

SAN JOAQUIN COUNTY

**BOARD OF SUPERVISORS  
TUESDAY, MARCH 4, 2003**

A moment of silence was held.

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

Minutes of the Board of Supervisors' Meeting of February 25, 2003. **Approved.** Gutierrez/  
Marenco/5 B-03-288

Consent Items: #9 & 17 – Pulled for discussion.

Consent Item: #9 – In response to several questions asked by Supervisor Ornellas, the County Administrator stated that an annual report of this fund will come to the Board as a separate item and would not be part of a larger report. April 1, 2003 is the recommended effective date that collection for transactions to begin. In regard to as whether or not would future Board of Supervisors be able to rescind the resolution, allowing the District Attorney to draw from the fund proceeds, the County Administrator stated that as part of annual reports, there would be specific recommendations, but certainly the Board's discussion would prevail as long as it relates to the program. Future Board of Supervisors would not be able to use these funds for something else.

Consent Items: #17 – Supervisor Mow reflected on his own personal experience when he was a county employee in 1966 and was activated into military duty. At that time there was no protection regarding

Consent #17 (continued) - extending benefits. Upon leaving for military duty, benefits, i.e., sick leave, vacation all stopped. Supervisor Mow

emphasized that he hoped this would not be the case for those employees presently being called to active military duty. The County Administrator assured the Board that resolution specifically spells out the salary and benefits.

Consent Item: #11 – Gregory Jacobs, Coordinator for Early Childhood Education, San Joaquin County Office of Education presented the Board with copies of the San Joaquin County Children’s Services Coordinating Commission 2001-2002 Annual Report, the San Joaquin Local Child Care Planning Council’s San Joaquin County Child Care Plan May 2002, and the Status of Child Care and Development Services.

Consent Item: #16 – Nita Rienhart, representing the Association of Retired Employees of San Joaquin County, addressed the Board requesting a proposal to waive the 90-10 coinsurance for retirees who choose to use the Health Care Facilities. Ms. Rienhart indicated that next year the retiree’s association will request that the Board, in conjunction with the retirement association, begin some kind of consistent funding of health care costs for retirees like the majority of other public entities. The retirees association will also ask next year that both active and retired employee contracts be prepared and considered by the Board at the same time.

Don Turko, Director of Human Resources, also addressed the Board on this matter.

Chairman Sieglock stated that the Board would adopt what was being recommended on this date. In the meanwhile, Health Care Services and Human Resources could report back to the Board at a later date with a fiscal analysis and a report on the proposal by the Retired Employees Association.

Consent Items: #1 – 19 – **Approved.** Mow/Marenco/5

#3 – Supervisor Sieglock indicated that he approved of all consent items, however, he was voting “No” on Agreement #9 of Consent Item #3.

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### **SCHEDULED MORNING ITEMS**

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

A) French Camp Municipal Advisory Board - 4 Positions.

NOTE: Supervisor Gutierrez requested that this item be postponed until the afternoon Board session as he was trying to get in contact with one of the potential applicants.

### **DISCUSSION - HEALTH & HUMAN SERVICES**

1. hcs - Professional Services Agreement Between San Joaquin County Health Care Services and Yosemite Pathology Medical Group, Inc. **(Continued from 2/18/03)** Manuel Lopez, County Administrator, and Roger Speed, Director of Health Care Services, Steve Ebert, Hospital Director, Dr. Bob Lawrence, M.D., Stockton Pathology, Dr. John Baker, Yosemite Pathology, and ToCan Nguyen, addressed the Board on this matter. **Denied Staff Recommendation.** Gutierrez/Marenco/4 Sieglock/No B-03-308

### **DISCUSSION - GENERAL GOVERNMENT**

1. cdd - Consideration of Policy Regarding Agricultural Mitigation Fee Ordinance. Ben Hulse, Director of Community Development Department, Mike Robinson, Tony Souza, Connie Easterly, Gary Barton, and ToCan Nguyen, addressed the Board on this matter.

**The Board directed that the Agricultural Mitigation Fee Ordinance be referred to the Agricultural Advisory Committee for further discussions. The Board further directed that the Agricultural Mitigation Fee Advisory Committee be expanded to include four more members of the agricultural industry. Two of the new agricultural industry members were to be from the San Joaquin Farm Bureau and two from the Agricultural Advisory Committee. One of the four members was to be from the banking industry.** Ornellas/Marenco/5 B-03-306

2. cdd – Continued Discussion Regarding Lodi/Stockton Community Separator

Study. Ben Hulse, Director of Community Development Department, Rad Bartlam, Robert Lauchland, Lodi/Stockton Farm and Property Rights Coalition, Judy Martin-Herum, Executive Member of the Lodi-Stockton Farm and Property Rights Coalition, addressed the Board on this matter.

**The motion to approve the staff recommendation that the Board authorize proceeding with the Lodi/Stockton Community Separator Study utilizing funding from the City of Lodi and the County as previously approved by the Board and the City of Lodi, and substituting funding anticipated from the City of Stockton with grant funds from the Great Valley Center failed on a 4 to 1 vote.**

Sieglock/Mow/1 Ornellas, Mow, Gutierrez, Marengo/No B-03-309

### **COMMUNICATIONS**

bos - Received and Referred all Board Communications this Date as Outlined on the Communications Distribution Listing. Gutierrez/Marengo/5 B-03-304

### **PUBLIC COMMENT**

ToCan Nguyen, addressed the Board on various matters.

Randall Downey, a member on the Long-Term Care Coalition and a member of the IHSS Board addressed the Board on Health & Human Services Consent Calendar Item #2 (One-Time-Only Allocation for Aging Program Services). Chairman Sieglock requested that the County Administrator have Mr. Joe Chelli, Director of Aging and Community Services, respond to Mr. Downey's questions and to furnish the Board with those answers.

Frank Martinez of SEIU Local 250, addressed the Board regarding the County contracting with Addus HealthCare.

Danny Syverson addressed the Board regarding the building in which he resides not being under compliance and other matters.

Suzette Munoz and Carol Keck addressed the Board regarding In Home Supportive Services.

Ramiro Reyes, addressed the Board regarding continuing problems with the services of the Human Services Agency.

### **BOARD OF SUPERVISORS QUESTIONS AND COMMENTS**

Supervisor Marengo expressed his concern about a newspaper article in the March 5 issue of the Stockton Record regarding a bill introduced by Assemblyman Nakanishi about the transfer of Oak Grove Park from San Joaquin County to the City of Stockton. Supervisor Marengo stated that he felt the Board should pass a resolution opposing this resolution.

County Counsel advised that the Chairman direct the County Administrator to make contact with the appropriate parties to raise the concern of the Board pending coming back to the Board for discussion.

### **CLOSED SESSION**

#### **CONFERENCE WITH LABOR NEGOTIATOR**

California Government Code Section 54957.6

Agency Negotiator: Manuel Lopez; Don Turko; 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)

*VICKIE DAVIS et al vs. SJGH et al*, San Joaquin County Superior Court No. CV014884

*JOSE FRANCISCO CHIPREZ vs. WILLIAM HUDELSON, et al*, San Joaquin County  
Superior Court Case No. CV015780

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**SCHEDULED AFTERNOON ITEMS**

1:30 p.m. - h/r - Service and Retiree Awards Presented to employees and retirees for November and December 2002, and January 2003.

1:30 p.m. bos – Appointments to Boards and Commissions; French Camp Municipal Advisory Committee – 4 positions (continued from 9:00 a.m.) .

**Reappointed William Smith, Robert D. Cooblall, John Blanco, and Herb McKinley.** Gutierrez/Mow/5 B-03-305

2:00 p.m. Regarding Assembly Bill No. 1019, An act relating to parks, that was brought up by Supervisor Marengo under Board of Supervisors Questions and Comments: Staff was directed to contact the Stockton Record for clarification of the bill. Chairman stated that perhaps the Board should pass a resolution after hearing back from staff.

2:00 p.m. - bos - Information Session - Health Care Services. Roger Speed, Director of Health Care Services; Terry Mack, CEO, San Joaquin Health Plan; Bruce Hopperstad, Director, Mental Health Services; Dan Bava, Director, Office of Substance Abuse; Bill Mitchell, Director, Public Health Services; Elaine Hatch, Director, Emergency Medical Services; Steve Ebert, Director, San Joaquin General Hospital, and Lita Wallach, Strategic Planning & Development, presented information to the Board on the Health Care Services of San Joaquin County. ToCan Nguyen, addressed the Board on this matter.

**CONSENT - HEALTH & HUMAN SERVICES**

1. age/cs - Acceptance of Federal Fiscal Year 2002-03 Emergency Food and Shelter Program (EFSP) Phase 21 Grant. B-03-289

2. age/cs - Approval of FY 2002-03 One-Time-Only Allocations for Aging Program Services. B-03-290

3. cao - Approval of Children and Families Commission (First 5 San Joaquin) Recommendations for Round 5 Funding for Mini-Grants and Extension of Mini-Grant A-01-1140. B-03-291, B-03-292, A-03-144 - A-03-157 (14)
4. hcs - Health Care Services Contract Employment Agreements. (Renewals) A-03-158 thru A-03-169 (12)

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### **CONSENT - PUBLIC WORKS**

5. pw - Approval and Adoption of Plans and Specifications for the Elliott Road Resurfacing and **Setting a Bid Opening Date of March 27, 2003, at 1:30 p.m.** (4th District) R-03-137
6. pw - Adopt an Ordinance Providing for a No Parking Zone on a Portion of Cardinal Avenue, South of State Highway Route 26. (2nd District) (**Said Ordinance Introduced and Waived on February 25, 2003**) Ordinance #4190
7. pw - Introduce and Waive Reading of a Franchise Ordinance and **Setting the Date of March 25, 2003, at 9:00 a.m.,** for a Public Hearing to Grant Pipeline Franchise to Calpeak Power-Midway, LLC, and Declare Intention to Grant a Pipeline Franchise. (4th District) R-03-138 & B-03-303

### **CONSENT - LAW & JUSTICE**

8. da - Renewal of Employment Contracts for Deputy District Attorneys. A-03-170 & A-03-171
9. da - Resolution to Establish a Real Estate Fraud Prosecution Program. (**4/5th's Vote Required**) R-03-139, B-03-293 & B-03-294
10. s/o - Status Report on Detectives Cold Homicide Pilot Program B-03-295

### **CONSENT - GENERAL GOVERNMENT**

11. cob - Approve Revisions to Local Child Care Planning Council (LCCPC) Bylaws. B-03-296

12. eedd - Recommendation to Approve the Loan Request of Cano Garden Funeral Home, a Sole Proprietorship, Pablo B. Cano and Raquel R. Cano, Owners. B-03-297
13. eedd - Recommendation to Approve a Modification to the Note and Loan Agreement of Vitality Nutrition, Inc., a California Corporation, Asser Chan and Steven Yu, Guarantors. B-03-298
14. fac/mgmt - Award of Contract for the San Joaquin County Mental Health Phase 2 Exterior Signage Project. R-03-140
15. fac/mgmt - Approve Escrow Agreement Between North American Construction Services, Inc. and Silveira General Construction for the Mental Health Data Center Remodeling Project. B-03-299
16. h/r - Extend and Adopt Retiree Health and Dental Plans and Establish and Adopt Premium Rates for Medical and Dental Insurance Plans for Retirees. B-03-300
17. h/r - Adoption of the Resolution of the County of San Joaquin Providing for Additional Temporary Partially Paid Military Leave of Absence Benefits. R-03-141
18. isd - Status Report for the County Accounting and Personnel System (CAPS) Project. B-03-301
19. oes - Approve Application for Federal Fiscal Year 2002 Federal Emergency Management Agency (FEMA) Supplemental Grant for Citizen Corps and Community Emergency Response Teams. B-03-302 & R-03-142

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**RECESSED TO THURSDAY, MARCH 6, 2003 AT 4:00 P.M. AT THE GREATER  
STOCKTON CHAMBER OF COMMERCE OFFICE, 445 W. WEBER AVENUE,  
SECOND FLOOR, STOCKTON, CA 95202**

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Note: The matter of the above recess came up after the agenda had been printed and posted. Therefore, a motion was made to amend the agenda to include said recess. Gutierrez/Mow/5 B-03-307

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Note: If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Clerk of the Board of Supervisors at (209) 468-2350 at least 48 hours prior to the start of the meeting. Government Code Section 54954.2(a).

SAN JOAQUIN COUNTY  
BOARD OF SUPERVISORS  
THURSDAY, MARCH 6, 2003

The meeting began at 4:06 p.m. in the Greater Stockton Chamber of Commerce Conference Room.

In attendance were: Chairman Jack Sieglock  
Supervisor Victor Mow  
Supervisor Steve Gutierrez  
Terry Dermody, County Counsel  
Lois Sahyoun, Clerk of the Board,  
Manuel Lopez, County Administrator  
Rosa Lee, Assistant County Administrator  
Margaret Sanderson, Legislative Assistant to Supervisor Mow  
Laura Ochoa, Legislative Assistant to Supervisor Gutierrez  
Senator Michael Machado  
Martin King of Senator Machado's Office  
Assemblywoman Barbara Matthews  
Mary Bava and Cathleen Galgiani of Assemblywoman  
Matthews' Office  
A representative from Senator Poochigian's Office  
Gary Podesto, Mayor of Stockton  
Gary Giovanetti, Stockton Councilmember  
Larry Ruhstaller, Stockton Councilmember  
Roger Storey, Stockton City Manager  
Catherine Gong Meissner, Stockton City Clerk  
Karen Rosson, Stockton City Clerk's Office  
Ron Addington, Business Council  
Doug Wilhoit, CEO, Greater Stockton Chamber of Commerce  
Frank Ferrel, Greater Stockton Chamber of Commerce  
Tim Viall, Downtown Stockton Alliance

The purpose of the meeting was to discuss a bipartisan coordinated effort of state and local officials to stop the State's proposed conversion of the Northern California Women's Facility in

Stockton into a temporary men's lockup. There was considerable discussion of a plan of action for a major letter-writing campaign. A committee made up of County Administrator Manuel Lopez, City Manager Roger Storey, Chamber CEO Doug Wilhoit and Ron Addington of the Business Council was formed to work with Senator Machado and Assemblywoman Matthews and meet on a regular basis. The committee's next meeting will be on Thursday, March 13, 2003.

At 4:48 p.m., Chairman Sieglock announced that the Board was adjourned until Tuesday, March 11, 2003, at 9:00 a.m. B-03-310