

SAN JOAQUIN COUNTY

**BOARD OF SUPERVISORS  
TUESDAY, NOVEMBER 18, 2003**

A moment of silence was held.

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

Minutes of the Board of Supervisors' Meeting of November 4, 2003. **Approved.** Gutierrez/  
Marenco/5 B-03-1281

**SCHEDULED MORNING ITEMS**

9:00 a.m. - bos – Presented Proclamation Proclaiming November 18, 2003 as "National Prematurity Awareness Day." Susan Demontigny, Senior Deputy Director for Public Health Services, and Dr. Dale Bishop addressed the Board on this matter.

9:00 a.m. - bos – Presented Proclamation Proclaiming November 2003 as "Family Caregivers Month." Dean Morris, Chairman, Commission on Aging, and Joe Chelli, Director of Human Service Agency, addressed the Board on this matter.

Chairman Sieglock noted that all Board Members were in receipt of a memorandum from Public Works regarding Consent #38 regarding added language to the agreement that was supported by the Public Works Director Tom Flinn and the Mountain House Community Services District General Manager Paul M. Sensibaugh.

Consent Items: #3, 4, 5, 29, 30, & 38 - Pulled for discussion.

Consent Items Pulled for Discussion (continued)

Consent Item: #4 – Steve Ebert, Hospital Director, and Kevin Cohen, Interim Director of Health Care Services, responded to concerns of Supervisor Mow regarding the Trauma Center. Supervisor Marengo

also commented on this matter

Consent Item: #5 – County Administrator Manuel Lopez and Hospital Director Steve Ebert responded to questions from Supervisor Gutierrez regarding clarification of the roles and arrangements of Marilyn Christiansen and Jo Anne Ringstrom.

Consent Item: #29 – Don Turko, Director of Human Resources, responded to Supervisor Mow's concerns regarding county employees called to military duty and maintaining their seniority and credit of service for retirement.

Consent Item: #30 – Clark Bennett, Director of Information Systems Division, responded to questions from Supervisors Gutierrez, Mow and Ornellas regarding the remaining balance for contingency, technical support services and monitoring the system to assess whether or not employees are using the system, cost savings, and future costs that may not be covered by the contingency balance. Chairman Sieglock commented that the system is already working by tracking monies and only allowing those departments to spend what they have.

Consent Item: #38 – Manuel Lopez, County Administrator, and Terry Dermody, County Counsel, responded to questions from Supervisor Mow regarding the county's position not being compromised in any of the relationships, and the authorization of the General Manager to make purchases of up to \$100,000.

#36 - Michael McGrew, Outside Counsel, and Paul Sensibaugh, Mountain House General Manager, responded to questions from Supervisor Mow regarding the employees of the district being included in the retirement system and the impact it might have when Mt. House

changes over from a municipal district to a city, and who pays for the Actuarial Study.

#38 - Paul Sensibaugh, Mountain House General Manager, responded to questions from Supervisor Ornellas regarding road district funds. Supervisor Ornellas also thanked Paul Sensibaugh for the change in the language of 4.B.6 of the agreement regarding Bicycle and Pedestrian Circulation.

Consent Items Pulled for Discussion (continued)

Consent Item: #3 – Steve Ebert, Hospital Director, responded to Supervisor Gutierrez’s concern as to whether or not the Upgrading of the Patient Accounting System will address the problems of funds that were lost at Public Health. Mr. Ebert stated Public Health has their own free standing billing and accounting system.

ToCan Nguyen addressed the Board on Consent Items.

Consent Items #1 – 38 (included approval of amendment in Item #38) – **Approved.** Marengo/Mow/5

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**SCHEDULED MORNING ITEMS**

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

A) Children's Services Coordinating Commission - 1 Position. (**Continued from October 21, 2003**) **Continued to 1 month.**

B) Emergency Medical Care Committee - 2 Positions. **Reappointed Debbie Aspling. Clerk of the Board to Readvertise the remaining position.** Mow/Gutierrez/5 B-03-1307

C) Larch Clover Community Center Advisory Board - 1 Position. **Clerk of the Board to Readvertise.**

D) Local Child Care Planning Council - 6 Positions. **Reappointed Jamie Panos, Abby Abell and Appointed Nellie Zavala.** Marengo/Mow/5 B-03-1308

E) Taft Community Center Advisory Board - 1 Position. **Reappointed Bennie Hopkins. Gutierrez/Marenco/5 B-03-1309**

9:00 a.m. - bos - Appointment of Stacey Mortenson as a Public Member of the San Joaquin Valley Rail Committee. Marenco/Gutierrez/5 B-03-1310

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### **COMMUNICATIONS**

bos - Received and Referred all Board Communications this date as Outlined on the Communications Distribution Listing. Mow/Gutierrez/5 B-03-1311

### **PUBLIC COMMENT**

Leon Scott, owner of Delta Cable & Supply located on Aurora Street, addressed the Board regarding the County purchasing an order for wire rope for the ferry. However, the order was never picked up by the County. Mr. Scott learned that it was a double order situation. He attempted to return it to the vendor but they would not accept it. Therefore, Mr. Scott would like to get paid for the order. Chairman Sieglock requested that the County Administrator look into this matter and also work with Supervisor Gutierrez.

ToCan Nguyen addressed the Board regarding various matters.

Michelle Blau, addressed the Board regarding the Family Ties facility on California Street and thanked Supervisor Gutierrez and his staff for their assistance.

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

Supervisor Gutierrez distributed a copy of "Family Ties Stats" to Board Members and the County Administrator. He indicated that he had visited the site and identified a number of discrepancies. Supervisor Gutierrez emphasized that this is just a situation where the county leased a site that is very old and inadequate for the clients that are being placed at this facility. He also stressed that he had requested a copy of the lease but to date he had not received a copy. The reason

Supervisor Gutierrez would like a copy of the lease is to determine who is responsible for the repairs of the facility. Since bringing this matter to the attention of the County Administrator, Supervisor Gutierrez stated that he knows the County Administrator is working on the problems and requested a report from him. Supervisor Gutierrez explained to Board Members how this matter came to his attention. Chairman Sieglock stated that this was the first time he had heard of this item. Mr. Lopez stated that a copy of the lease was being made for Supervisor Gutierrez, and Chairman Sieglock requested that a copy be given to each Board Member. Mr. Lopez also stated that he had met with all of OSA management staff over a period of time and that he invited all staff to attend. He furnished OSA staff his phone number and email address so that anyone who had any issues could contact him or Chris Rose of his office. Supervisors Marengo, Ornellas and Mow also commented on this matter.

Supervisor Ornellas made reference to an individual that had addressed the Board at the previous meeting regarding a sale representative of Mt. House not disclosing the possibility of the East Altamont Power Plant being built nearby. Supervisor Ornellas stated that he had called the principals at Mt. House. He was told that numerous meetings have been held informing sales staff about East Altamont as well as other disclosures, including the Byron Airport. These sales staff meetings are being held on a regular basis. Supervisor Ornellas was also sent a disclosure addendum that any possible buyer would sign that informs them of the East Altamont Power Plant and the Byron Airport.

Supervisor Ornellas brought up the matter of the San Joaquin Valley Air District is considering a \$5,000 per new home fee on future housing in the valley. He asked if this matter could be agendaized for a future Board Meeting to discuss the economic impact on the county if such a fee was to be imposed on new homes as well as other construction.

### Board of Supervisors Questions and Comments (continued)

Supervisor Mow requested that the County Administrator keep the Board regularly updated on any changes or discussion occurring regarding the State Budget.

County Administrator Manuel Lopez responded to Supervisor Gutierrez question regarding whether or not he gave department heads any direction in terms of what kind of anticipated cuts they are looking when submitting their budgets.

Chairman Sieglock, commented on last week's editorial about Mr. Smith's arranged departure from the County. Chairman Sieglock stated that he had not supported his departure and that he would welcome him back today. He further stated that since Mr. Smith's departure, there have been significant problems in Health Care Services which were outlined in the editorial.

**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)

*NATHAN R. SALAS, MAGDALENA SALAS, et al. vs. COUNTY OF SAN JOAQUIN, et. al;* Superior Court Case No. CV016204

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**NO SCHEDULED AFTERNOON ITEMS**

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**CONSENT - HEALTH & HUMAN SERVICES**

1. cao - Office of Substance Abuse Contract with Child Abuse Prevention Council for a Collaborative Parenting Education Project. A-03-936

2. cob - Approve Announcement of 1 Position on the Mental Health Board. B-03-1282
3. hcs - Amendment No. 2 to the General Agreement (A-01-1251) with Keane, Inc. for Upgrading the Patient Accounting System. A-03-937
4. hcs - San Joaquin Emergency Medical Services Agency EMS Plan Amendment for 2003. B-03-1283
5. mhs - Independent Consultant Agreement with Central California Advocates for the Conservator's Office. B-03-1284 & A-03-938
6. mhs - Lease Agreement for Tracy Mental Health Clinic. A-03-939
7. mhs - First Modification of Agreement with Pharmatox Partners for Integrated Treatment Services. A-03-940
8. mhs - Authorize Residential Placements to Casa Del Sol. B-03-1285
9. mhs - Approval of Agreements with Managed Care Network Providers (8). A-03-941 thru A-03-948
10. mhs - Approval of Psychiatrist Employment Contract. A-03-949
11. mhs - Resolution Authorizing the California Department of Mental Health to Transfer Funds to the California Mental Health Directors' Association to Fund an Administrative Services Organization. R-03-626
12. phs - Bioterrorism Preparedness Update and Certification Against Supplanting. B-03-1286

### CONSENT - PUBLIC WORKS

13. pw - Introduce and Waive Reading of an Ordinance Providing for No Parking Zones on Both Sides of Berkeley Road and Stanford Road, and on a Portion of Schulte Road. (5th District) (**Said Ordinance to be Adopted on November 25, 2003**) B-03-1287
14. pw - Acceptance of Certain Subdivision Improvements and Amended Security; Acceptance of Offers of Dedication and Declaring Certain Roadways to be Public Highways Related to Tract No. 3159, Cherry Glen Estates; and Establishing Budget Units for Revenue and Expenditure Classifications for County Service Area No. 56 - Peters. (4th District) (**4/5th's Vote Required**) R-03-627, R-03-628 & B-03-1288

15. pw - Acceptance of the West Country Club Reconstruction, Phase I Contract and Execution of a Notice of Completion. (3rd District) R-03-629

Consent – Public Works (continued)

16. pw - Acceptance of the Monitoring Well Installation Project Contract and Execution of a Notice of Completion. R-03-630

**CONSENT - LAW & JUSTICE**

17. css - Adjustments to Child Support Services Budget to Appropriate Child Support Collection Enhancement Program Funds. **(4/5th's Vote Required)** B-03-1289 & B-03-1290

18. so - Sheriff-Lathrop Police Services: Delete Office Technician/Coordinator Position. R-03-631 & B-03-1291

19. so - Appropriations for 2003-04 Off Highway Enforcement Grant. **(4/5th's Vote Required)** B-03-1292

20. so - Sheriff-CAL MMET: Third Year Grant Augmentation & Resolution Amending Salary Assignment and Departmental Allocation Listing. **(4/5th's Vote Required)** B-03-1293 & R-03-632

**CONSENT - GENERAL GOVERNMENT**

21. air - Approval of Change Order No. 1 to the Granite Construction Company Contract to Construct Air Cargo Apron (Phase 1), Taxiways D & D9 (Phase 1), Terminal Apron Rehabilitation and "B" Street (Phase 1) (AIP-3-06-0250-18 & 19) at Stockton Metropolitan Airport. B-03-1294

22. air - Emergency Authorization to Contract for Rewiring of the Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights at Stockton Metropolitan Airport. **(4/5th's Vote Required)** R-03-641

23. cob - Approve Announcement of 1 Position on the Garden Acres Community Center Advisory Board. B-03-1296

24. cc - Legal Action Entitled Strawser, Ronald, et al. v. County of San Joaquin, et al.; San Joaquin County Superior Court Case No. CV016096. B-03-1297



25. fac/mgmt - Resolution Authorizing Application for Grant Funds for the Per Capita Grant Program Under the California Clean Water, Clear Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. (Proposition 40) R-03-633
26. fac/mgmt - Resolution Authorizing Application for the Roberti-Z' Berg-Harris (RZH) Block Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40). R-03-634
27. fac/mgmt - Resolution Accepting Bid for Sale of County Property Located at 1540 Roosevelt Avenue, Escalon, CA. **(4/5th's Vote Required)** R-03-635 & B-03-1298
28. hr - Adopt an Ordinance to Exempt the Position of Public Guardian/Conservator. **(Said Ordinance Introduced and Waived November 4, 2003)** Ordinance #4200

Consent – General Government (continued)

29. h/r - Adoption of the Resolution of the County of San Joaquin Providing for Additional Temporary Partially Paid Military Leave of Absence Benefits. R-03-636
30. isd - Approval of Change Orders for the County Accounting and Personnel System (CAPS) Project. B-03-1299
31. rev/rec - Compromise of San Joaquin General Hospital Account of Teva Rigdon. B-03-1300
32. rov - Resolution Appointing Trustees to Reclamation Districts No. 404, 2064, 2096 and 2126. R-03-637
33. rov - Resolution Appointing Randell D. Norman to the Board of Trustees of Reclamation District No. 1614. R-03-638
34. rov - Resolution Accepting Statement and Results of the Votes Cast for the Uniform District Election Held on Tuesday, November 4, 2003 Declaring Certain Candidates Elected and Authorizing the Issuance of Certificates of Election. R-03-639

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**CONSENT - MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT**

35. mhcsd - Introduce and Waive Reading of an Ordinance Entitled "An Ordinance of the Mountain House Community Services District Establishing Water Services Regulations and Standards." **(Said Ordinance to be Adopted on November 25, 2003)** B-03-1301

36. mhcsd - Resolution Directing the General Manager to Send a Letter to the San Joaquin County Retirement Office Requesting Actuarial Study to Permit Mountain House Community Services District to Continue in Existing Retirement Plan. R-03-640

37. mhcsd - Approval of a Modification to Extend the Time Period and Cost for the Professional Services Contract (A-02-423) with Harris & Associates to Provide Construction Inspection Services for Neighborhoods "E" and "G". **(4/5th's Vote Required)** A-03-950, B-03-1302 & B-03-1303

38. mhcsd - Approval of Amended and Restated Public Services Allocation Agreement and Introduce and Waive Reading of an Ordinance Setting Forth Duties of Mountain House Community Services District General Manager. **(Said Ordinance to be Adopted on November 25, 2003)** B-03-1304, B-03-1305, B-03-1306 & A-03-951.

**ADJOURNED TO TUESDAY, NOVEMBER 25, 2003 AT 9:00 A.M.**

Mow/Gutierrez/5 B-03-1295

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).