

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, April 4, 2006

9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Supervisor McQuiston

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

NOTE: Items 1 and 2 were heard concurrently

- 1) Proclamation proclaiming April 2 - 8, 2006 as National Library Week in Kern County - PROCLAIMED; MADE PRESENTATION TO SHERRY GOMEZ, DEPUTY DIRECTOR OF LIBRARIES; SHERRY GOMEZ HEARD

Maben-Watson: All Ayes

- 2) Proclamation proclaiming April 4, 2006 as National Library Workers Day in Kern County - PROCLAIMED; MADE PRESENTATION TO LINDA FULLER, PRESIDENT, KERN COUNTY LIBRARY STAFF ASSOCIATION; LINDA FULLER HEARD

Maben-Watson: All Ayes

NOTE: Items 3 and 4 were heard concurrently

- 3) Proclamation proclaiming April 22, 2006 as National and Global Youth Service Day in Kern County - PROCLAIMED; MADE PRESENTATION TO JEFF COOMBER, KERN COUNTY SUPERINTENDENT OF SCHOOLS; JEFF COOMBER, AND STUDENTS MEGAN JONES AND KATI VERNON HEARD

McQuiston-Watson: All Ayes

- 4) Proclamation proclaiming April 2006 as Fair Housing Month in Kern County - PROCLAIMED; MADE PRESENTATION TO SHANNON CASTRO AND CASSIE DANIELS, BAKERSFIELD ASSOCIATION OF REALTORS; SHANNON CASTRO AND CASSIE DANIELS HEARD

McQuiston-Watson: All Ayes

- 5) Proclamation proclaiming April 2006 as Child Abuse Prevention Month in Kern County - PROCLAIMED; MADE PRESENTATION TO JANA DAVIS, DEPARTMENT OF HUMAN SERVICES; JANA DAVIS AND KAREN COOLEY HEARD

Rubio-Maben: All Ayes

- 6) Resolution honoring David Cowan, Department of Human Services, upon his retirement with 35 years of service to the County of Kern - ADOPTED RESOLUTION; MADE PRESENTATION TO DAVID COWAN; DAVID COWAN AND DENA BRASHEAR, PROGRAM DIRECTOR, DEPARTMENT OF HUMAN SERVICES, HEARD

Watson-McQuiston: All Ayes

- *7) Resolution honoring Aileen M. Bales, General Services Division, upon her retirement with 25 years of service to the County of Kern - ADOPTED RESOLUTION; REFERRED TO BOARD OF TRADE FOR PREPARATION

Maben-Watson: All Ayes

APPOINTMENTS

- *8) Appointments of Dennis Schoffner, Jed Dyke, Bob Beechly, Willie Gilbert, Terry Graham, and Keith Dyas to the Rosamond Municipal Advisory Council to serve at the Pleasure of the Board - MADE APPOINTMENTS

Maben-Watson: All Ayes

PUBLIC PRESENTATIONS

- 9) 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!
- RON HOLBERT, JORONCO RENTALS, ADDRESSED THE BOARD REGARDING RECENT ENACTMENT OF AN ORDINANCE AMENDING FIRE DEPARTMENT PERMITS AND FEES FOR OUTDOOR EVENTS. SUPERVISOR RUBIO WILL WORK WITH MR. HOLBERT AND COUNTY STAFF TO ADDRESS THE ISSUE AND REPORT BACK TO THE BOARD FOR FURTHER DISCUSSION AND ACTION IF NEEDED

DARLA OGLESBY ADDRESSED THE BOARD REGARDING THE SPARKS LAWSUIT AND THE COMMANDER'S PAY ISSUE

(Continued on Page 3)

(Continued from Page 2)

SEAN KENNY, KERN COUNTY EMPLOYEE WELLNESS PROGRAM, ANNOUNCED A SIX-WEEK PROGRAM WILL BE INITIATED ON MAY 1, 2006 DIRECTED TOWARD BETTER NUTRITION AND PHYSICAL FITNESS, AND HE ENCOURAGED ACTIVE PARTICIPATION BY ALL COUNTY EMPLOYEES

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 10) 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 WATSON ANNOUNCED THAT THE KERN COUNTY BAR ASSOCIATION WILL AWARD THE BENCH AND BAR AWARD TO COUNTY COUNSEL BERNARD BARMANN, AND FURTHER ADDED MR. BARMANN IS VERY DESERVING OF THIS AWARD

DEPARTMENTAL REQUESTS

AIRPORTS

- *11) Proposed retroactive Amendment No. 1 to Agreement 123-2003 with Information Technology Design for Ad Hoc Consulting Services, to increase total compensation by \$54,904, and extend the term through April 30, 2006 (Fiscal Impact: Additional Expenditure of \$54,904; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 229-2006

Maben-Watson: All Ayes

- *12) Request for authorization to submit Airport Layout Plan for Kern Valley Airport to the Federal Aviation Administration for final approval (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: All Ayes

ASSESSOR-RECORDER

- *13) Proposed addition of one (1) Office Services Specialist position, and deletion of one (1) Office Services Technician position, effective April 4, 2006 (Fiscal Impact: \$1,070; Recorder's Automation Fund; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Watson: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *14) Request to employ retired County employee, Joyce Brooks, as Fiscal Support Specialist, Step E, for a period not to exceed 120 days or 960 hours, whichever is greater, in the twelve-month period following date of employment (Fiscal Impact: \$3,677; Not Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

- *15) Proposed addition of one (1) Fiscal Support Supervisor, one (1) Office Services Specialist - Bilingual, and one (1) Fiscal Support Assistant positions, and deletion of one (1) Fiscal Support Specialist, one (1) Office Services Technician - Bilingual and one (1) Office Services Assistant positions, effective April 4, 2006 (Fiscal Impact: Estimated \$1,794 Fiscal Year 2005-2006; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Watson: All Ayes

BOARD OF SUPERVISORS

- 16) Request of First District Supervisor Jon McQuiston to hear presentation by Captain Mark Storch, Base Commander, China Lake Naval Air Warfare Center, regarding implementation of the Base Realignment and Closure decisions at China Lake -

WITHDRAWN

BOARD OF TRADE

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

Maben-Watson: All Ayes

- *18) Request authorization to purchase fixed asset - video camera, in the amount of \$6,000 (Fiscal Impact: \$6,000; Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

CHILD SUPPORT SERVICES

- *19) Proposed addition of one (1) Supervising Family Support Officer position, and deletion of one (1) Senior Office Services Specialist position, effective April 15, 2006 (Fiscal Impact: \$14,755.91; State Grant Funded; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Watson: All Ayes

- *20) Proposed retroactive Agreement with the California Department of Child Support Services, providing for a Plan of Cooperation to establish County responsibility for child support programs, from October 1, 2005 to September 30, 2007 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 230-2006

Maben-Watson: All Ayes

- *21) Request authorization to purchase fixed asset - ream cutter/binder, in the amount of \$6,000 (Fiscal Impact: \$6,000; State Grant Funded; Discretionary) - APPROVED

Maben-Watson: All Ayes

COUNTY COUNSEL

- *22) Proposed Ordinance adding Chapter 9.32 relating to the operation of ice cream trucks (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE; DIRECTED ENVIRONMENTAL HEALTH SERVICES DEPARTMENT TO DISTRIBUTE ENACTED ORDINANCE TO PERMITTED ICE CREAM TRUCKS

Maben-Watson: All Ayes

- 23) Report on Board referral concerning amendment to Chapter 5.04 of the Ordinance Code to eliminate business license fees for certain nonprofit organizations and other community benefit organizations (Fiscal Impact: None) - RECEIVED AND FILED; DIRECTED COUNTY COUNSEL TO DRAFT PROPOSED AMENDMENTS TO THE ORDINANCE CODE

Maben-Watson: All Ayes

EMERGENCY MEDICAL SERVICES

- *24) Proposed Agreement with Bakersfield Heart Hospital for deployment of emergency response and surge capacity resources, from April 4, 2006 for an ongoing term (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 231-2006

Maben-Watson: All Ayes

- 25) Report regarding redesign of the Emergency Medical Services system to create exclusive operational areas (EOA) (Fiscal Impact: None) - PETER BRANDON, LIBERTY AMBULANCE, HEARD ON BEHALF OF ALL GROUND AMBULANCE PROVIDERS; RECEIVED AND FILED; APPROVED CREATION OF EXCLUSIVE OPERATIONAL AREAS THAT CONSIST OF ALL AMBULANCE SERVICES; APPROVED CREATION OF TEN EXCLUSIVE OPERATIONAL AREAS TO BE ADMINISTERED UNDER FIVE SERVICE CONTRACTS; APPROVED REQUIREMENT FOR ADVANCED LIFE SUPPORT LEVEL OF CARE FOR ALL PRE-HOSPITAL EMERGENCY RESPONSES, WITH SPECIFIC LIMITED EXCEPTIONS; AUTHORIZED DEPARTMENT TO NEGOTIATE WITH EXISTING PROVIDERS OF EMERGENCY AMBULANCE SERVICE IN EACH OPERATIONAL AREA AS THE POTENTIAL EOA PROVIDER OF THEIR ASSIGNED AREA(S)

Rubio-McQuiston: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *26) Proposed addition of four (4) Program Technicians and one (1) Local Area Network Systems Administrator positions, and deletion of four (4) Program Specialists and one (1) Technology Services Supervisor positions, effective April 4, 2006 (Fiscal Impact: \$44,525 Estimated Savings; State Funding; Budgeted; Mandated) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-Watson: All Ayes

- *27) Request authorization to purchase fixed assets - one (1) 7-passenger minivan and one sedan for staff to utilize for out-of-town meetings, conferences and travel between the Career Services Center offices, in an amount not to exceed \$30,454 (Fiscal Impact: \$30,454; Federal Funding; Not Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

FIRE DEPARTMENT

- 28) Proposed retroactive Agreement with City of Delano for fire protection duties and enforcement of State Fire Marshal Regulations, from January 1, 2005 to June 30, 2009 (Fiscal Impact: \$8,418,307 revenue to County over four and one-half years) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 232-2006

Watson-Rubio: All Ayes

- *29) Request for authorization to apply for Assistance to Firefighters Grant Funding for Emergency Medical Service (EMS) personal protective equipment (Fiscal Impact: \$315,000; Fire Fund; Not Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

- *30) Request to employ retired County employee, Ralph Tucker, Fire Engineer, Step E, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following the date of employment (Fiscal Impact: Approximately \$37,000; Fire Cost Reimbursement; Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

- *31) Request authorization to purchase fixed asset - Portable Remote Automated Fire Weather Station (RAWS), in an amount not to exceed \$18,000 (Fiscal Impact: \$18,000; Fire Fund; Not Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

- *32) Request authorization to purchase fixed asset - hydraulic hose expander, in an amount not to exceed \$10,000 (Fiscal Impact: \$10,000; Fire Fund; Not Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

HUMAN SERVICES

- *33) Request to accept in-kind donation of 980 children's shoes from Assistance League of America valued at \$10,000 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Maben-Watson: All Ayes

- *34) Request to hire retired County employee, Roberta Guyon, Office Services Specialist, 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: \$15,395 Federal/State; \$810 General Fund; Not Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

- *35) Request to hire retired County employee, Sondra James, Social Service Worker 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: \$21,639 Federal/State; \$0 General Fund; Budgeted; Mandated) - APPROVED

Maben-Watson: All Ayes

- *36) Proposed purchase of equipment and installation services from IBM Global Services for Child Welfare Services Case Management System, in an amount not to exceed \$6,036 (Fiscal Impact: \$5,131 State/Federal; \$905 County; Budgeted; Discretionary) - APPROVED; AUTHORIZED THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO IBM GLOBAL SERVICES IN THE AMOUNT OF \$6,036 FOR IMPLEMENTATION SERVICES UNDER THE TERMS OF THE STATE'S CONTRACT WITH IBM

Maben-Watson: All Ayes

KERN MEDICAL CENTER

- 37) Update report regarding Kern Medical Center's financial condition (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Watson: All Ayes

- *38) Proposed Amendment No. 1 to Agreement 924-2005 with Joseph F. Chang, M.D., Inc., an independent contractor, for urology coverage in the Department of Surgery, increasing the scope of services provided, and increasing the not to exceed amount by \$134,300, from \$36,000 to \$170,300 (Fiscal Impact: \$134,300; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 233-2006

Maben-Watson: All Ayes

- *39) Proposed Agreement with Parviz Massarat, M.D., an independent contractor, for radiology services, from April 20, 2006 through April 19, 2008, in an amount not to exceed \$360,000 (Fiscal Impact: \$360,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 234-2006

Maben-Watson: All Ayes

MENTAL HEALTH SERVICES

- 40) Proposed acceptance of Mental Health Services Act (MHSA) funding, appropriation of unanticipated revenue and addition of 82 new positions, effective April 4, 2006 (Fiscal Impact: \$5,607,124; State MHSA Funding; Not Budgeted; Discretionary) - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$5,607,124 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER IN THE AMOUNT OF \$5,607,124 FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 4120; APPROVED ADDITION OF POSITIONS; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Rubio-Watson: All Ayes

- *41) Proposed Agreement with Del Amo Hospital for intensive inpatient services to one (1) severely mentally ill consumer residing in the Bakersfield area, from April 4, 2006 to June 30, 2006, in an amount not to exceed \$28,000 (Fiscal Impact: \$28,000; State Realignment Funds; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 235-2006

Maben-Watson: All Ayes

- *42) Proposed request to employ and pay overtime to qualified Registered Nurses currently employed by the County (Fiscal Impact: Increase of approximately \$8,335 to \$16,670; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: All Ayes

- *43) Proposed Amendment No. 2 to Agreement 587-2005 with Youth Connection of Ventura County, Inc., dba Casa Pacifica, to add services to include day treatment for Kern County children placed in group homes in Ventura and Santa Barbara, and clarify compensation methods and cost report requirements related to the new services (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 236-2006

Maben-Watson: All Ayes

- *44) Proposed Amendment No. 2 to Agreement 939-2005 with Angela L. McKinney, L.M.F.T., to change funding sources in the Agreement to State Realignment Funds (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 237-2006

Maben-Watson: All Ayes

PARKS AND RECREATION DEPARTMENT

- 45) Report on "Tarp Your Trash" program conducted jointly by Parks and Recreation and Waste Management Departments (Fiscal Impact: None) - RECEIVED AND FILED; PROVIDED DIRECTION TO WASTE MANAGEMENT DEPARTMENT ON OPTIONS FOR A PERMANENT PROGRAM

Maben-Rubio: All Ayes

- *46) Report on Golf Course Operations and Proposed Plan of Action for addressing operator's request for relief on minimum retention requirements (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Watson: All Ayes

- *47) Request authorization to purchase fixed assets - four-wheel drive truck, in the amount of \$27,000 (Fiscal Impact: \$27,000; Not Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

PROBATION

- *48) Request authorization to purchase fixed assets - two (2) mini-vans, in the amount of \$40,000 (Fiscal Impact: \$40,000; Not Budgeted; Discretionary) - APPROVED

Maben-Watson: All Ayes

PUBLIC HEALTH SERVICES

- 49) Presentation with Get Moving Kern, a Healthy Eating - Active Living Coalition addressing the Obesity Epidemic - JULIE COULTHURST, CHAIR, GET MOVING KERN, HEARD; RECEIVED AND FILED

Rubio-Maben: All Ayes

SHERIFF

- *50) Proposed Agreement with the 53rd District Agricultural Association and Kern County Sheriff's Reserves for law enforcement services, from April 27, 2006 through April 30, 2006, and October 12, 2006 through October 15, 2006, in an amount not to exceed \$5,000 per event (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 238-2006

Maben-Watson: All Ayes

- *51) Proposed modification to Work Release Program requirements to wear distinctive clothing to permit Sheriff to waive requirement when deemed appropriate (Fiscal Impact: None) -

WITHDRAWN

- *52) Application to hold Parade - Annual Good Friday Stations of the Cross, Saint Augustine Catholic Church, on April 14, 2006 in Lamont (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; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: All Ayes

- *53) Application to hold Parade - 58th Annual Glennville Round-up Rodeo and Parade on June 11, 2006 in Glennville (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; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 54) 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

- 55) Request for Closed Session regarding a lawsuit entitled Danny Curtis v. County of Kern; Albert McBride, M.D., Kern County Superior Court Case No. 254593 (Government Code Section 54956.9(a)) -
- 56) Request for Closed Session regarding a lawsuit entitled Chyrill Sandrini v. County of Kern, WCAB Case No. BAK 0137076 (Government Code Section 54956.9(a)) -
- 57) Request for Closed Session regarding a lawsuit entitled County Sanitation District No. 2 of Los Angeles, etc., et al. vs. County of Kern, et al., Tulare County Superior Court Case No. 189564 (Government Code Section 54956.9(a)) -
- 58) Request for Closed Session regarding a lawsuit entitled Piper Sarad v. County of Kern, et al., Kern County Superior Court Case No. 255528 SPC (Government Code Section 54956.9(a)) -
- 59) Request for Closed Session regarding a lawsuit entitled Kern vs. Carl Sparks, et al., KCSC Case No. CV254074, Sparks v. Board of Supervisors, KCSC Case No. CV-255904 (Government Code Section 54956.9(a)) - SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION

(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-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, April 4, 2006

2:00 P.M.

BOARD RECONVENED

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

RESULTS OF CLOSED SESSION

Results of Closed Session from April 4, 2006, at 9:00 A.M., Item No. 59, regarding a lawsuit entitled Kern v. Carl Sparks, et al, KCSC Case No. CV254074, and Sparks v. Board of Supervisors, KCSC Case No. CV-255904 (Government Code Section 54956.9(a)) - CHAIRMAN PATRICK REPORTED THE BOARD AUTHORIZED AND INSTRUCTED ITS COUNSEL TO PROPOSE TO FORMER SHERIFF SPARKS AND HIS LAWYER A SETTLEMENT OF ALL PENDING LITIGATION AS FOLLOWS:

- 1) THE JUDGMENT IN CASE CV-254074 WILL BE VACATED AND THE COUNTY WILL DISMISS THE CASE WITH PREJUDICE WITH EACH PARTY TO BEAR ITS OWN COSTS AND ATTORNEY FEES.
- 2) FORMER SHERIFF SPARKS WILL DISMISS HIS APPEAL IN CASE F049188 WITH EACH PARTY TO BEAR ITS OWN COSTS AND ATTORNEY FEES. NEITHER THE COUNTY NOR FORMER SHERIFF SPARKS WILL RECOVER ANY MONEY FROM THE OTHER SHOULD THE COURT ELECT TO DECIDE THE APPEAL NOTWITHSTANDING A REQUEST FOR DISMISSAL.
- 3) THE COUNTY AND FORMER SHERIFF SPARKS WILL EACH RELEASE THE OTHER AND ITS AND HIS REPRESENTATIVES AND AGENTS OF AND FROM ANY AND ALL CLAIMS, KNOWN OR UNKNOWN, RELATING TO THE SUBJECT MATTER OF CASE CV-254074 AND CASE F049188.
- 4) THE OFFER OF SETTLEMENT SHALL REMAIN OPEN FOR ACCEPTANCE UNTIL 3:00 P.M. LOCAL TIME ON APRIL 19, 2006, AT WHICH TIME IT SHALL EXPIRE.

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: All Ayes

KERN SANITATION AUTHORITY

- #1) Proposed Resolution to set public hearing to consider an Ordinance establishing the schedule of sewer service charges for Fiscal Year 2006-2007, the written report of sewer service charges, and an Ordinance to collect Fiscal Year 2006-2007 sewer service charges on the property tax rolls (Fiscal Impact: \$79,000 Increased Revenue; Kern Sanitation Authority; Not Budgeted; Discretionary) - RECEIVED AND FILED; ADOPTED RESOLUTION 2006-099; SET HEARING FOR TUESDAY, MAY 23, 2006, AT 2:00 P.M.; WAIVED READING; INTRODUCED ORDINANCES; DIRECTED CLERK OF THE BOARD TO PUBLISH HEARING NOTICE

Maben-Watson: All Ayes

ADJOURNED AS KERN SANITATION AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Maben-Watson: 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 MCQUISTON INQUIRED AS TO THE POSSIBILITY OF PLACING THE NOTICE OF INTENT TO CIRCULATE A PETITION RELATIVE TO THE EAST KERN COUNTY LANDFILL INITIATIVE ON THE COUNTY WEB SITE. COUNTY COUNSEL BERNARD BARMANN RESPONDED IT WOULD REQUIRE FULL BOARD CONSIDERATION.

REFERRED TO COUNTY ADMINISTRATIVE OFFICE AND COUNTY COUNSEL TO REPORT BACK TO THE BOARD FOR FURTHER DISCUSSION ON THE DISCLOSURE CONTENT OF THE COUNTY WEB SITE

McQuiston-Maben: All Ayes

NOTE: AGENDA ITEM NO. 41 WAS HEARD OUT OF ORDER AFTER AGENDA ITEM NO. 3

HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- 4) **Request from Walt Mueller by James Miller (original applicant - Nancy Ivey by Nancy Shebesta) to appeal the decision of the Planning Commission approving Conditional Use Permit 3, Map 64-18 which allowed the operation of a yoga institute on 3.23 acres located at 145 Moore Avenue, Bodfish (SD #1)**

Specific Request:

An appeal to the decision of the Planning Commission to approve Conditional Use Permit 3, Map 64-18 (Resolution 14-06; approved January 26, 2006) to allow the operation of a yoga institute (Section 19.16.030.K.2) in an E (1/2) RS MH District (Appeal #1, Map #64-18)

(Negative Declaration; Published Kern Valley Sun) - OPENED HEARING; HEARD IN SUPPORT OF APPEAL: JAMES MILLER ON BEHALF OF THE APPELLANT; DOUGLAS DOYLE; WALT MUELLER; AND IDA BLYLEVEN; HEARD IN OPPOSITION TO APPEAL: GARY FISHER; DAVID DURR; MICHAEL GALLAGHER; DAWN JORDAN; DEBRA CHACE; ROBERT LOWE; GARY IVEY; NANCY IVEY; MIKE MUIR; AND JEN HAMMER; CLOSED HEARING

CONTINUED TO TUESDAY, MAY 16, 2006, AT 2:00 P.M.

McQuiston-Watson: All Ayes

- *5) **Request from Kern County Engineering and Survey Services Department to allow a drainage sump and to vacate an 18-foot-wide alley located between Orlando Avenue and Lamberson Avenue on 2.63 acres located at the southwest corner of Fresno Street and Lamberson Avenue, Lost Hills (SD #4)**

Specific Request:

(a) A Conditional Use Permit to allow a drainage sump (Section 19.20.030.J) in an R-2 PD H District (CUP #8, Map #52-2)

(b) A nonsummary vacation of an 18-foot-wide alley located between Orlando Avenue and Lamberson Avenue in Lost Hills (52-2 3 098; Streets and Highways)

(Negative Declaration prepared by Kern County CEDD; Published Wasco Tribune) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING DEPARTMENT RECOMMENDATION, ADOPTED MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTIONS 2006-100 AND 2006-101 APPROVING CONDITIONAL USE PERMIT, SUBJECT TO CONDITIONS, AND APPROVING NONSUMMARY VACATION

Maben-Watson: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY

Planning Department

Miscellaneous

All S.D.'s

- *6) Proposed rescission of Agreement 482-2000 and proposed new Agreement with URS Corporation for completion of an Environmental Impact Report/Environmental Impact Statement, which has been partially prepared, in an amount not to exceed \$88,625 (Fiscal Impact: \$88,625; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 239-2006

Maben-Watson: All Ayes

- *7) Proposed retroactive Amendment No. 3 to Agreement 319-2001 with Crowell and Moring, LLP, to extend the termination date to June 30, 2006, for legal consulting services related to Federal Land Management and Endangered Species Act issues on public and private property (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 240-2006

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY

All S.D.'s

- *8) Response to referral regarding review of annexations and planning future City-County staff meetings (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Watson: All Ayes

RESOURCE MANAGEMENT AGENCY

Community and Economic Development Department

Hearings

S.D. #5

- *9) Public Hearing for proposed amendment to the County of Kern's Fiscal Year 2004-2005 Annual Action Plan to revise Community Development Block Grant (CDBG) Funding for Project No. 29.04.1, Lamont Curb and Gutter Improvements, by \$310,000 for a new total project amount not to exceed \$415,100 (Fiscal Impact: \$310,000; CDBG; Budgeted; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENT; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Maben-Watson: All Ayes

- *10) Public Hearing for proposed amendments to the County of Kern's Fiscal Year 2005-2006 Annual Action Plan to create Home Investment Partnerships (HOME) Project No. 34.05.1, Lamont Village, Phase I, housing project and to transfer \$2,000,000 in funds from HOME Project No. 33.05.2, Countywide HOME Housing Rehabilitation Program, Multi-Year, to Project No. 34.05.1 (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED AMENDMENTS; AUTHORIZED DIRECTOR TO SUBMIT ALL DOCUMENTATION TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Maben-Watson: All Ayes

NOTE: AGENDA ITEMS NO. 11 AND NO. 25 WERE HEARD CONCURRENTLY

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

Hearing

S.D. #4

- 11) Request from the City of Oxnard for an appeal hearing on determination of a public nuisance and a petition from the Engineering & Survey Services Department to impose administrative penalties (Fiscal Impact: Unknown; Discretionary) - OPENED HEARING; THE FOLLOWING INDIVIDUALS SPOKE ON AGENDA ITEMS 11 AND 25: JIM PROSSER, REPRESENTING USA TRANSPORT, INC.; GARY LESLIE, PRESIDENT AND CHIEF OPERATING OFFICER, USA TRANSPORT, INC.; ANDRES HERRERA, CITY COUNCIL MEMBER, CITY OF OXNARD; KEN ORTEGA, PUBLIC WORKS DIRECTOR, CITY OF OXNARD; DR. DAVID LEU, CONSULTANT FOR THE CITY OF OXNARD; MARK NORRIS, WASTEWATER SUPERINTENDENT, CITY OF OXNARD; PAT OSBORNE; AND LARRY PEARSON, CITY COUNCIL MEMBER, CITY OF WASCO; CLOSED HEARING; ADOPTED RESOLUTIONS 2006-102 AND 2006-103 DECLARING REAL PROPERTY A PUBLIC NUISANCE; DIRECTED NUISANCE TO BE ABATED WITHIN 90 DAYS; DIRECTED ENGINEERING & SURVEY SERVICES TO POST AND MAIL NOTICE OF DETERMINATION PURSUANT TO ORDINANCE CODE 8.44.100; APPROVING ASSESSMENT OF ADMINISTRATIVE PENALTIES AGAINST BOTH THE CITY OF OXNARD AND USA TRANSPORT, INC., AND EACH OF THEM, AS FOLLOWS: \$25,000 PAYABLE FORTHWITH PLUS AN ADDITIONAL \$3,000 PER DAY COMMENCING APRIL 5, 2006, AND CONTINUING EACH DAY THEREAFTER UNTIL ALL HAZARDOUS WASTE IS REMOVED AND NO MORE THAN 16,800 TONS OR 31,267 CUBIC YARDS OF GYPSUM-LIKE MATERIAL DEEMED BY THE STATE DEPARTMENT OF TOXIC SUBSTANCES CONTROL TO BE NON-HAZARDOUS WASTE REMAINS ON SITE, ALL DUE AND PAYABLE ON JUNE 27, 2006, IF THE MATERIAL IS NOT REMOVED AS REQUIRED HEREIN BEFORE THAT TIME; CONTINUED PENALTY HEARING TO TUESDAY, JUNE 27, 2006, AT 2:00 P.M., TO CONSIDER MODIFYING THE DAILY PENALTY AND FURTHER TO CONSIDER SUCH OTHER PENALTIES THEN DETERMINED TO BE APPROPRIATE IF THE MATERIAL IS NOT REMOVED AS REQUIRED HEREIN PRIOR TO THAT TIME; RECEIVED AND FILED VARIOUS DOCUMENTS

Watson-Rubio: All Ayes

S.D. #1

- *12) Introduction of Ordinance continuing in effect and fixing a sewer standby or availability charge in County Service Area No. 23, Shafter (Fiscal Impact: \$240; CSA; Budgeted; Discretionary) - WAIVED READING; INTRODUCED ORDINANCE

Maben-Watson: All Ayes

- *13) Introduction of Ordinance continuing in effect and fixing a sewer standby or availability charge in County Service Area No. 39, Kern Valley (Fiscal Impact: \$1,110; CSA; Budgeted; Discretionary) - WAIVED READING; INTRODUCED ORDINANCE

Maben-Watson: All Ayes

- *14) Request to set public hearing on proposed increase in annual drainage service charge within County Service Area No. 38.2, Countryside area, greater Bakersfield (Fiscal Impact: \$1,400; CSA's; Budgeted; Mandatory) - APPROVED; ADOPTED RESOLUTION 2006-104; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE AN ENGINEER'S REPORT AND MAIL NOTICES ALONG WITH ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED AND CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET PUBLIC HEARING FOR TUESDAY, MAY 23, 2006, AT 2:00 P.M., TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE A NOTICE OF EXEMPTION, IF REQUESTED

Maben-Watson: All Ayes

S.D. #2

- *15) Request to set public hearing on proposed increase in annual fire hydrant service charge within County Service Area No. 63, Rosamond area (Fiscal Impact: \$11,180; CSA's; Budgeted; Mandatory) - APPROVED; ADOPTED RESOLUTION 2006-105; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE AN ENGINEER'S REPORT AND MAIL NOTICES ALONG WITH ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED AND CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET PUBLIC HEARING FOR TUESDAY, MAY 23, 2006, AT 2:00 P.M., TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE A NOTICE OF EXEMPTION, IF REQUESTED

Maben-Watson: All Ayes

- *16) Request to set public hearing to consider levying assessments for Zone of Benefit Nos. 1, 2, 3 and 5 within County Service Area No. 63, and proposed Resolution of Intention to extend Zone of Benefit No. 5, Tract 6450, located north of Orange Street and west of 35th Street West; Rosamond (Fiscal Impact: \$37,665; CSA's; Budgeted; Mandatory) - APPROVED; MADE FINDING ACTION IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) AND SECTION 15273 OF STATE CEQA GUIDELINES; SET PUBLIC HEARING FOR TUESDAY, MAY 23, 2006, AT 2:00 P.M., TO RECEIVE PUBLIC COMMENT AND TABULATE BALLOTS; DIRECTED ENGINEERING & SURVEY SERVICES TO MAIL NOTICES AND BALLOTS, ALONG WITH AN ENGINEER'S REPORT, TO PROPERTY OWNERS AFFECTED, AND TO CONDUCT A PUBLIC INFORMATIONAL MEETING IN COMPLIANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE A NOTICE OF EXEMPTION, IF REQUESTED; ADOPTED RESOLUTION 2006-106

Maben-Watson: All Ayes

- *17) Request to set public hearing on proposed increase in annual drainage charge within County Service Area No. 63.1, Rosamond area (Fiscal Impact: \$37,933.75; CSA's; Budgeted; Mandatory) - APPROVED; ADOPTED RESOLUTION 2006-107; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE AN ENGINEER'S REPORT AND MAIL NOTICES ALONG WITH ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED AND CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET PUBLIC HEARING FOR TUESDAY, MAY 23, 2006, AT 2:00 P.M., TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE A NOTICE OF EXEMPTION, IF REQUESTED

Maben-Watson: All Ayes

- *18) Request to approve final map for Tract No. 6439, northeast corner of 35th Street West and Stetson Avenue, Rosamond, Type "A" subdivision, Quad Knopf for Beazer Homes Holdings Corporation (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2006-108 MAKING FINDINGS PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR EASEMENT HOLDER PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1, 2, 3 NOT APPLICABLE) AND RESTORATION OF INGRESS AND EGRESS ACROSS LOT "B" IN TRACT NO. 5299; APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; APPROVED IMPROVEMENT AND MONUMENTATION AGREEMENTS; AUTHORIZED CHAIRMAN TO SIGN; ACCEPTED GRANT DEED FOR SUMP SITE; AUTHORIZED CLERK OF THE BOARD TO SIGN; CONSENTED TO DEDICATION OF AVIGATION EASEMENT; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Maben-Watson: All Ayes

S.D. #4

- *19) Proposed Contract No. 06014, with 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) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 241-2006

Maben-Watson: All Ayes

- *20) Request to approve final map for Tract No. 6241, Shafter Road, south Bakersfield, Type "A" subdivision, Delmarter for Richard Douglas and Jessie Merceline Burubeltz (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2006-109 MAKING FINDINGS PER SECTION 21151 OF PUBLIC RESOURCES CODE, SECTIONS 66473.5, 66474 AND 65567 OF GOVERNMENT CODE INCLUDING APPROVAL OF WAIVER OF SIGNATURE FOR MINERAL OWNERS, WITHOUT SURFACE ENTRY RIGHTS, AND EASEMENT HOLDERS PER SECTION 66436 OF GOVERNMENT CODE AND SECTION 18.45.020 D1 OF LAND DIVISION ORDINANCE (SECTION 18.15.030 K1,2,3 NOT APPLICABLE); APPROVED FINAL MAP; AUTHORIZED CLERK OF THE BOARD TO SIGN; ACCEPTED SEWAGE MONITORING EASEMENT; AUTHORIZED CLERK OF THE BOARD TO SIGN; RECEIVED AND FILED DOCUMENTS AND ORDERED RECORDED AS APPROPRIATE

Maben-Watson: All Ayes

S.D. #5

- *21) Request to set public hearing on proposed increase in annual septic monitoring charge within County Service Area No. 27.2, Greenfield area, greater Bakersfield (Fiscal Impact: \$4,635; CSA's; Budgeted; Mandatory) - APPROVED; ADOPTED RESOLUTION 2006-110; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE AN ENGINEER'S REPORT AND MAIL NOTICES ALONG WITH ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED AND CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET PUBLIC HEARING FOR TUESDAY, MAY 23, 2006, AT 2:00 P.M., TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE A NOTICE OF EXEMPTION, IF REQUESTED

Maben-Watson: All Ayes

S.D.'s #1, #3 & #4

- *22) Introduction of Ordinance continuing in effect and fixing a sewer standby or availability charge in County Service Area No. 71, west Bakersfield (Fiscal Impact \$100; CSA; Budgeted; Discretionary) - WAIVED READING; INTRODUCED ORDINANCE

Maben-Watson: All Ayes

- *23) Request to set public hearing on proposed increase in annual drainage charge within County Service Area No. 71.7, west Bakersfield area (Fiscal Impact: \$72,290; CSA's; Budgeted; Mandatory) - APPROVED; ADOPTED RESOLUTION 2006-111; DIRECTED ENGINEERING & SURVEY SERVICES TO PREPARE AN ENGINEER'S REPORT AND MAIL NOTICES ALONG WITH ENGINEER'S REPORT TO ALL PROPERTY OWNERS AFFECTED AND CONDUCT PUBLIC INFORMATIONAL MEETINGS; SET PUBLIC HEARING FOR TUESDAY, MAY 23, 2006, AT 2:00 P.M., TO RECEIVE PUBLIC INPUT; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND TO FILE A NOTICE OF EXEMPTION, IF REQUESTED

Maben-Watson: All Ayes

S.D.'s #4 & #5

- *24) Contract No. 06012, Final Plans, Specifications, and Notice to Contractors for Curb Cut Improvements, Bakersfield/Lamont (Fiscal Impact: \$150,000; CEDD Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20150 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, MAY 17, 2006, AT 11:00 A.M.

Maben-Watson: All Ayes

NOTE: AGENDA ITEM NO. 25 WAS HEARD CONCURRENTLY WITH AGENDA ITEM NO. 11

RESOURCE MANAGEMENT AGENCY
Environmental Health Services

Hearing

All S.D.'s

- 25) Appeal by USA Transport, Inc., regarding the revocation of its Biosolids Land Application Permit (Health Permit No. 301) (Fiscal Impact: \$8,000; Not Budgeted; Discretionary) - OPENED HEARING; THE FOLLOWING INDIVIDUALS SPOKE ON AGENDA ITEMS 11 AND 25: JIM PROSSER, REPRESENTING USA TRANSPORT, INC.; GARY LESLIE, PRESIDENT AND CHIEF OPERATING OFFICER, USA TRANSPORT, INC.; ANDRES HERRERA, CITY COUNCIL MEMBER, CITY OF OXNARD; KEN ORTEGA, PUBLIC WORKS DIRECTOR, CITY OF OXNARD; DR. DAVID LEU, CONSULTANT FOR THE CITY OF OXNARD; MARK NORRIS, WASTEWATER SUPERINTENDENT, CITY OF OXNARD; PAT OSBORNE; AND LARRY PEARSON, CITY COUNCIL MEMBER, CITY OF WASCO; CLOSED HEARING; HEARING CONTINUED TO TUESDAY, JUNE 27, 2006, AT 2:00 P.M.; RECEIVED AND FILED VARIOUS DOCUMENTS

Watson-McQuiston: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #1

- *26) Contract No. 04010 Notice of Completion, Griffith Company for the Lake Isabella Boulevard landscape improvement project (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Watson: All Ayes

- *27) Proposed Contract No. 06007 with Maverick Asphalt, Inc., for construction of the China Lake Boulevard pedestrian path, in an amount not to exceed \$247,090.45 (Fiscal Impact: \$247,090.45; TDA Grant; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 242-2006

Maben-Watson: All Ayes

S.D. #2

- *28) Proposed Contract No. 06022 with Granite Construction for construction on Tehachapi Willow Springs Road and Oak Creek Road, in an amount not to exceed \$1,730,565 (Fiscal Impact: \$1,730,565; Road Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 243-2006

Maben-Watson: All Ayes

- *29) Proposed 45 mile per hour speed limit on Red Apple Avenue from State Route 202 to Westwood Boulevard, Tehachapi (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Watson: All Ayes

S.D. #3

- *30) Contract No. 06028, Plans, Specifications and Notice to Contractors for construction on Verdugo Lane from Brimhall Road to Shellabarger Road (Fiscal Impact: \$250,000; Road Fund; Budgeted; Discretionary) - APPROVED; 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, APRIL 26, 2006, AT 11:00 A.M.

Maben-Watson: All Ayes

S.D. #4

- *31) Proposed Cooperative Agreement with the California Department of Transportation for installation of traffic signals and safety lighting on State Route 46 at Lost Hills Road/Woodward Street, in an amount not to exceed \$300,000 (Fiscal Impact: \$300,000; Road Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 244-2006

Maben-Watson: All Ayes

S.D. #5

- *32) Proposed handicapped parking zone along the north side of Water Street, Bakersfield (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Watson: All Ayes

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

- *33) Proposed Contract No. 06021 with Granite Construction for the manufacture and delivery of 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) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 245-2006

Maben-Watson: All Ayes

S.D.'s #2 & #5

- *34) Contract No. 05026, Notice of Completion, Granite Construction Company for construction on Cottonwood Road, DiGiorgio Road and Comanche Drive (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Watson: All Ayes

S.D.'s #3 & #5

- *35) Contract No. 05033, Notice of Completion, Bowman Asphalt, Inc., for construction on various streets in Oildale, Alta Vista and Pioneer Park Areas (Fiscal Impact: None) - RECEIVED AND FILED

Maben-Watson: All Ayes

WASTE MANAGEMENT

S.D.'s #1 & #2

- *36) Proposed Plans and Special Provisions for improvement of Flare Station Road and Leachate Area at Bakersfield Metropolitan (Bena) Sanitary Landfill (Fiscal Impact: \$25,500; Solid Waste Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301(C); DIRECTED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION; AUTHORIZED WASTE MANAGEMENT TO PREPARE REQUISITION AND PURCHASING TO SOLICIT BIDS

Maben-Watson: All Ayes

All S.D.'s

- *37) Proposed Resolution to set public hearing to consider the Ordinance establishing the schedule of Universal Solid Waste Collection charges for residential properties with four or fewer units in the Metropolitan Bakersfield Universal Collection Area for Fiscal Year 2006-2007 (Fiscal Impact: None) - RECEIVED AND FILED; ADOPTED RESOLUTION 2006-112; SET HEARING FOR TUESDAY, MAY 30, 2006 AT 2:00 P.M.; DIRECTED WASTE MANAGEMENT TO IDENTIFY ALL PARCELS UPON WHICH THE CHARGE IS PROPOSED; DIRECTED COUNTY COUNSEL TO PREPARE NOTICE OF HEARING AND ORDINANCE SUMMARY; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE OF HEARING AND MAIL NOTICE OF PROTEST HEARING TO PARCEL OWNERS OF RECORD

Maben-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *38) Proposed response to Grand Jury Report entitled Kern County Public Defender's Office (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER TO PRESIDING SUPERIOR COURT JUDGE

Maben-Watson: All Ayes

- *39) Proposed sole source Agreements for issuance of Tax and Revenue Anticipation Notes (TRAN) for Fiscal Year 2006-2007 with Kelling, Northcross & Nobriga for municipal finance consultant services, in an amount not to exceed \$70,000, and with Hawkins, Delafield & Wood for bond counsel and disclosure counsel services, in an amount not to exceed \$21,000 (Fiscal Impact: \$91,000; Discretionary; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 246-2006 AND 247-2006

Maben-Watson: All Ayes

- *40) Proposed Request for Proposals for performance based management training (Fiscal Impact: None) - APPROVED; AUTHORIZED COUNTY ADMINISTRATIVE OFFICE TO DISTRIBUTE

Maben-Watson: All Ayes

NOTE: AGENDA ITEM NO. 41 WAS HEARD OUT OF ORDER AFTER AGENDA ITEM NO. 3

- 41) Proposed Resolution supporting location of new Federal Courthouse in downtown Bakersfield and offering County's assistance, as appropriate, in preparing a downtown master plan element in the Metropolitan Bakersfield General Plan update (Fiscal Impact: None) - JOHN STOVALL, FEDERAL COURTS COMMITTEE, KERN COUNTY BAR ASSOCIATION; AND RANDALL DICKOW, ATTORNEY, HEARD; REFERRED BACK TO STAFF

Watson-Maben: All Ayes

Legislative Matter

- *42) AB 2627 (Karnette and Koretz): Conflict of interest compliance duties (Fiscal Impact: None) - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-Watson: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #2

- *43) Change Order No. 6 for the pre-engineered pedestrian walkway at Mojave Court, an increase of \$5,601, for a new total of \$901,416 (1960.8119) (Fiscal Impact: \$5,601; Superior Court of California; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: All Ayes

- *44) Change Order No. 4 for the Rosamond Fire Station No. 15, an increase of \$8,079, for a new total of \$2,318,847 (1960.8268) (Fiscal Impact: \$8,079; Tobacco Secured Proceeds Fund; Budgeted; Discretionary) (from 03/21/2006) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: All Ayes

S.D. #3

- *45) Proposed Amendment No. 2 to Engineering Services Agreement with Soils Engineering, Inc., for inspection services at the New Airport Terminal at Meadows Field, an increase of \$9,420, for a new total of \$109,420 (8215.7500) (Fiscal Impact: \$9,420; Airport Project Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 248-2006

Maben-Watson: All Ayes

- *46) Change Order No. 5 for the International Airlines Terminal Phase I, no additional cost (8994.8422) (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-Watson: All Ayes

- *47) Plans and Specifications for parking lot expansion at the William M. Thomas Terminal (8995.0601.05) (Fiscal Impact: \$400,000; Airport Enterprise Fund & General Fund; Not 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 GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE THURSDAY, MAY 11, 2006, AT 11:00 A.M.

Maben-Watson: All Ayes

All S.D.'s

- *48) Proposed Agreement with MTM Construction, Inc., for Job Order Contract Phase VII, in an amount not to exceed \$1,500,000 (Various Projects) (Fiscal Impact: \$1,500,000; General Fund; Budgeted; Discretionary)- APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 249-2006

Maben-Watson: All Ayes

- *49) Proposed Agreement with Elite Painting & Wallcovering, Inc., for Job Order Contract Specialty Painting Phase V, in an amount not to exceed \$250,000 (Various Projects) (Fiscal Impact: \$250,000; General Fund; Budgeted; Discretionary)- APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 250-2006

Maben-Watson: All Ayes

- *50) Proposed Agreement with Wood Bros., Inc., for Job Order Contract Specialty Site Civil Phase III, in an amount not to exceed \$1,500,000 (Various Projects) (Fiscal Impact: \$1,500,000; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 251-2006

Maben-Watson: All Ayes

- *51) Proposed Agreement with San Joaquin Interiors, Inc., for Job Order Contract Flooring Phase V, in an amount not to exceed \$250,000 (Various Projects) (Fiscal Impact: \$250,000; General Fund; Budgeted; Discretionary)- APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 252-2006

Maben-Watson: All Ayes

- *52) Job Order Contract Project Listing Update (Various Projects) (Fiscal Impact: None) - APPROVED

Maben-Watson: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED ON MARCH 28, 2006

- *53) Proposed Ordinance adding subsection (235) 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 Wible Road, north of Belle Terrace, Bakersfield - ENACTED ORDINANCE G-7369

Maben-Watson: All Ayes

- *54) Proposed Ordinance adding Section 10.04.710 to Chapter 10.04, Title 10, of the Kern County Ordinance Code establishing a 45 mile per hour speed limit on a portion of Sunset Boulevard, Arvin area - ENACTED ORDINANCE G-7370

Maben-Watson: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *55) Budget Transfers - APPROVED NO. 128 THROUGH NO. 138

Maben-Watson: All Ayes

- *56) Minutes for week of March 6, 2006 - APPROVED

Maben-Watson: All Ayes

- *57) Miscellaneous Letters and Documents - APPROVED

Maben-Watson: All Ayes

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

Maben-Watson: All Ayes

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

Maben-Watson: All Ayes

ADJOURNED TO TUESDAY, APRIL 25, 2006, AT 9:00 A.M.

Watson

/s/ Denise Pennell
Clerk of the Board

/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.

- 57) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED
Auditor-Controller-County Clerk
- A) County of Kern Single Audit Report for June 30, 2005
Clerk of the Board
- B) Monthly Referral Report for February/March, 2006
Community & Economic Development
- C) County Loan Agreement, HOME Investment Partnerships Program, Owner Rehabilitation Program, with Judy Rae Hutchins
General Services
- D) Rider to Bond No. 22013480 from Liberty Mutual Insurance Company re Franchise Ordinance F-465, changing the company name from Oxy Resources California, LLC, to Vintage Production California, LLC
Local Agency Formation Commission
- E) Report and Recommendation, Proceeding No. 1441, in the matter of City of McFarland, Annexation No. 11 (Copies to each Supervisor, CAO and Resource Management Agency)
Roads
- F) Irrevocable Offer of Dedication from Eddie and Tracy Van Fossen for additional right-of-way on Wedding Lane for public highway purposes, recorded as Document No. 0206058379
Treasurer-Tax Collector
- G) Pooled Cash Portfolio Analysis for month ended February 2006
Miscellaneous
- H) Letter from D. L. Green, California Highway Patrol, re Hazardous Materials Incident Report on Friday, March 10, 2006, on Copus Road at Basic School Road (Copies to each Supervisor, CAO, Environmental Health and Fire Haz-Mat)
- I) Letter from B. M. Smith, California Highway Patrol, re Hazardous Materials Incident Report on Friday, March 17, 2006, on east bound State Route 58, east of South Chester Avenue (Copies to each Supervisor, CAO, Environmental Health and Fire Haz-Mat)
- J) Letter from Virginia Veach, MMOB, in opposition to Diebold touchscreen direct record electronic voting machines (Copies to each Supervisor, CAO, Auditor-Controller-County Clerk, Elections and County Counsel)
- K) Letter from Roland and Pat Seymour, Seymour Enterprises, re exemption of artists and craft people, who show and sell their work, from proposed fees for background checks and fingerprinting (Copies to each Supervisor, CAO, Planning, Sheriff, Parks and County Counsel)
- L) E-mail from Carlos L'Dera in opposition Mountain Communities Town Council (MCTC), Frazier Park (Copies to each Supervisor, CAO, County Counsel and Planning)

- M) E-mail re illegal use of paintball guns as weapons (Copies to each Supervisor and CAO)
- N) E-mail from Rick Vio in opposition to continuing legal case against Carl Sparks (Copies to each Supervisor, CAO and County Counsel)
- O) E-mail from Kacey Pipkin in opposition to continuing legal case against Carl Sparks (Copies to each Supervisor, CAO and County Counsel)
- P) District Report from State Department of Water Resources, San Joaquin District, re San Joaquin Valley Drainage Monitoring Program for 2001, dated November, 2005 (Copies to each Supervisor and CAO)
- Q) Notices from State Alcoholic Beverage Control re applications for alcoholic beverage licenses as follows: Pine Mountain Pizza Company, 16221 Askin Drive, Suite A, Frazier Park; Spencer's Restaurant, 10437 Rosedale Highway, Bakersfield; Almaida Market, 2671 Diamond Street, Rosamond; Tacos La Villa 4, 5430 Olive Drive, Suite D, Bakersfield; Fred's Country Liquor Store, 3014 Taft Highway, Bakersfield; Pine Mountain General Store, 2513 Freeman Drive, Pine Mountain Club; and El Ranchito Grill 3, 1440 Weedpatch Highway, Suites A-C, Bakersfield (Copies to each Supervisor, CAO and Planning)
- R) Agenda of meeting from Behavioral Health Board on Monday, March 27, 2006
- S) Minutes of meeting from Behavioral Health Board on Monday, February 27, 2006
- T) Agenda of meeting from Kern County Child Care Council on Wednesday, April 5, 2006
- U) Minutes of meeting from Kern County Child Care Council on Wednesday, March 1, 2006
- 58) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Steven L. Hoch, Hatch & Parent Law Corporation, re request for public records concerning the City of Oxnard's Kern County Farm Site - REFERRED TO PLANNING, RESOURCE MANAGEMENT AGENCY, ENGINEERING & SURVEY SERVICES AND ENVIRONMENTAL HEALTH (Copies to each Supervisor, CAO and County Counsel)
 - B) Letter from Steven L. Hoch, Hatch & Parent Law Corporation, in response to Engineering & Survey Services letter dated March 20, 2006, re nuisance abatement hearing scheduled on Tuesday, April 4, 2006, concerning violations on the City of Oxnard's property in Kern County - REFERRED TO ENGINEERING & SURVEY SERVICES (Copies to each Supervisor, CAO, Planning, Resource Management Agency, Environmental Health and County Counsel)

- C) Letter from William G. Vasquez, U.S. Department of Housing and Urban Development, re HOME Investment Partnerships Act Program, American Dream Down Payment Initiative Funds balance - REFERRED TO COMMUNITY & ECONOMIC DEVELOPMENT (Copies to each Supervisor and CAO)
- D) Letter from Senator Dean Florez, Keep Kern Clean Committee, re request to approve resolution concerning the Eastern Kern County Recycling and Renewable Energy District - REFERRED TO COUNTY ADMINISTRATIVE OFFICE (Copies to each Supervisor, CAO, Resource Management Agency, Planning and County Counsel)
- E) Letter from Sherry L. DeLano, Rosamond Community Services District, re request to increase amount of land dedication required as set forth in the Park Land Dedication Ordinance (Quimby Fees) - REFERRED TO PARKS (Copies to each Supervisor, CAO and County Counsel)
- 59) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
 - A) Claim in the matter of Jerald H. Turner vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Alicia Petra Bustamante vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of William Joe Marmolejo, Jr.; Jesus Alberto Bustamante, Jr.; Kristen Breean Bustamante; Alberto Bustamante; and Christopher Allen Bustamante vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Annette Sue Smith vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Vanessia Kadlec vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Claim in the matter of Craig Kadlec vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Claim in the matter of Shirley K. Reeder vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - H) Claim in the matter of Danette R. Dokken vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - I) Discrimination complaint in the matter of Maria L. Aguirre vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management and Personnel)

###