

Board of Supervisors  
San Joaquin County

STEVEN GUTIERREZ  
Chairman  
First District

DARIO L. MARENCO  
Vice Chairman  
Second District

VICTOR MOW  
Third District

JACK A. SIEGLOCK  
Fourth District

LEROY ORNELLAS  
Fifth 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, January 18, 2005**

A moment of silence was held.

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

**SCHEDULED MORNING ITEMS**

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

A) Advisory Water Commission - 2 Positions. **Reappointed Dave Kamper. Clerk of the Board to Readvertise Remaining Position.** Sieglock/Mow/5 B-05-106

B) Assessment Appeals Board - 1 Position. **Clerk of the Board to Readvertise.**

C) Community Action Board - 1 Position. **Clerk of the Board to Readvertise.**

D) Commission on Aging - 1 Position. **Clerk of the Board to Readvertise.**

E) Emergency Medical Care Committee - 1 Position. **Clerk of the Board to Readvertise.**

F) Escalon Cemetery District - 1 Position. **Reappointed Larry Swanson.** Sieglock/Mow/5 B-05-107

Appointments to Boards and Commissions (continued)

G) Health Commission of San Joaquin County - 2 Positions. **Reappointed John LeVeck and Dr. Rene Marasigan.** Sieglock/Mow/5 B-05-108

H) Local Child Care Planning Council - 1 Position. **Clerk of the Board to Readvertise.**

I) Mental Health Board - 1 Position. **Clerk of the Board to Readvertise.**

J) Public Health Advisory Board - 1 Position. **Clerk of the Board to Readvertise.**

**APPROVE CONSENT ITEMS # 1-23**

Consent Items: #1 & 14 – Pulled for discussion.

Consent Items: #2–13 & 15–23. **Approved.** Mow/Marenco/5; Supervisor Sieglock voted “No” on Consent #4.

Consent Item: #1 – Lani Schiff-Ross, Program Coordinator of First 5 San Joaquin, responded to Supervisor’s Mow questions regarding his concerns of the direct value of providing technological services to providers of the services. **Gutierrez/Ornellas/Yes; Mow/Sieglock/Marenco/No – Motion failed to approve Consent #1.**

Consent Item: #14 – In response to Supervisor Ornellas, County Administrator Manuel Lopez confirmed that this agreement will allow LAFCO to complete its action to process the annexation which will ultimately go to the City of Tracy. responded to his question. **Ornellas/Sieglock5**

**CONSENT - HEALTH & HUMAN SERVICES**

1. cao - Children and Families Commission (First 5 San Joaquin) Recommendation to Fund ETR Associates for the Technology Assistance Program.
2. hcs - Application for Reappointment to San Joaquin General Hospital Medical Staff. B-05-88
3. hsa - Approval of Amendment to Agreement for Name Change of Contractor. B-05-89 & A-05-36

**Consent – Health & Human Services** (continued)

4. phs - Approval of Contract with the California Department of Health Services for the Male Involvement Program. B-05-90 & A-05-37
5. phs - Approval of Out of State Travel, Region IX Infertility Prevention Program Meeting in Phoenix, Arizona. B-05-91

**CONSENT - PUBLIC WORKS**

6. pw - Approval and Adoption of Plans and Specifications for the Morrison Gardens Resurfacing (Phase 6) and **Setting a Bid Opening Date of February 10, 2005, at 1:30 p.m.** (1st District) R-05-36
7. pw - Request for Refund of Traffic Impact Mitigation Fees. (1st District) B-05-92
8. pw - Participation in San Joaquin Council of Governments' 2005 Legislative Advocacy Trip to Washington, D.C. B-05-93
9. pw - Intent to Transfer Griffith Gate Ranchettes to County Service Area No. 49, Zone "L-1" and **Set a Public Hearing Date for March 8, 2005, at 9:00 a.m.** (4th District) R-05-37 & B-05-94

**CONSENT - FLOOD CONTROL**

10. pw/fc - Approval of an Agreement to Allow Placement of a Rain Gauge. (4th District) A-05-38

**CONSENT - LAW & JUSTICE**

11. css - Replenishment of Cash Difference Fund - Department of Child Support Services. B-05-95

12. da - Approval of Agreements with the City of Stockton Police Department for the District Attorney's Office Victim/Witness Assistance Program, Human Services Agency Child Welfare Services, and the Probation Department to Participate in the Children Exposed to Domestic Violence Collaborative Program. **(4/5th's Vote Required)** B-05-96, B-05-97, A-05-39 & A-05-40

### CONSENT - GENERAL GOVERNMENT

13. airport - Participation in San Joaquin Council of Governments' 2005 Legislative Advocacy Trip to Washington D.C. B-05-98 & B-05-99

### Consent – General Government (continued)

14. cao - Approval of Annexation Agreement with the City of Tracy for the Larch Clover Annexation. A-05-41

15. cob - Approve Announcement of 2 Positions on the Advisory Water Commission. B-05-100

16. cob - Approve Announcement of 3 Positions on the Resource Conservation District. B-05-101

17. fac/mgmt - Approve Contribution to City of Escalon for Acquisition of Real Property for Robert Cabral Regional Park. B-05-102

18. fac/mgmt - Approval of Volunteer Caretaker Agreements - Micke Grove Regional Park. A-05-42 & A-05-43

19. hr - Recommended Salary Adjustment for Principal Personnel Analyst Position. R-05-38

20. hr - Adopt the Amended and Retitled Exempt Class of Finance Director - Health Care Services, Assign and Allocate the Exempt Position to Health Care Services, Adopt an Ordinance Code Amendment Exempting this Class from Civil Services, and Delete the Class of Chief Deputy Director - HCS Finance from the Ordinance Code. **(Said Ordinance Introduced and Waived on January 11, 2005)** Ordinance #4240

21. hr - Implement Classification Project #04-024 in Public Health Services. R-05-39

22. oes - Termination of Local Emergency. R-05-40

23. oes - Approve Appropriation and Revenue Adjustments for Federal Fiscal Year 2003 Homeland Security Supplemental Grant. **(4/5th's Vote Required)** B-05-103 & B-05-104

### DISCUSSION - HEALTH & HUMAN SERVICES

1. hsa - Declaration of the Twenty-Seventh Annual Senior Awareness Day. Joseph Chelli, Director of Human Services Agency, addressed the Board on this matter. Sieglock/Marenco/5 B-05-105

2. hcs - Oral Presentation on Hospital Medi-Cal Payment - State Reform Efforts. Kenneth Cohen, Director of Health Care Services, addressed the Board on this matter. **Oral Presentation – No Action Required.**

3. mhs - Report on Mental Health Services Act (Proposition 63) Planning Process. Kenneth Cohen, Director of Health Care Services and Bruce Hopperstad, Director of Mental Health Services, addressed the Board on this matter. Sieglock/Marneco/5 B-05-109

### DISCUSSION - GENERAL GOVERNMENT

1. cc - First Amendment to Agreement and Covenant - San Joaquin County/Kent. Terrence Dermody, County Counsel, and Attorney Mike Hakeem addressed the Board on this matter. **Approved.** Sieglock/Mow/5 A-05-44

2. bos - Consideration of the Vacancy of the Office of San Joaquin County Sheriff; Consideration of Process to Fill Vacancy; Possible Action to Fill Vacancy. County Counsel Terrence Dermody briefed the Board on this matter. Sergeant John Williams, President of the Sheriffs Deputy Sergeants Association; Deputy Sheriff Mike Press, Vice President of the Deputy Sheriffs Association; Lieutenant Myron Kelso, President of the San Joaquin County Law Enforcement Management Association; Sergeant Gary C. Padula, President of the San Joaquin County Correctional Officers Association; and Reverend Bob Hailey of Stockton addressed the Board on this matter. **The Board approved Option #3 with the amendment that the County Administrator and County Counsel select another panel member to review prospective candidates, and to give prospective candidates, including recommendations and/or referrals from any individual, until Tuesday, January 25, 2005, at 5:00 p.m., to apply. Sieglock/Marenco/5**

A motion failed to exclude individuals that plan to run for Sheriff from being appointed Interim Sheriff.

**The Board also approved that the County Administrator and the County Counsel in reviewing potential candidates express the Board's preference that the successful candidate not be a candidate for subsequent election to the Office of Sheriff. Marenco/Ornellas/3; Mow/Sieglock-No**

### COMMUNICATIONS

bos - Received and Referred all Board Communications this date as Outlined on the Communications Distribution Listing. Sieglcok/Marenco/5 B-05-110

### PUBLIC COMMENT

Angel Picon, representing SEIU United Health Care Workers, stated that there has been no progress in the negotiation process.

Reverend Bob Hailey addressed the Board on home health care workers, .

Angel Picon informed the Board that there would be a candlelight vigil outside the courthouse.

### BOARD OF SUPERVISORS QUESTIONS AND COMMENTS

Supervisor Ornellas asked if this was the appropriate time to consider separating the Coroner from the Sheriff's Office. He also inquired as to whether or not there was a way at the County level to prevent county employees or elected officials from receiving all or part of their retirement pension if he or she were found guilty of a felony. Additionally, could new employees and elected officials be required to sign a contract. County Counsel Terrence Dermody addressed these matters.

Supervisor Ornellas thanked County Counsel Terrence Dermody and his staff for their efforts and guidance during these troubled times with the Sheriff's retirement issue.

Supervisor Marenco referred to an article that appeared in the Stockton Record recently regarding the Regional Transportation Impact Fee (RTIF) which was part of Measure K passed in 1990 by the San Joaquin County voters. He expressed his concern that it has now been 15 years since this measure passed and the fee has never been imposed.

Supervisor Sieglock commented that he has been very outspoken about implementing RTIF. He further stated that it was also his opinion that there should be a separation of the Sheriff and the Coroner and that this matter should come back before the Board.

County Administrator Manuel Lopez stated that by Board Resolution, whenever there is a vacancy of a department, the County Administrator looks at the organization.

Supervisor Mow said that there are models out there where the Sheriff and the Coroner are separate offices and that they would be worth looking at.

Chairman Gutierrez referred to the action of the Board not passing Consent Item #1 on the agenda. He stated that this is the second time the Board has not passed an item of the Children and Families Commission (First 5 San Joaquin). Chairman Gutierrez encouraged Board Members to work with the County Administrator or to communicate with him their concerns about any future items.

**CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATOR**

California Government Code Section 54957.6

Agency Negotiator: Manuel Lopez; Wayne Heine; John Bertke; Jeff Sloan;  
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)

*DAVID M. GRAN v. SAN JOAQUIN COUNTY et al;* San Joaquin Superior Court Case No. CV018428

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**NO SCHEDULED AFTERNOON ITEMS**

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**ADJOURNED TO TUESDAY, JANUARY 25, 2005 AT 9:00 A.M.**

Ornellas/Mow/5 B-05-111

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).