

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, September 27, 2005

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor McQuiston

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

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

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution honoring and welcoming Friendship Force of Tuxtla-Gutierrez, Mexico to Kern County, September 21 - 28, 2005 - ADOPTED RESOLUTION; MADE PRESENTATION TO MANUEL CAL Y MAYOR, TUXTLA-GUTIERREZ, MEXICO; MANUEL CAL Y MAYOR HEARD

Rubio-Patrick: All Ayes

- 2) Resolution honoring Arlo Sturgeon for his outstanding service to the County of Kern - ADOPTED RESOLUTION; MADE PRESENTATION TO DONNA STURGEON IN MOJAVE; DONNA STURGEON, BERNITA JENKINS, HUMAN RELATIONS COMMISSION, KAY MADDEN, KERN COUNTY PERSONNEL DIRECTOR, AND ED HERERRA, HUMAN RELATIONS COMMISSION HEARD

Maben-Patrick: All Ayes

- 3) Proclamation proclaiming October 2005 as Paint the Town Pink Month in Kern County - PROCLAIMED; MADE PRESENTATION TO SHARYN WOODS, LINK TO LIFE; SHARYN WOODS HEARD; MEMBERS OF THE PAINT THE TOWN PINK COMMITTEE WERE INTRODUCED

Patrick-Rubio: All Ayes

APPOINTMENTS

- *4) Appointment of Edward J. Herrera as Second District Member to the Human Relations Commission, term to expire March 5, 2007 - MADE APPOINTMENT

Patrick-Maben: All Ayes

- *5) Appointments of Tom Corson and Regina Benavides as At-large Community-Based Organization Members to the Workforce Investment Board Youth Council, terms to expire December 31, 2005 - MADE APPOINTMENTS

Patrick-Maben: All Ayes

- *6) Reappointments of Larry Moxley as At-large Technical Member and Pat Demond as At-large Public Member to the Solid Waste Independent Hearing Panel, terms to expire August 20, 2006 - MADE REAPPOINTMENTS

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

- 7) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!
- MICHAEL TURNIPSEED, KERN COUNTY TAX PAYERS ASSOCIATION, EXPRESSED CONCERN WITH AGENDA ITEM 38 RELATING TO RETROACTIVE PAYMENT TO A COUNTY EMPLOYEE; COUNTY ADMINISTRATIVE OFFICER, RON ERREA EXPLAINED THE OVERSIGHT AND STATED EFFORTS ARE BEING MADE TO IMPROVE THE FINANCIAL AND PAYROLL ACCOUNTING SYSTEM

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 8) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR MCQUISTON REPORTED A GRANT SUBMITTED FOR THE SHERIFF'S DEPARTMENT OFF-HIGHWAY VEHICLE ENFORCEMENT PROGRAM WAS RECENTLY REJECTED DUE TO THE NON-FILING OF A NOTICE OF EXEMPTION DURING THE APPLICATION PROCESS

REFERRED TO THE COUNTY ADMINISTRATIVE OFFICE TO PREPARE CORRESPONDENCE FOR SIGNATURE BY THE CHAIRMAN TO STATE LEGISLATORS, THE GOVERNOR, AND APPROPRIATE STATE AGENCY EXPRESSING DISMAY WITH THE REJECTION AND THE IMPACT THE LOSS OF FUNDING HAS ON LAW ENFORCEMENT EFFORTS FOR RECREATIONAL VEHICLE USERS IN KERN COUNTY

(Continued on page 3)

(Continued from page 2)

SUPERVISOR MCQUISTON ALSO DISCUSSED THE SHERIFF'S CONTRACT WITH LIBERTY AMBULANCE, APPROVED BY THE BOARD LAST WEEK, AND EXPRESSED CONCERN WITH THE LACK OF PERFORMANCE BY KERN MEDICAL CENTER TO PROVIDE NURSING SERVICES AT THE LERDO FACILITY

McQuiston-Rubio: All Ayes

REFERRED TO THE COUNTY ADMINISTRATIVE OFFICE TO REPORT BACK TO THE BOARD REGARDING KERN MEDICAL CENTER'S COMMITMENT AND POSITION RELATIVE TO PROVISION OF NURSING SERVICES AT THE LERDO JAIL FACILITY

SUPERVISOR RUBIO DISCUSSED UPGRADING THE KERN COUNTY EMERGENCY OPERATIONS CENTER (EOC) AND REQUESTED THE COUNTY ADMINISTRATIVE OFFICE, FIRE CHIEF AND EMERGENCY SERVICES OFFICER ANALYZE CONDITIONS AT THE EOC FACILITY AND FORMULATE A COMPREHENSIVE PLAN TO UPGRADE THE FACILITY

RECEIVED AND FILED MEMORANDUM FROM SUPERVISOR RUBIO

McQuiston-Rubio: All Ayes

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- *9) Proposed approval of Area Plan Year End Report for Fiscal Year 2004-2005 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED INTERIM DIRECTOR TO SIGN ALL RELATED TRANSMITTAL DOCUMENTS

Patrick-Maben: All Ayes

- *10) Proposed addition of one (1) Social Service Supervisor I/II position and deletion of one (1) Supervising Deputy Conservator position, effective October 1, 2005 (Fiscal Impact: Increase of \$4,325; Federal and State funding; Budgeted; Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

AIRPORTS

- *11) Request for retroactive approval of unusual travel for Raymond C. Bishop and Teresa L. Hitchcock to travel to Mexico City, Mexico, September 24, 2005 through September 27, 2005, to meet with Mexicana Airlines at a cost not to exceed \$2,854 (Fiscal Impact: \$2,854; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

- *12) Proposed payment for way-finding signage services provided by Sussman/Prejza & Company, Inc., in the amount of \$9,391, prior to execution of the Personal and Professional Services Agreement (Fiscal Impact: \$9,391; Budgeted; Discretionary) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY INVOICES

Patrick-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *13) Request to employ retired County employee James Webdell as an Office Services Assistant, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$12,633.60; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

BOARD OF SUPERVISORS

- *14) Request of Fourth District Supervisor Raymond A. Watson to employ retired County employee Mary Garner as part-time Office Services Assistant, Step C, 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: \$16,300; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

- *15) Request of Fourth District Supervisor Raymond A. Watson to employ retired County employee, Trice Harvey, as a part-time Supervisor's Field Representative III, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$20,400; Budgeted; Discretionary) - APPROVED

Patrick-Maben: All Ayes

COUNTY COUNSEL

- 16) Report on proposed policies and procedures for Closed Sessions of the Board of Supervisors (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY ADMINISTRATIVE OFFICE FOR INCLUSION IN THE COUNTY ADMINISTRATIVE PROCEDURES MANUAL AS AMENDED TO REQUIRE CONCURRENCE BY COUNTY COUNSEL FOR ALL CLOSED SESSION ITEMS

Rubio-Maben: All Ayes

- *17) Proposed Agreement with David Ungar, a contract employee, for professional legal services, from October 1, 2005 to September 30, 2007 in an amount not to exceed \$202,250.36 (Fiscal Impact: \$202,250.36; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 828-2005

Patrick-Maben: All Ayes

- *18) Proposed Ordinance adding subsections (203) and (204) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no stopping zone on Coffee Road and a no stopping zone on Snow Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *19) Proposed Ordinance adding subsections (205) and (206) to Section 10.16.041 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning no stopping zones on Nord Avenue and Palm Avenue (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *20) Proposed Ordinance adding subsection (233) to Section 10.16.070 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a 15-minute parking zone on McCray Street (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

- *21) Proposed Ordinance adding sections 10.04.323, 10.04.422, 10.04.507 and 10.04.177 of Chapter 10.04, Title 10 of the Kern County Ordinance Code concerning speed limits on Country Club Drive, Old Town Road, White Pine Drive and Mariposa Road (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Patrick-Maben: All Ayes

FIRE DEPARTMENT

- *22) Status report on development of Multi-Jurisdictional Local Hazard Mitigation Plan (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

HUMAN SERVICES

- *23) Proposed Agreement with Kern County Superintendent of Schools Offices' Community Connection for Child Care for CalWORKs Stage One Child Care Services, from October 1, 2005 to June 30, 2006, in an amount not to exceed \$10,600,000 (Fiscal Impact: \$10,600,000; 100% Combined Federal and State Funding; \$0 County; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 829-2005

Patrick-Maben: All Ayes

- *24) Proposed Agreement with Gayla J. Gibson, a contract employee, for a Foster Parent Coordinator position, from September 27, 2005 through September 30, 2006 (Fiscal Impact: \$20,000 State/Federal; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 830-2005

Patrick-Maben: All Ayes

- *25) Proposed Agreement with Opal Morland, a contract employee, for a Foster Parent Coordinator Position, from September 27, 2005 through September 30, 2006 (Fiscal Impact: \$20,000 State/Federal; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 831-2005

Patrick-Maben: All Ayes

- 26) Request for temporary suspension of General Assistance Program Regulations for individuals displaced by hurricane, applying between August 30, 2005 and October 15, 2005 (Fiscal Impact: \$58,800 County; Not Budgeted; Discretionary) - APPROVED TEMPORARY SUSPENSION OF GENERAL ASSISTANCE PROGRAM REQUIREMENTS; COSTS ASSOCIATED WITH DISTRIBUTION OF BENEFITS TO BE REFERRED BACK TO THE DEPARTMENT AND THE COUNTY ADMINISTRATIVE OFFICE FOR RECONCILIATION OF FINAL EXPENDITURES AND POSSIBLE APPLICATION FOR FEMA REIMBURSEMENT AS AN OFFSET TO EXPENDITURES

Patrick-Rubio: All Ayes

KERN MEDICAL CENTER

- *27) Proposed Agreement with John P. Gruen, M.D., an independent contractor, for neurological surgery coverage in the Department of Surgery, from October 5, 2005 through October 4, 2007, in an amount not to exceed \$14,000 (Fiscal Impact: \$14,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 832-2005

Patrick-Maben: All Ayes

- *28) Proposed Contract Supplement 1-G9E05 to Kern County Agreement 276-99 with McKesson Information Solutions LLC, to purchase equipment, software, implementation services, and professional services to replace the current Hill-Rom WatchChild Labor and Delivery system with the McKesson Horizon Perinatal Care Archival and Surveillance system, in an amount not to exceed \$838,987 (Fiscal Impact: \$838,987; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 833-2005

Patrick-Maben: All Ayes

LIBRARY

- *29) Proposed modification to Bookmobile I Schedule, to move present stop at Union Avenue and Taft Highway to Panama Lane and Wible Road, and adjust the stop time, effective October 4, 2005 - APPROVED

Patrick-Maben: All Ayes

PERSONNEL

- *30) Classification of positions recommended by Civil Service Commission effective October 1, 2005 (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND THE DEPARTMENTAL POSITION AND SALARY SCHEDULE

Patrick-Maben: All Ayes

PUBLIC DEFENDER

- 31) Briefing on departmental operations (Fiscal Impact: None) - HEARD PRESENTATION; RECEIVED AND FILED

McQuiston-Rubio: All Ayes

PUBLIC HEALTH SERVICES

- *32) Proposed retroactive Agreement with Planned Parenthood Mar Monte for HIV/AIDS Education and Prevention Program Services, from July 1, 2005 to June 30, 2006, in an amount not to exceed \$57,766 (prior notification June 28, 2005) (Fiscal Impact: \$57,766; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 834-2005

Patrick-Maben: All Ayes

- *33) Proposed retroactive Agreement with Unilab Corporation, doing business as Quest Diagnostics, for laboratory services, from July 1, 2005 through June 30, 2007, in an amount not to exceed \$20,000 (prior notification June 28, 2005) (Fiscal Impact: \$20,000; Funded by patient fees; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 835-2005

Patrick-Maben: All Ayes

- *34) Proposed Escrow Agreement with BtB Software and IG Data Security, Inc., for Public Health Automated Laboratory tracking software and support services (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 836-2005 AND RELATED DOCUMENTS

Patrick-Maben: All Ayes

SHERIFF

- *35) Proposed retroactive Agreement with California State University, Bakersfield for Federal Work-Study Program Off-Campus Agreement effective July 1, 2005 to June 30, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED SHERIFF TO SIGN

Patrick-Maben: All Ayes

- *36) Proposed addition of one (1) Sheriff's Records Technician position and deletion of one (1) vacant Microphotographer position, effective September 27, 2005 (Fiscal Impact: \$2,376 annually; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

- *37) Proposed Amendment No. 1 to Agreement 525-2005 with Dr. Thomas Volk for forensic pathology (Autopsy Services) to extend the term from September 30, 2005 to December 31, 2005, in an additional amount not to exceed \$71,250 (Fiscal Impact: \$71,250; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 837-2005

Patrick-Maben: All Ayes

- *38) Proposed approval of retroactive payment in the amount of \$1,724 to Anthony Chavez for SWAT physical fitness and uniform allowance pay during his designated assignment on the Special Weapons and Tactics (SWAT) Team, from February 24, 1994 through January 15, 1997 (Fiscal Impact: \$1,724; Not Budgeted) - WAIVED STATUTE OF LIMITATIONS; APPROVED RETROACTIVE PAYMENT IN THE AMOUNT OF \$1,724 TO ANTHONY CHAVEZ; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY

Patrick-Maben: All Ayes

- *39) Proposed retroactive Amendment No. 7 to Agreement 334-99 with Canteen Correctional Services, Division of Compass Group USA, Inc., to increase inmate meal prices for Fiscal Year 2005-2006, by 4% for a contract total not to exceed \$3,355,702 (Fiscal Impact: Cost not to exceed \$3,355,702; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 838-2005

Patrick-Maben: All Ayes

- *40) Expenditure by the Sheriff of Inmate Welfare Funds pursuant to Penal Code Section 4025 for repairs, remodeling, and major maintenance work at Sheriff's Pre-Trial Facility and Male Minimum Security Facility at Lerdo (Fiscal Impact: \$1,300,800; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$1,300,800 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$1,300,800 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 2210

Patrick-Maben: All Ayes

- *41) Application to hold a parade - Boron Annual Twenty Mule Team Festival - Boron Chamber of Commerce on October 1, 2005, in Boron, California (Fiscal Impact: None) - FOUND THAT THE SHERIFF HAS NOTED HIS APPROVAL ON THE PERMIT AND THAT THE PARADE WILL NOT RESULT IN THE UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON THE HIGHWAY WHERE IT IS TO BE HELD; WILL NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; WILL NOT CONFLICT WITH OTHER PARADES PREVIOUSLY GRANTED PERMITS, AND THAT THE SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE THE PARADE; APPROVED PERMIT; AUTHORIZED CHAIRMAN TO SIGN

Patrick-Maben: All Ayes

TREASURER-TAX COLLECTOR

- *42) Pooled Cash Portfolio Analysis for the Month Ended August 2005 - RECEIVED AND FILED

Patrick-Maben: All Ayes

ADJOURNED TO CLOSED SESSION

Patrick

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 43) Request for Closed Session re Meet and Confer, CCAPE-CJU, KCDOA, KCFFU, KCPOA, KLEA -

COUNTY COUNSEL

- 44) Request for Closed Session regarding a claim entitled Robert Hubbard vs. County of Kern, WCAB Case No. Unassigned (Government Code Section 54956.9(a)) -
- 45) Request for Closed Session regarding a lawsuit entitled Kenneth Faulkner v. County of Kern, et al., USDC(E) Case No. CIV-F-04-5964 OWW TAG (Government Code Section 54956.9(a)) -

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

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

Maben-Rubio

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, September 27, 2005

2:00 P.M.

BOARD RECONVENED

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

RESULTS OF CLOSED SESSION

Request for Closed Session regarding a claim entitled Robert Hubbard vs. County of Kern, WCAB Case No. Unassigned (Government Code Section 54956.9(a)) (from Item No. 44 a.m.) - CHAIRMAN WATSON REPORTED ON RESULTS OF CLOSED SESSION, AGENDA ITEM NO. 44 A.M., WHERE, BY UNANIMOUS VOTE, THE BOARD APPROVED A PROPOSED SETTLEMENT OF THIS MATTER IN THE AMOUNT OF \$29,750 FOR PERMANENT DISABILITY.

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

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS KERN SANITATION AUTHORITY

Patrick-Maben: All Ayes

KERN SANITATION AUTHORITY

- #1) Proposed termination of Agreement 408-98 with Boyle Engineering to provide general engineering services (Fiscal Impact: None) - APPROVED; AUTHORIZED DIRECTOR OF WASTE MANAGEMENT TO ISSUE LETTER OF TERMINATION

Patrick-Maben: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Patrick-Maben: All Ayes

PUBLIC PRESENTATIONS

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

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 3) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR MABEN DISCUSSED IMPLEMENTATION OF CITYGATE RECOMMENDATIONS RELATIVE TO ANIMAL CONTROL OPERATIONS AND PROCEDURES REFERRED TO COUNTY ADMINISTRATIVE OFFICE, COUNTY COUNSEL AND RESOURCE MANAGEMENT AGENCY TO BEGIN DEVELOPING A FULL TIME ANIMAL CONTROL COMMISSION FOR REPORT BACK TO THE BOARD

Maben-Rubio: All Ayes

HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- *4) **Request from R. H. McRae by Moreland Consulting, Inc., to include the geologic hazard combining district with the existing limited agricultural zoning designation and with the previously approved low-density residential district that will become effective upon recordation of a final subdivision map on approximately three acres located on the east side of United Street, between Hastings Avenue and Felsite Avenue, Rosamond (SD #2)**

Specific Request:

A change in zone classification from A-1 [R-1 in suspense] to A-1 GH [R-1 GH in suspense] or a more restrictive district (ZCC #103, Map #230)

(General Rule, Section 15061(b)(3); Published Rosamond Weekly News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-428 AND ENACTED ORDINANCE G-7292 APPROVING ZONE CHANGE TO THE A-1 GH (LIMITED AGRICULTURE - GEOLOGIC HAZARD COMBINING) DISTRICT, WITH THE R-1 GH (LOW-DENSITY RESIDENTIAL - GEOLOGIC HAZARD COMBINING) DISTRICT TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL SUBDIVISION MAP

Maben-Rubio: All Ayes

- *5) **Request from M. P. Property Partners and Patrick Kealy by DeWalt Corporation to change the permitted uses from mobilehome park to single-family residential on approximately 15 acres located on the west side of 20th Street West, approximately 750 feet north of Willow Avenue, Rosamond (SD #2)**

Specific Request:

A change in zone classification from MP FPS to R-1 FPS CL or a more restrictive district (ZCC #104, Map #230) (Special Situation, Section 15182; Published Rosamond Weekly News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2005-429 AND ENACTED ORDINANCE G-7293 APPROVING ZONE CHANGE TO BECOME EFFECTIVE UPON RECORDATION OF A FINAL SUBDIVISION MAP

Maben-Rubio: All Ayes

- 6) **Request from Susan D. Salvucci (original applicant: Casa Loma-Cottonwood Homes, LLC, by DeWalt Corporation) to appeal the Planning Commission decision to approve Vesting Tentative Tract 6400 proposing 145 single-family residential parcels and 10 multifamily residential parcels, a zone modification for reduced front-yard setbacks, and a modification of a cluster plan for a master planned community located at the northeast corner of Cottonwood Road and Casa Loma Drive, east Bakersfield (SD #5)**

Specific Request:

An appeal to the decision of the Planning Commission approving:

- (a) Vesting Tentative Tract 6400 (Resolutions 193-05, 194-05, and 195-05; approved August 25, 2005) proposing to divide a 39.46-acre site into 145 parcels ranging in size from 5,049 square feet (net) to 13,621 square feet (net) for single-family residential use; ten parcels ranging in size from 13,576 square feet (net) to 58,634 square feet (net) for multifamily residential use; a 36,614-square-foot (net) sump lot; and four private street lots ranging in size from one acre (43,526 square feet) to 2-1/2 acres (107,949 square feet); five limited design variations; development variations to the Land Division Ordinance to allow private access streets, where public access is required, modified Type A street improvements, a reduction of the street right-of-way from 60 feet to 52 feet, and 40-foot-wide interior lots and 45-foot-wide corner lots, where 55 feet and 60 feet, respectively, is required
- (b) A Zone Modification to allow a 51-foot building setback from centerline, where 55 feet is required (Section 13.4.1.a) (CLSP)
- (c) A Modification of a Cluster Plan for a master planned low-income community to add an additional 145 single-family residential units for low-income families, a 36,614-square-foot (net) sump lot, and four private street lots, in 5.2 CL (Casa Loma Specific Plan) and 5.3 CL (Casa Loma Specific Plan) Districts (TR #6400 [Appeal]; Appeal #1, Map #124-4)

(Negative Declaration; Published Bakersfield Californian) - OPENED HEARING; SUSAN SALVUCCI, REPRESENTING FF&E, LIMITED PARTNERSHIP, HEARD IN SUPPORT OF APPEAL; BEN LINGO, REPRESENTING CASA LOMA-COTTONWOOD HOMES AND CORPORATION FOR

(Continued on Page 13)

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BETTER HOUSING, HEARD IN OPPOSITION TO APPEAL; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2005-430, 2005-431 AND 2005-432 DENYING THE APPEAL AND APPROVING VESTING TRACT MAP 6400, APPROVING ZONE MODIFICATION CASE 1, MAP 124-4, AND APPROVING MODIFICATION 5 TO CLUSTER PLAN 1, MAP 124-4 SUBJECT TO CONDITIONS; REFERRED TO PLANNING TO DEVELOP CONSTRUCTION STANDARDS FOR PRIVATE ROADS WITHIN NEW COUNTY APPROVED DEVELOPMENTS FOR REPORT BACK TO THE BOARD

Rubio-Patrick: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Land Use

S.D. #1

- *7) Proposed Notice of Nonrenewal Petition No. 05-36 by Affentranger and Sons Dairy Farm for 39.09 acres within Agricultural Preserve No. 9 (Fiscal Impact: None) - DIRECTED CLERK OF THE BOARD TO RECORD

Maben-Rubio: All Ayes

RESOURCE MANAGEMENT AGENCY

All S.D.'s

- 8) Update on preparation of Biosolids Environmental Impact Report - RECEIVED AND FILED; REFERRED TO RESOURCE MANAGEMENT AGENCY AND COUNTY COUNSEL TO INVESTIGATE THE POSSIBILITY OF INTRODUCING AN URGENCY ORDINANCE TO PROHIBIT LAND APPLICATION OF BIOSOLIDS FROM NEW SOURCES NOT ALREADY LAND APPLYING IN KERN COUNTY, FOR REPORT BACK TO THE BOARD; DIRECTED STAFF TO CORRESPOND WITH THE CITY OF FRESNO RESTATING KERN COUNTY'S POSITION ON BIOSOLIDS WITH THE EXPECTATION THAT KERN COUNTY SHOULD BE NOTIFIED OF AGENDA TOPICS RELATING TO BIOSOLIDS AND ALLOWED AN OPPORTUNITY TO COMMENT

Rubio-Maben: All Ayes

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

All S.D.'s

- *9) Public Hearing to amend the County of Kern's Fiscal Year 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, and 2004-2005 Annual Action Plans for Community Development Programs, Countywide, specifically to: a) increase the maximum loan assistance to \$100,000 per residence for Project No. 33.03.2 of the Countywide Home Investment Partnerships Program (HOME) Housing Rehabilitation Program, b) increase the maximum loan assistance to \$3,000 per

(Continued to Page 14)

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residence for Project No. 37.04.1 of the Countywide Community Development Block Grant (CDBG) Home Access Program; c) increase the maximum assistance to \$10,000 per residence for Project No. 33.00.2, delete the statement "and closing costs," and include the following statement, "These program funds may also be used in conjunction with the American Dream Down Payment Initiative Program funds to provide down payment assistance" for the Countywide First Time Home Buyer Program; approve project close-outs for: a) Countywide HOME Housing Rehabilitation Programs, Projects No. 33.01.2 and 33.02.2 and b) Countywide First Time Home Buyer Program, Projects No. 34.99.5 and 34.99.6; authorize Director to submit all documentation to the U.S. Department of Housing and Urban Development, and process County budget adjustments and project closeouts (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED

Maben-Rubio: All Ayes

S.D. #5

- *10) Proposed Amendment No. 1 to Agreement 220-2004 with National Farm Workers Service Center, Inc., to increase the number of HOME-assisted units for Project No. 33.03.4, Comunidad 16 de Septiembre, 1965 (Bakersfield Apartments); authorization for Director to execute documents required to implement project as amended, including an amendment to the deed restriction agreement, escrow instructions, and other documents as necessary, all in a form approved by County Counsel (Fiscal Impact: None) -

WITHDRAWN

All S.D.'s

- *11) Authorization for Director to implement the CDBG Program and HOME funded Housing Rehabilitation Program for prior, current, and future funding years through Fiscal Year 2009-2010, including authority to approve grants and loans, service loans under the program, negotiate and take action as necessary to protect the interests of the County, and execute all required documents, including agreements, foreclosure documents, reconveyances, and other documents as necessary, all in a form approved by County Counsel (Fiscal Impact: None) - APPROVED

Maben-Rubio: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services
Continued Hearing
S.D. #1

- 12) Protest hearing on proposed confirmation of costs incurred for nuisance abatement work at Pasadena Lane, Lake Isabella, APN 263-282-06, \$3,720 (from 8/23/2005) (Fiscal Impact: \$3,720; Budgeted; General Fund; Discretionary) - OPENED HEARING; LARRY MCGHEE AND PAULA MCGHEE HEARD; CLOSED HEARING; RECEIVED AND FILED REPORT; DENIED REQUEST TO CONFIRM COSTS; REFERRED TO ENGINEERING AND SURVEY SERVICES TO DEVELOP PROCEDURES FOR THREAT CIRCUMSTANCES

McQuiston-Maben: All Ayes

Hearing

All S.D.'s

- *13) Proposed Ordinance amending Sections 17.24.060 and 17.24.070 and adding new Section 17.24.075 and new Chapter 17.52 to Title 17 (Code of Building Regulations) of the Kern County Ordinance Code, which includes adoption of the California Building Standards Code and the referenced model code (2002 National Electrical Code and the 2005 California Energy Code) as modified to provide an Amended Code of Building Regulations (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ENACTED ORDINANCE G-7294

Maben-Rubio: All Ayes

All S.D.'s

- *14) Annual recertification in the Community Rating System (CRS) Program of the National Flood Insurance Program (NFIP) (Fiscal Impact: None) - AUTHORIZED CHAIRMAN TO SIGN

Maben-Rubio: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #2

- *15) Proposed Contribution Agreement between the County of Kern and California Department of Transportation (Caltrans) for the installation of traffic signals and safety lighting on State Route 119 at Stine Road, Bakersfield (Fiscal Impact: \$170,376; Road Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 839-2005

Maben-Rubio: All Ayes

S.D. #1

- *16) Proposed no stopping zones on Snow Road, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Rubio: All Ayes

S.D. #5

- *17) Proposed parking restriction on State Route 184 (Weedpatch Highway) between DiGiorgio Road and Panama Road, Lamont (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Rubio: All Ayes

S.D.'s #2 & #5

- *18) Contract No. 05026, Plans, Specifications and Notice to Contractors for construction on Cottonwood Road, DiGiorgio Road and Comanche Drive (Fiscal Impact: \$2,360,000; Federal CMAQ/STP Funds; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM CEQA, PER SECTION 15301(C) OF 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 26, 2005, AT 11:00 A.M.

Maben-Rubio: All Ayes

WASTE MANAGEMENT

S.D.'s #1 & #2

- *19) Request for sole source procurement of wood and green waste grinding and marketing services with Tehachapi Recycling, Inc., in an amount not to exceed \$300,000 (Fiscal Impact: \$300,000; Solid Waste Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Maben-Rubio: All Ayes

All S.D.'s

- *20) Proposed Amendment No. 1 to Agreement 975-2003 with Community Clean Sweep for operation of Metropolitan Bakersfield drop-off recycling centers, extending term from November 1, 2005 to November 4, 2006, at an estimated cost of \$90,000, for a total amount not to exceed \$260,000 (Fiscal Impact: \$90,000; Solid Waste Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 840-2005

Maben-Rubio: All Ayes

- *21) Proposed Request for Proposal to provide chemical analytical services for Kern County waste management facilities (Fiscal Impact: None) - APPROVED; AUTHORIZED DISTRIBUTION

Maben-Rubio: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *22) Proposed revision to Administrative Bulletin No. 20 increasing mileage reimbursement rates to match the federal standard (Fiscal Impact: Unknown) - APPROVED

Maben-Rubio: All Ayes

- *23) Proposed allowable exclusions to Fiscal Year 2005-2006 Gann Appropriations Limit (Fiscal Impact: None) - APPROVED

Maben-Rubio: All Ayes

- 24) Proposed Amendment No. 1 to Acquisition Fund Agreement 437-2005 with Banc of America to finance the lease/purchase of crime lab equipment in the principal amount of \$575,000 for a five year term (Fiscal Impact: FY 2005-2006 \$63,236; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 841-2005 AND ALL RELATED LEASE FINANCING DOCUMENTS

Patrick-Rubio: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *25) Change Order No. 1 for the new restroom facility at Lake Isabella Park, an increase of \$695, for a new total of \$282,195 (1960.8261) (Fiscal Impact: \$695; Parkland Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Rubio: All Ayes

S.D. #3

- *26) Change Order No. 18 for New Airport Terminal at Meadows Field, an increase of \$9,572, for a new total of \$21,692,017; and proposed Resolution to dispense with bidding requirements for Change Orders in excess of 10% of contract amount (8215.8415) (Fiscal Impact: \$9,572; Airport Project Fund; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2005-433; AUTHORIZED CHAIRMAN TO SIGN

Maben-Rubio: All Ayes

- *27) Change Order No. 2 for New Airport Terminal Flight Information and Audio Paging Systems, an increase of \$1,200, for a new total of \$401,548 (8215.8416) (Fiscal Impact: \$1,200; Airport Project Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Rubio: All Ayes

- *28) Change Order No. 2 for New Airport Terminal Telecom Systems, an increase of \$6,517, for a new total of \$283,664 (8215.8416) (Fiscal Impact: \$6,517; Airport Project Fund; Budgeted; Discretionary) - CONTINUED TO TUESDAY, OCTOBER 11, 2005, AT 2:00 P.M.

Maben-Rubio: All Ayes

S.D. #4

- *29) Proposed Request for Proposal from developers for a seven-year lease of an existing facility to provide office space for a Department of Human Services Taft District Office (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED ISSUANCE

Maben-Rubio: All Ayes

S.D. #5

- *30) Proposed License Agreement with Borton, Petrini & Conron for use of certain County facilities and property for the 2005 Bakersfield Business Conference (Fiscal Impact: Up to \$5,000 Revenue Plus Reimbursables; Discretionary; Not Budgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 842-2005

Maben-Rubio: All Ayes

All S.D.'s

- *31) Request to donate surplus radio equipment to Kern County Superintendent of Schools (KCSOS) to assist student oversight during Camp KEEP (Fiscal Impact: None) - AUTHORIZED COUNTY COUNSEL TO PREPARE NOTICE OF INTENT AND DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Maben-Rubio: All Ayes

- *32) Plaque honoring Leroy C. Weygand to be placed in the Rotunda of the Kern County Administrative Center (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Rubio: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *33) Budget Transfers - APPROVED NO. 25 AND NO. 26

Maben-Rubio: All Ayes

- *34) Minutes for weeks of August 22, 2005 and August 29, 2005 - APPROVED

Maben-Rubio: All Ayes

- *35) Miscellaneous Letters and Documents - APPROVED

Maben-Rubio: All Ayes

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

Maben-Rubio: All Ayes

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

Maben-Rubio: All Ayes

ADJOURNED TO THURSDAY, SEPTEMBER 29, 2005, AT 6:00 P.M. AT
WOODROW WALLACE SCHOOL, LAKE ISABELLA

Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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

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

35) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Airports

- A) Comments received re Kern Valley Airport, Master Plan Project (Copies to each Supervisor, CAO and County Counsel)

Auditor-Controller-County Clerk

- B) Henrietta Weill Memorial Child Guidance Clinic report on costs allocated to Kern County Mental Health Programs for Fiscal Years 2001-2002 and 2002-2003

Clerk of the Board

- C) Monthly Referral Report for September, 2005

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

1) Tract Map 6188 S.D. #1

Grand Jury

- E) 2005-2006 Final Report re Kern County Sheriff's Department, McFarland Substation (Copies to each Supervisor, CAO and Sheriff)

Local Agency Formation Commission

- F) Resolution No. 05-26, Proceeding No. 1418, in the matter of County Service Area No. 81, Annexation No. 2 (Copies to each Supervisor and CAO)

- G) Resolution No. 05-28, Proceeding No. 1419, in the matter of County Service Area No. 98, Formation (Copies to each Supervisor and CAO)

Resource Management Agency

- H) Four (4) thank you letters for donations to the Bakersfield Animal Care Center and the Mojave Animal Shelter (Copies to each Supervisor and CAO)

Sheriff

- I) Response to Grand Jury Final Report re Kern County Sheriff's Department Central Receiving Facility (Copies to each Supervisor and CAO)

Miscellaneous

- J) Letter from Erin Havrilesky re Kern Valley Airport revised master plan (Copies to each Supervisor, CAO, Airports, Planning and County Counsel)

- K) Letter from Colin Edwards re Kern Valley Airport plan (Copies to each Supervisor, CAO, Airports, Planning and County Counsel)

- L) Letter from Robert and Jenetta Gulk re concerns about eminent domain in Kern Valley Airport revised master plan (Copies to each Supervisor, CAO, Airports, Planning and County Counsel)

- M) Letter from Thea Lynne Larsen in opposition to Kern Valley Airport master plan and proposed expansion (Copies to each Supervisor, CAO, Airports, Planning and County Counsel)

- N) Letter from Sequoia ForestKeeper and Kern-Kaweah Chapter, Sierra Club, re comments concerning revised draft master plan for Kern Valley Airport (Copies to each Supervisor, CAO, Airports, Planning and County Counsel)
- O) Letter from Johnna Meyer, State Department of Health and Human Services Agency, re review and approval of 2005-2009 Area Plan (Copies to each Supervisor and CAO)
- P) Letter from Dennis J. O'Bryant, State Department of Conservation, re public acquisition of land enrolled in Williamson Act Contract, Kern Delta Water District, Groundwater Banking Project (Copies to each Supervisor, CAO, Planning and County Counsel)
- Q) Letter from Lucille Fried re possible misuse of California Civil Code concerning Mobile Home Residency Law at Tradewinds Mobile Estates, Rosamond (Copies to each Supervisor, CAO and Community and Economic Development)
- R) E-mail from Graham Kaye-Eddie with his presentation before the August 23, 2005, Board meeting re Southern Beltway (Copies to each Supervisor, CAO, Planning and Roads)
- S) E-mail from Jenelle Wilcox in support of a community disaster plan (Copies to each Supervisor, CAO, Fire and Emergency Services)
- 36) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) E-mail from Lloyd Wiens re failure of Rapid Cable to provide services in Frazier Park - REFERRED TO GENERAL SERVICES (Copies to each Supervisor and CAO)
- 37) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Jose and Sandra Barraza vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of Laura Rusk vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Betty M. Albitre vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Della Opperman vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Bennesha Renti vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- F) Opposition to motion in the matter of Herminia Simental, individually and as Guardian ad Litem of Minors Jorge F. Sanchez and Crista Villa vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)

- G) Letter from John V. Bell, Pacific Law Center, re claim of Juan Galaviz vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)