

SAN JOAQUIN COUNTY

**BOARD OF SUPERVISORS
TUESDAY, AUGUST 26, 2003**

A moment of silence of held.

Prior to Roll Call, Chairman Sieglock announced that the matter of the Asparagus Festival item had been postponed to September 16, 2003.

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

Minutes of the Board of Supervisors' Meeting of August 19, 2003. **Approved.** Mow/Gutierrez/5 B-03-1040

Chairman Sieglock stated there was a matter regarding Senate Bill 833 that the Board had previously taken a position on, and that Public Works had requested to be placed on the agenda in order to inform the Board of recommended revisions to SB 833. Chairman Sieglock further stated that a 4/5's vote was needed in order to place this item on the agenda. **Motion Passed to Place Item on Agenda.** Gutierrez/Mow/5

pw - Recommended Revisions to Senate Bill 833, the Eastern Water Alliance Joint Power Agency. Tom Gau, Deputy Director of Public Works, addressed the Board on the recommended revisions. **Adopted Staff Recommendations.** Gutierrez/Marenco/5 B-03-1057

Consent Item: #12 - Chairman Sieglock stated that County Administrator Manuel Lopez would comment on Consent Item #12. Mr. Lopez said that he had received a voice message from a member of the Stockton Convention and Visitors Bureau informing him that the bureau would be sometime dissolving soon, and therefore should not be included in the 2003-04 budget. Mr. Lopez

Consent Item #12 (continued)

indicated that a new Board Order had been prepared for Board approval to reflect this action. In response to Supervisor Mow, Mr. Lopez also stated that should the bureau reorganize, the matter could come back to be Board for approval because the money has been appropriated in the 2003-04 budget.

ToCan Nguyen addressed the Board on Consent Item #12.

Consent Items: #4, 5, 6 & 12 – Pulled for discussion.

Consent Item: #4 & #5 – Roger Speed, Director of Health Care Services, responded to Supervisor Gutierrez's question regarding reimbursement of staff time and the fiscal impact. Supervisor Gutierrez requested that future travel items include the breakdown of the event. He would like to be able to ask more questions with the additional information. With respect to #5, Supervisor Gutierrez asked that information be provided if two people need to attend a conference.

#6 – Roger Speed, Director of Health Care Services responded to Supervisor Mow's questions regarding whether or not the County generates additional revenue, or does it provide enough monies to cover the costs, or do we lose money as a result of this outreach program.

Supervisor Gutierrez stated that he has seen firsthand the grassroots effort of the Concilio and other partners, and praised them for their work in all of the Supervisorial Districts.

Consent Items: #1 – 16 – **Approved.** Mow/Ornellas/5

-

SCHEDULED MORNING ITEMS

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

A) Drug and Alcohol Programs Advisory Board - 1 Position. **Clerk of the Board to Readvertise.**

B) In-Home Supportive Services - 1 Position. **Clerk of the Board to Readvertise.**

DISCUSSION - HEALTH & HUMAN SERVICES

1. osa - Response to the Grand Jury Final Report-Case #0901 Office of Substance Abuse. Roger Speed, Director of Health Care Services, and Dan Bava, Director of Office of Substance Abuse, addressed the Board on this matter. **Motion to authorize the Chairman of the Board to sign and submit the response to the Presiding Judge of the Superior Court and to authorize the County Administrator to provide oversight for the Office of Substance Abuse and Correctional Health Services.** Marenco/Gutierrez/5 B-03-1056
2. bos - Discussion or Direction Regarding the Reporting Responsibility for the Office of Substance Abuse. Manuel Lopez, County Administrator, addressed the Board on this matter. **Oral Report – No Action Taken.**

DISCUSSION - GENERAL GOVERNMENT

1. fac/mgmt - Approve Use Permit Agreement Conditions to Conduct the 2004 Stockton Asparagus Festival at Oak Grove Regional Park. **Continued to September 16, 2003.**

-

COMMUNICATIONS

bos - Received and Referred all Board Communications this date as Outlined on the Communications Distribution Listing. Gutierrez/Mow/5 B-03-1055

-

PUBLIC COMMENT

ToCan Nguyen, addressed the Board on various matters.

Ron Ruggiero, SEIU; Gene Davenport, IALU; Tina Phillips, Probation Department, Kathleen Jenness, LVN; Patrick Ikeda for Eileen Phillips; Susan Willer; Luis Magana, Eric Gusson, and Debbie Chavez, addressed the Board regarding the current health care negotiations.

BOARD OF SUPERVISORS QUESTIONS AND COMMENTS

Supervisor Ornellas thanked Paul Sensibaugh and District staff for a plan to alleviate the traffic conflicts at the intersection of Byron Highway and Kelso Road called to the Board's attention by Bobbie Landers of Tracy at the June 24, 2003 Board meeting.

Supervisor Gutierrez expressed his frustrations regarding an example of where government does not work. He explained that he has a constituent who lives in the Country Club area in an unincorporated area where there are no sidewalks, curbs or gutters. The County has a title that requires 20 feet setback in the front of the properties located in this area. Lawns and trees have existed in this setback area for years. The constituent wants to place a temporary shade

Board of Supervisors Questions and Comments (continued)

structure in front of his garage so that he can park his truck under this structure. County staff has told him that he cannot do this because of this title. However, the County has no future plans for sidewalks, curbs or gutters in this area in the foreseeable future. The constituent has even offered to sign an agreement to remove the temporary shelter should some day sidewalks, curbs or gutters be installed. Supervisor Gutierrez emphasized that this situation needs to be fixed. He added that it would cost \$700 for the constituent to file an application fee with Public Works but he would be denied. He could then submit a request for a variance that would cost \$2,605 but Community Development would not support it. Lastly, the constituent could come before the Board and it would only cost him \$590. Supervisor Gutierrez asked that this matter be looked into by the County Administrator.

Supervisor Ornellas commented that the example provided by Supervisor Gutierrez is an absolute horror story and that this example is not an isolated case. He said that there are issues like this all over the place that never come before the Board.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

California Government Code Section 54957.6

Agency Negotiator: Manuel Lopez; Don Turko; John Bertke; Jeff Sloan;
Harry Lewis

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)

H.D. ARNAIZ LTD. vs COUNTY OF SAN JOAQUIN; Superior Court Case No. CV010728

SCHEDULED AFTERNOON ITEMS

1:30 p.m. - cdd - Public Hearing Regarding an Appeal by Linden Unified School District of the Planning Commission's Approval of Major Subdivision No. PA-02-462 of Robert Scheppmann & CRV Enterprises, Inc. (C/O Monte Seibel) (4th District) (**Continued from July 22, 2003**) Kerry Sullivan, Deputy Director, Community Development Department, Ron Estes, Superintendent for Linden Unified School District, Kathy Ray, Jay Columbini, Board of Trustees for the Linden Unified School District, John Eilers, Robert Scheppmann, and Ryan Voorhees, addressed the Board on this matter. **Accept the Appeal Disapproving the Major Subdivision Application on Findings 3, 4, & 6, Because of Sewer and Flood Control Concerns.** Marenco/Gutierrez/5 R-03-499

1:30 p.m. - pw - Endorsing the Conceptual Improvement Plans for Hammer Lane

Phase III Widening (Kelley Drive to Thornton Road), and Pershing Avenue Widening (Meadow Avenue to Thornton Road), Authorization to Negotiate with the City of Stockton. (2nd and 3rd District) **Removed from the Agenda by Public Works Department.**

-

CONSENT - HEALTH & HUMAN SERVICES

1. cao - Approval of Children and Families Commission (First 5 San Joaquin) Recommendation for Funding of Family Resource Centers with Community Partnership for Families. B-03-1041 & A-03-719
2. cao - Approval of Children and Families Commission (First 5 San Joaquin) Recommendations for Round 7 Funding for Mini-Grants. B-03-1042 & A-03-720 thru A-03-737 (18)
3. cao - Appointment of Health Care Services Coordinator. B-03-1043
4. hcs - Authorization for Out-of-State Travel to Attend a National Conference in Managing Access to Ambulatory Care Services to be held in Cambridge, Massachusetts. B-03-1044
5. hcs - Authorization for Out-of-State Travel to Attend Centers for Medicare and Medicaid Services Supported (Organ Donation Breakthrough Collaborative) to be held in Washington, D.C. B-03-1045, B-03-1046 & B-03-1047
6. hcs - San Joaquin County Health Care Services Community Services Agreement with the Council for the Spanish Speaking. A-03-738
7. hcs - Health Care Services Agency Proposal for Improving Health Access for Communities in Need. B-03-1048, A-03-739, A-03-740, A-03-741, A-03-742 & A-03-743

CONSENT - PUBLIC WORKS

8. pw - Establishment of a Trust Fund for Future Closure of the Central County Household Hazardous Waste Consolidation Facility. B-03-1049 & B-03-1050
9. pw - Adopt an Ordinance Providing for a No Parking Zone on a Portion of Both

Sides of Corral Hollow Road, From the Alameda and San Joaquin County Line to 11,000 Feet East of the Alameda and San Joaquin County Line. (5th District) **(Introduced and Waived on August 19, 2003)** Ordinance #4198

10. pw - Acceptance of the Lower Sacramento Road/Lincoln Way Bridge Barrier Rail Replacement (Across Dry Creek) Contract and Execution of a Notice of Completion. (4th District) R-03-497

11. pw - Intent to Authorize Sanitary Sewer Services Within County Service Area No. 44, Apricot Acres, and **Set the Public Hearing Date of September 23, 2003 at 9:00 a.m.** (5th District) R-03-498

CONSENT - GENERAL GOVERNMENT

12. cao - Approval of Economic Promotion Agreements for Fiscal Year 2003-04. B-03-1051, A-03-744, & A-03-745

13. cdd - Approval of Employment Contract for Geographic Information System Services. B-03-1052 & A-03-747

14. eedd - Authorization to Submit Workforce Investment Act Rapid Response Funding Applications. B-03-1053, A-03-748 & A-03-749

15. fac/mgmt - Approve Contracts for Construction Assistance and Inspection Services. A-03-750 & A-03-751

16. h/r - Use of County Seal on JobAps.com WebSite for County Employment Applications. B-03-1054

ADJOURNED TO TUESDAY, SEPTEMBER 9, 2003 AT 9:00 A.M.

Mow/Gutierrez/5 B-03-1058

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).