

**BOARD CHAMBERS, COURTHOUSE, 7TH FLOOR
222 E. WEBER AVENUE STOCKTON, CA
TUESDAY, SEPTEMBER 23, 2003
9:00 AM**

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.
A moment of silence was held.

9:05 a.m. – Board went into closed session

9:15 a.m. – The Board returned from closed session.

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

Minutes of the Board of Supervisors' Meeting of September 16, 2003. **Approved.** Mow/
Ornellas B-03-1130

Consent Items: #1-19 and 21-30: **Approved.** Mow/Gutierrez/5

Consent Item: #20 – Pulled for discussion
by Supervisor Marenco.

Supervisor Ornellas indicated that he had an issue that was not a Consent Item but he wanted to bring it forward to the attention of the Board. Chairman Sieglock asked if the matter could be discussed after the Consent Calendar items and Supervisor Ornellas agreed.

Consent Items (continued)

Consent Item: #20 –
Supervisor Marenco requested a clarification of the recommendations to be voted on by the Board. Joe Peterson, Vice Chairman of the San Joaquin Agricultural Advisory Committee, and Tom Gau, Public Works Deputy Director, addressed the Board on this matter. After further questions

by Supervisors Mow and Ornellas, the Board voted to authorize the Assessor-Recorder-County Clerk to provide the Woodbridge Irrigation District the Assessor's mailing list, labels and database diskettes for all agricultural landowners in San Joaquin County at no cost to the District. **Approved by a separate motion.** Sieglock/Ornellas/4 Marenco/No

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SCHEDULED MORNING ITEMS

9:00 a.m. - pw - Public Hearing to Authorize Sanitary Sewer Services within County Service Area #44, Apricot Acres. (5th District) Tom Gau, Deputy Director, Public Works Department, and Francis Lau, Senior Civil Engineer, Public Works Department, addressed the Board on this matter. **Approved Resolution.** Ornellas/Mow/5 R-03-537

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

A) Assessment Appeals Board - 1 Position **Reappointed Robert Johnson.** Sieglock/Gutierrez/5 B-03-1131

B) Advisory Water Commission - 1 Position (**Continued from 4/1/03**) **Clerk of the Board to Readvertise Position.**

C) Children's Services Coordinating Commission - 1 Position **Continued to October 21, 2003. (Continued from 7/15/03)**

D) Garden Acres Community Center Advisory Board - 2 Positions (**Continued from 6/10/03**) **Reappointed Susan Trammel.** Marenco/Gutierrez/5 B-03-1132. **Clerk of the Board to Readvertise Remaining Position.**

E) Juvenile Justice Delinquency Prevention Commission - 2 Positions. **Appointed Charlotte Hunter Brown.** Marenco/Mow/5 B-03-1133. **Clerk of the Board to Readvertise Remaining Position.**

Appointments to Boards and Commissions (continued)

F) Workforce Investment Board - 6 Positions. **Reappointed Cynthia Summers.** Marenco/Gutierrez/5 B-03-1134 **Appointed Mark Martinez and Ron May.** Mow/Gutierrez/5 B-03-1160 **Clerk of the Board to Readvertise Remaining**

Positions.

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DISCUSSION - LAW & JUSTICE

1. cao - Public Hearing for Expenditure Plan for FY 2003/04 State COPS Funds (**4/5ths Vote Required**). Tony Rocha, Management Analyst III, County Administrator's Office, and Bruce Agnew, Assistant Sheriff, Sheriff's Office, addressed the Board on this matter. **Approved Staff Recommendation.** Marenco/Mow/5 B-03-1135 & B-03-1136

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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-03-1137

PUBLIC COMMENT

To Can Nguyen addressed the Board on various matters.

Marcell Denmon addressed the Board regarding his son Mondez Denmon who died at the San Joaquin County Jail on September 5, 2003. Mr. Denmon stated that he is in the process of directly contacting the Department of Justice. Supervisor Ornellas requested that Mr. Denmon provide copies to Board Members of any correspondence he sends to the Department of Justice. County Counsel responded to questions of authority of the Board in response to Supervisor Gutierrez's questions regarding this type of matter. County Counsel also responded to further comments from Supervisors Mow, Ornellas and Marenco.

AGENDA ITEM BROUGHT UP BY SUPERVISOR ORNELLAS

The Board voted to approve the following item brought up by Supervisor Ornellas and placed on the agenda for discussion. Gutierrez/Mow/5

pw – Approval of Temporary Closure of Lammers Road Between Bethany Road and Corral Hollow Road; Naglee Road Between Bethany Road and Tracy City Limits; Bethany Road Between Lammers Road and Corral Hollow Road; and Corral Hollow Road Between Lammers Road and Bethany Road for the Annual 5K/10K Run at the West Valley Mall (5th District) (**4/5's Vote Required**) Supervisor Ornellas and Tom Gau, Public Works Deputy Director, addressed the Board on this matter. **Approved Resolution.** Gutierrez/Ornellas/5 R-03-548

BOARD OF SUPERVISORS QUESTIONS AND COMMENTS

Supervisor Marengo, in referring to the fire at the Mayfair Hotel, requested a report prior to any monies being spent for sprinklers to be installed in the building.

Supervisor Marengo also referred to a 9/23/03 Stockton Record News Article regarding an Office of Substance Abuse employee who had been recently terminated. Supervisor Marengo wanted to know why there was a spokesperson for Health Care Services instead of the Department Head, and he requested a report as to why one employee was disciplined and one dismissed.

Supervisor Gutierrez echoed the concerns expressed by Supervisor Marengo. Supervisor Gutierrez asked if the County Administrator knew of the incident and if he knew that there was going to be an official response from OSA. County Administrator Manuel Lopez responded and informed the Board of the transition that has taken place to date. Supervisor Mow also commented on this matter.

County Administrator responded to Supervisor Mow regarding past information and what actions occurred on the widening of Eight Mile Road.

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).

SEAV SAM, et al, vs. SAN JOAQUIN COUNTY, et al., San Joaquin County

Claim No. C03010103.

PUBLIC EMPLOYEE APPOINTMENT - California Government Code

Section 54957. Title: Human Services Director.

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SCHEDULED AFTERNOON ITEM

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1:30 p.m.- cdd - Public Hearing Regarding an Appeal by Don Moyer of the Planning Commission's Denial of Use Permit Application #PA-03-164 of Art Cabral & Clifford Vander Veen (1st District). Don Moyer, representing applicant; Ramona Valadez, Executive Director, Three Rivers Indian Lodge; Edward Samson, Sacramento Urban Indian Health Care; Gary Waychoff, M.A., Educational Consultant; Linda Corey, Native Directions Board, Ag Preservation & Green Belt; Reverend Bob Hailey; Larry Bringingood; Attorney Mike Hakeem; Joe Peterson, Vice-Chairman, Agricultural Advisory Board; Tom Gau, Deputy Director, Public Works Department addressed the Board on this matter. **Denied Appeal for Use Permit Application #PA-03-164 and Upheld the Planning Commission's Denial.** Marengo/Gutierrez/5 R-03-549

CONSENT - HEALTH & HUMAN SERVICES

1. cob - Approve Announcement of 2 Positions on the Emergency Medical Care Committee. B-03-1138
2. hcs - Application for Appointment to San Joaquin General Hospital Medical

Staff. B-03-1139

3. hcs - Application for Reappointment to San Joaquin General Hospital Medical Staff. B-03-1140

4. hcs - Amendment to 401(a) Retirement Plan for Physicians and Approval of Employment Contracts for Certified Registered Nurse Anesthetists. B-03-1141 & A-03-826 & A-03-827

5. hcs - Application for California Healthcare for Indigents for Program Funding Fiscal Year 2003/04. B-03-1142 & A-03-828

Consent – Health & Human Services (continued)

6. hsa - Approval of Promoting Safe and Stable Families Contract Renewals (6). B-03-1143 & A-03-829 & A-03-830 & A-03-831 & A-03-832 & A-03-833 A-03-834

7. hsa - Approval of the In-Home Supportive Services Program Contract for Fiscal Years 2003-2006. B-03-1144 & A-03-835

8. mhs - Mental Health Services/California Department of Mental Health Medi-Cal Managed Care Agreement for Fiscal Year 2003/04. A-03- 836

9. mhs - Mental Health Services/California Department of Rehabilitation Cooperative Program Agreement. A-03-837

10. mhs - Approval of Mental Health Program Contracts for Fiscal Year 2003/04.
(5) A-03-838 & A-03-1139 & A-03-840 & A-03-841 & A-03-842

CONSENT - PUBLIC WORKS

11. pw - Acceptance of the Armstrong and Mundy Roads Resurfacing Contract and Execution of a Notice of Completion. (4th District) R-03-538

12. pw - Acceptance of the Kennefick Road Resurfacing Contract and Execution of a Notice of Completion. (4th District). R-03-539

13. pw - Acceptance of the Benjamin Holt Drive and Harrisburg Place Traffic Signal Contract and Execution of a Notice of Completion. (2nd District) R-03-540

14. pw - Approval and Execution of a Grant Deed for the Sale of Excess Property at Anteros Avenue and Miner Avenue in the Stockton Area. (2nd District) R-03-541

CONSENT - LAW & JUSTICE

15. da - Resolution to Contract for a Grant with the Department of Justice to Conduct a Spousal Abuser Prosecution Program and to Increase Appropriations in the District Attorney's Budget. **(4/5ths Vote Required)** B-03-1145 & R-03-542
16. da - Resolution Authorizing Execution of a Grant Award Agreement with the California Department of Insurance for a Worker's Compensation Insurance Fraud Prosecution Program and to Increase Appropriations in the District Attorney's Budget. **(4/5ths Vote Required)** R-03-543 & B-03-1146

CONSENT - GENERAL GOVERNMENT

17. ag/comm - Approval of Agreements for Data Entry and Electronic Submittal of Pesticide Use Reports and for High Risk Pest Exclusion Inspection Activities Between the County and the State of California. B-03-1147 & A-03-843 & A-03-844

Consent – General Government (continued)

18. air - Out-of-State Travel Request to Attend American Association of Airport Executives 12th Annual Non-Hub/General Aviation Airports Conference in Las Vegas, Nevada. B-03-1148 & B-03-1149
19. aud - Resolution Setting Tax Rates in San Joaquin County for the 2003/04 Fiscal Year. R-03-544
20. bos - Consideration of Woodbridge Irrigation District's Request for Assessor's Mailing List and Labels Concerning Agricultural Landowners in San Joaquin County. **(Contd from 9/9/03)** B-03-1150
21. cc - Reallocation, Deletion and Addition of Positions in the County Counsel's Budget. R-03-545
22. cdd - Request for Refund of Planning Fees (PA-0300381) For Cingular Wireless. (3rd District) B-03-1151
23. cob - Approve Announcement of 6 Positions on the Local Child Care Planning Council. B-03-1152

24. eedd - Approval of the Business Incubation Loan Program Request of Lidia and Joseph Svec, dba PIXYMUSIC-TOYKNIGHTS. B-03-1153
25. h/r - Create the New Classes of Equal Opportunity Analyst I/II, Assign and Allocate One Block-Budgeted Position to the EEO Program Budget and Delete One Block-Budgeted Personnel Analyst I/II Position. R-03-546
26. h/r - Adoption of the Memoranda of Understanding for the Professional, Para-Professional & Technical, Safety, Investigative & Custodial and Supervisors Bargining Units. A-03- 845 & A-03-846 & A-03-847 & A-03-848
27. rev/rec - Compromise of San Joaquin General Hospital Account of Esmeralda Marquez-Cazares. B-03-1156
28. treas/tax/colltr - Resolution Replenishing the Cash Difference Fund of the County Tax Collector. R-03-547

CONSENT - MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT

29. mhcsd - Approval of Mountain House Community Services District Potable Water System Plan Update. B-03-1157

CONSENT – IN HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

30. ihss/pub/auth - Approval of Anticipated Schedule and Public Authority Actions to Participate in CalPERS and Social Security. B-03-1158

ADJOURNED TO TUESDAY, OCTOBER 14, 2003 AT 9:00 A.M.

Sieglock/Ornellas/5 B-03-1159