SUMMARY OF PROCEEDINGS
BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, March 31, 2009
9:00 A.M.

BOARD RECONVENED

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

SALUTE TO FLAG - Led by Third District Supervisor Mike Maggard

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" WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

CA-1) Resolution honoring Senior Deputy Sheriff Thomas Hokit, Sheriff’s Office, upon his retirement with 25 years of dedicated service to the County of Kern - ADOPTED RESOLUTION
Watson-Maben: All Ayes

CA-2) Resolution honoring Senior Deputy Sheriff Don H. Wiggins, Sheriff’s Office, upon his retirement with 29 years of dedicated service to the County of Kern - ADOPTED RESOLUTION
Watson-Maben: All Ayes

CA-3) Resolution honoring Sheriff’s Sergeant Craig Fraley, Sheriff’s Office, upon his retirement with 30 years of dedicated service to the County of Kern - ADOPTED RESOLUTION
Watson-Maben: All Ayes

CA-4) Resolution honoring Deputy Sheriff Susan Moore, Sheriff’s Office, upon her retirement with 32 years of dedicated service to the County of Kern - ADOPTED RESOLUTION
Watson-Maben: All Ayes

5) Proclamation proclaiming March 30 - April 6, 2009 as Scottish Heritage Week in Kern County - PROCLAIMED; MADE PRESENTATION TO GARY LOCKHART, KERN COUNTY SCOTTISH SOCIETY; GARY LOCKHART HEARD
Maggard-Rubio: All Ayes
6) Proclamation proclaiming April 2009 as Sexual Assault Awareness Month in Kern County - PROCLAIMED; MADE PRESENTATION TO LOUIS GILL, JR., EXECUTIVE DIRECTOR, ALLIANCE AGAINST FAMILY VIOLENCE AND SEXUAL ASSAULT; LOUIS GILL HEARD
Rubio-Watson: All Ayes

7) Proclamation proclaiming April 2009 as Child Abuse Prevention Month in Kern County - PROCLAIMED; MADE PRESENTATION TO BETHANY CHRISTMAN, ASSISTANT DIRECTOR OF CHILD PROTECTIVE SERVICES, HUMAN SERVICES, WHO INTRODUCED TOM CORSON, KERN COUNTY NETWORK FOR CHILDREN; JOHN NILON, DIRECTOR, PUBLIC HEALTH; AND KAREN COOLEY, EXECUTIVE DIRECTOR, CHILD ABUSE PREVENTION COUNCIL; BETHANY CHRISTMAN HEARD
Maben-Watson: All Ayes

8) Proclamation proclaiming April 4, 2009 as Valley Fever Awareness Day in Kern County - PROCLAIMED; MADE PRESENTATION TO PAULINE LARWOOD WHO INTRODUCED DR. TOM LARWOOD, DR. ARASH HEIDARI, DR. AUGUSTINE D. MUNOZ, AND KIM JOHNSON; PAULINE LARWOOD HEARD
Maggard-Rubio: All Ayes

9) Proclamation proclaiming April 2009 as Public Health Month in Kern County - PROCLAIMED; MADE PRESENTATION TO JOHN NILON, DIRECTOR, PUBLIC HEALTH, WHO INTRODUCED DR. CLAUDIA JONAH, INTERIM PUBLIC HEALTH OFFICER; MARIEL MEHDIPOUR, DR. AVTAR NIJJER-SIDHU, DR. PAUL MILLER, AND TIFFANY PIERCE; JOHN NILON AND DR. CLAUDIA JONAH, HEARD
Maben-Rubio: All Ayes

PUBLIC REQUESTS

10) Request of Captain Brian Smith, Bakersfield Area Commander, Department of California Highway Patrol (CHP), to address the Board regarding the accomplishments of the Bakersfield CHP in 2008 - HEARD PRESENTATION

CA-11) Request of Jeanette Richardson, Executive Director, Arts Council of Kern, for the Board to adopt a Resolution approving participation in the 2009 California Arts Council State/Local Partnership Program - APPROVED; ADOPTED RESOLUTION 2009-095
Watson-Maben: All Ayes
APPOINTMENTS

CA-12) Appointments/reappointments to the Workforce Investment Board as follows: Appointments of Business representative, Aaron Mitchell; Labor representatives, Donny Williams and Margarita Jaramillo; and reappointments of Business representatives Leo Bautista, Morgan Clayton, Chris Gardner, Frank Herrera, Danny Ordiz, and Melissa Montgomery; Education representative, Don Carter; Community-Based Organizations representative, Magda Menendez; Economic Development representatives, Barry Jung and Richard Chapman; One-Stop Partners representatives Patti Brokken, Marcia Becerra, Pat Cheadle, Brooks Lockhart, and Ed Zylman; and Other representative, George Lartigue; and appointments/reappointments to the Workforce Investment Board Youth Council as follows: Appointments of Education representatives, Timothy Goree and Dale Countryman; and reappointments of Business representatives, Morgan Clayton and Debra Moreno; Education representative, Susan Handy; Community-Based Organization representatives Tom Corson and David Villarino; and Public Agency representative, Pat Cheadle; all terms to expire December 31, 2011 - MADE APPOINTMENTS AND REAPPOINTMENTS

Watson-Maben: All Ayes

PUBLIC PRESENTATIONS

13) 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!

SUSAN DATTOLI HEARD REGARDING VEHICLE PARKING VIOLATIONS; REFERRED TO COUNTY COUNSEL TO BRING BACK A REPORT CONCERNING COUNTY CODE RELATED TO VEHICLE PARKING REGULATIONS; RECEIVED AND FILED

Watson-Rubio: All Ayes

STEPHEN PELZ, CHAIRMAN, KERN COUNTY HOMELESS COLLABORATIVE, HEARD CONCERNING FEDERAL FUNDING TO PREVENT HOMELESSNESS

SUPERVISOR RUBIO ASKED STEPHEN PELZ, AS EXECUTIVE DIRECTOR OF THE KERN COUNTY HOUSING AUTHORITY, TO REVIEW ISSUES RELATED TO RICKY’S RETREAT PROPERTY FORECLOSURE

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

14) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a])

NO ONE HEARD
DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

CA-15) Proposed retroactive sole source Personal/Professional Services Agreement with Tehachapi Resource Conservation District for control and/or eradication of Yellow Starthistle, from January 1, 2009 through June 30, 2009, in an amount not to exceed $20,625 (prior notification January 20, 2009) (Fiscal Impact: $20,625; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 201-2009
Watson-Maben: All Ayes

CA-16) Notification of anticipated retroactive Agreement with California Department of Food and Agriculture for the detection of Light Brown Apple Moth (Fiscal Impact: None) - RECEIVED AND FILED
Watson-Maben: All Ayes

AIRPORTS

CA-17) Proposed Ground Lease Agreement with Rex L. Martin and David A. Hill, for a 10,000 square foot hangar at Meadows Field Airport, term ending March 31, 2029, at an annual rate of $1,252 (Fiscal Impact: $1,252 Annual Revenue; Airport Enterprise Fund; Budgeted; Discretionary) - APPROVED; MADE FINDING THAT PROJECT IS EXEMPT UNDER SECTION 15301 OF STATE CEQA GUIDELINES; AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF EXEMPTION, IF REQUESTED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 202-2009
Watson-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

Watson-Maben: All Ayes

BOARD OF SUPERVISORS

19) Request of Fifth District Supervisor Michael J. Rubio for Kern County employees to wear denim on the fourth Wednesday in April to honor Denim Day in Kern County in collaboration with Alliance Against Family Violence and Sexual Assault - APPROVED
Rubio-Maben: All Ayes

CLERK OF THE BOARD

CA-20) Amended Conflict of Interest Code for Lebec County Water District (Fiscal Impact: None) - APPROVED
Watson-Maben: All Ayes
DISTRICT ATTORNEY

CA-21) Proposed retroactive Agreement with Kern County Superintendent of Schools, Truancy Reduction Program Consortia for truancy reduction services, from August 28, 2008 through August 29, 2009, in an amount not to exceed $286,587 (Fiscal Impact: $286,587 Revenue; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 204-2009
Watson-Maben: All Ayes

CA-22) Proposed sole source Agreement with Women’s Center, High Desert Inc., for victim advocate services in East Kern, from July 1, 2009 through June 30, 2010, in an amount not to exceed $22,267 (Fiscal Impact: $22,267 FY 2009-2010 Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 205-2009
Watson-Maben: All Ayes

HUMAN SERVICES

CA-23) Proposed retroactive authorization for approval for training services for the 3-5-7 Model Program with Family Design Resources, Inc., in an amount not to exceed $1,237.42 (Fiscal Impact: $1,237.42; State; Budgeted; Discretionary) - APPROVED; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO PAY
Watson-Maben: All Ayes

CA-24) Proposed Agreement with Santa Barbara Business College for Onsite Experience Externship Program, from March 31, 2009 through February 28, 2010 (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 206-2009
Watson-Maben: All Ayes

CA-25) Request to increase blanket Purchase Orders with Golden Empire Transit (GET) for bus passes for participants in California Work Opportunity and Responsibility to Kids (CalWORKS), in an amount not to exceed $85,000, Child Protective Services, in an amount not to exceed $65,000, and Independent Living Programs, in an amount not to exceed $15,000 (Fiscal Impact: $165,000; $125,050 State/Federal; $39,950 County; Budgeted; Discretionary) - APPROVED
Watson-Maben: All Ayes

KERN MEDICAL CENTER

26) Proposed Agreement with Maureen F. Martin, M.D., a contract employee, for professional medical and administrative services as Chair of the Department of Surgery, from May 8, 2009 through May 7, 2012, in an amount not to exceed $1,200,000, plus applicable benefits (Fiscal Impact: $1,338,942 ($74,387 FY 2008-2009); KMC Enterprise Fund; Budgeted; Discretionary) - REFERRED BACK TO STAFF
Rubio-Maben: All Ayes
CA-27) Proposed Agreement with John L. Digges, M.D., an independent contractor, for forensic pediatric services, from April 1, 2009 through March 31, 2011, in an amount not to exceed $400,000 (Fiscal Impact: $400,000 ($58,334 FY 2008-2009); KMC Enterprise Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 207-2009

Watson-Maben: All Ayes

CA-28) Proposed Grant Agreement with California Healthcare Foundation to develop a palliative care program at Kern Medical Center, in the amount of $29,897 (Fiscal Impact: $29,897 Revenue; KMC Enterprise Fund; Not Budgeted; Discretionary - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 208-2009

Watson-Maben: All Ayes

LIBRARY

Hearing

CA-29) Proposed Resolution to establish a revised Kern County Library Fee Schedule, and proposed Ordinance repealing uncodified Ordinances G-5945, G-6549, G-7043 and G-7476 relating to fees charged by Library for services (Fiscal Impact: Unknown; Not Budgeted; Discretionary) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; APPROVED; ADOPTED RESOLUTION 2009-096; WAIVED READING, INTRODUCED ORDINANCE

Maben-Rubio: All Ayes

MENTAL HEALTH SERVICES

CA-30) Proposed Amendment No. 1 to Agreement 432-2008 with College Community Services, Inc., to add Family Strengthening to Build Resilient Children Services in Lake Isabella and Mojave, and to increase amount by $14,000, to an amount not to exceed $765,264 (Fiscal Impact: $14,000; Prevention Set-Aside Grant Funding; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 209-2009

Watson-Maben: All Ayes

CA-31) Proposed Amendment No. 1 to Agreement 390-2008 with Ebony Counseling Center, Inc., to add Family Strengthening to Build Resilient Children Services, and to increase amount by $7,000, to an amount not to exceed $788,240 (Fiscal Impact: $7,000; Prevention Set-Aside Grant Funding; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 210-2009

Watson-Maben: All Ayes

CA-32) Proposed Amendment No. 1 to Agreement 438-2008 with Westcare California, Inc., to add Family Strengthening to Build Resilient Children Services, and to increase funding by $14,000, to an amount not to exceed $246,480 (Fiscal Impact: $14,000; Prevention Set-Aside Grant Funding; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 211-2009

Watson-Maben: All Ayes
PUBLIC HEALTH SERVICES

CA-33) Proposed retroactive Agreement with Arvin Union School District for Children’s Health Insurance Successful Application Stipend Program, from November 1, 2008 through June 30, 2010, in an amount not to exceed $33,400 (prior notification November 11, 2008) (Fiscal Impact: $33,400; $15,100 State; $5,000 Federal; $13,300 Other; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 212-2009
Watson-Maben: All Ayes

CA-34) Proposed retroactive Agreement with El Tejon Unified School District for Children’s Health Insurance Successful Application Stipend Program, from November 1, 2008 through June 30, 2010, in an amount not to exceed $4,100 (prior notification November 11, 2008) (Fiscal Impact: $4,100; $1,880 State; $600 Federal; $1,620 Other; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 213-2009
Watson-Maben: All Ayes

CA-35) Proposed Agreement with Catholic Charities Diocese of Fresno for Children’s Health Insurance Successful Application Stipend Program, from March 31, 2009 through June 30, 2010, in an amount not to exceed $4,100 (Fiscal Impact: $4,100; $1,880 State; $600 Federal; $1,620 Other; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 214-2009
Watson-Maben: All Ayes

CA-36) Proposed Agreement with Lost Hills Union School District for Children’s Health Insurance Successful Application Stipend Program, from March 31, 2009 through June 30, 2010, in an amount not to exceed $4,100 (Fiscal Impact: $4,100; $1,880 State; $600 Federal; $1,620 Other; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 215-2009
Watson-Maben: All Ayes

CA-37) Proposed Amendment No. A02 to Agreement 723-2007 with the California Department of Public Health (State Agreement No. 07-65053) for AIDS Master Grant, to decrease funding for FY 2008-2009 and FY 2009-2010 by $57,070, to an amount not to exceed $3,220,934 (Fiscal Impact: $57,070 Decrease; State; Not Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 216-2009
Watson-Maben: All Ayes

SHERIFF

38) Request for authorization to apply the U.S. Department of Justice, Office of Community Oriented Policing Services (COP) for the COPS Hiring Recovery Program (CHRP) (Fiscal Impact: Unknown; Federal Grant; Not Budgeted; Discretionary) - AUTHORIZED SHERIFF’S OFFICE TO SUBMIT APPLICATION TO U.S. DEPARTMENT OF JUSTICE; AUTHORIZED SHERIFF AND CHAIRMAN TO SIGN GRANT APPLICATION DOCUMENTS AS NECESSARY
Maben-Rubio: All Ayes
39) Request for cancellation of designations regarding the establishment of the Sheriff’s Southeast Community Services Center Project, to allow for occupancy of the Sheriff’s Civil Section (Fiscal Impact: $325,000 No Impact to General Fund; Not Budgeted; Discretionary) - APPROVED CANCELLATION OF DESIGNATIONS IN SHERIFF’S JUDGMENT DEBTOR TRUST FUND 22141 OF $200,000, AND IN SHERIFF’S CIVIL AUTOMATED TRUST FUND 22138 OF $125,000; APPROVED APPROPRIATION OF CANCELLED DESIGNATIONS TO BUDGET UNIT 1650 IN THE AMOUNT OF $110,000, AND TO BUDGET UNIT 2210 IN THE AMOUNT OF $215,000; APPROVED OPERATING TRANSFER FROM SHERIFF’S JUDGMENT DEBTOR TRUST FUND TO GENERAL FUND IN THE AMOUNT OF $200,000, AND FROM SHERIFF’S CIVIL AUTOMATED TRUST FUND IN THE AMOUNT OF $125,000; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF $110,000 IN BUDGET UNIT 1650; APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF $215,000 IN BUDGET UNIT 2210; APPROVED REQUEST FOR BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO BUDGET UNIT 1650 IN THE AMOUNT OF $110,000, AND TO BUDGET UNIT 2210 IN THE AMOUNT OF $215,000
Rubio-Watson: All Ayes

TREASURER-TAX COLLECTOR

40) 2009 United Way County Campaign Kick-off Plan (Fiscal Impact: None) - DELLA HODSON, EXECUTIVE DIRECTOR, UNITED WAY OF KERN COUNTY, HEARD; RECEIVED AND FILED
Watson-Maben: All Ayes

CA-41) Transfer of unclaimed money to General Fund, in the amount of $155,747.40 (Fiscal Impact: $155,747.40; General Fund Revenue; Not Budgeted; Discretionary) - AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO TRANSFER FROM SUSPENSE FUND TO GENERAL FUND
Watson-Maben: All Ayes

ADJOURNED AS BOARD OF SUPERVISORS; RECONVENED AS IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY
Watson-Maben: 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.)

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

42) Request for Closed Session regarding conference with designated labor negotiators, Elissa D. Ladd, Interim County Administrative Officer, and designated staff - employee organization: United Domestic Workers of America (UDWA) (Government Code Section 54957.6) -
NO REPORTABLE ACTION TAKEN
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RECONVENED FROM CLOSED SESSION WITH ALL MEMBERS PRESENT

Rubio-Maben

ADJOURNED AS IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY; RECONVENED AS BOARD OF SUPERVISORS

Watson-Rubio: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

COUNTY ADMINISTRATIVE OFFICE

43) Request for Closed Session regarding conference with designated labor negotiators, Elissa D. Ladd, Interim County Administrative Officer, 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 (Government Code Section 54957.6) -

NO REPORTABLE ACTION TAKEN

44) Request for Closed Session regarding public employee recruitment - Title: Fire Chief (Government Code Section 54957) -

CONTINUED TO TUESDAY, APRIL 21, 2009 AT 9:00 A.M.

45) Request for Closed Session regarding public employee recruitment - Title: Director of Mental Health (Government Code Section 54957) -

SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION

46) Request for Closed Session regarding public employee recruitment - Title: Public Health Officer (Government Code Section 54957) -

SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION

47) Request for Closed Session regarding negotiations for the sale of County-owned property to California Department of Corrections and Rehabilitation for building a Secure Reentry Facility (APN #481-030-72); and to grant authority to County Administrative Officer and designated staff to negotiate price, terms of payment and conditions of transfer for sale (Government Code Section 54956.8) -

NO REPORTABLE ACTION TAKEN

COUNTY COUNSEL

48) Request for Closed Session regarding a lawsuit entitled George Campos v. County of Kern, et al., and Victoria McGaughhey v. County of Kern, et al., (Consolidated) Kern County Superior Court Case No. S-1500-CV-263175 AEW (Government Code Section 54956.9(a)) -

NO REPORTABLE ACTION TAKEN
49) Request for Closed Session regarding a lawsuit entitled Hinojosa v. County of Kern, KCSC 262213 SPC (Government Code Section 54956.9(a)) - SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION

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

Rubio-Maben

/s/ Kathleen Krause
Clerk of the Board

/s/ Jon McQuiston
Chairman, Board of Supervisors