

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, July 25, 2006

9:00 A.M.

BOARD RECONVENED

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

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

- 1) Resolution honoring retiring Airports Director, Ray Bishop - ADOPTED RESOLUTION; MADE PRESENTATION TO RAY BISHOP; RAY BISHOP HEARD
McQuiston-Maben: 4 Ayes; 1 Absent - Watson
- 2) Proclamation proclaiming August 2006 as Child Support Awareness Month in Kern County - PROCLAIMED; MADE PRESENTATION TO PHYLLIS NANCE, CHILD SUPPORT SERVICES; PHYLLIS NANCE HEARD
Maben-McQuiston: 4 Ayes; 1 Absent - Watson
- 3) Proclamation proclaiming August 2006 as Purple Ribbon Month to increase awareness of preventable injuries of children in and around vehicles - PROCLAIMED; MADE PRESENTATION TO BEVERLY JOHNSON, DIRECTOR, DEPARTMENT OF HUMAN SERVICES; BEVERLY JOHNSON HEARD
McQuiston-Maben: 4 Ayes; 1 Absent - Watson
- 4) Proclamation proclaiming August 1-7, 2006 as World Breastfeeding Week in Kern County - PROCLAIMED; MADE PRESENTATION TO ENID PHILLIPS AND SHERRY SPERL, CLINICA SIERRA VISTA; ENID PHILLIPS HEARD
Rubio-Maben: 4 Ayes; 1 Absent - Watson

APPOINTMENTS

- *5) Appointment of Virginia Ruth Layland, as Fifth District Child Care Provider Member, to the Local Child Care and Development Planning Council, term to expire June 30, 2009 - MADE APPOINTMENT

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

PUBLIC PRESENTATIONS

- 6) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! - RON ERREA, COUNTY ADMINISTRATIVE OFFICER, ENCOURAGED THE PUBLIC AND COUNTY FACILITIES TO CONSERVE ENERGY DURING THE CURRENT HIGH TEMPERATURES

AUTHORIZED KGOV TO REBROADCAST THE ENERGY CONSERVATION SEGMENT

McQuiston-Maben: 4 Ayes; 1 Absent - Watson

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 7) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR RUBIO QUESTIONED IF THE COUNTY HAS AN EMERGENCY PLAN IN PLACE IN THE EVENT A MAJOR POWER GRID FAILS, AND ALSO QUESTIONED THE METHODS TO BE USED TO ASSIST SENIOR CITIZENS AND OTHER VULNERABLE INDIVIDUALS. COUNTY ADMINISTRATIVE OFFICER, RON ERREA, RESPONDED REGARDING THE COUNTY'S COOLING CENTER PROGRAM AND STATED HE IS NOT AWARE OF AN EMERGENCY PLAN FOR A MAJOR POWER OUTAGE.

SUPERVISOR RUBIO FURTHER REQUESTED A FUTURE UPDATE FROM THE COUNTY ADMINISTRATIVE OFFICE ON THE STATUS OF TOM WILLMAN'S 90-DAY CONTRACT AT KERN MEDICAL CENTER WHICH RECENTLY EXPIRED

SUPERVISOR PATRICK COMMENDED THE PROBATION DEPARTMENT AND THEIR TEAMS WHO TURNED OUT LAST WEEKEND FOR THE GRAFFITI PAINT-OUT AT SEVERAL EAST BAKERSFIELD LOCATIONS

DEPARTMENTAL REQUESTS

AGING AND ADULT SERVICES

- *8) Proposed retroactive Agreement with Kern Around the Clock Foundation for Linkages and Respite Purchase of Services, from July 1, 2006 through June 30, 2007, in an amount not to exceed \$229,358 (prior notification June 27, 2006) (Fiscal Impact: \$229,358; State; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 746-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *9) Proposed retroactive Agreement with College Community Services, Inc., to provide a Senior Adult Outreach program in the Kern River Valley, from July 1, 2006 through June 30, 2007, in an amount not to exceed \$34,000 (prior notification June 27, 2006) (Fiscal Impact: \$34,000; County; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 747-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *10) Proposed retroactive Agreement with Adventist Health to provide nutrition services, from July 1, 2006 through June 30, 2007, in an amount not to exceed \$554,140 (prior notification June 27, 2006) (Fiscal Impact: Federal \$433,838; State \$14,237; County \$106,065; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 748-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *11) Proposed retroactive Agreement with Alzheimer's Disease Association of Kern County to provide Alzheimer's Day Care Resource Center program services, from July 1, 2006 through June 30, 2007, in an amount not to exceed \$77,000 (prior notification June 27, 2006) (Fiscal Impact: \$77,000; State; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 749-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

AIRPORTS

- *12) Proposed Agreement with Maverick Asphalt for construction of an asphalt concrete apron at Taft Airport, in an amount not to exceed \$90,896.90 (Fiscal Impact: \$90,896.90; Grant Funds; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 750-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *13) Proposed Grant Agreement with the Federal Aviation Administration, for additional funds for construction of the Meadows Field terminal, in the amount of \$1,393,839 (Fiscal Impact: \$1,393,839 Revenue; \$73,360 Local Match; Federal Grant; Not Budgeted; Discretionary) - ACCEPTED OFFER OF FUNDS; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 751-2006 AND ALL NECESSARY GRANT DOCUMENTS

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

ASSESSOR-RECORDER

- *14) Request to hire retired County employee, David G. Hodges, as an Appraiser 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: \$24,759; Budgeted; Discretionary) - APPROVED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

COUNTY COUNSEL

- *15) Proposed Amendment to Section 2.94.060 of the Kern County Ordinance Code regarding the Board of Directors for Kern Health Systems to allow selection of any Director as Chairman of the Board (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *16) Resolution authorizing the issuance and sale of the Sierra Sands Unified School District General Obligation Bonds, Election of 2006, Series 2006 in the aggregate principal amount not to exceed \$20,000,000 (Fiscal Impact: None) - ADOPTED RESOLUTION 2006-285

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *17) Proposed Ordinance adding subsections (7) and (8) to Section 10.16.115 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning no parking zones on Universe Avenue (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *18) Proposed Ordinance adding subsection (9) to Section 10.16.115 of Chapter 10.16, Title 10 of the Kern County Ordinance Code concerning a no parking zone on Universe Avenue (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *19) Proposed Ordinance adding Section 10.04.057 to Chapter 10.04 of Title 10 of the Kern County Ordinance Code concerning the establishment of a 30-miles-per-hour speed limit on Oildale Drive from Roberts Lane to Norris Road, and repealing a 35-miles-per-hour speed limit in Section 10.04.195 (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

EMPLOYERS' TRAINING RESOURCE

- *20) Notification of anticipated retroactive Agreement with Kern Community College District - Cerro Coso Community College to provide employment and training programs in Kern County (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

FIRE DEPARTMENT

- *21) Request to employ retired County employee, Richard Olson, Fire Battalion Chief, 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 \$44,600; Fire Fund; Budgeted; Discretionary) - APPROVED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *22) Amendment to Fire Department's Conflict of Interest Code (Fiscal Impact: None) - APPROVED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

HUMAN SERVICES

- *23) Proposed Agreement with TALX Corporation for The Work Number® Employment Verification Service, from August 4, 2006 through June 30, 2007, in an amount not to exceed \$57,600 (Fiscal Impact: \$54,720 Federal and State; \$2,880 County funds; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 752-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

KERN MEDICAL CENTER

- *24) Notification of proposed retroactive Agreement with Paramvir S. Rahal, M.D., Inc., dba Gastroenterology Medical Associates, Inc., an independent contractor, for gastroenterology services (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

MENTAL HEALTH SERVICES

- *25) Proposed authorization to designate specified individuals to initiate application for evaluation and involuntary detention for mentally disordered individuals per Welfare and Institutions Code, Section 5150 (Fiscal Impact: None) - APPROVED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *26) Proposed issuance of Request for Proposal (RFP) for a consumer housing needs assessment (Fiscal Impact: None) - APPROVED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *27) Proposed issuance of Request for Proposal (RFP) for MHSA Consumer Housing Trust Fund project (Fiscal Impact: None) - APPROVED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *28) Proposed retroactive Agreement with Kern Community College District, to provide support and advocacy services for students with psychiatric disabilities matriculated at Bakersfield College, from July 1, 2006 through June 30, 2007 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 753-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *29) Proposed retroactive Agreement with Bakersfield City School District, to accept grant funding in the amount of \$192,400, for the department to provide research-based mental health services and to implement Friday Night Live (FNL) Programs at Bakersfield city school sites, from July 1, 2006 through June 30, 2007 (Fiscal Impact: \$192,400; Grant Funds; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 754-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

PARKS AND RECREATION DEPARTMENT

- *30) Request to hire retired County employee Charles Hernandez, Equipment Operator, 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: \$16,262; Budgeted; Discretionary) - APPROVED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

PERSONNEL

- *31) Classification of positions recommended by Civil Service Commission effective August 5, 2006 (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *32) Proposed deletion of one (1) full-time Personnel Analyst I/II/Senior and addition of one (1) full-time Equal Employment Opportunity Officer positions, effective August 5, 2006 (Fiscal Impact: \$37,000; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

PUBLIC HEALTH SERVICES

- *33) Proposed retroactive Agreement with Lost Hills Union School District for School-Based Medi-Cal Administrative Activities, from July 1, 2006 through June 30, 2007, in an amount not to exceed \$30,000 (prior notification June 27, 2006) (from 7/18/2006) (Fiscal Impact: \$30,000; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 755-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *34) Proposed retroactive Agreement with American Academy of Pediatrics for Public Health nursing staff to serve as trainers for "Reducing the Risk of SIDS in Child Care Speakers Kit," from July 18, 2006 through December 31, 2006, in an amount not to exceed \$9,879 (from 7/18/2006) (Fiscal Impact: \$9,879 Revenue; Private Foundation Subcontract; Not Budgeted; Discretionary) - CONTINUED TO TUESDAY, AUGUST 15, 2006 AT 9:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

SHERIFF

- *35) Proposed Resolution and authorization to apply for grant funding from the California Department of Parks and Recreation for Off-Highway Vehicle Enforcement funds (Fiscal Impact: \$328,000; State Grant; 10% Match; Budgeted; Discretionary) - APPROVED; ADOPTED RESOLUTION 2006-286

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *36) Proposed retroactive Agreement with California State University, Bakersfield (CSUB), to allow students to intern with the Sheriff's Department, from May 24, 2006 through May 24, 2009 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 756-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

TREASURER-TAX COLLECTOR

- *37) Acceptance of donation of registration and hotel expenses from Pensions & Investments for Phil Franey to attend the 9th Annual Defined Contribution Conference in San Francisco, from October 8, 2006 through October 10, 2006 (Fiscal Impact: \$1,352 Savings) - APPROVED; ADOPTED RESOLUTION 2006-287

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *38) Unusual travel request for Treasurer-Tax Collector's Department Information Technology staff to attend Quickstart Classes in California on dates to be scheduled (Class cost is estimated to be approximately \$2,600 - \$3,800) (Fiscal Impact: \$20,000; Budgeted; Discretionary) - APPROVED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

VETERANS' SERVICE DEPARTMENT

- *39) Proposed Certificates of Compliance for continued participation in 2006-07 County Subvention Program (Military and Veterans Code Sections 972, 972.1, 972.2 and 972.5) and Medi-Cal Cost Avoidance Program (Fiscal Impact: \$105,300; State Subvention; Discretionary; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

SUPERVISOR PATRICK ANNOUNCED THE CLOSED SESSION ITEMS WOULD BE HEARD AT 1:00 P.M., PRIOR TO THE 2:00 P.M. MEETING TO ALLOW THE SUPERVISORS TIME TO ATTEND FUNERAL SERVICES FOR JIM BURKE

RECESSED TO 1:00 P.M.

McQuiston-Rubio

1:00 P.M.

BOARD RECONVENED AND ADJOURNED TO CLOSED SESSION

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

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 40) 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, Central California Association of Public Employees - Criminal Justice Unit, Kern County Detention Officers' Association, Kern County Fire Fighters Union, Kern County Probation Officers' Association, Kern County Prosecutors' Association, Kern County Sheriff Command Association, Kern Law Enforcement Association (Government Code Section 54957.6) -
- 41) Request for Closed Session regarding public employee recruitment - Title: Kern Medical Center Chief Executive Officer (Government Code Section 54957) -

COUNTY COUNSEL

- 42) Request for Closed Session regarding a lawsuit entitled John McElwee v. County of Kern WCAB Case No. BAK 144511; BAK 144512 (Government Code Section 54956.9(a)) -
- 43) Request for Closed Session regarding a lawsuit entitled Sukut Construction, Inc., v. County of Kern, et al., KCSC Case No. S-1500-CV 256201 SPC (Government Code Section 54956.9(a)) -

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

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

Maben-Rubio

/s/ Mary Schilling
Deputy 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, July 25, 2006

2:00 P.M.

BOARD RECONVENED

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

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

BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

- 1) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!
- STEVE GRIFFIN HEARD REGARDING A POW/MIA PLAQUE ON THE WALL OF THE VETERANS SERVICE DEPARTMENT BUILDING, WHICH WAS MADE IN VIETNAM, AND URGED THE BOARD TO HAVE IT REMOVED.

SUSAN DATTOLI HEARD REGARDING CONSTRUCTION ISSUES IN THE NORTH MEADOWS NEIGHBORHOOD; REFERRED TO STAFF TO REPORT BACK TO THE BOARD ON TUESDAY, AUGUST 22, 2006, AT 2:00 P.M., REGARDING REQUIREMENTS OF THE CONTRACTOR.

McQuiston-Maben: 4 Ayes; 1 Absent - Watson

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

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY
Planning Department

- 3) **Request from John M. Rehklau by Donald E. Ward Engineering (original applicant) to appeal decision of the Advisory Agency denying his request of a development variation proposing deletion of Type A road improvements on ten (10) acres located on the northeast corner of Holiday Avenue and 57th Street West, Rosamond (SD #2)**

Specific Request:

An appeal to the decision of the Advisory Agency denying a development variation to the Land Division Ordinance for Parcel Map 11327 (disapproved June 7, 2006) proposing deletion of Type A road improvements (TPM #11327 Development Variation Only)

(General Rule, Section 15061(b)(3); Published Rosamond Weekly News) (from 7/18/2006) - OPENED HEARING; JOHN M. REHKLAU, DEVELOPER; AND DONALD WARD, ENGINEER, HEARD; CONTINUED TO TUESDAY, AUGUST 22, 2006, AT 2:00 P.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- 4) **Request from LeRoy Cass, Trustee of Lila Weldon Living Trust (original applicant - Tri-Western Resources, LLC) to appeal the decision of the Planning Commission approving a reclamation plan for a mining operation on federally owned land on 40 acres located approximately 15 miles west of the intersection of State Highway 14 and Jawbone Canyon Road (SD #2)**

Specific Request:

An appeal to the decision of the Planning Commission to approve Conditional Use Permit 2, Map 131 (Resolution 84-06; approved April 27, 2006) to allow a mining reclamation only plan in accordance with the Surface Mining and Reclamation Act (SMARA) of 1975 (Section 19.16.030.H) in an E (20) District (Appeal #1, Map #131)

(Negative Declaration; Published Mojave Desert News) (from 6/27/2006) - OPENED HEARING; LEROY CASS; DAVID JONES, KERN COUNTY AIR POLLUTION CONTROL DISTRICT; CHRISTOPHER CAMPBELL, ATTORNEY WITH BAKER, MANOCK AND JENSON; AND MARSHALL PETTIT, MANAGER, TRI-WESTERN RESOURCES, LLC, HEARD; RECEIVED AND FILED DOCUMENTS; CONTINUED TO TUESDAY, AUGUST 22, 2006, AT 2:00 P.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Miscellaneous

S.D. #1

- *5) **Request from Lisa Marie Carroll for Determination of Public Convenience for the issuance of an on-sale beer and wine public premises license at 4051 Inyokern Road, Ridgecrest, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2006-288**

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

S.D. #3

- 6) Request from Baker Jack Haddad for Determination of Public Convenience for the issuance of an off-sale general liquor license at 8501 Kern Canyon Road, Bakersfield, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code (from 7/11/2006) (Fiscal Impact: None) - MICHAEL A. KAIA, YOUNG WOOLDRIDGE, LLP; JOANNE WILLHITE; KEN NORMAN; BAKER HADDAD; AND AMMEEN HADDAD, HEARD; RECEIVED AND FILED DOCUMENT; APPROVED; ADOPTED RESOLUTION 2006-289

Maben-Rubio: 4 Ayes; 1 Absent - Watson

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #1

- *7) Contract No. 06006, Final Plans, Specifications, and Notice to Contractors for the McFarland Streetscape and Lighting Improvements, McFarland (Fiscal Impact: \$373,172; CDBG 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, AUGUST 30, 2006, AT 11:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

RESOURCE MANAGEMENT AGENCY
Roads Department

Hearing

S.D. #2

- *8) Proposed Resolution establishing fares for Kern Regional Transit Services in Tehachapi (Fiscal Impact: None) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED PROPOSED FARE RATES; ADOPTED RESOLUTION 2006-290

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

S.D. #1

- *9) Contract No. 06011, Plans, Specifications and Notice to Contractors for construction on McCray Street between Seventh Standard Road and James Road in Bakersfield (Fiscal Impact: \$143,000; Federal RSTP Funds and Road Fund; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM CEQA, PER SECTION 15301(c); AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, AUGUST 23, 2006, AT 11:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

S.D. #2

- *10) Contract No. 06022, Notice of Completion for Granite Construction Company for AC overlay on Tehachapi Willow Springs Road and Oak Creek Road in Tehachapi (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *11) Proposed Agreement with the City of Tehachapi for County to provide transportation services within the specified service area (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 757-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

S.D. #5

- *12) Contract No. 06020, Plans, Specifications and Notice to Contractors for construction on Panama Road from Fairfax Road to Eastside Canal in Bakersfield (Fiscal Impact: \$357,000; Federal RSTP Funds and Road Fund; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS CATEGORICALLY EXEMPT FROM CEQA, PER SECTION 15301(c); AUTHORIZED ROADS TO FILE NOTICE OF EXEMPTION; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED ROADS TO PUBLISH NOTICE TO CONTRACTORS IN A NEWSPAPER OF GENERAL CIRCULATION, PURSUANT TO SECTION 20392 OF PUBLIC CONTRACT CODE; BID OPENING TO BE WEDNESDAY, AUGUST 23, 2006, AT 11:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *13) Contract No. 06003, Notice of Completion for A.C. Electric Company for traffic signal and lighting system on Edison Highway at Chamberlain Avenue in Bakersfield (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

S.D.'s #1, #2, #4 & #5

- *14) Contract No. 06035, identify apparent low bid of Granite Construction Company for asphalt concrete (stockpile and windrow stockpile) at various locations in Kern County in an amount not to exceed \$1,183,470 (Fiscal Impact: \$1,183,470; Road Fund; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

All S.D.'s

- *15) Contract No. 06025, Notice of Completion for Granite Construction Company for asphalt concrete stockpile at various locations in Kern County (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

WASTE MANAGEMENT

S.D. #2

- *16) Plans and Notice to Bidders (Agreement 04-06) to provide operational services at the Boron Sanitary Landfill (Fiscal Impact: \$123,200 Fiscal Year 2006-2007; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED WASTE MANAGEMENT TO PUBLISH NOTICE TO BIDDERS; BID OPENING TO BE WEDNESDAY, AUGUST 23, 2006, AT 11:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

S.D.'s #1 & #2

- *17) Contract 05025, Change Order No. 2 for construction of South Access Improvements and Module 2 Earthworks at the Bakersfield Metropolitan (Bena) Sanitary Landfill, a reduction of \$219,334.15, for a new total not to exceed \$8,823,716.34 (Fiscal Impact: \$219,334.15 Reduction; Solid Waste Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

All S.D.'s

- *18) Proposed Agreement with Bradco Industrial Corporation to provide wood grinding and marketing services at County solid waste facilities, from July 25, 2006 through June 30, 2011, in an amount not to exceed \$375,000 (Fiscal Impact: Estimated \$375,000 in Fiscal Year 2006-2007; Solid Waste Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 758-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *19) Proposed Amendment No. 1 to Agreement 156-2004 with T. J. Cross Engineers, Inc., for environmental and engineering services at County solid waste facilities, extending the term from July 31, 2006 through August 1, 2008 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 759-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *20) Proposed Amendment No. 3 to Agreement 202-2002 with Geomatrix Consultants, Inc., for burn dump characterization and remediation design services, extending the term from June 30, 2006 through September 30, 2006 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 760-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

COUNTY ADMINISTRATIVE OFFICE

- *21) Proposed Amendment No. 8 to Memorandum of Understanding (Agreement 720-2004) with Central California Association of Public Employees establishing a Nursing Scholarship Program for County employee nursing students and an Educational Expense Reimbursement Program for Kern Medical Center employee nursing students (Fiscal Impact: \$635,400; KMC Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 761-2006

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

Legislative Matters

- *22) SB 1309: Nursing Education (Fiscal Impact: None) - ADOPTED POSITION IN SUPPORT; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- 23) Request for legislation to protect discussions and writings of multidisciplinary review teams from both discovery and admission as evidence and authorizing such teams to access juvenile dependency records (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2006-291; AUTHORIZED CHAIRMAN TO SIGN CORRESPONDENCE

Rubio-Maben: 4 Ayes; 1 Absent - Watson

COUNTY ADMINISTRATIVE OFFICE
General Services Division

S.D. #2

- *24) Request to set hearing for granting of pipeline franchise to FPL Energy Solar Partners III-VIII, LLC (Fiscal Impact: \$1,200 One-Time Fee; \$1,680 Franchise Fee Revenue; Budgeted; Discretionary) - ADOPTED RESOLUTION 2006-292 SETTING HEARING FOR TUESDAY, SEPTEMBER 12, 2006, AT 2:00 P.M.; DIRECTED CLERK OF BOARD TO PUBLISH NOTICE

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

S.D. #3

- *25) Report on the status of the International Terminal (Fiscal Impact: None) - RECEIVED AND FILED

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

- *26) Plans and specifications for William M. Thomas Terminal Water Line (8994.8413) (from 7/18/2006) (Fiscal Impact: \$471,778; Airport Enterprise; Budgeted; Discretionary) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; MADE FINDING OF NO SIGNIFICANT IMPACT PER REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA); AUTHORIZED CHAIRMAN TO ACT AS CERTIFYING OFFICER FOR NEPA ENVIRONMENTAL ASSESSMENT AND SIGN THE ENVIRONMENTAL ASSESSMENT; APPROVED PLANS AND SPECIFICATIONS; AUTHORIZED CHAIRMAN TO SIGN; AUTHORIZED GENERAL SERVICES TO PUBLISH PURSUANT TO PUBLIC CONTRACT CODE SECTION 20125; BID OPENING TO BE THURSDAY, AUGUST 17, 2006, AT 11:00 A.M.

Maben-McQuiston: 4 Ayes; 1 Absent - Watson

S.D. #5

- *27) Report on the status of the Animal Control Kennel Coating Project (Fiscal Impact: None) - RECEIVED AND FILED
Maben-McQuiston: 4 Ayes; 1 Absent - Watson

All S.D.'s

- *28) Report regarding selection of Tri-State Auction Systems for Countywide auction services (Fiscal Impact: None) - RECEIVED AND FILED
Maben-McQuiston: 4 Ayes; 1 Absent - Watson

CONSIDERATION OF ORDINANCE INTRODUCED JULY 11, 2006

- *29) Proposed Ordinance adding Chapter 5.84 to Title 5 of the Kern County Ordinance Code regulating medical marijuana dispensaries - ENACTED ORDINANCE G-7426
Maben-McQuiston: 4 Ayes; 1 Absent - Watson

CONSIDERATION OF ORDINANCE INTRODUCED JULY 18, 2006

- *30) Proposed Ordinance amending Section 3.08.330 of Chapter 3.08, Title 3, of the Kern County Ordinance Code regarding demotions - ENACTED ORDINANCE G-7427
Maben-McQuiston: 4 Ayes; 1 Absent - Watson

MATTERS FOR EXECUTIVE APPROVAL

- *31) Minutes for week of June 19, 2006 - APPROVED
Maben-McQuiston: 4 Ayes; 1 Absent - Watson
- *32) Miscellaneous Letters and Documents - APPROVED
Maben-McQuiston: 4 Ayes; 1 Absent - Watson
- *33) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED
Maben-McQuiston: 4 Ayes; 1 Absent - Watson
- *34) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED
Maben-McQuiston: 4 Ayes; 1 Absent - Watson

ADJOURNED TO MONDAY, AUGUST 14, 2006, AT 2:00 P.M. AT KERN MEDICAL CENTER

Rubio

/s/ Mary Schilling
Deputy Clerk II

/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.

- J) Letter from Matthew Bettenhausen, Office of Homeland Security, re disencumbering unspent Fiscal Year 04 Homeland Security Grant Program (HSGP) and Fiscal Year 04 Urban Area Security Initiative (UASI) (Copies to each Supervisor, CAO, Fire, Sheriff, Environmental Health, Emergency Medical Services and Public Health)
- K) Fact sheet from State Department of Toxic Substances Control re Chemical Waste Management, Bakersfield Facility (Copies to each Supervisor, CAO, Environmental Health, Planning, Resource Management Agency and County Counsel)
- L) Schedule of Proposed Action (SOPA) from Los Padres National Forest for the period July 1, 2006 through September 30, 2006 (Copies to each Supervisor, CAO, Planning and County Counsel)
- M) Preliminary Official Statement re Sierra Sands Unified School District General Obligation Bonds (Election of 2006), Series 2006A
- N) Notices from State Department of Alcoholic Beverage Control re alcoholic beverage licenses from: One Stop Market, 3101 Niles Street, Bakersfield; and Almadia Market, 2671 Diamond Street, Rosamond (Copies to each Supervisor, CAO and Planning)
- O) Minutes of meeting from Kern County Commission on Aging on Monday, May 15, 2006
- 33) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
 - A) Letter from Joe Fontaine, Greater Tehachapi Fire Safe Council, re second helicopter for firefighting - REFERRED TO BUDGET FILE (Copies to each Supervisor, CAO and Fire)
 - B) Letter from Denise Hilliker, City of California City, re Resolution 07-06-2229 requesting election services and consolidation with the County Election on Tuesday, November 7, 2006 - REFERRED TO ELECTIONS
 - C) Letter from Sharon L. Welker, Rosamond Community Services District, re sale of tax-defaulted property on August 14-16, 2006 - REFERRED TO TREASURER-TAX COLLECTOR (Copies to each Supervisor, CAO and County Counsel)
 - D) Memorandum to Bud Burrow, Kern County Superintendent of Schools, re Resolution 0607-01 from Fruitvale School District certifying all proceedings in the Tuesday, June 6, 2006, General Obligation Bond Election - REFERRED TO COUNTY COUNSEL
 - E) Resolution 06-27 from City of Arvin requesting election services for the General Municipal Election on Tuesday, November 7, 2006 - REFERRED TO ELECTIONS

- 34) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Joe Soliz vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - B) Claim in the matter of Unitrin Specialty vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - C) Claim in the matter of Celestine Slaughter vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - D) Claim in the matter of Agullar Abel, Jr. vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - E) Claim in the matter of Sean Borrer vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - F) Subrogation claim in the matter of Luis C. Ojeda by Progressive vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
 - G) Summons and complaint in the matter of Arcella Ceja vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)