

**SUMMARY OF PROCEEDINGS**

**BOARD OF SUPERVISORS - COUNTY OF KERN**

1115 Truxtun Avenue  
Bakersfield, California

Regular Meeting  
Tuesday, September 20, 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.

NOTE: CHAIRMAN WATSON RECOGNIZED SUSIE GEIGER, RECENT FOURTH DISTRICT APPOINTEE TO THE BOARD OF TRADE

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Proclamation proclaiming September 20, 2005 as Addictions Counselor Day in Kern County - PROCLAIMED; MADE PRESENTATION TO BILL KINNETT, STEPS; BILL KINNETT, MIKE ANGELO, JASON'S RETREAT, AND DIANE KODITEK, DIRECTOR, DEPARTMENT OF MENTAL HEALTH HEARD

**Rubio-McQuiston: All Ayes**

- 2) Proclamation proclaiming October 17 - 23, 2005 as Kern County Veterans Stand Down Week - PROCLAIMED; MADE PRESENTATION TO CHUCK BIKAKIS, VETERANS SERVICE OFFICER; CHUCK BIKAKIS HEARD

**McQuiston-Patrick: All Ayes**

- \*3) Proclamation proclaiming September 30, 2005 - October 2, 2005 as California Hot Rod Reunion Days in Kern County - PROCLAIMED; REFERRED TO CLERK OF THE BOARD FOR PREPARATION

**Maben-Patrick: All Ayes**

APPOINTMENTS

- \*4) Appointment of Brian J. Mendiburu as Education Member to the Workforce Investment Board, Youth Council, term to expire June 30, 2007 - MADE APPOINTMENT

**Maben-Patrick: All Ayes**

- \*5) Appointment of Susan (Susie) Maria Geiger as Fourth District Member to the Kern County Board of Trade, term to expire at the Pleasure of the Board - MADE APPOINTMENT

**Maben-Patrick: All Ayes**

PUBLIC PRESENTATIONS

- 6) 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! - BERNITA JENKINS DISCUSSED THE ISSUE AT THE DEPARTMENT OF HUMAN SERVICES RELATIVE TO FOSTER PARENT TRAVEL ARRANGEMENTS

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 7) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

DISTRICT ATTORNEY

- \*8) Proposed Resolution authorizing submission of application to the Governor's Office of Emergency Services for the Vertical Prosecution Block Program in the amount of \$204,412 (Fiscal Impact: \$204,412; State Grant; Budgeted; Discretionary)- APPROVED; ADOPTED RESOLUTION 2005-417

**Maben-Patrick: All Ayes**

- \*9) Proposed Resolution authorizing submission of application to the State of California Department of Justice for the Spousal Abuser Prosecution Program in the amount of \$90,281 (Fiscal Impact: \$90,281; State Grant; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-418

**Maben-Patrick: All Ayes**

- \*10) Proposed Resolution authorizing submission of application to the Governor's Office of Emergency Services for the Central Valley Rural Crime Prevention Program in the amount of \$568,310 (Fiscal Impact: \$568,310; State Grant; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-419

**Maben-Patrick: All Ayes**

- \*11) Proposed retroactive Agreement with the Kern High School District for Truancy Reduction Services, from August 15, 2005 through August 14, 2006, in the amount of \$122,923 (Fiscal Impact: \$122,923; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 810-2005

**Maben-Patrick: All Ayes**

- \*12) Request for approval of the Department of Justice, and the Department of Treasury Federal Annual Certification Report, for the period July 1, 2004 through June 30, 2005 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

**Maben-Patrick: All Ayes**

- \*13) Request to employ retired County employee Chris J. White as a Deputy District Attorney IV, 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: \$49,800; Budgeted; Discretionary) - APPROVED

**Maben-Patrick: All Ayes**

EMPLOYERS' TRAINING RESOURCE

- \*14) Proposed Workforce Investment Act Five-Year Plan Modification and performance negotiations (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; DESIGNATED ETR DIRECTOR AS POINT OF CONTACT FOR NEGOTIATIONS

**Maben-Patrick: All Ayes**

- \*15) Proposed retroactive Subgrant Agreement with City of Ridgecrest for training and employment activities for youths under the Workforce Investment Act, from July 1, 2005 through June 30, 2006, in an amount not to exceed \$76,000 (prior notification June 21, 2005) (Fiscal Impact: \$76,000; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 811-2005

**Maben-Patrick: All Ayes**

KERN MEDICAL CENTER

- 16) Report on Physician Time Accountability at Kern Medical Center (Fiscal Impact: None) - EUGENE KERCHER, M.D., CHAIRMAN, DEPARTMENT OF EMERGENCY MEDICINE AND PRESIDENT, MEDICAL STAFF HEARD; IMPLEMENTED EXHIBIT A, PHYSICIAN JOB PERFORMANCE, AS MODIFIED, WITH CONTINUED USE OF TIME CARDS EXCEPTING THOSE DEPARTMENTS WHERE THE 40-HOUR REQUIREMENT WOULD NOT BE PRACTICAL DUE TO INCONSISTENCY WITH WORK LOAD AND DISCIPLINE; REFERRED TO KMC TO REPORT BACK TO THE BOARD IN 30 DAYS FOR THOSE DISCIPLINES WHERE THE CAO, COUNTY COUNSEL AND AUDITOR-CONTROLLER-COUNTY CLERK AGREE ON CONTRACT LANGUAGE FOR OTHER PERFORMANCE MEASURES AND OUTCOMES, AND A METHOD OF SATISFACTORY INTERNAL CONTROLS IS ACHIEVABLE

**McQuiston-Maben: 4 Ayes, 1 No - Rubio**

- \*17) Proposed changes in clinical privilege status for 30 members of Kern Medical Center's Medical Staff (Fiscal Impact: None) - APPROVED

**Maben-Patrick: All Ayes**

- \*18) Notification of retroactive Agreement with Marvin Karno, M.D., an independent contractor, for psychiatric consulting services to the Department of Psychiatry at KMC (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-Patrick: All Ayes**

- \*19) Notification of retroactive Agreement with Murray A. Brown, M.D., an independent contractor, for psychiatric consulting services to the Department of Psychiatry at KMC (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-Patrick: All Ayes**

- \*20) Proposed request to employ retired County employee, Sandra Boxley, RN, as a Per Diem Nurse II, 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: \$34,560; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED

**Maben-Patrick: All Ayes**

- \*21) Proposed retroactive Agreement with California Perinatal Quality Care Collaborative, an independent contractor, for participation in the statewide maternal and neonatal care reporting program, effective January 1, 2005, with an annual participation fee of \$4,000 (Fiscal Impact: \$4,000 per year; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 812-2005

**Maben-Patrick: All Ayes**

MENTAL HEALTH SERVICES

- \*22) Proposed retroactive Agreement with State Department of Mental Health for Specialty Mental Health Services under the Medi-Cal Program, from July 1, 2005 through June 30, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 813-2005

**Maben-Patrick: All Ayes**

PARKS AND RECREATION DEPARTMENT

- \*23) Request for waiver of park fees for the Prime Cut Restaurant for use of Stramler Group Picnic Area to host the American Red Cross fund raising event for victims of Hurricane Katrina on September 20, 2005 (Fiscal Impact: Fee Waiver \$525; General Fund; Discretionary) - APPROVED

**Maben-Patrick: All Ayes**

PUBLIC HEALTH SERVICES

- \*24) Proposed retroactive Agreement with State Department of Health Services for AIDS Drug Assistance Program, from July 1, 2005 to June 30, 2006, in an amount not to exceed \$6,373 (prior notification June 28, 2005) (Fiscal Impact: \$6,373; State Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 814-2005

**Maben-Patrick: All Ayes**

- \*25) Proposed retroactive Agreement with San Diego State University Research Foundation for Kids' Plates Mini Grant to enhance existing child passenger safety services, from August 15, 2005 to June 16, 2006, in an amount not to exceed \$9,000 (prior notification September 13, 2005) (Fiscal Impact: \$9,000; Foundation Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 815-2005

**Maben-Patrick: All Ayes**

- \*26) Proposed retroactive Agreement with San Diego State University Research Foundation for Kids' Plates Mini Grant to enhance existing child passenger safety services, from August 15, 2005 to June 16, 2006, in an amount not to exceed \$5,999.47 (prior notification September 13, 2005) (Fiscal Impact: \$5,999.47; Foundation Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 816-2005

**Maben-Patrick: All Ayes**

NON AGENDA ITEM

SHERIFF

MOTION TO CONSIDER NON-AGENDA ITEM 26A: MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE NEGOTIATIONS WITH LIBERTY AMBULANCE AND COORDINATION WITH THE DEPARTMENT OF EMERGENCY MEDICAL SERVICES DELAYED THE SHERIFF'S PROCUREMENT OF LIBERTY AMBULANCE'S SERVICES UNTIL SEPTEMBER 16, 2005 AT 4:00 P.M. IMMEDIATE BOARD ACTION WAS REQUIRED TO ENSURE THE SAFETY OF INMATES, STAFF AND VISITORS AT THE MAXIMUM-MEDIUM HOUSING UNIT

**Maben-McQuiston: All Ayes**

- 26A) Proposed Retroactive Agreement with Liberty Ambulance for Paramedic Services for the Sheriff's Lerdo Maximum-Medium Facility from September 16, 2005 through March 15, 2006, in an amount not to exceed \$216,000 (Fiscal Impact: \$216,000; Not Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 817-2005

**McQuiston-Maben: All Ayes**

VETERANS' SERVICE DEPARTMENT

- 27) Briefing on Departmental Operations (Fiscal Impact: None) - HEARD PRESENTATION; RECEIVED AND FILED

**McQuiston-Maben: All Ayes**

ADJOURNED TO CLOSED SESSION

**McQuiston**

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 28) Request for Closed Session re Meet and Confer, CCAPE-CJU, KCDOA, KCFU, KCPOA, KLEA -
- 29) Request for Closed Session re public employee evaluation - Title: Director of Human Services -
- 30) Request for Closed Session re public employee evaluation - Title: Chief Executive Officer Kern Medical Center -
- 30A) Results of Closed Session re public employee evaluation - Title: Chief Executive Officer Kern Medical Center - CONTINUED TO TUESDAY, SEPTEMBER 20, 2005 AT 2:00 P.M., ITEM 43

COUNTY COUNSEL

- 31) Request for Closed Session regarding a lawsuit entitled Gerald Crossley v. County of Kern, et al., Kern County Superior Court Case No. S-1500-CV-254142 (Government Code Section 54956.9(a)) -

- 31A) Results of Closed Session regarding a lawsuit entitled Gerald Crossley v. County of Kern, et al., Kern County Superior Court Case No. S-1500-CV-254142 (Government Code Section 54956.9(a)) - CONTINUED TO TUESDAY, SEPTEMBER 20, 2005 AT 2:00 P.M., ITEM 44
- 32) Request for Closed Session regarding the Workers' Compensation claim of John Liggett, WCAB #BAK 0141396 and #BAK 0143182 (Government Code Section 54956.9 (a)) -
- 32A) Request for Closed Session regarding the Workers' Compensation claim of John Liggett, WCAB #BAK 0141396 and #BAK 0143182 (Government Code Section 54956.9 (a)) - CONTINUED TO TUESDAY, SEPTEMBER 20, 2005 AT 2:00 P.M., ITEM 45

(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.

**Patrick-Maben**

/s/ Denise Pennell  
Clerk of the Board

/s/ Ray Watson  
Chairman, Board of Supervisors

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#### 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!  
- CHERYL BRADSHAW AND BETTY WICKERSHAM HEARD REGARDING SHERIFF'S INTENDED TRANSFER OF COMMANDER ALBERTA DOUGHERTY FROM THE LAMONT AREA

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CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- \*3) **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) (from 8/30/2005) - REFERRED BACK TO STAFF

**Maben-Rubio: All Ayes**

- 4) **Request from Rajvir Singh Gill to appeal the decision of the Hearing Officer disapproving Precise Development Plan 2, Map 143-18 (Notice of Decision 60-05; disapproved June 2, 2005) to allow an auto and truck fueling and commercial center in a general commercial - precise development combining zoning district on 15.27 acres of property located at the southeast corner of Highway 99 and Houghton Road, south Bakersfield (SD #2)**

Specific Request:

An Appeal to the decision of the Hearing Officer disapproving Precise Development Plan 2, Map 143-18 (Notice of Decision 60-05; disapproved June 2, 2005) to allow an auto and truck fueling and commercial center in C-2 PD District (Appeal #1, Map #143-18 )

(Negative Declaration; Published Bakersfield Californian) (from 8/2/2005 & 9/6/2005) - OPENED HEARING; HEARD IN SUPPORT OF THE PROJECT: G.W. WILSON, PROJECT ARCHITECT AND DESIGNER; AND RAJVIR SINGH GILL; HEARD IN OPPOSITION TO THE PROJECT: GEORGE GONZALES; FRANCES MORGAN, HEARD AND ASKED QUESTIONS ON BEHALF OF ANDREW BRANCATO; STEVE MORGAN; CAMILLE WALKER, REPRESENTING FRANCES NEWTON; HAROLD HARRIS; VICKI HILL; STEPHANIE PORTERFIELD; AND FRANCES NEWTON; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-420 DENYING APPEAL AND DISAPPROVING THE PRECISE DEVELOPMENT PLAN

**Maben-McQuiston: All Ayes**

HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- \*5) **Request from Stallion Springs Community Services District to vacate and relocate Lobo Court, located on the south side of Commanche Point Road, approximately 1,600 feet west of Jack's Hill Road, Stallion Springs (SD #2)**

Specific Request:

- (a) Nonsummary vacation of an existing cul-de-sac for Lobo Court and rededication of nonaccess control rights at the existing location; and  
(b) Nonsummary vacation of nonaccess control rights along a 60-foot strip located on Commanche Point Road for the purpose of relocating Lobo Court (164-32 3 098 Streets and Highways)

(General Rule, Section 15061(b)(3); Published Tehachapi News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED RESOLUTION 2005-421 APPROVING VACATION SUBJECT TO RETENTION OF AN EASEMENT FOR EXISTING UTILITIES, WITH RESOLUTION TO BE RECORDED UPON WRITTEN CONFIRMATION FROM THE PLANNING DIRECTOR TO THE CLERK OF THE BOARD THAT NONACCESS RIGHTS ALONG THE EXISTING OPENING OF LOBO COURT AND A PUBLIC ACCESS EASEMENT AT THE PROPOSED LOCATION FOR LOBO COURT HAVE BEEN DEDICATED TO THE COUNTY OF KERN

**Maben-Rubio: All Ayes**

- 6) **Request from Gene R. Melchers to vacate portions of Locust Street, Dixie Street, and Poplar Street located on the east side of 20th Street West, between Locust Street and Poplar Street, Rosamond (SD #2)**

Specific Request:

Nonsummary vacation of portions of Locust Street, Dixie Street, and Poplar Street (230-21 3 098 Streets and Highways)

(General Rule, Section 15061(b)(3); Published Rosamond Weekly News) - OPENED HEARING; GUADALUPE LOPEZ HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, DISAPPROVED VACATION REQUEST

**Maben-McQuiston: All Ayes**

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #1

- \*7) Proposed Notice of Nonrenewal Petition No. 05-34 by Workman Brothers Development Company, for 83.09 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

**Maben-Rubio: All Ayes**

- \*8) Proposed Notice of Nonrenewal Petition No. 05-35 by Daljit Dhillon, et al, for 76.83 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

**Maben-Rubio: All Ayes**

Streets and Highways

- \*9) Request from Cheri Steed for a Summary Vacation of a 60-foot-wide future street, east side of Bristlecone Drive, Wofford Heights, Map No. 17-33 (Fiscal Impact: None) - ADOPTED RESOLUTION 2005-422 APPROVING VACATION AS RECOMMENDED, EXCEPTING AND RESERVING THE EXISTING SIX-FOOT-WIDE PUBLIC UTILITIES EASEMENT

**Maben-Rubio: All Ayes**

Miscellaneous

S.D. #2

- \*10) Request from Robert Schuester for a Determination of Public Convenience for the issuance of an off-sale beer and wine license at 20521 State Highway 202, Tehachapi, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-423

**Maben-Rubio: All Ayes**

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

Hearing

All S.D.'s

- \*11) Public hearing to review the County of Kern's performance during implementation of the Federal Community Development Block Grant, Home Investment Partnerships, American Dream Downpayment Initiative, and Emergency Shelter Grant programs, and review of the County's Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2004-2005, prior to submission to the U.S. Department of Housing and Urban Development (HUD) (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED CAPER; AUTHORIZED DIRECTOR TO SUBMIT COMPLETED DOCUMENT TO HUD

**Maben-Rubio: All Ayes**

S.D. #3

- \*12) Proposed Amendment No. 1 to Agreement 219-2004 with North of the River Recreation and Park District to recognize a name change from North Bakersfield Recreation and Park District for the use of Community Development Block Grant funds for design and construction of Willow Tree Day Care Center Expansion, CD No. 1.03.2 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 818-2005

**Maben-Rubio: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Engineering and Survey Services

S.D. #1

- \*13) Request to set public hearing to consider levying assessments for County Service Area No. 60 and Zone of Benefit Nos. 1 and 2; and proposed Resolution of intention to extend Zone of Benefit No. 2 within County Service Area No. 60; Tract 6188, east of Airport Drive and south of West Day Avenue, Oildale (Fiscal Impact: \$4,972.40; CSA's; Budgeted; Mandatory) - APPROVED; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) AND SECTION 15273 OF THE STATE CEQA GUIDELINES; SET PUBLIC HEARING FOR TUESDAY, NOVEMBER 8, 2005, AT 2:00 P.M., TO RECEIVE PUBLIC COMMENT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO THE PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC INFORMATIONAL MEETING IN COMPLIANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE A NOTICE OF EXEMPTION, IF REQUESTED; ADOPTED RESOLUTION 2005-424

**Maben-Rubio: All Ayes**

- \*14) Contract No. 06005, Plans, Specifications and Notice to Contractors for construction of McFarland Test Water Well (Fiscal Impact: \$215,450; 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, OCTOBER 26, 2005, AT 11:00 A.M.

**Maben-Rubio: All Ayes**

S.D. #3

- \*15) Request to set public hearing to consider levying assessments, proposed Resolution and proposed Indemnification Agreement with Local Agency Formation Commission (LAFCO) initiating proceedings for Annexation No. 2 to County Service Area No. 81 and establishment of Zone of Benefit No. 3, Olive Drive between Victor Street and Landco Drive (Fiscal Impact: \$21,571; CSA's; Budgeted; Mandatory) - APPROVED; ADOPTED RESOLUTION 2005-425 INITIATING PROCEEDINGS FOR ANNEXATION NO. 2 TO COUNTY SERVICE AREA NO. 81 AND ESTABLISHMENT OF ZONE OF BENEFIT NO. 3; AUTHORIZED CHAIRMAN TO SIGN INDEMNIFICATION AGREEMENT 819-2005; SET PUBLIC HEARING FOR TUESDAY, NOVEMBER 8, 2005, AT 2:00 P.M., TO RECEIVE PUBLIC COMMENT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO ALL PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC MEETING IN COMPLIANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING

**Maben-Rubio: All Ayes**

S.D. #4

- \*16) Request for release of Laborers and Materialmen Security Tract 6085, Phase A, J & M California Land Company, Inc. (Fiscal Impact: None) - APPROVED; RELEASED IRREVOCABLE LETTER OF CREDIT NO. SB99-9168, IN THE AMOUNT OF \$541,217 AND RETURN TO ISSUING BANK, CALIFORNIA BANK & TRUST

**Maben-Rubio: All Ayes**

All S.D.'s

- \*17) Request for retroactive approval to hire retired County employee Robert Dickerson as an Engineer III, 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: \$31,474; Budgeted; Discretionary) - APPROVED

**Maben-Rubio: All Ayes**

RESOURCE MANAGEMENT AGENCY  
Roads Department

S.D. #1

- \*18) Proposed 45 mile per hour speed limit on Brady Street, 40 mile per hour speed limit on Calvert Boulevard, 35 mile per hour speed limit on Pinto Street and 40 mile per hour speed limit on Strecker Street, Inyokern and Ridgecrest areas (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

**Maben-Rubio: All Ayes**

S.D. #3

- \*19) Contract No. 05035, Plans, Specifications and Notice to Contractors for construction on Pioneer Drive from Fairfax to Park Drive - Phase 2 (Fiscal Impact: \$500,000; Federal CDBG/TEA Funds; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM CEQA, PER SECTION 15301(C) OF CEQA GUIDELINES; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, NOVEMBER 2, 2005, AT 11:00 A.M.

**Maben-Rubio: All Ayes**

- \*20) Easement Deed and proposed Right-of-Way Contract with Larry Rainwater for approximately 200 square feet of property for the improvement of Pioneer Drive (Fiscal Impact: \$800; Road Fund; Budgeted; Discretionary) - ACCEPTED DEED; DIRECTED CLERK OF THE BOARD TO RECORD; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 820-2005; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE PAYMENT

**Maben-Rubio: All Ayes**

S.D. #4

- \*21) Easement Deed and proposed Right-of-Way Contract with William Keith for approximately 10,645 square feet of property for the improvement of Patrick Lane (Fiscal Impact: \$10,000; Road Fund; Budgeted; Discretionary) - ACCEPTED DEED; DIRECTED CLERK OF THE BOARD TO RECORD; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 821-2005; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO MAKE PAYMENT

**Maben-Rubio: All Ayes**

S.D. #5

- \*22) Contract No. 05015, Plans, Specifications and Notice to Contractors for construction on Shalimar Drive from Pioneer Drive to Lexington Street and on Lexington Street from Shalimar Drive to Fairfax Road (Fiscal Impact: \$80,000; TEA/Road Fund; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF CEQA, PER SECTION 15301(C) OF THE STATE CEQA GUIDELINES; AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS 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 19, 2005, AT 11:00 A.M.

**Maben-Rubio: All Ayes**

WASTE MANAGEMENT

All S.D.'s

- \*23) Proposed Amendment No. 2 to Agreement 421-2003 with Vector Engineering for environmental, civil and geotechnical engineering services to amend the scope of services, update the Negotiation of Partnership requirements, and increase the compensation by \$200,000, for a total amount not to exceed \$645,000 (Fiscal Impact: \$200,000; Solid Waste Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 822-2005

**Maben-Rubio: All Ayes**

COUNTY ADMINISTRATIVE OFFICE

- \*24) Certificate of Achievement for Excellence in Financial Reporting received by Ann K. Barnett, Auditor-Controller-County Clerk (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-Rubio: All Ayes**

- \*25) Response to August 2, 2005, Board referral regarding Santa Barbara County biosolids program (Fiscal Impact: None) - RECEIVED AND FILED

**Maben-Rubio: All Ayes**

- 26) Proposed response to Grand Jury final report on Parks and Recreation Department (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO SUPERIOR COURT PRESIDING JUDGE

**Rubio-McQuiston: All Ayes**

- \*27) Proposed Memorandum of Understanding with City of Shafter for exchange of tax revenues attendant to certain types of annexations for a term of twenty years (Fiscal Impact: Unknown) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 823-2005

**Maben-Rubio: All Ayes**

- \*28) Transfer of property tax entitlement related to City of Shafter Annexation No. 77, Local Agency Formation Commission (LAFCO) Proceeding No. 1428 (Fiscal Impact: FY 2006-2007 \$106,116; General Fund; Discretionary) - ADOPTED RESOLUTION 2005-426 AUTHORIZING AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER A PORTION OF COUNTY'S PROPERTY TAX ENTITLEMENT TO CITY OF SHAFTER COMMENCING FISCAL YEAR 2006-2007 IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING

**Maben-Rubio: All Ayes**

- \*29) Proposed Agreement with Kern County Museum Authority for Fiscal Year 2005-2006 funding support in the amount of \$600,000 (Fiscal Impact: \$600,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 824-2005

**Maben-Rubio: All Ayes**

- \*30) Proposed Agreement with Edwards Community Alliance for military base retention efforts for Fiscal Year 2005-2006 (Fiscal Impact: \$35,000; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 825-2005

**Maben-Rubio: All Ayes**

- \*31) Proposed Agreement with IWV 2000 for military base retention efforts (Fiscal Impact: \$60,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 826-2005

**Maben-Rubio: All Ayes**

- \*32) Proposed Sole Source Agreement with Milliman, Inc., for valuation estimate studies of all available retirement tiers provided in the County Employees' Retirement Law of 1937 in an amount not to exceed \$100,000, expiring on June 30, 2006 (Fiscal Impact: \$100,000; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 827-2005

**Maben-Rubio: All Ayes**

- \*33) Proposed increase in retiree health insurance administration fee for 2006 from \$2 per enrolled retiree per plan per month to \$3 and authorize County Administrative Office to annually calculate actual costs of administering the program and to adjust fee accordingly (Fiscal Impact: Retiree Group Health Internal Service Fund Revenue: \$50,000; Not Budgeted; Discretionary) - APPROVED

**Maben-Rubio: All Ayes**

- \*34) Proposed correction adding missing classifications to Amendment No. 1 to Memorandum of Understanding with Central California Association of Public Employees for Bargaining Units 1 through 6 and Attachment A of August 30, 2005, transmittal letter regarding affected management positions (Fiscal Impact: None - previously reported) - APPROVED; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK, COUNTY ADMINISTRATIVE OFFICER AND DIRECTOR OF PERSONNEL TO IMPLEMENT

**Maben-Rubio: All Ayes**

- \*35) Proposed title change for Agricultural Commissioner/Sealer position to Director of Agriculture and Measurement Standards and proposed recruitment plans and brochures for the positions of Director of Agriculture and Measurement Standards and Director of Aging and Adult Services (Fiscal Impact: None) - APPROVED

**Maben-Rubio: All Ayes**

- \*36) Proposed Request for Proposals for legislative consultant services (Fiscal Impact: None) - APPROVED

**Maben-Rubio: All Ayes**

COUNTY ADMINISTRATIVE OFFICE  
General Services Division

Hearing

S.D. #5

- \*37) Proposed Resolution and Ordinance granting pipeline franchise to Kern Ridge Growers, LLC (Fiscal Impact: \$1,200 Revenue; Not Budgeted; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15304(f); AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; ADOPTED RESOLUTION 2005-427 AND ENACTED ORDINANCE F-486

**Maben-Rubio: All Ayes**

S.D. #4

- \*38) Proposed Utility Easement from John Croxton, Sr., in favor of Southern California Edison, to bring power to County's Sawmill Mountain Communications Tower site in the Pine Mountain Club area (Fiscal Impact: \$5,000 Payment; Tobacco Securitization Capital Projects Fund; Budgeted; Discretionary) -

**WITHDRAWN**

MATTERS FOR EXECUTIVE APPROVAL

- \*39) Budget Transfers - APPROVED NO. 22 THROUGH NO. 24

**Maben-Rubio: All Ayes**



- \*40) Minutes for week of August 8, 2005 - APPROVED WITH CORRECTION TO PAGE 18 OF TUESDAY, AUGUST 9, 2005, SUMMARY OF KERN COUNTY FINAL BUDGET HEARINGS FOR 2005-2006 FISCAL YEAR, TO REVISE POSITIONS DELETED: **35** FULL-TIME AND **2** PART-TIME; AND NET CHANGE IN TOTAL POSITIONS: **189** FULL-TIME AND **4** PART-TIME

**Maben-Rubio: All Ayes**

- \*41) Miscellaneous Letters and Documents - APPROVED

**Maben-Rubio: All Ayes**

- \*42) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

**Maben-Rubio: All Ayes**

ADJOURNED TO CLOSED SESSION

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 43) Request for Closed Session re public employee evaluation - Title: Chief Executive Officer Kern Medical Center (from 9:00 a.m., Item No. 30) -

COUNTY COUNSEL

- 44) Request for Closed Session regarding a lawsuit entitled Gerald Crossley vs. County of Kern, et al, Kern County Superior Court Case No. S-1500-CV-254142 (Government Code Section 54956.9(a)) (from 9:00 a.m., Item No. 31) -
- 45) Request for Closed Session regarding the Workers' Compensation claim of John Liggett, WCAB #BAK 0141396 and #BAK 0143182 (Government Code Section 54956.9(a)) (from 9:00 a.m., Item No. 32) -

RECONVENED FROM CLOSED SESSION AND ADJOURNED TO TUESDAY, SEPTEMBER 27, 2005, AT 9:00 A.M.

**Patrick-Maben**

/s/ Tracey E. Cody  
Administrative Coordinator

/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.

41) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Aging & Adult Services

- A) Minutes of Commission on Aging Meeting held on Monday, July 18, 2005

Auditor-Controller-County Clerk

- B) Report on audit activity by the County Auditor-Controller-County Clerk during the Fiscal Year ended June 30, 2005

Clerk of the Board

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

- 1) Tract Map 6027, Unit Two S.D. #4
- 2) Tract Map 6123, Unit A S.D. #5
- 3) Tract Map 6123, Unit B S.D. #5
- 4) Tract Map 6154, Phase 1 S.D. #4
- 5) Tract Map 6176, Phase 3 S.D. #1

General Services

- D) Franchise Acceptance from Aerial Acres Water Company in compliance with Franchise Ordinance F-482
- E) Franchise Acceptance from Western Acres Mutual Water Company in compliance with Franchise Ordinance F-480
- F) Franchise Acceptance from Carneros Energy, Inc., in compliance with Franchise Ordinance F-484
- G) Franchise Acceptance from Inergy Propane, LLC, and Franchise Bond No. 08818500 in the amount of \$1,000, from Fidelity and Deposit Company of Maryland in compliance with Franchise Ordinance F-483
- H) Franchise Acceptance from Sequoia Exploration, Inc., in compliance with Franchise Ordinance F-385

Local Agency Formation Commission

- I) Notice of Hearing, Proceeding No. 1423, in the matter of County Service Area No. 11, Annexation No. 4 (Copies to each Supervisor and CAO)
- J) Notice of Hearing, Proceeding No. 1424, in the matter of County Service Area No. 66, Annexation No. 2 (Copies to each Supervisor and CAO)

Resource Management Agency

- K) Three (3) thank you letters for donations to the Bakersfield Animal Care Center and Mojave Animal Shelter (Copies to each Supervisor and CAO)

Treasurer-Tax Collector

- L) Independent Auditor's Report on Investment Policy Compliance for the Year Ended June 30, 2005
- M) Cash Receipts and Disbursements for August 2005

Miscellaneous

- N) Letter from Lynne McGarity and Ron LaRosa, Ad Hoc Airport Committee, re Kern Valley Airport master plan (Copies to each Supervisor, CAO, Airports, Planning and County Counsel)
- O) Letter from James McCall in support of changes in animal control proposed by Citygate Associates (Copies to each Supervisor, CAO, Resource Management Agency and Animal Control)
- P) Notice from State Department of Alcoholic Beverage Control re application for Alcoholic Beverage License from Ewings on the Kern, 125 Buena Vista, Kernville (Copies to each Supervisor, CAO and Planning)
- Q) Notice from City of San Jose re response to Pacific Gas & Electric Company's petition for modification of Decision 03-10-040 (Copies to each Supervisor and CAO)
- R) Agenda of meeting from Central Valley Regional Water Quality Control Board on Thursday and Friday, September 15 and 16, 2005 (Copies to each Supervisor and CAO)
- 42) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
  - A) Claim in the matter of John Prenosil vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - B) Claim in the matter of Homer Payne vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - C) Claim in the matter of Lawrence Francisco vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - D) Claim in the matter of Bradley Dahl vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - E) Claim in the matter of Josh Miller vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - F) Summons and complaint in the matter of Jose Trinidad Lara Urbina vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
  - G) Summons and complaint in the matter of Mario Ibarra; Norma Rangel; Vanessa Hernandez; Yvette Ibarra, by and through her Guardian ad Litem, Marisela Ibarra; Daisy Ramirez, by and through her Guardian ad Litem, Hilaria Retamoza vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

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