

**SAN JOAQUIN COUNTY
BOARD OF SUPERVISORS
TUESDAY, JANUARY 21, 2003**

A moment of silence was held.

PRESENT: SUPERVISORS ORNELLAS, MOW, GUTIERREZ, MARENCO, SIEGLOCK

Minutes of the Board of Supervisors' Meeting of January 14, 2003. **Approved.** Mow/
Gutierrez/5 B-03-125

Consent Items: #8 & 10 – Pulled for discussion.

#8 – In response to Supervisor Ornellas' question, John Vera, Human Services Agency Director, explained the amendment to the Masters of Social Work Stipend Program with regard to two of the HSA staff. He stated that there are eight students participating in this year's program, however, one of them was recently called for National Guard duty. Mr. Vera said that he would report back to the Board prior to May of 2003 to report on the program.

#10 – Supervisor Mow asked if the County has an overall plan in place to monitor vehicles in the County fleet, and what happens to an assigned vehicle to a program if it ends. County Administrator Manuel Lopez stated that there is a vehicle replacement program that was adopted by the Board. He stated that the entire inventory of vehicles is monitored on a regular basis by the Motor Pool and is part of the annual budget process. If a program ends, and an assigned

#10 (continued) - vehicle is no longer needed, it is placed in the County fleet and the Motor Pool reassigns the vehicle. Mr. Lopez said that there would be a report to the Board at the January 28 Board Meeting recommending 2002-03 Midyear Budgetary Actions. The report includes the use of county vehicles and the County Fleet.

Consent Items: #1 – 21 – **Approved.** Gutierrez/Marenco/5

SCHEDULED MORNING ITEMS

9:00 a.m. - bos - Appointments to Boards & Commissions:

- A) Agricultural Advisory Board - 1 Position. Appointed William “Bud” Bensley. Gutierrez/Ornellas/5 B-03-126
- B) Assessment Appeals Board - 1 Position. **Clerk of the Board to Readvertise.**
- C) Childrens Services Coordinating Commission - 1 Position. **Clerk of the Board to Readvertise.**
- D) Juvenile Justice - Delinquency Prevention Commission - 1 Position. Reappointed Flavio Gonzales. Marenco/Gutierrez/5 B-03-127
- E) Parks & Recreation Commission - 1 Position. **Clerk of the Board to Readvertise.**

9:00 a.m. - mhcsd - Public Hearing Amending the Mountain House Community Services District Transportation Improvement Fee and Community Facilities Fees. Paul Sensibaugh, General Manager of Mountain House CSD, and ToCan Nguyen, addressed the Board on this matter. **Approved Staff Recommendation.** Gutierrez/Ornellas/5 B-03-128, Ordinance #4185, Ordinance #4186, R-03-52, R-03-53

DISCUSSION - GENERAL GOVERNMENT

1. cao - Adoption of a Resolution Urging the California Legislature to Reject the Governor’s Proposed Shift of Local Vehicle Revenues and to Honor the 1998 Commitment to Restore the Vehicle License Fee. Manuel Lopez, County Administrator, and ToCan Nguyen, addressed the Board on this matter. **Approved Staff Recommendation.** Marenco/Gutierrez/5 R-03-54

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COMMUNICATIONS

bos - Received and Referred all Board Communications this date as Outlined on the Communications Distribution Listing. Gutierrez/Marenco/5 B-03-129

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PUBLIC COMMENT

Frank Martinez, of SEIU Local 250 and representing In-Home Health Care Workers, distributed budget information and addressed the Board regarding recent negotiations with the County. He stated that Home Care Workers were disappointed there was no bargaining with respect to wages and benefits. Mr. Martinez informed the Board that the next negotiations meeting was scheduled for January 28 and invited Board Members to attend.

Ramiro Reyes, of Stockton, addressed the Board regarding his dissatisfaction with the Human Services Agency Adult Protective Services and the problems for the seriously ill to receive adequate care.

Don Gallagher, of Manteca, addressed the Board regarding the civil rights investigation of Sheriff Baxter Dunn. Mr. Gallagher described in detail the event that occurred in March of 1998 in which he and his wife were severely beaten. He commended Sheriff Dunn, his deputies and the firemen who were kind to him and his wife. Mr. Gallagher expressed his disappointment in the Board's decision not to provide private legal service for Sheriff Dunn.

ToCan Nguyen addressed the Board on various matters.

BOARD OF SUPERVISORS QUESTIONS AND COMMENTS

Supervisor Gutierrez extended his heartfelt feelings to Mr. and Mrs. Gallagher for the horrifying ordeal they experienced. He stated that the Board has taken this issue very seriously and that the Board's action in no way reflects on the severity of what happened to the Gallaghers. Supervisor Gutierrez expressed his hope and best wishes for the family's recovery from this experience.

Supervisor Ornellas stated that he concurred with Supervisor Gutierrez remarks. He offered himself to visit and meet with the Gallaghers, their family and friends to discuss this matter. Additionally, Supervisor Ornellas made reference to a recent newspaper article that mentioned there was an internal investigation at the Sheriff's Department of an employee. He asked if

County Counsel could provide the Board with a memorandum regarding the right of county employees to speak out on issues or on superiors.

County Counsel Terrence Dermody indicated that he would provide information to Board Members.

Supervisor Mow also concurred with the comments made by Supervisor Gutierrez regarding the Gallaghers. Supervisor Mow clarified his and the Board's action relative to terminating the contract for legal service for Sheriff Dunn.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

California Government Code Section 54957.6

Agency Negotiator: Manuel Lopez; Don Turko; Edward Takach; John Bertke;
Jeff Sloan; Harry Lewis; Robert Muszar

Employee Organizations: SEIU, San Joaquin Deputy Sheriff's Association, San Joaquin County Correctional Officers Association, San Joaquin County Law Enforcement Management Association, Sheriff Deputy Sergeant Association, California Nurses Association, San Joaquin County Management Association, San Joaquin District Attorney Investigator's Association, Union of American Physicians and Dentists, and Unrepresented

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

California Government Code Section 54956.9(a)

BAXTER DUNN, SAN JOAQUIN COUNTY SHERIFF vs. COUNTY OF SAN JOAQUIN; BOARD OF SUPERVISORS OF SAN JOAQUIN COUNTY

San Joaquin County Superior Court No. CV019703

SCHEDULED AFTERNOON ITEM

1:30 p.m. - There were no Service & Retiree Award Presentations at this time.

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CONSENT - HEALTH & HUMAN SERVICES

1. age/cs - Approval of State Department of Aging Title III-E Program Contract No. FC-0204-11, Amendment No. 1. **(4/5th's Vote Required)** B-03-106, B-03-107 & A-03-45
2. age/cs - Approval of Memorandum of Understanding for the Use of Property of the Boys and Girls Club Tracy for Intramural Basketball League. B-03-108 & A-03-46
3. age/cs - Approval of Community Services Block Grant (CSBG) Calendar Year (CY) 2003 Contract No. 03F-4339. B-03-109 & A-03-47
4. cao - Approval of Children and Families Commission (First 5 of San Joaquin) Recommendation for School Readiness Initiative Funding. B-03-110 & A-03-48
5. hcs - Application for Reappointment to San Joaquin General Hospital Medical Staff. B-03-111
6. hcs - Application for Appointment to San Joaquin General Hospital Medical Staff. B-03-112
7. hcs - Application for Appointment to San Joaquin General Hospital Allied Health Professional Staff. B-03-113
8. hsa - Amendment to Education Stipend Agreement A-00-774 and Agreement A-00-782. B-03-114, A-03-49 & A-03-50

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CONSENT - PUBLIC WORKS

9. pw - **Setting February 11, 2003, at 9:00 a.m. for a Public Hearing** to Consider the Formation of Hammer Lane Underground Utility District No. 32. (3rd District) R-03-47

CONSENT - LAW & JUSTICE

10. da - Request Approval to Purchase a Vehicle for the Department's Rural Crimes Prevention Program. B-03-115 & B-03-116

CONSENT - GENERAL GOVERNMENT

11. ag/comm - Approval of Agreement for Pierce's Disease/Glassy-Winged Sharpshooter Program Services Between the County and the State of California. B-03-117 & A-03-51

12. cob - Approve Announcement of 4 Positions on the Aviation Advisory Committee. B-03-118

13. cob - Approve Announcement of 1 Position on the Children Services Coordinating Commission. B-03-119

14. cob - Approve Announcement of 1 Position on the Garden Acres Community Center Advisory Board. B-03-120

15. fac/mgmt - Approve Plans and Specifications for the San Joaquin County Jail 132 Bed Expansion Project, and **Set a Bid Opening Date of February 27, 2003, at 2:00 p.m.** R-03-48

16. h/r - Create, Assign and Allocate the New Class of Mountain House Public Works Inspector in the Mountain House Community Services District Budget. R-03-49

17. h/r - Approve and Implement the Civil Service Commission Action to Amend and Re-Title the Class of Medical Records Administrator to Health Information Administrator; and Allocate One Position of Health Information Administrator to San Joaquin General Hospital. R-03-50

18. h/r - Create the New Exempt Class of Mountain House Development Manager, Assign and Allocate the Exempt Position to the Mountain House Community District, and Introduce and Waive Reading of an Ordinance Code Amendment Exempting the Class from Civil Service and Delete Obsolete Class. **(Said Ordinance to be Adopted on January 28, 2003)** B-03-121 & R-03-51

19. oes - Adopt Employee Preparedness Program Policy (Administrative Manual Section 1900). B-03-122
20. oes - Hazardous Materials Management Software System License Agreement with Richard Carlton Consulting. B-03-123 & A-03-52
21. oes - Approve Acceptance of State Domestic Preparedness Equipment Grant and Related Appropriation Adjustments. **(4/5th's Vote Required)** B-03-124

ADJOURN TO TUESDAY, JANUARY 28, 2003 AT 9:00 A.M.

Sieglock/Ornellas/5 B-03-130