

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

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

Regular Meeting
Monday, March 13, 2006

2:00 P.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Rubio
ROLL CALL: 4 Present; 1 Absent - Rubio

SALUTE TO FLAG - Led by Supervisor Watson

The vote is displayed in bold below each item. For example, McQuiston-Watson denotes Supervisor McQuiston made the motion and Supervisor Watson seconded the motion.

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH AN ASTERISK (*) 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]) - NO ONE HEARD

DEPARTMENTAL REQUESTS

KERN MEDICAL CENTER

- 3) Update report regarding Kern Medical Center's financial condition (Fiscal Impact: None) - TOM WILLMAN, CHIEF FINANCIAL OFFICER, MADE PRESENTATION; RECEIVED AND FILED

Watson-McQuiston: 4 Ayes; 1 Absent - Rubio

- 4) Monthly report from County Administrative Office regarding Kern Medical Center's General Fund loan (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *5) Proposed sole source Agreement with Korn/Ferry International, an independent contractor, for search consultant services in the search and placement of a chief financial officer, from March 13, 2006 through March 12, 2007, in an amount not to exceed \$85,000 (Fiscal Impact: \$85,000; KMC Enterprise Fund; Non-Budgeted; Discretionary) - AUTHORIZED CHIEF EXECUTIVE OFFICER OF KERN MEDICAL CENTER TO SIGN AGREEMENT ON BEHALF OF COUNTY IN AN AMOUNT NOT TO EXCEED \$85,000 SUBJECT TO THE REVIEW AND APPROVAL AS TO FORM AND CONTENT BY THE OFFICE OF COUNTY COUNSEL AND COUNTY ADMINISTRATIVE OFFICE, RESPECTIVELY

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- 6) Proposed extension of malpractice liability coverage for psychiatrists (Fiscal Impact: None) - DR. TAI P. YOO, CHAIRMAN, KERN MEDICAL CENTER DEPARTMENT OF PSYCHIATRY AND COUNTY OF KERN MENTAL HEALTH, HEARD; IDENTIFIED MEMORIAL CENTER AND GOOD SAMARITAN HOSPITAL AS AUTHORIZED FACILITIES IN WHICH KMC EMPLOYED PSYCHIATRISTS MAY PROVIDE PHYSICIAN SERVICES AND BE COVERED BY THE COUNTY'S MALPRACTICE LIABILITY PROGRAM

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *7) Acceptance of donation from Kaiser Permanente, for the registration fee and stipend for travel expenses and hotel accommodations and approve the travel request for salary for David Hill, Director of Ambulatory Care, to attend the Institute for Healthcare Improvement, 7th Annual International Summit on Redesigning the Clinic Office Practice in San Diego, California, from March 19, 2006 through March 21, 2006 (Fiscal Impact: \$832; KMC Enterprise Fund; Budgeted; Discretionary) - ADOPTED RESOLUTION 2006-071; APPROVED TRAVEL REQUEST

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *8) Proposed retroactive Contract Supplement No. 1-K1VYF to Agreement 276-99 with McKesson Information Solutions LLC, an independent contractor, for 24/7 software support of the EMC CX600 Storage Area Network disk storage system, in an amount not to exceed \$5,745 (Fiscal Impact: \$5,745; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 179-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *9) Proposed Amendment No. 2 to Agreement 739-2004 with Bahram Raofi, M.D., a contract employee, for radiology services, to adopt the 24-month interim salary arrangement as the permanent salary arrangement effective March 18, 2006, increase the annual compensation by \$7,500, from \$350,000 to \$357,500, effective March 18, 2006, increase the maximum not to exceed amount by \$1,525,475, from \$632,733 to \$2,158,208, to cover remainder of term, cap the administrative assessment on total core physician compensation at one-quarter percent, and delete various references to professional fees and practice groups that are inapplicable (Fiscal Impact: \$1,525,475; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 180-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *10) Proposed Agreement with Mendez Medical Center, Inc., an independent contractor, for obstetric and gynecologic services, from March 14, 2006 through March 13, 2008, in an amount not to exceed \$250,000 (Fiscal Impact: \$250,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 181-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *11) Proposed Agreement with Genetics Center, Inc., an independent contractor, for genetics counseling, from March 14, 2006 through March 13, 2008, in an amount not to exceed \$44,200 (Fiscal Impact: \$44,200; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 182-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- 12) Proposed Agreement with Todd A. Shapiro, M.D., a contract employee, for orthopedic services, from March 18, 2006 through March 17, 2011, in an amount not to exceed \$875,000 (Fiscal Impact: \$875,000; KMC Enterprise Fund; Budgeted; Mandated) - IRWIN HARRIS, CHIEF MEDICAL OFFICER, HEARD; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 183-2006

Watson-McQuiston: 4 Ayes; 1 Absent - Rubio

- *13) Proposed retroactive Agreement with Geoffrey M. Miller, M.D., APC, an independent contractor, for orthopedic services, from October 1, 2005 through September 30, 2007, in an amount not to exceed \$170,000 (Fiscal Impact: \$170,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 184-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

NOTE: CHAIRMAN PATRICK ACKNOWLEDGED BAKERSFIELD COLLEGE STUDENTS FROM DR. RODRIGUEZ'S CLASS WHO WERE IN ATTENDANCE

SUPERVISOR WATSON ALSO COMMENDED KERN MEDICAL CENTER STAFF FOR THE POSITIVE JCAHO FINDINGS IN THEIR RECENT REPORT ON KMC

ADJOURNED TO TUESDAY, MARCH 14, 2006 AT 9:00 A.M.

Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Barbara Patrick
Chairman, Board of Supervisors

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

The Kern Medical Center Conference Room 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, March 14, 2006

9:00 A.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Rubio
ROLL CALL: 4 Present; 1 Absent - Rubio

SALUTE TO FLAG - Led by Supervisor McQuiston

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

- 1) Welcoming address by Chairman Barbara Patrick to Teen Government Day Representatives - CHAIRMAN PATRICK WELCOMED STUDENTS PARTICIPATING IN TEEN GOVERNMENT DAY; BOARD MEMBERS AND DEPARTMENT HEADS INTRODUCED STUDENTS: MARIA GERARDO, SHAFTER HIGH SCHOOL, SUPERVISOR JON MCQUISTON; SAMANTHA DAVID, LIBERTY HIGH SCHOOL, SUPERVISOR RAY WATSON; MICHELLE COSTA, GOLDEN VALLEY HIGH SCHOOL, SUPERVISOR DON MABEN; DANIEL MUNN, EAST HIGH SCHOOL, CHAIRMAN BARBARA PATRICK; ALEX ORTIZ, WASCO HIGH SCHOOL, DENISE PENNELL, CLERK OF THE BOARD; CHARLES ECKERT, LIBERTY HIGH SCHOOL, RON ERREA, COUNTY ADMINISTRATIVE OFFICER; SHIVANU SANDHU, KERN VALLEY HIGH SCHOOL, BERNARD BARMANN, COUNTY COUNSEL; ASHLEI BRYANT, TAFT HIGH SCHOOL, COURTNEY URMSTRON, LIBERTY HIGH SCHOOL, AND MARIEL BENAVIDES, ARVIN HIGH SCHOOL, BEVERLY BEASLEY JOHNSON, DEPARTMENT OF HUMAN SERVICES; YURI CAMPOS, GOLDEN VALLEY HIGH SCHOOL, BETHANY CRISTMAN, DEPARTMENT OF HUMAN SERVICES; DAVID PRECIADO, ARVIN HIGH SCHOOL, RICK RODRIGUEZ, INFORMATION TECHNOLOGY SERVICES; ERICA THOMPSON, TAFT HIGH SCHOOL, DR. B.A. JINADU, PUBLIC HEALTH; JENNIFER ARVIZU, SOUTH HIGH SCHOOL, BOB LERUDE, PARKS AND RECREATION DEPARTMENT

RESOLUTIONS/PROCLAMATIONS

- 2) Resolution honoring Bill Barnhart, Information Technology Services, upon his retirement with 25 years of service to the County of Kern - ADOPTED RESOLUTION; MADE PRESENTATION TO BILL BARNHART; BILL FAWNS, DIRECTOR OF INFORMATION TECHNOLOGY SERVICES, KERN COUNTY FIRE CHIEF DENNIS THOMPSON, AND BILL BARNHART HEARD

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- 3) Proclamation proclaiming March 19 - 25, 2006 as National Surveyors' Week in Kern County - PROCLAIMED; MADE PRESENTATION TO RANDY SMITH, SECRETARY-TREASURER, CALIFORNIA LAND SURVEYORS ASSOCIATION BAKERSFIELD CHAPTER; RANDY SMITH HEARD

Watson-Maben: 4 Ayes; 1 Absent - Rubio

- 4) Proclamation proclaiming March 12 - 18, 2006 as Adult Education Week in Kern County - PROCLAIMED; MADE PRESENTATION TO KEITH REDDING, ASSISTANT PRINCIPAL, BAKERSFIELD ADULT SCHOOL; KEITH REDDING HEARD

Maben-McQuiston: 4 Ayes; 1 Absent - Rubio

APPOINTMENTS

- *5) Appointment of Laurie Ann Weir as At-large Member to the Animal Control Commission, term to expire February 28, 2007 - MADE APPOINTMENT

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *6) Reappointment of Joel Moreno as Fourth District Member to the Human Relations Commission, term to expire March 12, 2008 - MADE REAPPOINTMENT

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *7) Reappointments of Joel T. Andreesen and Joseph D. Hughes as At-large Members to the Law Library Trustees Board, terms to expire December 31, 2006 - MADE REAPPOINTMENTS

Maben-Watson: 4 Ayes; 1 Absent - Rubio

PUBLIC PRESENTATIONS

- 8) 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!
- DR. RODNEY MARK ROOT, OBSTETRICIAN/GYNECOLOGIST, KERN WOMEN'S HEALTH GROUP, ADDRESSED THE BOARD REGARDING THE NOVEMBER AUDIT PERFORMED BY THE AUDITOR-CONTROLLER-COUNTY CLERK AND A SUBSEQUENT AUDIT THAT RESULTED IN A REFUND TO THE KERN WOMEN'S HEALTH GROUP DUE TO AN OVERPAYMENT BY THAT GROUP

REFERRED TO KERN MEDICAL CENTER, COUNTY ADMINISTRATIVE OFFICE AND AUDITOR-CONTROLLER-COUNTY CLERK TO REPORT BACK TO THE BOARD ON THE RESULTS OF THE AUDIT THAT REVERSED THE ORIGINAL CLAIM OF UNDERPAYMENT BY THE KERN WOMEN'S HEALTH GROUP

Maben-Watson: 4 Ayes; 1 Absent - Supervisor Rubio

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]) - SUPERVISOR MCQUISTON ANNOUNCED HE WILL BE ABSENT FROM THE MARCH 21 BOARD MEETING TO TRAVEL TO WASHINGTON, D.C., WITH SEAN WALCH, DIRECTOR OF GOVERNOR'S OFFICE OF POLICY AND RESEARCH, TO MEET WITH THE DEPARTMENT OF DEFENSE OVERSIGHT GROUP TO PROVIDE AN UPDATE ON JOINT LAND USE STUDIES IN CALIFORNIA AND KERN COUNTY

SUPERVISOR WATSON REPORTED ON THE POSITIVE RESULTS OF THE RECENT JOINT COUNCIL ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS (JCAHO) AUDIT AT KERN MEDICAL CENTER REVEALING A HIGH LEVEL OF PERFORMANCE AT KERN MEDICAL CENTER, AND FURTHER COMMENDED MANAGEMENT AND ALL EMPLOYEES AT KMC FOR THE POSITIVE REPORT

SUPERVISOR PATRICK REPORTED ON HER VISIT TO WASHINGTON, D.C. LAST WEEK IN COORDINATION WITH A LOCAL DELEGATION TO MEET WITH FEDERAL LEGISLATORS TO SEEK CONTINUED FUNDING FOR THE CALIFORNIA OZONE STUDY

DEPARTMENTAL REQUESTS

BOARD OF TRADE

- *10) Request to approve the Tourism Promotion Grants recommended by the Tourism Promotion Grant Committee and authorize Kern County Board of Trade to prepare necessary contracts to finalize grant awards (Fiscal Impact: \$100,000; Budgeted; Discretionary) - APPROVED

Maben-Watson: 4 Ayes; 1 Absent - Rubio

COUNTY COUNSEL

- *11) Request of Department of Agriculture & Measurement Standards for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: 4 Ayes; 1 Absent - Rubio

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

Maben-Watson: 4 Ayes; 1 Absent - Rubio

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

Maben-Watson: 4 Ayes; 1 Absent - Rubio

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

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *15) Proposed attorney retainer Agreement with Hanson, Bridgett, Marcus, Vlahos & Rudy, for legal services related to water rights issues, from March 14, 2006 to March 13, 2007, in an amount not to exceed \$25,000 (Fiscal Impact: \$25,000 Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 185-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

EMPLOYERS' TRAINING RESOURCE

- *16) Proposed Amendment No. 1 to Agreement 864-2005 with Kern High School District, to increase funding for the Licensed Vocational Nurse Program by \$25,090 for a total amount not to exceed \$2,177,015 (Fiscal Impact: \$25,090; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 186-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

FIRE DEPARTMENT

Hearing

- 17) Public Hearing on proposed Resolution to establish and revise permit and service fees related to the sale of Safe and Sane Fireworks (Fiscal Impact: Estimated annual revenue of \$64,000; Discretionary) - OPENED HEARING; SUSAN NORMAN AND SCOTT ALLEN, PHANTOM FIREWORKS, HEARD; CLOSED HEARING

MOTION BY SUPERVISOR WATSON TO ADOPT RESOLUTION ESTABLISHING AND REVISING PERMIT AND SERVICE FEES FOR KERN COUNTY FIRE DEPARTMENT SERVICES

CHAIRMAN PATRICK PASSED THE GAVEL TO VICE CHAIRMAN WATSON

MOTION SECONDED BY SUPERVISOR PATRICK

2 Ayes: Watson, Patrick; 2 Noes: McQuiston, Maben; 1 Absent - Rubio
Motion Failed

VICE CHAIRMAN WATSON PASSED THE GAVEL BACK TO CHAIRMAN PATRICK

ADOPTED RESOLUTION 2006-072 ESTABLISHING AND REVISING PERMIT FEES FOR FIREWORKS BOOTHS, WITH A REVISION TO EXHIBIT A TO REMOVE LANGUAGE RELATING TO FEES IN SECTION (3)(1)1.1 PERTAINING TO FEES FOR PUBLIC ENFORCEMENT AND EDUCATION; DIRECTED THE SHERIFF AND FIRE DEPARTMENT TO ABSORB THE COST OF ENFORCEMENT WITHIN THEIR BUDGET UNITS

McQuiston-Maben: 4 Ayes; 1 Absent - Rubio

NOTE: FIRE CHIEF DENNIS THOMPSON ANNOUNCED THE RETIREMENT OF DEPUTY CHIEF KEVIN SCOTT WHO WILL LEAVE THE DEPARTMENT EFFECTIVE TODAY. THE BOARD WISHED CHIEF SCOTT WELL IN HIS RETIREMENT.

- *18) Request for sole source blanket purchase orders with Gibbs International, Fast Undercar, and Coles Brake Service for automotive parts and repairs to Sheriff vehicles in an amount not to exceed \$90,000, \$85,000 and \$70,000, respectively (Fiscal Impact: \$245,000; Fire Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *19) Request for other than low bid purchase order with McTurbine Incorporated, for the mandated replacement of certain components of helicopter engine (Fiscal Impact: \$200,000; Fire Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED PURCHASING AGENT TO ISSUE PURCHASE ORDER

Maben-Watson: 4 Ayes; 1 Absent - Rubio

HUMAN SERVICES

- *20) Proposed Agreement with Kern Bridges Youth Homes, Inc., for Adoption Home Study Services, from March 15, 2006 to January 31, 2007 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 187-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

LIBRARY

- *21) Request for Relief of Accountability of 7,958 accounts for a total of \$275,263.72 (Fiscal Impact: None) - APPROVED

Maben-Watson: 4 Ayes; 1 Absent - Rubio

MENTAL HEALTH SERVICES

- *22) Proposed retroactive sole source Agreement with ZiaPartners to provide consultation services for the Planning and Implementation of system objectives prioritized by the Mental Health Services Act Community Services and Supports Plan, from December 20, 2005 through June 30, 2006, in an amount not to exceed \$60,230 (Fiscal Impact: \$60,230; MHSA Planning Funds; MHSA Funds; Discretionary; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 188-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *23) Proposed Amendment No. 1 to Agreement 724-2005 with Carolyn Kellogg, to revise language regarding mandatory meeting requirements, compliance with the Immigration Reform and Control Act, and impact of liens on contractor compensation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 189-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

PARKS AND RECREATION DEPARTMENT

- *24) Request to approve confirming order for payment of invoice from SkillPath On-Site Training in the amount of \$5,000 (Fiscal Impact: \$5,000; Budgeted; Discretionary) - AUTHORIZED PAYMENT; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE PAYMENT THROUGH CLAIM FOR PAYMENT PROCESS

Maben-Watson: 4 Ayes; 1 Absent - Rubio

PROBATION

- *25) Request authorization to increase compensatory time earned for one employee from 120 to 165 hours (Fiscal Impact: None) - APPROVED

Maben-Watson: 4 Ayes; 1 Absent - Rubio

PUBLIC HEALTH SERVICES

- *26) Request to increase sole source Purchase Order 064036 with Sanofi Pasteur, Inc., for vaccines and pharmaceutical supplies by \$30,000, to an amount not to exceed \$80,000 (Fiscal Impact: \$30,000; Funded by Client Fees; Budgeted; Discretionary) - APPROVED; AUTHORIZED PURCHASING AGENT TO INCREASE SOLE SOURCE PURCHASE ORDER

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *27) Proposed Agreement with Kern Around the Clock Foundation to provide HIV/AIDS Early Intervention Project bookkeeping services for Ryan White Care Act Title II Funds, from April 1, 2006 through March 31, 2007, in an amount not to exceed \$28,327 (Fiscal Impact: \$28,327; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 190-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

RETIREMENT ASSOCIATION

- *28) Reports concerning audits of the Five-Year Experience Study, 2004 Actuarial Valuation Report and Supplemental Retirement Benefit Reserves, prepared by Buck Consultants, and response to the audits, prepared by KCERA's current actuary, Milliman USA - RECEIVED AND FILED

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- 29) Request for approval of half-day paid leave for up to 130 qualified employees to participate in the KCERA's Retirement Planning Seminar scheduled for Thursday, May 25, 2006, from 8:30 a.m. to 12:00 noon in Board chambers (Fiscal Impact: None) - APPROVED

Maben-McQuiston: 4 Ayes; 1 Absent - Rubio

SHERIFF

- *30) Request to accept donation of one (1) 2000 Ford Extended Cab diesel truck from Kern County Sheriff's Search and Rescue Desert Group (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *31) Proposed retroactive sole source and personal/professional services Agreement (PPSA) with Questys Solutions, a division of Decision Management Corporation, Inc., (DMCI) to scan and import historical criminal history documents into the Sheriff's Department's existing document imaging system, from July 1, 2005 through December 31, 2007 (Fiscal Impact: \$110,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 191-2006

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *32) Proposed Agreement with Sheriff Senior Deputy Dana Albro, dog handler, for transfer of ownership of Sheriff's K-9, Quint (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 192-2006; AUTHORIZED SHERIFF OR HIS DESIGNEE TO SIGN FUTURE AGREEMENTS IN THIS FORM

Maben-Watson: 4 Ayes; 1 Absent - Rubio

- *33) Proposed Agreement with Sheriff Deputy John McAdoo, dog handler, for transfer of ownership of Sheriff's K-9, Nate (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 193-2006; AUTHORIZED SHERIFF OR HIS DESIGNEE TO SIGN FUTURE AGREEMENTS IN THIS FORM

Maben-Watson: 4 Ayes; 1 Absent - Rubio

MOTION TO CONSIDER NON-AGENDA ITEM 37; MADE FINDING THAT NEED TO TAKE ACTION ON NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED BECAUSE AT 1:30 P.M. MONDAY, MARCH 13, 2006, THE JUDGE IN THIS LITIGATION RULED IN FAVOR OF FORMER SHERIFF CARL SPARKS AS TO ALL CAUSES OF ACTION

Watson-McQuiston: 4 Ayes; 1 Absent - Rubio

ADJOURNED TO CLOSED SESSION

McQuiston

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 34) Request for Closed Session regarding conference with designated labor negotiators, Ronald M. Errea, County Administrative Officer and designated staff - Employee organizations: Central California Association of Public Employees (Government Code Section 54957.6) -

COUNTY COUNSEL

- 35) Request for Closed Session regarding a lawsuit entitled David Palmer v. County of Kern, et al., KCSC Case No. S-1500-CV-252843 AEW (Government Code Section 54956.9(a)) -
- 36) Request for Closed Session regarding a lawsuit entitled Jamie Nelson v. County of Kern, et al., KCSC Case No. S-1500-CV-254304 SPC (Government Code Section 54956.9(a)) -

NON-AGENDA ITEM

- 37) Request for Closed Session regarding a lawsuit entitled County of Kern v. Carl Sparks, et al., KCSC Case No. S-1500-CV25074 RJA (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.

McQuiston - Watson

/s/ Denise Pennell
Clerk of the Board

/s/ Barbara Patrick
Chairman, Board of Supervisors

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, March 14, 2006

2:00 P.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Rubio
ROLL CALL: 4 Present; 1 Absent - Rubio

RESULTS OF CLOSED SESSION

Results of Closed Session from March 14, 2006, at 9:00 A.M., Item No. 37, regarding a lawsuit entitled County of Kern v. Carl Sparks, et al., KCSA Case No. S-1500-CV25074 RJA (Government Code Section 54956.9(a)) - CHAIRMAN PATRICK REPORTED THE BOARD OF SUPERVISORS MET WITH COUNTY COUNSEL FOR A BRIEFING ON THE OUTCOME OF THIS CASE; A UNANIMOUS DECISION WAS MADE TO CONTINUE THIS ITEM UNTIL A FULL BOARD IS PRESENT. THIS WILL ALSO PERMIT COUNTY COUNSEL TO EVALUATE THE COURT'S DECISION AND ALLOW THE BOARD TO CONSIDER THE UNCERTAINTY THE DECISION CASTS ON ITS AUTHORITY AND THE AUTHORITY OF ALL BOARDS OF SUPERVISORS IN THE STATE, TO ASSURE THAT COUNTY EMPLOYEE SALARIES ARE SET IN FULL PUBLIC VIEW.

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

Maben-Watson: 4 Ayes; 1 Absent - Rubio

KERN SANITATION AUTHORITY

- #1) Requisition No. 083, Plans and Special Provisions for Kern Sanitation Authority Sewer Main Replacement on Locust Ravine Street from Manhole No. 2174 to Manhole No. 2175 (Fiscal Impact: \$79,000; Kern Sanitation Authority; Budgeted; Mandated) - APPROVED; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; AUTHORIZED WASTE MANAGEMENT TO PREPARE REQUISITION AND PURCHASING TO SOLICIT BIDS

Maben-Watson: 4 Ayes; 1 Absent - Rubio

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Maben-Watson: 4 Ayes; 1 Absent - Rubio

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]) - NO ONE HEARD

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- *4) **Request from George Miles Coverdale and Linda Coverdale and David and Jennine Wilson by Robert G. Hogue, L.S., to change the permitted uses to 10-acre and 2-1/2-acre residential on approximately 10 acres of several parcels totaling approximately 67 acres involved in a lot line adjustment located on the north side of Tiara Court and Jacaranda Drive, Bear Valley Springs area (SD #2)**

Specific Request:

A change in zone classification from E (20) RS to E (10) RS, a change in zone classification from E (5) RS to E (2-1/2) RS, and a change in zone classification from E (5) RS to E (10) RS or more restrictive districts (ZCC #34, Map #164) (Categorically Exempt, Section 15305; Published Tehachapi News) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2006-073 AND ENACTED ORDINANCE G-7359 APPROVING ZONE CHANGE AS REQUESTED

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *5) **Request from David G. Christensen by Donna Hinds and Marilyn McIndoe to change the permitted uses from low-density residential to medium-density residential on 9,800 square feet located at 706 Sequoia Drive, Oildale (SD #3)**

Specific Request:

A change in zone classification from R-1 to R-2 or a more restrictive district (ZCC #45, Map #102-12)

(Categorically Exempt, Section 15303; Published Bakersfield Californian) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED RESOLUTION 2006-074 AND ENACTED ORDINANCE G-7360 APPROVING ZONE CHANGE AS REQUESTED

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

GENERAL PLAN AMENDMENT HEARINGS

Amendment of the Land Use, Open Space and Conservation Element of Kern County General Plan, Metropolitan Bakersfield General Plan, Western Rosedale Specific Plan, Golden Hills Specific Plan; Amendment of the South Beltway Specific Plan Line; Amendments to the text and the zoning consistency matrix of the Kern County General Plan; and other items as cited which include amendments of certain zoning maps and applications and proceedings

RESOURCE MANAGEMENT AGENCY
Planning Department

- *6) **Request from Quiring Corporation by Cornerstone Engineering, Inc., to change the permitted uses from clustered residential developed to one-acre lot size residential for 71 lots on 190 acres and change the zoning from agriculture to one-acre residential located at the northwest corner of Woodford Tehachapi Road and Black Oak Street, Tehachapi (SD #2)**

Specific Request:

(a) & (c) Amend the Golden Hills Specific Plan from Map Code(s) 5.5.1 to Map Code(s) 5.5 or a more restrictive map code designation; (SPA #1, Map #165-23; SPA #3, Map #165-24)

(b) & (d) A change in zone classification from A to E (1) RS on approximately 153 acres and to OS (Open Space) on approximately 37.24 acres or more restrictive districts (ZCC #11, Map #165-23; ZCC #33, Map #165-24)

(Negative Declaration; Published Tehachapi News) - PER PLANNING DEPARTMENT RECOMMENDATION, CONTINUED TO TUESDAY, MAY 16, 2006, AT 2:00 P.M.

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *7) **Request from All Source Realtors to amend the Golden Hills Specific Plan from residential to neighborhood commercial, change in zone classification from residential to neighborhood commercial, and a precise development plan for a real estate office on 0.62 acre located at 21011 Angel Street, Tehachapi (SD #2)**

Specific Request:

- (a) Amend the Golden Hills Specific Plan from Map Code(s) 5.45 (Residential - Maximum 2 Units/Net Acre) to Map Code(s) 6.4 (Neighborhood Commercial) or a more restrictive map code designation (SPA #4, Map #166-19)
- (b) A change in zone classification from E (1/2) RS (Estate - 1/2 acre - Residential Suburban Combining) to C-1 PD (Neighborhood Commercial - Precise Development Combining) or a more restrictive district (ZCC #16, Map #166-19)
- (c) A Precise Development Plan for a real estate office in a C-1 PD (Neighborhood Commercial - Precise Development Combining) District (PD Plan #6, Map #166-19) (General Rule, Section 15061(b)(3); Published Tehachapi News) - PER PLANNING DEPARTMENT RECOMMENDATION, CONTINUED TO TUESDAY, MARCH 28, 2006, AT 2:00 P.M.

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *8) **Request from Kern County Waste Management Department to change the permitted uses from state and federal land to resource management/burn dump on 10 acres bordering the boundary of Edwards Air Force Base, located 1/2 mile north of Rosamond Boulevard and 1.75 miles east of State Route 14, Rosamond area (SD #2)**

Specific Request:

- (a) Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 1.1 to Map Code(s) 8.5/2.11 or a more restrictive map code designation for an existing burn dump site (GPA #60, Map #230)
- (b) A change in zone classification from A-1 H to A H or a more restrictive district (ZCC #108, Map #230) (Categorically Exempt, Section 15308 and General Rule, Section 15061(b)(3); Published Rosamond Weekly News) - PER PLANNING DEPARTMENT RECOMMENDATION, CONTINUED TO TUESDAY, APRIL 25, 2006, AT 2:00 P.M.

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *9) **Request from Floyd Hinesly by Porter-Robertson Engineering and Surveying, Inc., to change the permitted uses from mineral and petroleum to light industrial on 3 acres located at 4253 Renfro Road, west Bakersfield (SD #4)**

Specific Request:

- (a) Amend the Western Rosedale Specific Plan from Map Code(s) R-MP to Map Code(s) LI or a more restrictive map code designation (SPA #60, Map #101)
- (b) A change in zone classification from NR (5) PD to M-1 PD or a more restrictive district (ZCC #149, Map #101) (Negative Declaration; Published Bakersfield Californian) - PER PLANNING DEPARTMENT RECOMMENDATION, CONTINUED TO TUESDAY, MARCH 28, 2006, AT 2:00 P.M.

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *10) **Request from Mary Rodriguez Estate by Moreland Consulting, Inc., to change the permitted uses from rural residential to low density residential and highway commercial on 24.65 acres located at the southwest corner of Taft Highway and Chevalier Road, south Bakersfield (SD #5)**

Specific Request:

- (a) Amend the Metropolitan Bakersfield General Plan from Map Code(s) RR to Map Code(s) HC and LR or a more restrictive map code designation (GPA #3, Map #143-6)
- (b) A change in zone classification from A to a C-2 PD District and an R-1 District or more restrictive districts (ZCC #17, Map #143-6)

(Negative Declaration; Published Bakersfield Californian) - PER PLANNING DEPARTMENT RECOMMENDATION, CONTINUED TO TUESDAY, MARCH 28, 2006, AT 2:00 P.M.

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- 11) **Request from Kern County Planning Department to amend the legal description for the South Beltway Transportation Corridor to include various interchanges along the alignment located at South Beltway Specific Plan Line, beginning at Interstate 5, two miles south of Taft Highway, going east and ending at State Route 58 at Comanche Road, metropolitan Bakersfield area (SD's #1, #2, #4 & #5)**

Specific Request:

Amendment of the South Beltway Specific Plan Line to include legal descriptions for various interchanges along the alignment (GPA #114, Map #500 South Beltway)

(Environmental Impact Report; Published Bakersfield Californian) - TED JAMES, PLANNING DIRECTOR; CRAIG POPE, ROADS COMMISSIONER; AND JACQUES LA ROCHELLE, CITY OF BAKERSFIELD, ASSISTANT PUBLIC WORKS DIRECTOR, MADE PRESENTATION; OPENED HEARING; GEORGE GONZALES; RANDALL ABBOTT, ON BEHALF OF GEORGE BORBA; AND BILL PUETTE, REPRESENTING BOYCE AND LENA STULL, HEARD; CLOSED HEARING; REFERRED BACK TO STAFF

Watson-Maben: 4 Ayes; 1 Absent - Rubio

- *12) **Request from Kern County Planning Department to amend the text and the zoning consistency matrix of the Kern County General Plan for clarification and updates for consistency with new State laws; Countywide (All SD's)**

Specific Request:

Amendments to the text and the zoning consistency matrix of the Kern County General Plan for clarification and updates for consistency with new State laws (GPA #135, Map #500)

(General Rule, Section 15061(b)(3); Published Bakersfield Californian) - PER PLANNING DEPARTMENT RECOMMENDATION, CONTINUED TO TUESDAY, APRIL 25, 2006, AT 2:00 P.M.

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Land Use

S.D. #1

- *13) Proposed Notice of Nonrenewal Petition No. 06-26 for John Gretlein and Catherine Gretlein, for 210 acres within Agricultural Preserve No. 14 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *14) Proposed Notice of Nonrenewal Petition No. 06-8 for the Central Valley Ranch, LLC, for 167.96 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *15) Proposed Notice of Nonrenewal Petition No. 06-9 for the Central Valley Ranch, LLC, for 40 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *16) Proposed Notice of Nonrenewal Petition No. 06-10 for the Central Valley Ranch, LLC, for 114.36 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *17) Proposed Notice of Nonrenewal Petition No. 06-11 for the Central Valley Ranch, LLC, for 158.18 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *18) Proposed Notice of Nonrenewal Petition No. 06-12 for the Central Valley Ranch, LLC, for 79.09 acres within Agricultural Preserve No. 7 (Fiscal Impact: None) - APPROVED; DIRECTED CLERK OF THE BOARD TO RECORD

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

Miscellaneous

All S.D.'s

- *19) Proposed Amendment No. 6 to Consulting Agreement 114-2000 with Garcia and Associates for completion of the Kern County Valley Floor Habitat Conservation Plan to expand duties and increase compensation by \$20,000, for a new total not to exceed \$121,200 (Fiscal Impact: \$20,000; Not Budgeted; Discretionary) - APPROVED; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE FROM TRUST FUND NO. 24010 IN THE AMOUNT OF \$20,000 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO PLANNING DEPARTMENT BUDGET UNIT 2750 IN THE AMOUNT OF \$20,000; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 194-2006

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

Hearing

All S.D.'s

- *20) Public Hearing for proposed amendments to the County of Kern's Fiscal Year (FY) 2004-2005 Annual Action Plan to cancel Project No. 46.04.5, Kern Mental Health Department Voucher Program; increase funding for Project No. 46.04.2, Bakersfield Rescue Mission and No. 46.04.3, Bethany Services (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENTS TO COUNTY'S FY 2004-2005 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT PROGRAMS; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D. #1

- *21) Proposed Amendment No. 1 to Agreement 008-2005 with the City of McFarland to provide additional funds for design and construction of downtown streetscape improvements, CD No. 16.04.4, in the amount of \$409,602, for a new total not to exceed \$448,172 (Fiscal Impact: \$409,602; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 195-2006

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D. #5

- *22) Proposed Agreement with the City of Arvin to provide Community Development Block Grant Funds for Arvin Street Reconstruction Improvements, Phase IV, CD No. 12.05.1, in an amount not to exceed \$320,714.23 (Fiscal Impact: \$320,714.23; Federal Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 196-2006

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *23) Request for Release of Funds (RROF) for the Housing Authority of the County of Kern for CAL 8-4, Monte Vista Housing Rehabilitation (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED DIRECTOR TO SUBMIT RROF AND CERTIFICATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

All S.D.'s

- *24) Notification of anticipated retroactive approval of Amendment No. 1 to Agreement 113-2005 with Bakersfield Rescue Mission for CD No. 46.04.2 and Amendment No. 1 to Agreement 114-2005 with Bethany Services for CD No. 46.04.3, under the Emergency Shelter Grant Program of the Stuart B. McKinney Act (Fiscal Impact: None) - RECEIVED AND FILED

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #1

- *25) Proposed Amendment No. 1 to Agreement 208-2005 with Boyle Engineering for engineering services associated with design of McFarland Streetscape and Lighting Improvements, an increase of \$49,340, for a new total not to exceed \$75,051 (Fiscal Impact: \$75,051; CEDD; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 197-2006

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D. #4

- *26) Petition to impose administrative penalties on USA Transport, Inc., and City of Oxnard for excessive storage of gypsum-like material in violation of zoning ordinances and request to set public hearing thereon (Fiscal Impact: Unknown; Discretionary) - APPROVED; SET PUBLIC HEARING FOR TUESDAY, APRIL 4, 2006, AT 2:00 P.M., TO RECEIVE TESTIMONY ON DEPARTMENT'S PETITION TO IMPOSE ADMINISTRATIVE PENALTIES; DIRECTED DEPARTMENT TO ISSUE AND SERVE CITATION

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *27) Contract No. 06014, identify apparent low bid of Griffith Company for construction of Lost Hills Drainage and Street Improvements, in an amount not to exceed \$1,347,940 (Fiscal Impact: \$1,347,940; USDA GRANT/CEDD Budgeted; Discretionary) - IDENTIFIED LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #2

- *28) Contract No. 06022, identify apparent low bid from Granite Construction for asphalt concrete overlay on Tehachapi Willow Spring Road and Oak Creek Road, in an amount not to exceed \$1,730,565 (Fiscal Impact: \$1,730,565; Road Fund; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D. #4

- *29) Proposed Agreement with Samerh H. Kamel, LLC, for excess improvement of property frontage on Allen Road, in an amount not to exceed \$23,500 (Fiscal Impact: \$23,500; Metropolitan Bakersfield Traffic Impact Fee; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 198-2006

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *30) Proposed Cooperative Agreement with California Department of Transportation (Caltrans) for installation of traffic signals and safety lighting on State Route 119 at Enos Lane/State Route 43 (Fiscal Impact: \$325,000; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 199-2006

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D. #5

- *31) Proposed 45 mile per hour speed limit revision on Sunset Boulevard near Arvin (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D.'s #1, #2 & #4

- *32) Contract No. 06021 identify apparent low bid from Granite Construction for asphalt concrete (windrow stockpile) at various locations in Kern County, in an amount not to exceed \$1,794,900 (Fiscal Impact: \$1,794,900; Road Fund; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D.'s #2, #3, #4 & #5

- *33) Proposed Contract No. 06015 with Granite Construction Company for asphalt concrete stockpile at various locations in Kern County, in an amount not to exceed \$422,300 (Fiscal Impact: \$422,300; Road Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 200-2006

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

WASTE MANAGEMENT

S.D. #2

- *34) Proposed Resolution to set protest hearing to consider the report, "Universal Collection in Eastern Kern"; adoption of Universal Collection in new residential subdivisions in east Kern; and placing basic residential collection service charges on the property tax rolls for Fiscal Year 2006-2007 (Fiscal Impact: None) -

WITHDRAWN

All S.D.'s

- *35) Proposed Resolution to set public hearing to consider the Ordinance establishing the schedule of Solid Waste Management Program service charges (Land Use Fees) for residential properties for Fiscal Year 2006-2007 (Fiscal Impact: None) - RECEIVED AND FILED; ADOPTED RESOLUTION 2006-075; SET HEARING FOR TUESDAY, MAY 2, 2006, AT 2:00 P.M.; DIRECTED COUNTY COUNSEL TO PREPARE AND CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND ORDINANCE SUMMARY

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

COUNTY ADMINISTRATIVE OFFICE

- *36) Proposed Amendment No. 2 to Memorandum of Understanding (Agreement 720-2004) with Central California Association of Public Employees for 15% salary increase for specified engineering positions, effective March 18, 2006 (Fiscal Impact: FY 2005-2006 \$350,000; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 201-2006; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK, PERSONNEL DIRECTOR, AND COUNTY ADMINISTRATIVE OFFICER TO IMPLEMENT
McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *37) Proposed salary adjustment of 15% for specified engineering manager positions, effective March 18, 2006 (Fiscal Impact: FY 2005-2006 \$70,000; Not Budgeted; Discretionary) - APPROVED; DIRECTED AUDITOR-CONTROLLER-COUNTY CLERK, PERSONNEL DIRECTOR, AND COUNTY ADMINISTRATIVE OFFICER TO IMPLEMENT
McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- 38) Proposed Fiscal Year 2006-2007 Budget Development Guidelines (Fiscal Impact: None) - APPROVED
McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

Legislative Matters:

- *39) Statewide infrastructure bond - San Joaquin Valley water projects (Fiscal Impact: None) - ADOPTED POSITION OF SUPPORT; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE
McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #1

- *40) Change Order No. 1 for Tot Lot Improvements at Delano Memorial Park and Lake Woollomes, an increase of \$894, for a new total of \$146,613 (1960.8263.04C) (Fiscal Impact: \$894; Parkland Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN
McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *41) Proposed Lease with the U.S. Forest Service to replace expired Special Use Permit for the operation of call Box No. 2 located in the Kern River Canyon, from January 1, 2006 through December 31, 2010 (Fiscal Impact: None)- 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 202-2006
McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D. #2

- *42) Plans and specifications for the reroof at Tehachapi Mountain Park Residence/Garage (1650.7025.04) (Fiscal Impact: \$39,800; General Fund; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED PURCHASING AGENT TO SOLICIT BIDS

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *43) Change Order No. 5 for the Mojave Pre-Engineered Pedestrian Walkway, an increase of \$920, for a new total of \$895,815 (1960.8119) (Fiscal Impact: \$895,815; Superior Court of California; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D. #3

- *44) Change Order No. 4 for the International Airlines Terminal Phase I, an increase of \$16,700, for a new total of \$539,130 (8994.8422) (Fiscal Impact: \$16,700; Airport Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *45) Proposed assignment of the Sam Lynn Ballpark Lease (Agreement 239-2005) from Bakersfield Baseball, LLC, to Bakersfield Baseball Club, LLC (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; APPROVED; AUTHORIZED DIRECTOR OF PARKS AND RECREATION TO SIGN TO INDICATE CONSENT BY COUNTY

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

S.D.#4

- *46) Proposed Agreement with I Con Construction Company, for the reroof at Taft Veterans Hall, in an amount not to exceed \$177,387 (1650.7017.04) (Fiscal Impact: \$177,387; General Fund; Budgeted; Discretionary)(from 3/7/2006) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 203-2006

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

COUNTY ADMINISTRATIVE OFFICE
Information Technology Services

- *47) Proposed addition of one (1) Senior Office Services Specialist position and deletion of one (1) Fiscal Support Technician position, effective March 14, 2006 (Fiscal Impact: FY 2005-2006 \$13,165; Annual \$62,811; Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

CONSIDERATION OF ORDINANCES INTRODUCED ON MARCH 7, 2006

- *48) Proposed Ordinance adding subsection (234) to Section 10.16.070 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning a one-hour limited parking zone along the east side of Landco Drive, Bakersfield - ENACTED ORDINANCE G-7361

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *49) Proposed Ordinance adding Section 10.04.639 to Chapter 10.04, Title 10, of the Kern County Ordinance Code concerning a 45 mile per hour speed limit on North Chester Avenue, south of James Road, Bakersfield - ENACTED ORDINANCE G-7362

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *50) Proposed Ordinance adding subsection (224) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning a no stopping zone along the east side of Heath Road, Bakersfield - ENACTED ORDINANCE G-7363

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *51) Proposed Ordinance adding Section 10.04.602 to Chapter 10.04, Title 10, of the Kern County Ordinance Code concerning a 45 mile per hour speed limit on James Road, Bakersfield - ENACTED ORDINANCE G-7364

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *52) Proposed Ordinance adding subsection (225) to Section 10.16.041 of Chapter 10.16, Title 10, of the Kern County Ordinance Code concerning a no stopping zone on Jenkins Road, Bakersfield - ENACTED ORDINANCE G-7365

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *53) Proposed Ordinance amending subsections 7804.3.1 and 7804.4.2 of Section 17.32.210 and Section 17.32.360 and adding new subsection 7804.4.4 to Section 17.32.210 concerning Fireworks Regulations and Penalties in the Fire Code - ENACTED ORDINANCE G-7366

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

MATTERS FOR EXECUTIVE APPROVAL

- *54) Budget Transfers - APPROVED NO. 117 THROUGH NO. 121

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *55) Minutes for week of February 13, 2006 - APPROVED WITH CORRECTION TO ITEM NO. 16 A.M. CHANGING THE AGREEMENT NUMBER FROM 222-2006 TO **122-2006**

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

- *56) Miscellaneous Letters and Documents - APPROVED

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

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

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

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

McQuiston-Watson: 4 Ayes; 1 Absent - Rubio

ADJOURNED TO TUESDAY, MARCH 21, 2006, AT 9:00 A.M.

McQuiston

/s/ Tracey E. Cody
Administrative Coordinator

/s/ Barbara Patrick
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.

56) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED

Auditor-Controller-County Clerk

- A) Report on Refunds (Government Code Section 26906) of Erroneous Deposits pursuant to Board Resolution 71-4
- B) Statement of money in the County Treasury as of June 30, 2005 and November 30, 2005
- C) Letter to Judge Lee P. Felice, Presiding Judge of Kern County Superior Court, from Ann K. Barnett, Auditor-Controller-County Clerk, re Grand Jury Report on Elections Division

Board of Supervisors

- D) Memorandum from Supervisor Rubio re the German Marshall Memorial Fellowship (Copies to each Supervisor, CAO, County Counsel and all Department Heads)

Clerk of the Board

- E) Received, certified and transmitted to Recorder for recordation as follows:
 - 1) Tract Map 6196, Unit 3 S.D. #4
 - 2) Tract Map 6285 S.D. #2
 - 3) Tract Map 6347, Phase 1 S.D. #1
 - 4) Tract Map 6797 S.D. #3

County Administrative Office

- F) Response to referral to Harry Childers re formal complaint to California Public Utilities Commission concerning California Water Service rates in the Kern River Valley area (Copies to each Supervisor)

County Counsel

- G) Response to referral to Peter D. Bogart re distribution of excess proceeds from tax deeded land sales (Copies to each Supervisor and CAO)

Employers' Training Resource

- H) Workforce Investment Act On-the-Job Training Agreements:
 - 1) Larry M. Cho, M.D., Inc., dba The Industrial Medical Group, WIA Title 167, dated February 22, 2006;
 - 2) Derrick Dickerson dba DOD Construction, WIA Title 201, dated February 7, 2006;
 - 3) General Plumbing of Kern, WIA Title 201, dated February 15, 2006;
 - 4) Mechanical Industries, Inc., WIA Title 201, dated January 30, 2006;
 - 5) Oasis Air Conditioning, Inc., WIA Title 201, dated February 15, 2006;
 - 6) XTech Industries, Inc., WIA Title 501, dated February 6, 2006

- I) Modification No. 9 to Agreement R692476 with the State of California Employment Development Department to extend the term of the National Emergency Grant for the Base Realignment and Closure project through June 30, 2006

Resource Management Agency

- J) Response to referral re Open Field Coursing (Copies to each Supervisor and CAO)

Parks & Recreation

- K) Response to referral to Patsy A. Conner, Epilepsy Society of Kern County, re request of waiver of fees for 14th Annual Surf & Turf Volleyball Tournaments for Epilepsy at Stramler Park (Copies to each Supervisor and CAO)

Sheriff

- L) Response to 2005-2006 Grand Jury Final Report re Kern County Sheriff's Department Frazier Park Substation (Copies to each Supervisor and CAO)

Treasurer-Tax Collector

- M) Cash Receipts and Disbursements for February 2006

Miscellaneous

- N) Letter from Dennis J. O'Bryant, State Department of Conservation, re public agency acquisition of land enrolled in the Williamson Act Contract for the Glassy-Winged Sharpshooter/Pierce's Disease Control Program (Copies to each Supervisor, CAO, Planning and Agricultural Commissioner)

- O) Letter from Senator Roy Ashburn re supporting County opposition to SB 411 which would restrict use of green waste material as daily cover at solid waste landfills (Copies to each Supervisor, CAO and Waste Management)

- P) Letter from Mark S. Norris, City of Oxnard, re storage of fly ash at the City of Oxnard's Kern County farm site (Copies to each Supervisor, CAO, Planning, Engineering & Survey Services, Environmental Health and County Counsel)

- Q) Letter from Carol L. Sorrell, Kern Health Systems (KHS), re opposition to Senator Dean Florez' request for the Joint Legislative Audit Committee (JLAC) to approve a state audit of KHS and other non-profit health care service plans (Copies to each Supervisor and CAO)

- R) Letter from Californians 4 Religious Freedom re seeking funding for the initiative to protect the acknowledgement of God, religious texts and symbols (Copies to each Supervisor, CAO and County Counsel)

- S) Letter from Juergen Vespermann, State Department of Transportation, re public review of initial study/environmental assessment to widen State Route 46 (Copies to each Supervisor, CAO, Roads, County Counsel and Resource Management Agency)

- T) Letter from Don and Linda Barnes in opposition to proposed Conditional Use Permit No. 32, Map No. 230 (Copies to each Supervisor, CAO, Planning, Engineering & Survey Services and County Counsel)
- U) Notices from the State Department of Alcoholic Beverage Control re applications for alcoholic beverage licenses as follows: Don Juan's Grill, 20700 South Street, Units B & C, Tehachapi; Si Senor Grill, 2210 Airport Drive, Bakersfield; Player's Lounge, 1821 South Chester Avenue, Bakersfield; Twin Oaks General Store & Caliente Cafe, 15782 Caliente Creek Road, Caliente; and an establishment at Porterville Highway & Seventh Standard Road, Bakersfield (Copies to each Supervisor, CAO and Planning)
- V) Agenda of meeting from Central Valley Regional Water Quality Control Board on Thursday and Friday, March 16 and 17, 2006
- W) Agenda of meeting from In-Home Supportive Services Advisory Committee on Thursday, March 9, 2006
- X) Minutes of meeting from In-Home Supportive Services Advisory Committee on Thursday, February 9, 2006
- 57) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Horace Mitchell, California State University, Bakersfield, re request for five in-state scholarships for the 2006-2007 Fiscal Year - REFERRED TO COUNTY ADMINISTRATIVE OFFICE BUDGET FILE (Copies to each Supervisor)
 - B) Notice from SESAC re Performance License Agreement authorizing lawful performance of copyrighted songs represented by SESAC - REFERRED TO COUNTY COUNSEL (Copy to Purchasing)
 - C) Resolution 06-1205 from Bear Valley Community Services District calling for an election on a special tax measure, requesting consolidation of this measure with the primary election on Tuesday, June 6, 2006, requesting preparation of an impartial analysis by Kern County Counsel, and other actions as may be necessary - REFERRED TO ELECTIONS (Copy to County Counsel)
 - D) Resolution 0506-09 from Fruitvale School District ordering an election to authorize issuance of school bonds, establishing specifications of election order and requesting consolidation with other elections on Tuesday, June 6, 2006 - REFERRED TO ELECTIONS (Copy to County Counsel)

- 58) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Jolene Marie Langley on behalf of herself and minor children Taryn Eliza Langley and Jacob A. Frovarp vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Eric Garcia vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Carol Wilson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Summons and complaint in the matter of Valentin Briones, Lucinda Briones and Eliza Briones, a minor, and Eunice Briones, a minor by and through their legal guardian Valentin Briones vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Discrimination complaint in the matter of Alberta Marie Dougherty vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)