PUBLIC HEALTH SERVICES

- *23) Proposed Agreement with the State of California Office of Traffic Safety for the "Traffic Safety for Mommies" Program in an amount not to exceed \$40,000, from October 1, 2004 to September 30, 2005 (Fiscal Impact: \$40,000; State Grant; Budgeted)- APPROVED; AUTHORIZED DIRECTOR OF PUBLIC HEALTH SERVICES TO SIGN AGREEMENT AND RELATED DOCUMENTS

Patrick-Watson: All Ayes

- *24) Proposed Children's Medical Services Plan and budgets for Child Health and Disability Prevention and California Children Services for Fiscal Year 2004-2005 (Fiscal Impact: \$8,139,939; State Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN CERTIFICATION STATEMENT

Patrick-Watson: All Ayes

SHERIFF

- *25) Proposed Agreement with the Kern County Superior Court to provide background investigation services from September 14, 2004 through June 30, 2005 at the rate of \$75 per investigation - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 838-2004

Patrick-Watson: All Ayes

- *26) Proposed Agreement with X Prize Foundation for Sheriff's Department to provide supplemental law enforcement services for two special test flight events to be conducted at Mojave Airport, between September 25, 2004 and October 30, 2004 - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 839-2004

Patrick-Watson: All Ayes

TREASURER-TAX COLLECTOR

- *27) Cash Receipts and Disbursements for August 2004 - RECEIVED AND FILED

Patrick-Maben: All Ayes

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM NO. 30: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER AGENDA WAS POSTED ON SEPTEMBER 9, 2004, COUNTY OFFICIALS LEARNED ABOUT A SIGNIFICANT EXPOSURE TO LITIGATION THAT MERITS THIS BOARD'S IMMEDIATE ATTENTION.

Parra-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Maben

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 28) Request for Closed Session regarding Meet and Confer, KCSCA
-
- 29) Request for Closed Session regarding public employee performance evaluation - Title: Director of Emergency Medical Services -

NON-AGENDA ITEM

COUNTY COUNSEL

- 30) Request for Closed Session regarding significant exposure to litigation (Government Code Section 54956.9(b)(1) -

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

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

Maben-Parra

/s/ Denise Pennell
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors

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CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- 3) **Request from Hageman Northwest, LP, by SmithTech/USA, Inc., to change the permitted uses from limited agriculture to estate residential on 160.47 acres located at the southeast corner of Hageman Road and Heath Road, western Rosedale (SD #4)**

Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Code(s) UER to Map Code(s) SR or a more restrictive map code designation on 140.92 acres (GPA #51, Map #101)
- (b) A change in zone classification from A-1 to E (1/4) on 140.92 acres and to E (1/2) on 19.67 acres or more restrictive districts (ZCC #137, Map #101)

(Negative Declaration; Published Bakersfield Californian)(from 9/7/2004) - OPENED HEARING; HEARD IN OPPOSITION TO STAFF'S RECOMMENDATION: ARTHUR UNGER, KERN KAWEAH CHAPTER OF THE SIERRA CLUB; MIKE PITCHER; AND MICHAEL ELLIOTT; HEARD IN SUPPORT OF STAFF'S RECOMMENDATION: RANDY ABBOTT, ON BEHALF OF THE APPLICANT; CLOSED HEARING; ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2004-325 AND 2004-326 AND ENACTED ORDINANCE G-7138 APPROVING PROJECT AS REQUESTED BY APPLICANT INCLUDING AFFIRMING THE UER (URBAN ESTATE RESIDENTIAL) MAP CODE AND ADOPTING THE E (1/2) (ESTATE - 1/2-ACRE) ZONING ON 19.67 ACRES AT THE SOUTHWEST CORNER OF THE PROJECT, AND THE SR (SUBURBAN RESIDENTIAL - LESS THAN OR EQUAL TO 4 DWELLING UNITS/NET ACRE) MAP CODE AND E (1/4) (ESTATE - 1/4-ACRE) ZONING FOR THE 140.92-ACRE BALANCE OF THE PROJECT SITE, WITH ZONING TO BE HELD IN SUSPENSE PENDING RECORDATION OF A FINAL MAP SUBDIVISION; ALL NOT TO BECOME EFFECTIVE UNLESS PRIOR TO THE END OF WORKDAY OCTOBER 7, 2004, THE PROPERTY OWNER(S) SIGNS AND FILES WITH THE KERN COUNTY PLANNING DEPARTMENT AN INDEMNITY AGREEMENT APPROVED AS TO FORM BY COUNTY COUNSEL

Watson-Parra: 4 Ayes; 1 No - Maben

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- 4) **Request from John E. Doersam to vacate a portion of Burlando Road west of the southerly extension of Rio Del Loma Street, north of Kernville (SD 1)**

Specific Request:

Nonsummary vacation of a portion of Burlando Road (17-9 3 098; Streets and Highways)
(General Rule, Section 15061(b)(3); Published Kern Valley Sun) (from 9/7/2004) - OPENED HEARING; HEARD IN OPPOSITION TO STAFF'S RECOMMENDATION: JOHN DOERSAM; HEARD IN SUPPORT OF STAFF'S RECOMMENDATION: PHYLLIS HICKS; ERNIE ANDERSON; AND SHERYL BAUER, RECREATION MANAGER, U.S. FOREST SERVICE; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2004-327 DISAPPROVING VACATION; RECEIVED AND FILED DOCUMENTS

Maben-Parra: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

S.D. #1

- *5) Proposed Notice of Nonrenewal Petition No. 04-16 by Jeffries Family, L.P., for 144.61 acres within Agricultural Preserve No. 8 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD
Parra-Maben: All Ayes
- *6) Proposed Notice of Nonrenewal Petition No. 04-17 by Jeffries Family, L.P., for 9.55 acres within Agricultural Preserve No. 8 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD
Parra-Maben: All Ayes
- *7) Proposed Notice of Nonrenewal Petition No. 04-18 by Ryan and Bunny Jeffries, for 76.66 acres within Agricultural Preserve No. 8 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD
Parra-Maben: All Ayes
- *8) Proposed Notice of Nonrenewal Petition No. 04-19 by Ryan and Bunny Jeffries, for 46.97 acres within Agricultural Preserve No. 8 - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD
Parra-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #1

- *9) Report regarding final design for stream restoration of Cuddy Creek (Fiscal Impact: None) - RECEIVED AND FILED
Parra-Maben: All Ayes

S.D. #2

- *10) Contract No. 03032, Change Order Report and Notice of Completion for Mojave drainage improvements, Phase VII, a decrease of \$1,607.73, for a new total of \$407,801.27 (Fiscal Impact: \$1,607.73; CEDD) - RECEIVED AND FILED
Parra-Maben: All Ayes

S.D. #4

- *11) Request to approve final map for Tract 6163, Phase 1, southeast corner of Brimhall Road and Heath Road, southwest Bakersfield, DeWalt Corporation for Calle Cerca Investments, LLC (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-328 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 OWNER 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 EASEMENT (DOCUMENT NO. 0203072248 O.R.) AND TEMPORARY SLOPE EASEMENT (DOCUMENT NO. 0203072251 O.R.);

(Continued on Page 14)

(Continued from Page 13)

APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; ACCEPTED SEPTIC MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; ACCEPTED IRREVOCABLE OFFERS OF DEDICATION FOR STREET, DRAINAGE AND PUBLIC UTILITIES EASEMENTS; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Parra-Maben: All Ayes

- *12) Request to approve final map for Tract 6163, Phase 2, southwest corner of Brimhall Road and Rudd Avenue, southwest Bakersfield, DeWalt Corporation for Calle Cerca Investments, LLC (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2004-329 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 OWNER 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) AND RESTORATION OF INGRESS AND EGRESS ACROSS LOT "A" IN TRACT 6028; APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; ACCEPTED SEPTIC MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; AUTHORIZED ROADS AND PROPERTY MANAGEMENT TO COMMENCE NEGOTIATIONS TO ACQUIRE OFFSITE ACCESS RIGHTS FOR RUDD ROAD IMPROVEMENTS; RECEIVED AND FILED DOCUMENTS AND ORDER RECORDED AS APPROPRIATE

Parra-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY

Environmental Health Services

All S.D.'s

- *13) Unusual travel request for Dan Starkey and Joe Canas to travel to Taylor Made Ambulances' Manufacturing Facility in Newport, Arkansas, September 20, 2004 to September 24, 2004, to approve the construction of a new emergency response van and drive the van back to Bakersfield (Fiscal Impact: None; State Grant; Mandated) - APPROVED

Parra-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY

Environmental Health Services - Animal Control Services

All S.D.'s

- *14) Proposed addition of one (1) Senior Animal Care Worker position and deletion of one (1) Animal Care Worker position in Budget Unit 2760, effective September 18, 2004 (Fiscal Impact: \$1,784, General Fund, Unbudgeted) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Parra-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY

Roads Department

S.D. #3

- *15) Easement deed and proposed Agreement with Airport Developers, Ltd., and Bakersfield Airport Development Associates, for dedication of utility easements and road right-of-way (Fiscal Impact: None) - ACCEPTED DEED; DIRECTED CLERK OF THE BOARD TO RECORD; APPROVED AGREEMENT; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 840-2004

Parra-Maben: All Ayes

- *16) Contract No. 04024, identify apparent low bid by JTS Construction for construction of a pedestrian path on Eucalyptus Drive from Morning Drive to Vineland, in an amount not to exceed \$239,265 (Fiscal Impact: \$239,265; Federal Grant \$225,000, Road Fund \$14,265; Budgeted; Not Mandated) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Parra-Maben: All Ayes

All S.D.'s

- *17) Report and proposed conceptual process for managing Levels of Service "C" and "D" (Fiscal Impact: None) - APPROVED; RECEIVED AND FILED

Parra-Maben: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *18) Transfer of property tax entitlement related to City of Bakersfield Annexation No. 462, Local Agency Formation Commission (LAFCO) Proceeding No. 1391 (Fiscal Impact: Fiscal Year 2005-2006, \$149, General Fund) - ADOPTED RESOLUTION 2004-330 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF BAKERSFIELD COMMENCING FISCAL YEAR 2005-2006 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

Parra-Maben: All Ayes

- *19) Proposed allowable exclusions to Fiscal Year 2004-2005 Gann Appropriations Limit (Fiscal Impact: None) - APPROVED

Parra-Maben: All Ayes

- 20) Response from Citizens Review Panel regarding request to perform independent oversight function for certain child welfare cases (Fiscal Impact: To be determined) - DESIGNATED CHILD DEATH REVIEW TEAM AS COUNTY'S EXTERNAL OVERSIGHT PROVIDER OVER CHILD DEATH CASES; REFERRED TO HUMAN SERVICES DEPARTMENT DEVELOPMENT OF AGREEMENT WITH KERN CHILD ABUSE PREVENTION COUNCIL FOR PROVISION OF EXTERNAL OVERSIGHT IN CASES OF NEAR CHILD FATALITIES WITH REPORTING OF RECOMMENDATIONS FOR SYSTEMIC IMPROVEMENTS TO THE BOARD

Watson-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

General Services Division

S.D. #3

- *21) Proposed Agreement with San Joaquin Valley Air Pollution Control District for lease of a portion of County property on Golden State Avenue, Bakersfield, to operate an air monitoring station, from October 1, 2004 to September 30, 2009 (Fiscal Impact: \$710 Annual Revenue to County) - 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 841-2004

Parra-Maben: All Ayes

S.D. #4

- *22) Plans and Specifications for construction of a parking lot at the Maricopa Senior Center (Project No. 1960.8143) (Fiscal Impact: \$89,320; General Fund; Budgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED PURCHASING AGENT TO SOLICIT BIDS

Parra-Maben: All Ayes

S.D. #5

- *23) Proposed Sublease Agreement with 19th & K Partnership for use of fifty (50) parking spaces in the County leased parking structure at 1300 - 18th Street, Bakersfield, from November 1, 2004 to October 29, 2014 (Fiscal Impact: \$1,250 Monthly Revenue to County; Unbudgeted) - 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 842-2004

Parra-Maben: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *24) Budget Transfers - APPROVED NO. 5 AND NO. 6

Parra-Maben: All Ayes

- *25) Minutes for week of August 9, 2004 - APPROVED

Parra-Maben: All Ayes

- *26) Miscellaneous Letters and Documents - APPROVED

Parra-Maben: All Ayes

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

Parra-Maben: All Ayes

ADJOURNED TO TUESDAY, SEPTEMBER 21, 2004, AT 9:00 A.M.

Parra

/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.

26) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Aging & Adult Services

- A) Agenda of In-Home Supportive Services Advisory Committee meeting on Thursday, September 9, 2004

Auditor-Controller-County Clerk

- B) Certification of the results of the Special Tax Election held Tuesday, August 31, 2004

Clerk of the Board

- C) E-mail from Joy Rose re resignation from Kern County Child Care Council (Copies to each Supervisor, CAO and Kern County Child Care Council)

Employers' Training Resource

- D) WIA OJT Agreements:

- 1) AllCorp, Inc., dba AllCorp Insurance Services, WIA Title 201, dated August 24, 2004
- 2) Idleaire Technologies, Inc., WIA Title 201, dated August 20, 2004
- 3) Oasis Air Conditioning, Inc., WIA Title 501, dated August 20, 2004
- 4) Oasis Air Conditioning, Inc., WIA Title 501, dated August 23, 2004

- E) Modification No. 1 to Agreement R588725 with the State of California Employment Development Department to incorporate and add WIA Formula Adult and Dislocated Worker funding for PY 2004-05 and incorporate and add funding for the Navigator project

Environmental Health

- F) Five (5) thank you letters to individuals for donations to the Bakersfield Animal Care Center and the Mojave Shelter

Local Agency Formation Commission

- G) Notice of Protest Hearing on Friday, September 24, 2004, re Pond Shafter Wasco, Buena Vista and Western Kern Resource Conservation Districts Consolidation (Copies to each Supervisor and CAO)

- H) Resolution 04-26, Proceeding No. 1382, in the matter of City of Bakersfield, Annexation No. 452 (Mohawk No. 1) (Copies to each Supervisor and CAO)

Roads

- I) Received, prepared Consent to Recordation and forwarded to Recorder for recordation of an Irrevocable Offer of Dedication from Norton Investment Group for additional right-of-way on Knudsen Drive and Olive Drive

Miscellaneous

- J) Letter from Jon Lantz, Eight Bar Ranch, in opposition to Coram Energy Group, Ltd., request for Zone Variance Case No. 30, Map No. 198 in Cameron Canyon (Copies to each Supervisor, CAO, Planning and County Counsel)

- K) Letter from Connie Conway, San Joaquin Valley Rail Committee, re Joint Powers Authority Statement for counties along the route of the San Joaquin trains (Copies to each Supervisor and CAO)
- L) Letter from Ines Fuller in opposition to appeal of Tentative Parcel Map No. 10987 (Copies to each Supervisor, CAO, Planning and County Counsel)
- M) Letter from Stephen E. Coombs re Pine Mountain Club water diversion follow up (Copies to each Supervisor, CAO, Planning, Engineering & Survey Services, Resource Management Agency and County Counsel)
- N) Letter from Gorden Jones re air quality resulting from Lehigh Southwest Cement Company operations (Copies to each Supervisor, CAO, Air Pollution Control District and County Counsel)
- O) Letter from Doyle Green, California Highway Patrol, re Hazardous Materials Incident Report on Tuesday, August 24, 2004, at Lerdo Highway on ramp to north bound I-5 (Copies to each Supervisor, CAO, Environmental Health and Fire Haz-Mat)
- P) Letter from Wayne S. White, U.S. Department of the Interior, Fish and Wildlife Service, re proposed rule to designate critical habitat for the Buena Vista Lake shrew (Copies to each Supervisor, CAO, Planning and County Counsel)
- Q) Letter from Harold F. Heide re excellent service received from Veterans' Service Department (Copies to each Supervisor, CAO and Veterans' Services)
- R) Notice from Michael D. Montoya and Larry R. Cope, Attorneys for Southern California Edison Company, re motion to supplement Application 04-07-012 of Southern California Edison Company (U 338-E) (Copies to each Supervisor, CAO and General Services)
- S) Notice from Pacific Gas and Electric re changes in proposed gas rates Biennial Cost Allocation Proceeding (BCAP) Application and application for approval of the 2005 California Alternate Rates for Energy (CARE) and Low Income Energy Efficiency (LIEE) Programs and Budgets (Copies to each Supervisor, CAO and General Services)
- T) News Release from U.S. Department of Agriculture Forest Service re extension of office hours through September 4, 2004 (Copies to each Supervisor, CAO, Planning and County Counsel)
- U) News Release from U.S. Department of Agriculture Forest Service re Forest Service personnel assisting with Hurricane Frances emergency (Copies to each Supervisor, CAO, Planning and County Counsel)
- V) Agenda from Central Valley Regional Water Control Board re public meetings on Thursday and Friday, September 9 and 10, 2004

- 27) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Jordan Malamma vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Herminia Simental, individually and as guardian ad litem of Jorge F. Sanchez, a minor, and Cristal Villa, a minor vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Jimmy Magee vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Ruiz Filemon Acevedo vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Lorraine Zuniga vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Claim in the matter of Yvonne Dodd vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Claim in the matter of Otto C. Kooren, Jr. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - H) Claim in the matter of Keith M. Edwards vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - I) Claim in the matter of Pacific Gas and Electric Company vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - J) Summons and complaint in the matter of Kenneth Faulkner vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - K) Summons and complaint in the matter of The Bakersfield Californian vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - L) Summons and complaint in the matter of The People of the State of California acting by and through the Department of Transportation vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - M) Notice of Entry of Judgment in the matter of Maria N. Avilez vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)