

**AGENDA  
KERN COUNCIL OF GOVERNMENTS**

**KERN COG CONFERENCE ROOM  
1401 19TH STREET, THIRD FLOOR  
BAKERSFIELD, CALIFORNIA**

**THURSDAY  
JANUARY 21, 2010  
7:00 P.M.**

**DISCLAIMER:** This agenda includes the proposed actions and activities, with respect to each agenda item, as of the date of posting. As such, it does not preclude the Committee from taking other actions on items on the agenda which are different or in addition to those recommended.

- I. ROLL CALL:** Tarver, Scrivner, Lessenevitch, Ramirez, Mock, Rosson, Morgan, Prout, Linder, Smith, Wegman, McQuiston, Rubio

Congestion Management Agency Ex-Officio Members: Warren, Ehlert, Silver

- II. PUBLIC COMMENTS:** This portion of the meeting is reserved for persons to address the Council on any matter not on this agenda but under the jurisdiction of the Council. Council 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 Council at a later meeting. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD PRIOR TO MAKING A PRESENTATION.**

Disabled individuals who need special assistance to attend or participate in a meeting of the Kern Council of Governments may request assistance at 1401 19th Street Suite 300; Bakersfield CA 93301 or by calling (661) 861-2191. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting materials available in alternative formats. Requests for assistance should be made at least three (3) working days in advance whenever possible.

- III. CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT:** All items on the consent agenda are considered to be routine and non-controversial by Kern COG staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken. **ROLL CALL VOTE.**

**A. Approval of Minutes – November 19, 2009**

**B. Concurrence in Actions of TPPC**

**C. Response to Public Comments**

**D. Local Clearinghouse**

Applicant: Athal Mutual Water Company  
Address: P.O. Box 70457  
Bakersfield, California 93387  
Contact: Francis R. Greenhaw  
Telephone: 661/706-4105,  
Catalog No.: 10-760  
Title: Water and Waste Disposal Loan and Grant Program  
Description: replace collapsed well and other emergency water system improvements  
Total Funds: \$200,000  
Impact Area: Weedpatch Hwy south of Hermosa Road

**E. San Joaquin Valley Regional Policy Council's Legislative Program Proposal (Phipps)**

Comment: During each legislative season, an estimated 100 state bills are proposed that have the potential to either benefit or adversely affect Councils of Government throughout the San Joaquin Valley and their member agencies' activities. Accordingly, the Valley Legislative Affairs Committee (VLAC) has developed a legislative platform through which to review and comment on particular legislative proposals of significance to San Joaquin Valley COGs.

Action: Approve the San Joaquin Valley Regional Policy Council's 2010 legislative platform. VOICE VOTE.

**F. 2010 Public Involvement Policies and Procedures (Phipps)**

Comment: In attempting to better address changing technologies and recognize practical considerations for document deadlines, Kern COG is amending its Public Involvement Policies and Procedures to ensure a clearer, more comprehensive approach to public outreach efforts.

Action: Approve and adopt the 2010 Public Information Policies and Procedures. VOICE VOTE.

**G. FY 2010-2011 Draft Overall Work Program (OWP) (Brummett)**

Comment: Pursuant to state and federal regional planning guidelines, Kern COG shall prepare and submit an Overall Work Program (OWP). The OWP shall describe the plans, programs and studies Kern COG proposes to fund during the ensuing fiscal year.

Action: Authorize staff to circulate the 2010-2011 Overall Work Program to the appropriate local, state and federal agencies for review and comment. VOICE VOTE.

**H. Document Imaging and Destruction Contract (Phipps)**

Comment: Historically, Kern COG has archived its financial records, contracts, agendas, minutes, audit reports and other documents by storing hard copies on its premises. With space running short, staff has explored document imaging as a solution for records archiving. A staff committee has selected Datanet Solutions to electronically archive and dispose of up to 100,000 pages of records at a cost of \$27,731.25.

Action: Approve contract with Datanet Solutions for \$27,731.25 and authorize Chair to sign. VOICE VOTE.

**I. Contract Agreement with Southern California Gas Company to Jointly Deliver the 2010-2012 Kern Energy Watch Leader Partnership Program (Urata)**

Comment: At the request of the Kern County Board of Supervisors and following negotiations with Southern California Edison, Kern Council of Governments desires to enter into a contract to provide administration, planning, and outreach activities for the Kern Energy Watch Program. Southern California Gas Company has budgeted \$125,000 for incentives and \$312,696 for non-incentive (Marketing, Education & Outreach, Technical Assistance and Direct Implementation) in total for the Kern Energy Watch program over the three year program cycle 2010-2012.

Action: Authorize Chair to sign Contract with So. California Gas Company. VOICE VOTE.

\*\*\* END OF CONSENT CALENDAR – ROLL CALL VOTE \*\*\*

**IV. KERN COG:**

**A. FY 2009-2010 Overall Work Program and Financial Plan Amendment No. 3 (Palomo)**

Comment: Pursuant to Kern COG policy, the Council shall review and approve amendments to the Overall Work Program (OWP) and Financial Plan (budget). Amendment No. 3 represents a net budgetary decrease of \$37,821.

Action: Approve Amendment No. 3 to the FY 2009-2010 Overall Work Program and Financial Plan and authorize Chairman to sign Resolution 10-05. ROLL CALL VOTE.

**B. Kern COG's Legislative Program Proposal (Phipps)**

Comment: During each legislative season, an estimated 100 state bills are proposed that have the potential to either benefit or adversely affect Kern COG and its member agencies' activities. Accordingly, the staff has developed a legislative platform through which to review and comment on particular legislative proposals of significance to Kern COG.

Action: Approve Kern COG's 2010 legislative platform. VOICE VOTE.

**V. TRANSPORTATION AUTHORITY: (None)**

**VI. KERN MOTORIST AID AUTHORITY: (None)**

**VII. MEETING REPORTS: (None)**

**VIII. EXECUTIVE DIRECTOR'S REPORT: (Report on Programs and Projects in Progress)**

A. Warrant Register

B. Timeline

**IX. MEMBER STATEMENTS:** On their own initiative, Council members may make a brief announcement or a brief report on their own activities. In addition, Council members may ask a question of staff or the public for clarification on any matter, provide a reference to staff or other resources for factual information, or request staff to report back to the Council at a later meeting concerning any matter. Furthermore, the Council, or any member thereof, may take action to direct staff to place a matter of business on a future agenda.

**X. EXECUTIVE SESSION: (None)**

**XI. ADJOURNMENT: NEXT MEETING: February 18, 2010**

January 21, 2010

TO: Kern Council of Governments

FROM: Ronald E. Brummett,  
Executive Director

By: Robert Phipps,  
Administrative Analyst

SUBJECT: COG AGENDA NUMBER III. CONSENT CALENDAR ITEM E.  
SAN JOAQUIN VALLEY REGIONAL POLICY COUNCIL'S  
LEGISLATIVE PROGRAM PROPOSAL

DESCRIPTION:

During each legislative season, an estimated 100 state bills are proposed that have the potential to either benefit or adversely affect Councils of Government throughout the San Joaquin Valley and their member agencies' activities. Accordingly, the Valley Legislative Affairs Committee (VLAC) has developed a legislative platform through which to review and comment on particular legislative proposals of significance to San Joaquin Valley COGs.

DISCUSSION:

The VLAC was commissioned by the San Joaquin Valley Regional Planning Agencies (SJV RPA) organization in 2006 to stay abreast of pending transportation and housing legislation, and to develop, when possible, a set of consistent positions valleywide. To that end, the VLAC has developed a valleywide legislative platform covering a variety of programs and issues, including: goods movement; transportation funding; the State Transportation Improvement Program; and high-speed rail.

The platform was designed to avoid specific projects and use broad language to achieve general consensus from each of the eight Valley COGs. It has already been approved by the SJVRPA's Policy Council, which includes Kern COG representatives Supervisor Michael Rubio and Wasco Councilmember Cheryl Wegman. The platform is also planned to be introduced to the Valley's delegation of legislative representatives in Sacramento on February 3.

The VLAC is also tracking approximately 35 bills in the California Legislature related to transportation and housing concerns. A well-grounded legislative platform, coupled with specific policies and procedures, will allow the Valley COG Boards, and their Executive Directors, to react expediently to new legislation. To assist in this analysis, the VLAC receives legislative information from several agencies and organizations, including: each of the eight Valley COGs; CalCOG; the League of Cities; the California Transit Association and; the County Supervisors Association of California.

Adopting the platform will allow the eight Valley COGs to speak with one voice when addressing the state Legislature on items important to this region.

ACTION:

Approve the San Joaquin Valley Regional Policy Council's 2010 legislative platform. VOICE VOTE.

January 21, 2010

TO: Kern Council of Governments

FROM: Ronald E. Brummett,  
Executive Director

By: Robert Phipps,  
Administrative Analyst

SUBJECT: COG AGENDA NUMBER III. CONSENT CALENDAR ITEM F.  
2010 PUBLIC INVOLVEMENT POLICIES AND PROCEDURES

DESCRIPTION:

In attempting to better address changing technologies and recognize practical considerations for document deadlines, Kern COG is amending its Public Involvement Policies and Procedures to ensure a clearer, more comprehensive approach to public outreach efforts.

DISCUSSION:

Staff last amended a set of Public Involvement Policies and Procedures in 2007 to refine notification requirements for the documents and products this agency produces. An evolving contact database, emerging social networking tools such as Facebook and Twitter, as well as practical considerations for document deadlines have provided an opportunity for revisiting Kern COG's Public Information Policies and Procedures

The amended policies include a more rigorous and specific evaluation procedure, as well as provisions for postal and electronic mailings to complement traditional legal notices and workshops. Furthermore, the document includes a revised matrix worksheet that easily identifies which public notification requirements are associated with which documents and products.

This document underwent a 45-day public review period that commenced on October 19, 2009 and ended on December 2, 2009. No public or interagency comments were received.

ACTION:

Approve and adopt the 2010 Public Information Policies and Procedures. VOICE VOTE.

January 21, 2010

TO: Kern Council of Governments

FROM: Ronald E. Brummett  
Executive Director

SUBJECT: COG AGENDA NUMBER III. CONSENT CALENDAR ITEM G.  
FY 2010-2011 Draft Overall Work Program (OWP)

DESCRIPTION:

Pursuant to state and federal regional planning guidelines, Kern COG shall prepare and submit an Overall Work Program (OWP). The OWP shall describe the plans, programs and studies Kern COG proposes to fund during the ensuing fiscal year.

DISCUSSION:

The Kern COG FY 2010-2011 OWP is prepared in response to program requirements, local requests and state and federal emphasis areas.

ACTION:

Authorize staff to circulate the 2010-2011 Draft Overall Work Program to the appropriate local, state and federal agencies for review and comment. VOICE VOTE.

January 21, 2010

TO: Kern Council of Governments

FROM: Ronald E. Brummett,  
Executive Director

By: Robert Phipps,  
Administrative Analyst

SUBJECT: COG AGENDA NUMBER III. CONSENT CALENDAR ITEM H.  
DOCUMENT IMAGING AND DESTRUCTION CONTRACT

DESCRIPTION

Historically, Kern COG has archived its financial records, contracts, agendas, minutes, audit reports and other documents by storing hard copies on its premises. With space running short, staff has explored document imaging as a solution for records archiving. A staff committee has selected Datanet Solutions to electronically archive and dispose of up to 100,000 pages of records at a cost of \$27,731.25.

DISCUSSION:

Kern COG's policies and procedures manual states that financial records, supporting documentation, consultant reports, statistical records, and all other documents pertaining to a Kern COG program or project shall be retained by Kern COG and made available to authorized individuals for a minimum of three years, unless otherwise stipulated by contract or agreement. In many cases, legal and/or administrative requirements for financial records and audit reports require retention for up to seven years. To date, Kern COG has archived and stored all its historic documents on its own premises. However, space concerns have necessitated a new approach.

Accordingly, on Nov. 19, 2009, staff issued a formal request for proposals to qualified document imaging firms for archiving and destruction of up to 100,000 pages for a budget of \$30,000. The RFP was placed on Kern COG's website and advertised in the Bakersfield Californian. Nine copies were mailed directly to local firms. Between Nov. 19 and Dec. 11, 2009, staff received approximately six calls with questions, which were recorded and answered over the phone and reproduced on the website.

One firm responded by the Dec. 23, 2009 deadline. Datanet Solutions of Anaheim proposes to install Laserfische – an industry-standard software – onto Kern COG servers with 20 licenses for records retrieval and printing, along with support; end-user training; administrator training; and lifetime upgrades. The cost also includes transportation, archiving and destruction of up to 100,000 pages, or approximately 20 percent of Kern COG's total records archive.

Because 73 percent of the contract's expense is in software licenses, installation and training, future archiving costs will be reduced significantly once the system is up and running.

ACTION:

Approve contract with Datanet Solutions for \$27,731.25 and authorize Chair to sign. VOICE VOTE.

January 21, 2010

TO: Kern Council of Governments

FROM: Ronald E. Brummett,  
Executive Director

By: Linda Urata,  
Kern Energy Watch Coordinator

SUBJECT: COG AGENDA NUMBER III. CONSENT CALENDAR ITEM I.  
CONTRACT AGREEMENT WITH SOUTHERN CALIFORNIA GAS COMPANY TO  
JOINTLY DELIVER THE 2010-2012 KERN ENERGY WATCH LEADER PARTNERSHIP  
PROGRAM

DESCRIPTION:

At the request of the Kern County Board of Supervisors and following negotiations with Southern California Edison, Kern Council of Governments desires to enter into a contract to provide administration, planning, and outreach activities for the Kern Energy Watch Program. Southern California Gas Company has budgeted \$125,000 for incentives and \$312,696 for non-incentive (Marketing, Education & Outreach, Technical Assistance and Direct Implementation) in total for the Kern Energy Watch program over the three year program cycle 2010-2012.

DISCUSSION:

On January 15, 2009 Kern COG passed a resolution stating:

1. Kern COG supports and endorses the Kern County Energy Watch Program, a partnership between all local agencies in Kern County, Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, Kern Economic Development Corporation and Kern Council of Governments.
2. Kern COG supports a commitment to sustainable practices through the planning and implementation of energy efficient strategies and programs.
3. Kern COG will coordinate the Kern Energy Watch Program as requested by the Kern County Board of Supervisors in resolution Number 2008-367.

On September 24, 2009 the California Public Utilities Commission approved the Program Implementation Plans submitted by the Investor Owned Utilities authorizing them to conduct local government partnership energy efficiency programs, including the Kern Energy Watch program. In keeping with the resolution, Kern Council of Governments has negotiated a contract for \$108,500 with Southern California Gas to perform program coordination, planning, and outreach activities for the Kern Energy Watch Program for the 2010-2012 program cycle.

ACTION:

Authorize Chair to sign Contract with Southern California Gas Company. VOICE VOTE.

January 21, 2010

TO: Kern Council of Governments

FROM: Ronald E. Brummett  
Executive Director

BY: Gregory J. Palomo  
Administrative Assistant

SUBJECT: COG AGENDA NUMBER IV. ITEM A.  
FY 2009-2010 Overall Work Program and Financial Plan  
Amendment No. 3

**DESCRIPTION:** Pursuant to Kern COG policy, the Council shall review and approve amendments to the Overall Work Program (OWP) and Financial Plan (budget). Amendment No. 3 represents a net budgetary decrease of \$37,821.

**DISCUSSION:** Proposed as part of this Financial Plan Amendment is a re-organization plan. With the present vacancy in the Assistant Director position, this is a perfect time to re-organize the agency structure to provide stability and promote leadership development that will assist with projected changes in the organization.

Included in this packet is an organizational chart that proposes a restructuring of the staff. The proposal is to eliminate the Assistant Director's position and re-establish the two division head positions. The positions of Administrative Division Director and Planning Director would be created. The financial impact of the re-organization would be an increase of about \$50,000 per year in salaries and benefits. No other staff additions or changes are proposed.

Attached are the worksheets documenting the details of FY 2009-2010 OWP and Financial Plan, Amendment No. 3. Staff recommends the following significant changes:

Financial Plan

- Incorporate a net decrease in revenues of \$37,821. This revision includes decreases in federal funds (\$206,983) and local funds (\$60,713), and an increase in state funds (\$229,875).
- Incorporate a net increase in expenditure appropriations of \$108,387. This revision provides for increases in personnel (\$40,475), professional services (\$65,815), and services and supplies (\$2,097).

Overall Work Program

Adjustments have been made to various work elements so that the OWP will reconcile to the Financial Plan. The more significant revisions are detailed below.

- Increase work element 602.1 (\$67,940) to provide additional funding for the Transportation Improvement Program.
- Increase work element 603.1 (\$60,908) to provide funding for Transportation System monitoring and Coordination.
- Increase work element 605.2 (\$70,000) to provide additional funding for the Regional Transportation Impact Fee.

- Eliminate work elements 606.3 & 606.4 (\$223,035) to remove funding for Transportation Development Plans.
- Increase work element 902.1 (\$81,811) to provide additional funding for Regional Technical Assistance.

ACTION: Approve Amendment No. 3 to the FY 2009-2010 Overall Work Program and Financial Plan and authorize Chairman to sign Resolution 10-05. ROLL CALL VOTE.

January 21, 2010

TO: Kern Council of Governments

FROM: Ronald E. Brummett,  
Executive Director

By: Robert Phipps,  
Administrative Analyst

SUBJECT: COG AGENDA NUMBER IV. ITEM B.  
KERN COG'S LEGISLATIVE PROGRAM PROPOSAL

DESCRIPTION:

During each legislative season, an estimated 100 state bills are proposed that have the potential to either benefit or adversely affect Kern COG and its member agencies' activities. Accordingly, the staff has developed a legislative platform through which to review and comment on particular legislative proposals of significance to Kern COG.

DISCUSSION:

Staff has produced a legislative platform covering a variety of programs and issues, including: goods movement; transportation funding; the State Transportation Improvement Program; and high-speed rail. The platform was designed to avoid discussions of specific projects and to use broad language to allow for the widest, reasonable interpretation of which bills could be addressed under it. A well-grounded legislative platform, coupled with specific policies and procedures, will allow Kern COG to react expediently to new legislation, including letters from the Executive Director and/or resolutions of support or opposition from the entire Board.

Staff typically tracks about 60 bills each legislative session related to transportation and housing concerns. To assist in this analysis, Kern COG receives legislative information from several agencies and organizations, including: each of the eight Valley COGs; the Metropolitan Transportation Commission in the Bay Area; the Metropolitan Transportation Agency in Los Angeles; the Southern California Association of Governments; CalCOG; the League of Cities; the California Transit Association and; the County Supervisors Association of California.

ACTION:

Approve Kern COG's 2010 legislative platform. VOICE VOTE.