

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, June 7, 2005**

A moment of silence was held.

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

Minutes of the Board of Supervisors' Meeting of May 24, 2005. **Approved.** Mow/Marenco/5 B-05-610

SCHEDULED MORNING ITEMS

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

A) Assessment Appeals Board - 1 Position. **(Continued from May 3, 2005) Clerk of the Board to Readvertise.**

B) Community Action Board - 2 Positions. **(Continued from May 3, 2005) Clerk of the Board to Readvertise.**

C) Drug & Alcohol Programs Advisory Board - 6 Positions. **Reappointed Alan Hickman. (Continued from May 3, 2005) Clerk of the Board to Readvertise Remaining 5 positions.** Sieglock/Mow/5 B-05-611

Appointments to Boards and Commissions (continued)

D) Economic Development Association - 1 Position. **(Continued from April 26, 2005) Clerk of the Board to Readvertise.**

E) French Camp Municipal Advisory Council - 3 Positions. **(Continued from April 26, 2005) Clerk of the Board to Readvertise.**

F) Garden Acres Community Center Advisory Board - 2 Positions. **(Continued from April 26, 2005) Clerk of the Board to Readvertise.**

G) Larch Clover Community Center Advisory Board - 1 Position. **(Continued from April 26, 2005) Clerk of the Board to Readvertise.**

H) Local Child Care Planning Council - 2 Positions. **(Continued from May 3, 2005) Clerk of the Board to Readvertise.**

I) Mental Health Board - 2 Positions. **Reappointed David Parker. (Continued from May 3, 2005) Clerk of the Board to Readvertise Remaining Position.** Sieglock/Mow/5 B-05-612

J) Parks & Recreation Commission - 1 Position. **(Continued from May 3, 2005) Clerk of the Board to Readvertise.**

K) Resource Conservation District - 1 Position. **Reappointed John Thoming.** Sieglock/Mow/5 B-05-613

L) Revolving Loan Fund Board of Directors - 1 Position. **(Continued from May 3, 2005) Clerk of the Board to Readvertise.**

M) Solid Waste Management Independent Hearing Panel - 1 Position. **(Continued from May 3, 2005) Clerk of the Board to Readvertise.**

N) Workforce Investment Board - 2 Positions. **Continued to June 14, 2005.**

APPROVE CONSENT ITEMS # 1-30

Consent Items: #1-14, 17, 19-22 and 24-30. **Approved.** Sieglock/Mow/5

Consent Items: #15, 16, 18, 23 and 30 - Pulled for discussion.

ToCan Nguyen addressed the Board regarding Consent Items.

Consent Items (continued)

Consent Item: #15 – **Approved.** Ornellas/Sieglock/5

Consent Item: #16 – Airport Director Barry Rondinella responded to questions from Supervisors Ornellas and Mow. **Approved.** Ornellas/Sieglock/5

Consent Item: #18 – Supervisor Sieglock thanked County Counsel for doing a fine job and commented that he was pleased to see the continuing relationship with Linden Unified School District. **Approved.** Sieglock/Ornellas/5

Consent Item: #23 – Health Care Services Director Ken Cohen responded to questions from Supervisors Gutierrez and Mow. Cary Martin addressed the Board on this matter. **Approved.** Sieglock/Mow/4-1; Gutierrez – No.

Consent Item: #30 – Mountain House Community Services District General Manager Paul Sensibaugh, Attorney Mike McGrew, Attorney Steve Herum and Kevin Peters, Vice President of Community Development for Shea Homes, responded to comments and questions from all Board Members. **Approved.** Sieglock/Mow/4-1; Marengo – No

CONSENT - HEALTH & HUMAN SERVICES

1. hcs - Resolution in Opposition to Federal Medi-Cal (Medicaid) Waiver Currently Under Consideration by

the State. R-05-294

2. hcs - Approval of Revisions to the San Joaquin General Hospital Medical Staff Bylaws. B-05-614

3. hcs - Approval to Join the Revenue Cycle Compass Program. B-05-615

4. hsa - Schedule **Public Hearing on June 28, 2005 at 9:00 a.m.** to Adopt the In-Home Supportive Services Public Authority Fiscal Year 2005-06 Budget. B-05-616

5. hsa - Approval of Lease Agreement with Main Street Manor Apartments for the Adult Protection Services Program. B-05-617 & A-05-360

6. hsa - Approval of State Department of Aging Contract for Multipurpose Senior Services Program for Fiscal Year 2005-06. B-05-618 & A-05-361

7. hsa - Agreement with Victor Community Support Services, Inc. for Wraparound Services for Fiscal Years 2005-06 through 2006-07. B-05-619 & A-05-362

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CONSENT - PUBLIC WORKS

8. pw - Adopt an Ordinance Providing for a No Parking Zone on a Portion of West Lane. (2nd District) **(Said Ordinance Introduced and Waived May 24, 2005)** Ordinance #4251

9. pw - Approval and Adoption of Plans and Specifications for the Lower Sacramento Road Improvements - Harney Curve Project and **Setting a Bid Opening Date of July 7, 2005, at 1:30 p.m.** (4th District) R-05-295

10. pw - Acceptance of a Grant Deed and an Agreement for the Purchase of Real Property and Adoption of an Order Declaring a Public Highway for the Lower Sacramento Road - Harney Curve Project. (4th District) R-05-296 & A-05-363

11. pw - Approval and Adoption of Plans and Specifications for the Front Street Improvements; **Setting a Bid Opening Date of June 30, 2005, at 1:30 p.m.**; and Approval of a Cooperative Agreement for Construction and Maintenance of the Front Street Improvements. (4th District) R-05-297 & A-05-364

12. pw - Cooperative Agreement and Agreement for Consulting Preliminary Engineering Services for the Pershing Avenue Project. (2nd and 3rd Districts) B-05-620, A-05-365 & A-05-366

CONSENT - LAW & JUSTICE

13. so - Resolution Approving the 2005-2006 Application for State Off-Highway Vehicle Grant. R-05-298

14. so - Agreement with Lincoln Center Property Management for Law Enforcement Services for the Lincoln Center Live Event Series. A-05-367

15. so - Agreement with WAT Dhammararam Buddhist Temple Association for Law Enforcement Services for the Pivotal Periods of the Buddha Celebration. A-05-368

CONSENT - GENERAL GOVERNMENT

16. airport - Out-of-State Travel Request to Meet with Representatives of Allegiant and Horizon Airlines. B-05-621 & B-05-622

17. cc - Settlement of Legal Action Entitled Patricia Lopez v. County of San Joaquin, San Joaquin County Superior Court Case No. CV022583. B-05-623

18. cc - Approval of Joint Use Facilities Agreement with Linden Unified School District. A-05-358 & A-05-359

19. eedd - Extension of Employment Contract for a Business Retention and Expansion Specialist. B-05-624 & A-05-369

Consent – General Government (continued)

20. eedd - Authorization to Sign a Letter of Intent to Lease Office Space with the State Employment Development Department. B-05-625

21. fac/mgmt - Accept Contract as Complete for the Canlis Basement Chiller and Cooling Tower Replacement Project. R-05-299

22. fac/mgmt - Approve Notice of Remedy or Quit Under Agreement A-88-1052 for the Golf Driving Range. B-05-626

23. hr - Introduce and Waive Reading of an Ordinance Creating the New Exempt Class of Deputy Director - Behavioral Health - Substance Abuse Services; Assign and Allocate Exempt Position to Behavioral Health Services; and Amend and Retitle the Exempt Classes for Chief Deputy Director - Mental Health Services, and Deputy Director - Mental Health Services. **(Said Ordinance to be Adopted on June 14, 2005)** B-05-627 & R-05-300

24. hr - Introduce and Waive Reading of an Ordinance Authorizing Amendment of the Contract Between the Board of Administration California Public Employees' Retirement System and the Board of Supervisors. **(Said Ordinance to be Adopted June 14, 2005)** B-05-628 & A-05-374

25. lab/rel - Certify the San Joaquin County Attorneys Association as the Recognized Employee Organization for the Attorney Bargaining Unit. B-05-629, A-05-370 & A-05-371

26. purchasing - Approval of Late Travel Request. B-05-630 & B-05-636

27. purchasing - Award of Contract for the Phase I Electrical Service Upgrade at Micke Grove Park. B-05-631 & A-05-372

CONSENT - MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT

28. mhcsd - Adopting the Mountain House Community Services District Labor Relations Policy Document. R-05-301

29. mhcsd - Approval of Agreement with Parsons Brinkcherhoff Construction Services, Inc., to Provide Construction Management Services for Mountain House Community Services District for the I-205 Mountain House Parkway Interchange Project. R-05-302 & A-05-373

30. mhcsd - Approve Consent to Assignment for Project Acquisition Agreement No. PAA-2 and No. PAA-3 and Project Reimbursement Agreements No. PRA-2 and No. PRA-3 from Trimark Communities LLC to Shea Mountain House, LLC. B-05-632

BRING-UP ITEM

Closure of Mokelumne River in the Interest of Public Safety – Supervisor Sieglock brought this matter to the attention of the Board. **The Board approved to place the item on the agenda.** Sieglock/Mow/5.

The item was approved by the Board. County Counsel to make changes in the Resolution. Sieglock/Marenco/5

DISCUSSION - GENERAL GOVERNMENT

1. cao - Approval of Fiscal Year 2005-06 Proposed County and Special Districts Budgets. County Administrator Manuel Lopez, Stephanie Batey and ToCan Nguyen addressed the Board on this matter. **Approved.** Sieglock/Mow/5 B-05-633
2. cc - Board Rules and Procedures Regarding Comments from the Public During Board Meetings. County Counsel Terry Demody, Reverend Bob Hailey and ToCan Nguyen addressed the Board on this matter. **No action taken.**

COMMUNICATIONS

bos - Received and Referred all Board Communications this date as Outlined on the Communications Distribution Listing. **Approved.** Sieglock/Mow/5 B-05-634

PUBLIC COMMENT

Robert Wooten addressed the Board regarding the matter of a Deputy Sheriff being hired by the Sheriff-Coroner who was involved in a case regarding the death of an African-American girl in Riverside County. County Counsel Terry Dermody commented that the Board of Supervisors does not have the hiring and firing authority over Deputy Sheriffs in San Joaquin County. The Sheriff-Coroner has that authority.

Jacek Kostyrko, a professor at San Joaquin Delta College, addressed the Board regarding complaints against the County Health Officer and Environmental Health with respect to bad and cat exclusion from the Delta College campus.

Reverend Bob Hailey addressed the Board regarding Head Start.

ToCan Nguyen addressed the Board on various matters.

BOARD OF SUPERVISORS QUESTIONS AND COMMENTS

Supervisor Sieglock read into the record the resignation letter dated June 6, 2005 to Vice Mary Gary Giovanetti, from Julia E. Greene, Executive Director of the San Joaquin Council of Governments.

Supervisor Sieglock brought to the attention of the Board a letter he received from the Winnemucca Indian Colony regarding a proposal for an Indian casino in San Joaquin County, seven miles from Lodi. Supervisor Sieglock stated that this matter warrants the immediate attention of the Board. He requested that the County Counsel, County Administrator and the Community Development Director look into this matter to make sure that this proposal does not occur. Supervisor Sieglock also stated that our federal and state legislators be contacted regarding this matter.

Supervisor Ornellas commented that he had seen a sign just east of Clements regarding an Indian casino.

Supervisor Mow suggested that the County Administrator contact the California State Association of Counties (CSAC) regarding Indian casino issues.

Supervisor Mow stated that he had received a telephone call from a resident in the Third Supervisorial District regarding the City of Stockton collecting utility taxes while living in the county. He referenced an article in the June 6, 2005 issue of The Record. Supervisor Mow requested the County Administrator to look into this matter. County Administrator Manuel Lopez stated that he would get back to the constituent.

Supervisor Gutierrez requested guidance from the Board for establishing a one-night Board meeting regarding issues on the 2005-2006 Budget. All Board Members, except for Supervisor Marenco, felt that there was no need for a night meeting.

Supervisor Gutierrez inquired about the status of Head Start Board discussions with other agencies regarding the possibility of another agency taking over Head Start. County Administrator Manuel Lopez said that there will be a full report coming to the Board on June 21, 2005.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

California Government Code Section 54957.6

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

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

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NO SCHEDULED AFTERNOON ITEMS

ADJOURNED TO TUESDAY, JUNE 14, 2005 AT 9:00 A.M.

Sieglock/Mow/5 B-05-635

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).