

Board of Supervisors
San Joaquin County

LEROY ORNELLAS
Chairman
Fifth District

STEVEN GUTIERREZ
Vice Chairman
First District

DARIO L. MARENCO
Second District

VICTOR MOW
Third District

JACK A. SIEGLOCK
Fourth District

MINUTE SUMMARY

MANUEL LOPEZ
County Administrator

TERRENCE R. DERMODY
County Counsel

LOIS M. SAHYOUN
Clerk of the Board

**SAN JOAQUIN COUNTY
BOARD OF SUPERVISORS
Tuesday, September 28, 2004**

A moment of silence was held.

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

Minutes of the Board of Supervisors' Meeting of September 21, 2004. **Approved.** Sieglock/Marneco/4;
Mow/Abstained B-04-988

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APPROVE CONSENT ITEMS # 1-24

Consent Item: #12 – County Counsel Terry Dermody reported that this item should be removed. He received a communication from the attorney of the reclamation district indicating that one of the two

contestants withdrew his candidacy. The Board of Trustees of that district accepted the withdrawal. They will be coming back to the Board in the near future with a resolution appointing the uncontested candidate.

Consent Items: #17 & 18 – Supervisor Mow requested that these two items be acted on after the scheduled Annual Equal Employment Opportunity Committee Oral Report.

Consent Items: #1-11, 13-16 & 19-24. **Approved.** Marenco/Gutierrez/5

CONSENT - HEALTH & HUMAN SERVICES

1. hcs - Applications for Appointment to San Joaquin General Hospital Medical Staff. B-04-989
2. hcs - Applications for Reappointment to San Joaquin General Hospital Medical Staff. B-04-990
3. hcs - Approval of Physician Employment Contracts for the Department of Family Medicine and Department of Surgery - Dental Division. A-04-865 & A-04-866
4. hsa - Approval of Memorandum of Understanding with Maximus, for Work Space in the Human Services Agency Building. B-04-991 & A-04-867
5. hsa - Approval of Memorandum of Understanding for Social Services, Recreation Activities and Life Skills Services with New Hope School District and San Joaquin County Office of Education to Operate the Thornton Satellite Community Center. B-04-992 & A-04-868
6. hsa - Authorization to Submit a Revised Area Agency of Aging Fiscal Year 2004-05 Plan Update to the State of California. B-04-993
7. phs - Approval of Contract Amendment with State Department of Health Services for the WIC Supplemental Food Program. B-04-994 & A-04-869
8. phs - Authorization for Out-of-State Travel to Attend Flow Cytometry Training in Miami, Florida. (Funded) B-04-995

CONSENT - PUBLIC WORKS

9. pw - Disadvantaged Business Enterprise Program for Federally Funded Transportation Projects. B-04-996
10. pw - Approval of Temporary Closure of Naglee Road Between Tracy City Limits and Bethany Road;

Bethany Road Between Lammers Road and Corral Hollow Road; Corral Hollow Road Between Bethany Road and Lammers Road; and Lammers Road for the Annual 5K/10K Run at the West Valley Mall. (5th District) R-04-544

11. pw - Authorize Out-of-State Travel to Washington, D.C. to Support the Mokelumne River Water and Power Authority's Mokelumne River Regional Water Storage and Conjunctive Use Project. B-04-997

CONSENT - GENERAL GOVERNMENT

12. cc - Approval of the Appointment of An Election Board for the Smith Tract Reclamation District No. 1614. **Removed from the agenda.**

Consent – General Government (continued)

13. cao - Subordination of County Tax Increment Related to the Manteca Redevelopment Project Area No. 2. B-04-998

14. cao - Approval of Annexation Agreement with the City of Stockton for the West Lake at Spanos Park West Annexation. (4th District) B-04-999 & A-04-870

15. eedd - Recommendation to Approve the Loan Request of Wenceslao Maldonado DBA Maldonado's Auto Body. B-04-1000

16. eedd - Recommendation to Approve a Modification to the Note and Loan Agreement of Timbron International, Inc., a California Corporation. B-04-1001

17. eeo - Amend and Rename Subsections #2575 Affirmative Action and #2576 Sexual Harassment of the County Administrative Manual. B-04-1002

18. eeo - Adoption of the 2004-2006 Equal Employment Opportunity Plan. B-04-1003

19. fac/mgmt - Approve Board of Corrections Second Contract Amendment for the Jail 132-Bed Expansion Project. B-04-1004 & A-04-871

20. h/r - Implement Classification Project in Health Care Services. R-04-545

21. isd - Final Status Report for the County Accounting and Personnel System Project. B-04-1005

22. isd - Approval of Contract with ISD Corporation for the Implementation of Juvenile Justice Information Systems Application, Version 2.7 with Ongoing Maintenance Support. B-04-1006, A-04-872 & A-04-873

23. oes - Continuance of Local Emergency. B-04-1007
24. rov - Approval of Conflict of Interest Code Amendments for the Agricultural Commissioner's Office, Environmental Health Department, Employment and Economic Development Department and Human Services Agency. B-04-1008, R-04-546, B-04-1009 & B-04-1010
25. lab/rel - Adoption of the Memorandum of Understanding with the Correctional Officers Bargaining Unit. A-04-874, B-04-1011, B-04-1012

SCHEDULED MORNING ITEMS

9:00 a.m. - eeo - Annual Equal Employment Opportunity Advisory Committee Oral Report to the Board of Supervisors. Christiane Roceli, Chairperson for EEOAC; Joel Reyna, Vice-Chairman for EEOAC, and Robin Moore, EEO Program Manager, addressed the Board on this matter. In response to Supervisors Gutierrez and Mow, County Administrator Manuel Lopez stated that he would work with Department Heads in developing some guidelines to accommodate

Scheduled Morning Items (continued)

Employee participation on the Equal Employment Opportunity Advisory Committee. The matter would come back to the Board for consideration.

CONSENT ITEMS

Consent Items: #17 & 18 - **Approved.** Mow/Gutierrez/5

9:00 a.m. - h/r - Hearing Regarding Administrative Complaint Filed by SEIU Local 790 Pertaining to the Seniority of Paul Ramirez. Don Turko, Director of Human Resources; Cindy Clays, Employment Services Manager; Michelle Blau, Representative for SEIU Local 790, and Paul Ramirez addressed the Board on this matter. **Continued to October 19, 2004.** Sieglock/Mow/5 B-04-1013

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

A) Children's Services Coordinating Commission - 1 Position. **Clerk of the Board to Readvertise.**

B) Equal Employment Opportunity Advisory Committee - 1 Position. **Clerk of the Board to Readvertise.**

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

D) Parks & Recreation Commission - 1 Position. **Clerk of the Board to Readvertise.**

E) Parks & Recreation Commission – 1 Position. **Continued from September 21, 2004. Reappointed John Andoh.** Gutierrez/Sieglock/5 B-04-1014

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DISCUSSION - HEALTH & HUMAN SERVICES

1. hcs - Approval of Contract with Pricewaterhousecoopers for Revenue Enhancements and Efficiency Improvements for San Joaquin General Hospital. Ken Cohen, Interim Director of Health Care Services, addressed the Board on this matter. **Approved.** Mow/Sieglock/5 A-04-875

DISCUSSION - PUBLIC WORKS

1. pw - Endorsement of Solid Waste Fee Concepts. Supervisor Gutierrez requested that this matter be continued in order to allow him more time for research purposes. **Postponed to October 19, 2004.**

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DISCUSSION - GENERAL GOVERNMENT

1. cao - Report on State Budget Impacts & Recommended Adjustments to the Fiscal Year 2004-05 County Budget. **(4/5th's Vote Required)** Manuel Lopez, County Administrator, addressed the Board on this matter. **Approved.** Mow/Gutierrez/5 B-04-1015 & B-04-1016

COMMUNICATIONS

bos - Received and Referred all Board Communications this date as Outlined on the Communications Distribution Listing. Sieglock/Gutierrez/5 B-04-1017

PUBLIC COMMENT

Joanna Krupczynski, Denise Kamstra, and Cindy Herrera, registered nurses at the San Joaquin General Hospital, addressed the Board regarding safety issues and staffing.

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Reverend Bob Haley addressed the Board regarding the cost of insurance and the recent decision of the District Attorney's Office with respect to the Mondez Denmon case.

BOARD OF SUPERVISORS QUESTIONS AND COMMENTS

Supervisor Gutierrez requested that County Counsel provide information to the Board identifying the roles, responsibilities and limitations of Board appointments to the various Boards and Commissions, including the Public Health Board.

Supervisor Marengo reported that at 8:00 a.m. there was heavy dumping on Bird Road. By 8:30 a.m., a person at the community center went through the garbage, found a name, and then contacted the Sheriff's Department. Supervisor Marengo commented that he is pleased an ordinance is forthcoming. However, he had some concerns regarding penalties. In the meantime, Supervisor Marengo felt that someone is needed to take care of the current problem of dumping.

Supervisor Sieglock brought up the issue of the parking of trucks in the unincorporated areas. He requested that staff look into this matter and report back to the Board.

CLOSED SESSION

County Counsel Terry Dermody announced that the Board would be meeting in Closed Session on the items listed on the agenda, except for the Arnaiz matters.

CONFERENCE WITH LABOR NEGOTIATOR

California Government Code Section 54957.6

Agency Negotiator: Manuel Lopez; Wayne Heine; John Bertke; Don Turko; Jeff Sloan; Geoff Rothman, Donna Williamson

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)

George DeLeon vs. San Joaquin County; San Joaquin County Superior Court Case No. CV021607

Arnaiz LTD, HD vs. San Joaquin County Superior Court Case No. CV021607

Arnaiz LTD, HD vs. *San Joaquin County et al.*; Superior Court Case No. CV010728

SCHEDULED AFTERNOON ITEMS

1:30 p.m. - cdd - Public Hearing Regarding Development Title Text Amendment No. PA-0400401 of Castello Estates, LLC Regarding an Ordinance Amending Title 9 of the Ordinance Code of the County of San Joaquin Relative to Section 9-830.5(b) and Section 9-1010.3(d); Concerning Yard Setback Requirements for Second Unit Dwellings. (All Districts) Kerri Sullivan, Director of Community Development Department, and Chandler Martin, Principal Planner, addressed the Board on this matter. **Approved Staff Recommendation.** Sieglock/Gutierrez/5 B-04-1019 & Ordinance #4226

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ADJOURNED TO TUESDAY, OCTOBER 5, 2004 AT 9:00 A.M.

Seiglock/Gutierrez/5 B-04-1018

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).