SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, January 24, 2012

9:00 A.M.

BOARD RECONVENED

Supervisors: McQuiston, Scrivner, Maggard, Watson, Goh

ROLL CALL: All Present

SALUTE TO FLAG - Led by Mike McCarthy, Sergeant-at-Arms, Kern County Grand Jury

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

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH A "CA" OR "C" WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

CA-1) Resolution honoring Ruby Rodriguez, Department of Human Services, upon her retirement with 25 years of dedicated service to the County of Kern - ADOPTED RESOLUTION

McQuiston-Maggard: All Ayes

2) Proclamation proclaiming January 23 - 27, 2012 as National Eligibility Workers Recognition Week - PROCLAIMED; MADE PRESENTATION TO PAM HOLIWELL, ASSISTANT DIRECTOR, DEPARTMENT OF HUMAN SERVICES, AND DEBBIE SPEARS, PRESIDENT, KERN COUNTY CHAPTER OF THE NATIONAL ELIGIBILITY WORKERS ASSOCIATION; PAM HOLIWELL AND DEBBIE SPEARS, HEARD

Maggard-Watson: All Ayes

APPOINTMENTS

CA-3) Reappointment of Brandon Martin as Third District Member to the Planning Commission, term to expire January 1, 2014 - MADE REAPPOINTMENT

McQuiston-Maggard: All Ayes
PUBLIC PRESENTATIONS

4) 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 AND SPELL YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!

MATTHEW CONSTANTINE, DIRECTOR, PUBLIC HEALTH SERVICES, INTRODUCED JULIE JOHNSON, EXECUTIVE DIRECTOR, BAKERSFIELD SPCA; MICHELE LAGO, THE HUMANE SOCIETY; AND RON BREWSTER, INTERIM ANIMAL CONTROL DIVISION MANAGER, AND WAS HEARD CONCERNING THE COUNTY’S RECENT COLLABORATIVE EFFORT WITH BAKERSFIELD SPCA AND THE HUMANE SOCIETY IN DEALING WITH A LARGE-SCALE ANIMAL RESCUE EFFORT IN THE ROSAMOND AREA

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

5) 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

NOTE: ITEM NO. 19 WAS HEARD FOLLOWING ITEM NO. 5

DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

CA-6) Request for retroactive approval of Continuation to the Notice of Cooperative Agreement (No. 12-8500-0654-CA) Award and Application for Federal Assistance with United States Department of Agriculture for area-wide management of Glassy-Winged Sharpshooter, from January 1, 2012 through December 31, 2012, in an amount not to exceed $890,000; and request for authority to sign retroactive and future standard form compliance agreements (prior notification November 8, 2011) (Fiscal Impact: $890,000; Federal Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 042-2012 AND APPLICATION FOR FEDERAL ASSISTANCE; CERTIFIED ACCOMPANYING REQUIRED FEDERAL DOCUMENTS AND REQUEST FOR ADVANCE OR REIMBURSEMENT; APPROVED STANDARD FORM COMPLIANCE AGREEMENT; AUTHORIZED AGRICULTURAL COMMISSIONER TO SIGN RETROACTIVE AND FUTURE COMPLIANCE AGREEMENTS, UPON APPROVAL BY COUNTY COUNSEL AS TO FORM

McQuiston-Maggard: All Ayes
AIRPORTS

7) Proposed retroactive addition of one (1) Airports Operations and Security Supervisor Position to Budget Unit 8995, effective November 5, 2011 (Fiscal Impact: $6,000 Savings; Airports Enterprise Fund; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maggard-Watson: All Ayes

CA-8) Proposed Consent to Assignment of Ground Lease at Meadows Field Airport from Larry Graham to Steve McGowan (Fiscal Impact: None) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15301; AUTHORIZED CHAIRMAN TO SIGN CONSENT TO ASSIGNMENT ON BEHALF OF THE COUNTY (AGREEMENT 043-2012); AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION AS APPROPRIATE

McQuiston-Maggard: All Ayes

COUNTY COUNSEL

CA-9) Proposed appointment of Brad Aragon, Loss Prevention Specialist, to serve as Alternate Director on the Board of Directors of California State Association of Counties (CSAC) Excess Insurance Authority (EIA) (Fiscal Impact: None) - MADE APPOINTMENT

McQuiston-Maggard: All Ayes

CA-10) Request of Assessor-Recorder for authorization to destroy records no longer necessary or required for County purposes and eligible for destruction (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN

McQuiston-Maggard: All Ayes

CA-11) Proposed Ordinance adding subsection (43) to Section 10.24.021 to Chapter 10.24 of Title 10 of the Kern County Ordinance Code establishing a handicap parking zone along the east side of Hill Street beginning seven hundred twenty-five (725) feet north of the north gutter line extension of Pioneer Drive, thence northerly for a distance of twenty-five (25) feet, Bakersfield (Fiscal Impact: None) - WAIVED READING; INTRODUCED ORDINANCE

McQuiston-Maggard: All Ayes

EMPLOYERS’ TRAINING RESOURCE

CA-12) Proposed Amendment No. 1 to Agreement 631-2011 with Delano Adult School to add Debarment and Suspension, Drug Free Workplace and Nondiscrimination provisions (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 044-2012

McQuiston-Maggard: All Ayes

CA-13) Proposed Amendment No. 2 to Agreement 571-2011 with John Lopez Welding to add Debarment and Suspension, Drug Free Workplace and Nondiscrimination provisions (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 045-2012

McQuiston-Maggard: All Ayes
CA-14) Proposed Amendment No. 1 to Agreement 566-2011 with San Joaquin Valley College to add Debarment and Suspension, Drug Free Workplace and Nondiscrimination provisions (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 046-2012

McQuiston-Maggard: All Ayes

CA-15) Proposed retroactive Agreement with the Kern and Northern L.A. Counties Air Conditioning and Sheet Metal Workers’ Joint Apprenticeship and Training Committee to provide job training for careers in California’s emerging green economy from October 1, 2011 through March 31, 2013, in an amount not to exceed $122,857 (Fiscal Impact: $122,857; State Grant; Budgeted; Discretionary) - WITHDRAWN

McQuiston-Maggard: All Ayes

FIRE DEPARTMENT

16) Joint response from Engineering, Surveying and Permit Services Department and Fire Department to referrals dated June 14, 2011 and November 8, 2011, regarding local building and fire codes that are more restrictive than the California Building Standards Code (Fiscal Impact: None) - LEIGH ANN COOK, GREATER BAKERSFIELD CHAMBER OF COMMERCE, AND BENNY WOFFORD, KERN COUNTY FIRE DEPARTMENT, HEARD; RECEIVED AND FILED; REFERRED TO ENGINEERING, SURVEYING AND PERMIT SERVICES DEPARTMENT AND FIRE DEPARTMENT TO WORK WITH COUNTY ADMINISTRATIVE OFFICE IN RESPONDING TO DECEMBER 13, 2011 REFERRAL ON ADDRESSING COUNTY BARRIERS AS IT RELATES TO BUILDING CODE MODIFICATIONS, AND PROVIDED DIRECTION TO STAFF TO REPORT POTENTIAL ECONOMIC IMPACTS FOR FUTURE LOCAL BUILDING CODE AMENDMENTS

Maggard-Goh: All Ayes

HUMAN SERVICES

CA-17) Request to appropriate unanticipated revenue in the amount of $349,942 to Appropriations for Contingencies from California Department of Social Services and the Food Nutrition Service for Supplemental Nutrition Assistance Program Education (Fiscal Impact: $349,942 Federal Grant; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER TO PROCESS THE SPECIFIED BUDGETARY ADJUSTMENTS AND ACCOUNTING TRANSACTIONS

McQuiston-Maggard: All Ayes

CA-18) Request to employ retired County employee, Mae Nickerson, as Human Services Technician 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: $16,043; $15,201 Federal/State; $842 County; Budgeted; Discretionary) - APPROVED

McQuiston-Maggard: All Ayes
NOTE: ITEM NO. 19 WAS HEARD FOLLOWING ITEM NO. 5

19) Request to accept in-kind donation from the Pine Mountain Scrappers Quilt Guild for quilts, tote bags, knitted slippers, clothing, dolls, toys and videos for the A. Miriam Jamison Children’s Center, valued at $12,000 (Fiscal Impact: None) - APPROVED; PRESENTATION MADE BY CARL GUILFORD, PROGRAM DIRECTOR, A. MIRIAM JAMISON CHILDREN’S CENTER, WHO INTRODUCED GRACIA STAHL AND CAROL WIERMSA, PINE MOUNTAIN SCRAPPERS QUILT GUILD; GRACIA STAHL AND CAROL WIERMSA, HEARD; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Watson-Goh: All Ayes

KERN MEDICAL CENTER

20) Report on Kern Medical Center financial condition for period ending November 30, 2011 (Fiscal Impact: None) - RECEIVED AND FILED; REFERRED TO KERN MEDICAL CENTER TO REPORT BACK ON THE IMPLICATIONS OF THE WAIVER UNDER SECTION 1115 FUNDING, ALTERNATIVES TO EXCEEDING LOAN CAP, AND CHANGES IN PATIENT CENSUS; DIRECTED STAFF TO MODIFY MONTHLY FINANCIAL PRESENTATION TO INCLUDE PATIENT RECEIVABLES AND STATE RECEIVABLES AND PREPARE AN ANALYSIS COMPARING KERN MEDICAL CENTER’S COLLECTIONS AND INCOME TO OTHER CALIFORNIA PUBLIC HOSPITALS, INCLUDING INFORMATION FROM LOCAL PRIVATE HOSPITALS IF AVAILABLE

Maggard-Watson: All Ayes

CA-21) Proposed Agreement with Sudhir Patel, M.D., Inc., an independent contractor, for services as medical director of the neonatal intensive care unit, from February 8, 2012 through February 7, 2014, in an amount not to exceed $50,000 (Fiscal Impact: $50,000 [$9,375 FY 2011-2012]; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 047-2012

McQuiston-Maggard: All Ayes

CA-22) Proposed Agreement with Shabbir A. Shakir, M.D., an independent contractor, for as-needed urology coverage in the Department of Surgery, from February 5, 2012 through February 4, 2014, in an amount not to exceed $100,000 (Fiscal Impact: $100,000 [$30,000 FY 2011-2012]; KMC Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 048-2012

McQuiston-Maggard: All Ayes

CA-23) Proposed Amendment No. 1 to Locum Tenens Agreement 05411 with Ricardo R. Vega, M.D., Inc., an independent contractor, for professional medical services in the Department of Medicine, eliminating the restriction on the number of authorized workdays and increasing the maximum payable by $80,000, from $100,000 to $180,000 (Fiscal Impact: $80,000; KMC Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 049-2012

McQuiston-Maggard: All Ayes
CA-24) Proposed retroactive Amendment No. 1 to Agreement 896-2010 with HealthPort Technologies, LLC, an independent contractor, for release of information services, extending the term from January 1, 2012 through December 31, 2012, increasing the annual compensation for 2012 by $6,750, from $8,850 to $15,600, and increasing the maximum payable by $15,600, from $19,500 to $35,100 (prior notification January 17, 2012) (Fiscal Impact: $15,600 [$7,800 FY 2011-2012]; KMC Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 050-2012
McQuiston-Maggard: All Ayes

CA-25) Proposed retroactive Agreement with Owens & Minor Distribution, Inc., an independent contractor, for Clinical Supply Solutions for use in the Operating Room, Interventional Radiology and the Catharization/Electrophysiology Lab, from October 28, 2011 through October 27, 2014, in an amount not to exceed $423,000 (prior notification January 17, 2012) (Fiscal Impact: $423,000 [$94,000 FY 2011-2012]; KMC Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 051-2012
McQuiston-Maggard: All Ayes

PARKS AND RECREATION DEPARTMENT

26) Kern County Museum Foundation annual report for Fiscal Year ended June 30, 2011 (Fiscal Impact: None) - JEFF NICKELL, PAST EXECUTIVE DIRECTOR, AND RANDALL HAYES, EXECUTIVE DIRECTOR, KERN COUNTY MUSEUM, HEARD; RECEIVED AND FILED
Watson-Goh: All Ayes

PERSONNEL

27) Proposed Resolution placing three (3) Amendments to the Civil Service System Ordinance on the June 5, 2012 statewide primary election ballot for consideration by the voters of Kern County: changing the "Rule of Three" to a "Rule of Seven;" changing the six (6) month probationary period to twelve (12) months as determined by the Civil Service Commission; and changing the discipline appeal timeframe from five (5) to ten (10) business days (Fiscal Impact: None) - WITHDRAWN

PROBATION

CA-28) Proposed retroactive Amendment No. 1 to Agreement 458-2011 with Transforming Local Communities, Inc., for reporting services for Bridges Academy, Aftercare, and Gang Intervention and Suppression Team (GIST) programs, in an amount not to exceed $51,500 (Fiscal Impact: $4,000; State; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 052-2012
McQuiston-Maggard: All Ayes

CA-29) Annual review of Kern County Probation Department's Home Detention Program Electronic Monitoring (Fiscal Impact: None) - RECEIVED AND FILED
McQuiston-Maggard: All Ayes
30) Report regarding the impact of the Governor’s Division of Juvenile Justice (DJJ) as a result of State funding "Trigger Cuts" (Fiscal Impact: None) - RECEIVED AND FILED
McQuiston-Watson: All Ayes

PUBLIC HEALTH SERVICES
Animal Control Division

CA-31) Request for retroactive approval for Director of Public Health Services to sign Pre-Deployment Cooperative Agreement with The Humane Society of the United States containing non-standard terms and conditions for assistance with temporary shelter operations and provide reimbursement for medical costs from January 11, 2012 through January 25, 2012 (Fiscal Impact: None) - WITHDRAWN
McQuiston-Maggard: All Ayes

SHERIFF

CA-32) Retroactive unusual travel request for Sheriff’s Deputy Joe Weiss to attend K-9 Handler Class in San Pedro, California from January 15, 2012 through February 10, 2012, in an amount not to exceed $5,531 (Fiscal Impact: $5,531; Budgeted; Discretionary) - APPROVED
McQuiston-Maggard: All Ayes

ADJOURNED TO CLOSED SESSION
Watson

CLOSED SESSION

(If public reporting is required by Government Code Section 54957.1 relating to the following matter(s), the public reporting of any action taken in closed session will be made at the beginning of the next session of the Board of Supervisors.)

COUNTY ADMINISTRATIVE OFFICE

33) Request for Closed Session regarding conference with designated labor negotiators, County Administrative Officer, John Nilon, and designated staff - Employee organizations: Kern County Detention Officers’ Association, Kern County Fire Fighters Union, Kern Law Enforcement Association, Kern County Probation Managers’ Association, Kern County Probation Officers’ Association, Kern County Prosecutors’ Association, Kern County Sheriff Command Association, Kern County Sheriff Command Association II, Service Employees’ International Union Local 521, Union of American Physicians and Dentists (Government Code Section 54957.6) - NO REPORTABLE ACTION TAKEN

34) Request for Closed Session regarding public employee performance evaluation - Title: County Administrative Officer (Government Code Section 54957) - NO REPORTABLE ACTION TAKEN
35) Request for Closed Session regarding a lawsuit entitled Tivoli Plaza, LLC v. County of Kern, et al., Kern County Superior Court Case No. S-1500-CV-272450 WDP (Government Code Section 54956.9 (a)) -

NO REPORTABLE ACTION TAKEN

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

Watson-Goh

/s/ Kathleen Krause
Clerk of the Board

/s/ Zack Scrivner
Chairman, Board of Supervisors