

2017-2018 Charter Review Committee Update/Summary

2/6/2018 BOS Agenda Item # 19

**Prepared by Kris Payne,
Charter Review Committee Chair**

2/2/2018

1 of 18

Description of the 2017/2018 Charter Review Committee and Its Efforts

<u>Committee Members</u>	<u>Alternate Members</u>
Kris Payne, District III, Chair	Richard Ross, District I
Don Fuller, District II, Vice-Chair	Jim Hill, District II
Rachel Michelin, District I	Randy Pesses, District III
Michael Powell, District IV	Gary Campbell, District IV
Jeanne Harper, District V	Leon Abravanal, District V

"The narrative below is to best of my ability accurate and factual. It is my opinion and not necessarily the opinion of others on the Committee." KP:2/3/2018

To summarize, the best description of the 2017/2018 Charter Review Committee is diverse, opinionated and energetic. The committee effort was open, transparent and included the community participation. All items were presented by agenda, discussed/debated, and considered for, and if supported or not, action taken. Three types of actions were possible: Approved, Rejected, or No Action Taken. The Committee was support by County Staff, most specifically by the Board Clerk, County Counsel's Office, and the CAO's Office.

The Charter Review Committee had last met in 2014 and is required by the Charter Section 701 to be convened by the Board of supervisors within five (5) years. The Board convened the Charter Review Committee after only 3 years in response to the 2015-2016 Grand Jury Report entitled "**21st Century County Charter**", Grand Jury Case 15-04.

The Grand Jury made nine Findings/Recommendations. The Committee created items for each of the findings and acted on each item separately. The Committee provided the Board with an update on October 10, 2017 and Board provided the Committee with additional items to consider and act on. Also, letters were received by the Committee with proposals for inclusion in the Charter and one of the Committee members proposed review of the 2016-2017 Grand Jury Report FENEX for possible action.

The Activities of the 2017/2018 Charter Review Committee are described in the following table and supported by the Committee minutes found on the County website:

2/8/18

Activities of the 2017/2018 Charter Review Committee (CRC)

F1 Term Limits Charter Section 202	July 27	Aug 10	Aug 24	Sept 14 Approved 3-2				
F2 Filling of Vacancies Charter Section 203	July 27 Rejected 4-0							
F3 Elected Officials Recall Charter Section 209	July 27 Rejected 4-0							
F4 BOS Compensation-with CRC Modification Charter Section 204	July 27	Aug 10	Aug 24	Sept 14 Approved 4-1				
F5 Elected Department Heads Charter Sections 210 b (2)/402	July 27	Aug 10 Rejected 5-0						
F6 CAO's Duties Charter Section 304	July 27	Aug 10	Aug 24	Sept 14 Approved 3-2				
F7 Classified/ Unclassified Employees Charter Section 502.1	July 27	Aug 10	Aug 24	Sept 14 Rejected 5-0				
F8 Charter Changes Opinion Charter Section 102			Aug 24	Sept 14	Oct 5 No Action Taken			
F9 Benefits of Other Charter Counties Language			Aug 24	Sept 14	Oct 5	Nov 2 Approved 4-1		
Letter from Treasurer/Tax Collector Grand Jury Selection					Oct 5 No Action Taken			
Letter from Ellen Day Registrar of Voters (as an Elected Official)						Nov 2	Dec 18 Rejected 3-2	
BOS Oct 10, 2017 Direction Elected Officials Constitutional Only Charter Section 402						Nov 2	Dec 18 Approved 3-2	
BOS Oct 10, 2017 Direction CAO vs CEO Charter Section 210/301						Nov 2	Dec 18 Approved 5-0 Leave as written	
BOS Oct 10, 2017 Direction "At Will" CAO Recommendation Charter Section 502.1						Nov 2	Dec 18	Jan 8 Approved 4-0
2016-2017 Grand Jury Report FENEX							Dec 18	Jan 8 No Action Taken

3 8 18

The Charter Review Committee met four times on Grand Jury Finding, F1, Term Limits. It was thoroughly discussed/debated and approved to be advanced to the Board of Supervisors on a simple majority vote of 3-2.

Of all the items reviewed by the 2017/2018 Charter Review Committee, BOS Term Limits was one of the two most heavily discussed/debated items. The range of feelings/emotions about the item was quite extreme. From leave it as currently stipulated in the Charter with a limited two consecutive four-year terms with a four-year reset to, give the voters a change to change it with an emphasis on No Term Limits.

This Charter Review Committee Chair performed an analysis on the 14 Charter Counties with the following results: *[The analysis was performed to the best of my ability and I believe it to be factual, but it may have some errors do to the difficulty of obtaining the website information.kp 2-4-2018]*

Alameda - No Term Limits

Butte – No Term Limits

El Dorado – Two 4-year consecutive terms with a 4-year reset

Fresno – No Term Limits

Los Angeles – Maximum three 4-year terms

Orange - Two 4-year consecutive terms with a 4-year reset

Placer – No Term Limits

Sacramento – Maximum two 4-year terms

San Bernardino – Maximum three 4-year terms

San Diego – Maximum two 4-year terms

San Francisco - Two 4-year consecutive terms with a 4-year reset

San Mateo - Maximum three 4-year terms

Santa Clara - Maximum three 4-year terms

Tehama – No Term Limits

4 of 18



El Dorado County Charter Review Committee Summary of Recommendations to the Board of Supervisors February 6, 2018

Regarding the 2015-16 Grand Jury report Case 15-04 Recommendation R1 the Charter Review Committee agreed with the Grand Jury recommendation to amend Charter section 202. *Term of Offices* (of members of the Board of Supervisors) as follows:

Grand Jury Finding

F1. Term limits for county supervisors should be removed from the charter.

Grand Jury Recommendation

R1. The grand jury recommends amending section 202 of the charter:

~~The term of office of supervisor is four years. Board members shall be limited to two consecutive terms. No person elected supervisor may serve as such for more than two successive four year terms. Any person elected to the office of supervisor to complete in excess of two years of a four year term shall be deemed, for the purpose of this section, to have served one full term upon the expiration of that term. No person having served two successive four year terms may serve as a supervisor until at least four years after the expiration of the second successive term in office. Any supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purpose of this section, to have served a full four year term. The above shall not disqualify any person from running for election to the Board of Supervisors for any term or terms which are not successive. The term of office commences at noon on the first Monday after the January 1st succeeding their election.~~

The supervisor for each of the First, Second and Third Districts shall be elected in ~~1996~~ even numbered years when Presidential elections occur. The supervisor for each of the Fourth and Fifth Districts shall be elected in ~~1994~~ even numbered years when Presidential elections do not occur.

Reference Charter Review Committee meeting of September 14, 2017, Item 2, File 17-0836.

5 of 18

The Charter Review Committee met four times on Grand Jury Finding, F4, BOS Compensation. It was thoroughly discussed/debated and approved with modification to be advanced to the Board of Supervisors on an approval vote of 4-1.

6 2 18

Regarding the 2015-16 Grand Jury report Case 15-04 Recommendation R4 the Charter Review Committee agreed with the Grand Jury recommendation to amend Charter section 204. *Compensation* (of members of the Board of Supervisors) as follows. The Charter Review Committee voted to include the term "automatic" as shown in red below which was not part of the Grand Jury's recommendation:

Grand Jury Finding

F4. The charter should mandate that the supervisor compensation ordinance explicitly declare the salary, benefits and other compensation for the board of supervisors and should not contain any obscure future increases that are tied to the salaries and benefits of other officials, especially officials whose salaries are set by the board.

Grand Jury Recommendation

R4. The grand jury recommends amending section 204 of the charter:

204. Compensation

Compensation of supervisors shall be fixed by ordinance. Salary, benefits and any other compensation must be clearly set forth within the ordinance and not be subject to automatic future change by changes to other officials' salaries or benefits over which the board of supervisors has any influence.

Reference Charter Review Committee meeting of September 14, 2017, Item 3, File 17-0839.

7/9/18

The Charter Review Committee met four times on Grand Jury Finding, F6, CAO's Duties. It was thoroughly discussed/debated and approved to be advanced to the Board of Supervisors on a simple majority vote of 3-2.

8 of 18

Regarding the 2015-16 Grand Jury report Case 15-04 Recommendation R6 the Charter Review Committee agreed with the Grand Jury recommendation to amend Charter section 304. *Duties* (of the Chief Administrative Officer) as follows:

Grand Jury Finding

F6. The charter does not require the Chief Administrative Officer to adhere to state law.

Grand Jury Recommendation

R6. The grand jury recommends amending section 304 of the charter:

304. Duties

The Chief Administrative Officer shall be responsible to the Board of Supervisors for the proper and efficient administration of such of the affairs of the county as are or hereafter may be placed in the charge of the Chief Administrative Officer, or under the jurisdiction or control of the Chief Administrative Officer, pursuant to the provisions of state law, this Charter, or of any ordinance, resolution or order of the Board of Supervisors. In addition to other powers and duties herein provided, the Chief Administrative Officer shall have the duty and power to:

The remainder of Section 304 remains unchanged

Reference Charter Review Committee meeting of September 14, 2017, Item 4, File 17-0842.

9/2/18

The Charter Review Committee met two times on the Board directed item (October 10, 2017) to conduct an analysis/comparison of elected positions in other charter counties. As directed by the Board, the Committee Chair conducted an independent analysis/comparison of all 58 California Counties including the 14 Charter Counties. Prior to the analysis being complete, the Committee chose to act, even after the Chair explained that he was only about half way through the analysis. It was approved to advance the item to the Board of Supervisors on a simple majority vote of 3-2.

The Chair completed the analysis on or about December 20th and asked that the item be put on the next Charter Review Committee agenda (January 8, 2018) for reconsideration. It was determined by the Board Clerk and County Counsel representative that this was not possible, since the Chair was not one of the three votes in the affirmative. Therefore, under the Future Agenda Items section of the January 8, 2018 meeting, the Chair asked the 2 of 3 affirmative voters present, if any of them would reconsider their original action. They chose not to request a reconsideration item for discussion and possible action.

The Charter Review Committee met three times on the Board directed item of the CAO's Recommendation regarding "At Will" positions. It was thoroughly discussed and advanced to the Board of Supervisors on a vote of 4-0.

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Additional recommendations:

- 1) The Committee addressed Charter Section 402. *Elected Department Heads* pursuant to direction provided by the Board of Supervisors on October 10, 2017. The Committee recommended the Board consider making "all non-constitutional department heads appointed" (vs. elected).

Reference Charter Review Committee meeting of December 18, 2017, Item 3, File 17-1205.

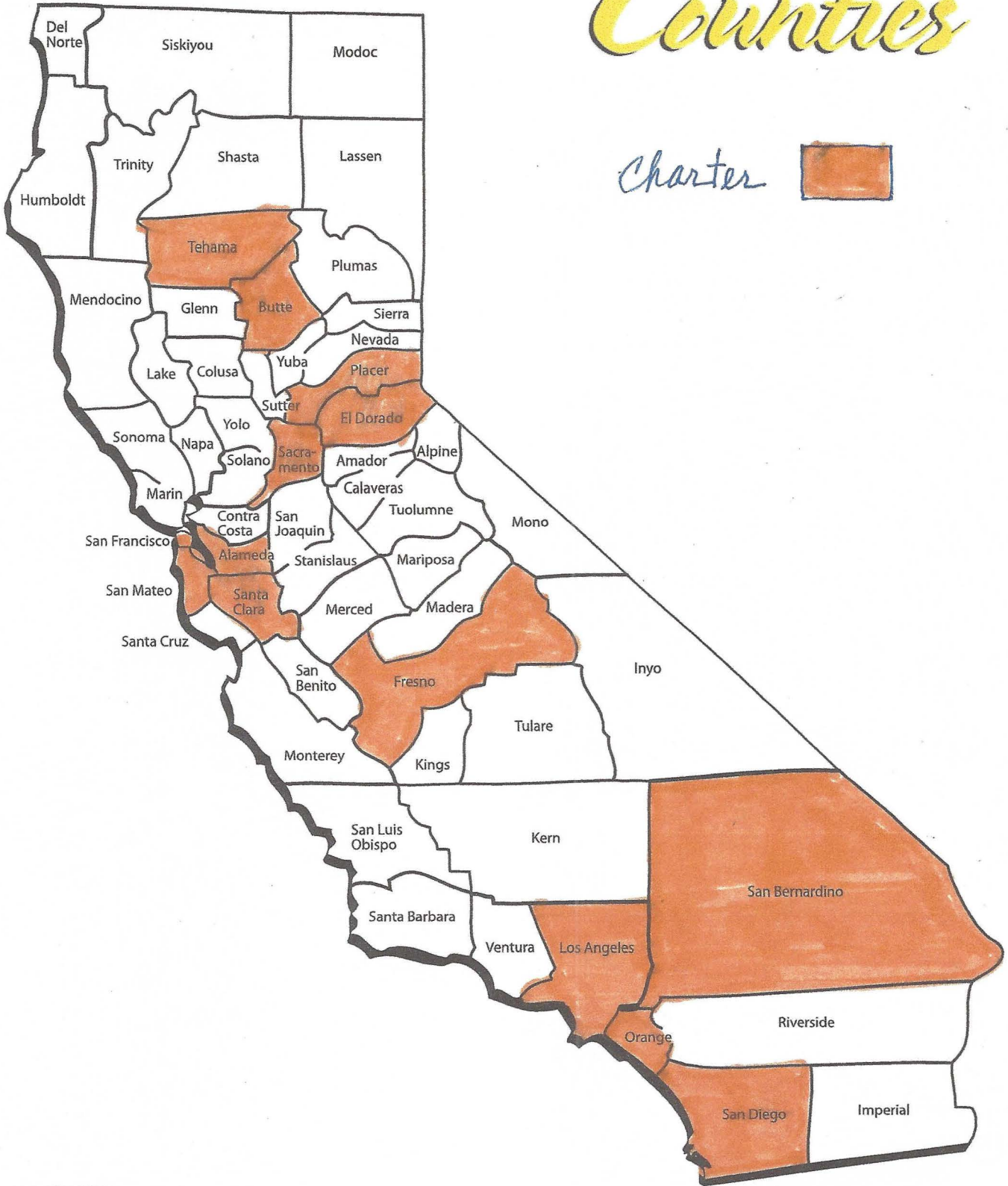
- 2) The Committee addressed Charter Section 502.1 *Classified and Unclassified Employees* pursuant to direction provided by the Board of Supervisors on October 10, 2017. The Committee reviewed the CAO's Staff Memo provided to the Board at their meeting of October 10, 2017. The committee supported the CAO's recommendation for the Board to consider proposed modifications to this section of the Charter. The CAO's memo is attached to this agenda item for reference purposes.

Reference Charter Review Committee meeting of January 8, 2018, Item 2, File 17-1204

The 2017-18 Charter Review Committee held 10 meetings between June 26, 2017 and January 8, 2018 and determined the recommendations shown on above. This agenda item is for information purposes only and does not constitute formal recommendations for Board approval. County Counsel and other county staff as may be needed, have begun the process of evaluating the Charter Review Committee's recommendations and will prepare necessary documentation for official Board consideration at a future meeting.

11/2/18

CALIFORNIA *Counties*



www.csac.counties.org

12/9/18

Counties	Charter = C	Chief Executive=CE Chief Administrator = Chief Executive Officer = CEO	Sheriff = S Coroner = Cor	District Attorney = DA	Assessor = A Recorder = R	Auditor = Aud Controller = C	Treasurer = T Tax Collector = TC	Clerk=Clk* Registrar of Voters = RV	Surveyor = S Public Administrator=PA	Other Public Services* Area Agency on Aging=AAA
	Elected									
1 Alameda	C	CA	S/Cor	DA	A	Aud-C/C-R (RV)	T-TC			
2 Alpine		CAO/Director of Finance (F)	S/Cor	DA	A / R	Accounting/Reporting (F)	T-TC (F)	Clk (RV)		
3 Amador		CAO	S/Cor	DA	A	Aud-C/C-R (RV)	T-TC	Clk-R (RV)		
4 Butte	C	CAO	S/Cor	DA	A	Aud-C	T-C	Clk-R (RV)		
5 Calaveras		CAO	S only	DA	A	Aud-C	T-C	Clk-R (RV)		Cor
6 Colusa		CAO	S/Cor	DA	A	Aud-C	T-C (PA)	Clk-R (RV)		
7 Contra Costa		CA/COB	S/Cor	DA	A	Aud-C Chief of Accounting	T-C	Clk-R (RV)		
8 Del Norte		CAO	S/Cor	DA	A	Aud-C	T-C	Clk-R (RV)		
9 El Dorado	C	CAO	S/Cor (PA)	DA	A	Aud-C	T-C	Clk-R	S	
# Fresno	C	CAO	S/Cor	DA	A/R	Aud-C/T-C		Clk (RV)		Cor (each) * PA (each)
# Glenn		CAO/COB	S/Cor	DA	A/Clk-R (RV)	A-C/T-TC Director of Finance				
# Humboldt		CAO	S/Cor (PA, Animal Control)	DA	A	Aud-C	T-TC	Clk-R (RV)		
# Imperial		CEO	S/Cor (Marshal)	DA	A	Aud-C	T-C	Clk-R		RV (each) * PA/AAA (each)
# Inyo		CA/Budget Officer	S only (Animal Control)	DA	A	Aud-C	T-C	Clk-R (RV)		PA/Guardian (each) * Cor (each)
# Kern		CAO	S/Cor	DA	A/R	A-C/C (RV)	T-C			
# Kings		CAO	S/Cor (PA)	DA	A/Clk-R (RV)	Aud-C/T-TC Director of Finance				
# Lake		CAO/COB	S/Cor	DA	A/R	Aud-C/Clk	T-C	RV		
# Lassen		CAO	S/Cor	DA	A	Aud-C	T-C	Clk-R (RV)		
# Los Angeles	C	CEO	S only	DA	A	Aud-C	T-C	Clk-R (RV)		Medical Examiner/Cor (each) *PA (each)
# Madera		CAO	S/Cor	DA	A	Aud-C	T-C	Clk-R (RV)		
# Marin		CA	S/Cor	DA	A/Clk-R	Aud-C/T-TC Director of Finance		RV		
# Mariposa		CAO	S/Cor (PA, Animal Control)	DA	A/R	Aud-C	T-C	Clk (RV)		
# Mendocino		CEO/COB	S/Cor	DA	A/Clk-R (RV)	Aud-C	T-C			
# Merced		CEO	S/Cor (Animal Services)	DA (PA)	A/Clk-R (RV)	Aud-C	T-C			
# Modoc		CAO	S/Cor	DA	A	Aud-C	T-C	Clk (each) * R (each)		
# Mono		CAO	S/Cor	DA	A	Aud-C	T-C	Clk-R (RV)		
# Monterey		CAO (RV)	S/Cor	DA	A/Clk-R	Aud-C	T-C			
# Napa		CEO/COB	S/Cor	DA	A/Clk-R (RV)	Aud-C	T-C			
# Nevada		CEO	S/Cor (PA)	DA	A	Aud-C	T-C	Clk-R (RV)		
# Orange	C	CEO	S/Cor	DA (PA)	A	Aud-C	T-C	Clk-R		
# Placer	C	CEO	S/Cor (Marshal)	DA	A	Aud-C	T-C	Clk-R (RV)		
# Plumas		AO	S/Cor	DA	A	Aud-C Risk Manager	T-C	Clk-R (RV)		
# Riverside		CEO (RV)	S/Cor (PA)	DA	A/Clk-R	Aud-C	T-C			
# Sacramento	C	CE (RV)	S only	DA	A	Aud-C Department of Finance	T-C Department of Finance	Clk-R		Cor
# San Benito		CAO (COB)	S/Cor	DA	A	Aud/Clk-R (RV)	T-TC (PA)			
# San Bernardino	C	CEO (RV)	S/Cor (PA)	DA	A/Clk-R	Aud-C/T-TC				
# San Diego	C	CAO (RV)	S only	DA	A/Clk-R	Aud-C	T-TC			Medical Examiner
# San Francisco	C (City/County)	Mayor/CE	S only	DA [Public Defender] [City Attorney]	A/R	C (each) *Clk (each)	T (each) *TC (each)			Medical Examiner (Admin Cor)
# San Joaquin		CA	S/Cor (PA)	DA	A/Clk-R	Aud-C	T-TC			
# San Luis Obispo		CAO	S/Cor	DA	A	Aud-C/T-TC (PA)		Clk-R		
# San Mateo	C	County Manager/COB	S only	DA	A/Clk-R (RV)	C	T-TC			Cor
# Santa Barbara		CEO	S/Cor	DA	A/Clk-R (RV)	Aud-C	T-TC (PA)			
# Santa Clara	C	CE	S only	DA	A	C/T	TC	Clk-R		Cor
# Santa Cruz		CAO	S/Cor	DA (PA)	A/R	Aud-C	T-TC	Clk-R		
# Shasta		CEO/COB	S/Cor	DA	A/R	Aud-C	T-TC (PA)	Clk		
# Sierra		Department	S/Cor	DA	A	Department of		Clk-R (RV, COB)		
# Siskiyou		CA	S/Cor	DA	A/R	Aud-C	T-TC	Clk (RV)		

13 of 18

Counties	Charter = C	Chief Executive=CE Chief Administrator=	Sheriff = S Coroner = Cor	District Attorney = DA	Assessor = A Recorder = R	Auditor = Aud Controller = C	Treasurer = T * Tax Collector = TC	Clerk=Cik* Registrar of Voters = RV	Surveyor = S * Public Administrator=PA	Other Public Services * Area Agency on Aging=AAA
# Solano		CA	S/Cor	DA	A/R	Aud-C		Cik/T-TC		CIO/RV
# Sonoma		CA	S/Cor	DA	A/Cik-R (RV)	Aud-C/T-TC				
# Stanislaus		CEO	S/Cor	DA	A	Aud-C	T-TC	Cik-R (RV)		
# Sutter		CA	S/Cor	DA	A	Aud-C	T-TC	Cik-R (RV, COB)		
# Tehama	C	CA	S/Cor	DA	A	Aud-C	T-TC	Cik-R (RV, COB)		
# Trinity		CAO	S/Cor	DA (PA)	A/Cik-R (RV)	Aud-C (contract Public Defender)	T-TC			
# Tulare		CAO/COB (RV)	S/Cor	DA	A/Cik-R	Aud-C/T-TC				
# Tuolumne		CA	S/Cor	DA	A/R	Aud-C/Cik	T-TC			
# Ventura		CEO	S only	DA	A	Aud-C	T-TC	Cik-R (RV)		
# Yolo		CA	S/Cor	DA	A/Cik-R (RV)	Aud-C/T-TC				Public Guardian/PA
# Yuba		CA	S/Cor	DA	A	Aud-C	T-TC	Cik-R		

14 7 18

33. 17-1010

Health and Human Services Agency (HHS) recommending the Board:

- 1) Receive and file a presentation overview of 2-1-1 information and referral services; and
- 2) Provide direction to HHS on next steps, if any. (Est. Time: 30 Min.)

FUNDING: N/A

No Formal Action. The Board gave direction to staff to move forward with the 2-1-1 information and referral service and to continue to look into possible funding sources for this service.

34. 17-1110

Supervisor Frentzen recommending the Board receive an update from the Charter Review Committee relative to their progress, anticipated recommendations that will be made to the Board, and to provide any additional direction to the Charter Review Committee as determined by the Board. (Est. Time: 30 Min.)

Public Comment: S. Taylor

No Formal Action. The Board provided direction through their discussion to have the Charter Review Committee:

- 1) Review Sections 210 and 301 regarding Chief Administrative Officer and Chief Executive Officer model;
- 2) Review Section 502.1 regarding positions identified as at will; and
- 3) Review Section 402 regarding elected Surveyor position, Registrar of Voters and provide an analysis/comparison of elected positions as may be demonstrated in other County Charters. The Board asked that the Charter Review Committee focus on what would be different from the Charter and the Government Code and provide recommendations to the Board from that analysis.

15 of 18



County of El Dorado

Chief Administrative Office

330 Fair Lane
Placerville, CA 95667-4197

Don Ashton, MPA
Chief Administrative Officer

Phone (530) 621-5530
Fax (530) 626-5730

October 10, 2017

TO: The Honorable Board of Supervisors

FROM: Don Ashton 
Chief Administrative Officer

SUBJECT: OCTOBER 10, 2017, AGENDA – ITEM NO. 34 (LEGISTAR NO. 17-1110)

At the October 10, 2017, meeting, the Board will be receiving an update from the Charter Review Committee as well as considering any additional direction to the Charter Review Committee. As your Chief Administrative Officer one of my overall philosophies is to make recommendations that provide the Board of Supervisors with flexibility to not only set policy, but to also change policy over time. The primary reason for this approach is that over time our environment changes, so allowing the Board the flexibility to revise policy to address those changes as easily and efficiently as possible provides an overall benefit to the community.

The current language in Charter Section 502.1 limits the ability of the Board of Supervisors to identify additional positions as 'at-will' positions, beyond elected county officers, appointed department heads, all appointed boards, committees and commissions, persons serving without compensation, casual patient and inmates at county institutions, and the Deputy Welfare Director and Undersheriff. The specific changes for consideration are attached (*Attachment 1*), which if ultimately approved by the voters, would provide the Board with the flexibility to identify other positions as 'at-will' employees.

In this regard, I am recommending the Board provide direction to the Charter Review Committee to review Section 502.1 – Classified and Unclassified Employees, and return to the Board with a recommendation to either (1) add these changes to a future election for voter approval, (2) leave the Charter as is, or (3) propose alternative language for consideration by the Board of Supervisors.

The following are three reasons for this recommendation:

- 1) There may be circumstances in which a position has a very broad scope of responsibility and a high level of authority either through delegation of the department head or through State law. Their decisions, if not appropriate, could have a significant negative impact on the County as a whole, but due to the current language in the Charter these individuals have civil service protection thus adding procedural burdens to the imposition of appropriate discipline. This recommendation attempts to align responsibility and accountability.

10/9/18

18-0143 B 1 of 3
17-1110 A 1 of 3 (BOS 10/10/18)

18-0143 C 16 of 18

- 2) These changes will allow the Board to establish consistency throughout the organization. For example, the Charter currently identifies the Undersheriff as an unclassified position serving at the pleasure of the Sheriff. However, the District Attorney and Assessor, both of which are also constitutionally elected officers like the Sheriff, do not have the same flexibility that is provided to the Sheriff in regard to identifying their second in command.
- 3) Of lesser importance, the County no longer has a position titled Deputy Welfare Director so that portion of the Charter language is not relevant.

If the Charter Review Committee agrees with this recommendation, the County will need to discuss the impact this could have on classified/represented employees in the event an 'at-will' employee is removed from their position and has rights back to a former position. Lastly, if these changes are approved by the voters, it will not impact any existing employee who has already achieved civil service status in a position that the Board may desire to be 'at-will'.

I appreciate the Board's consideration of this recommendation and will be happy to answer any questions you may have in this regard.

Attachment

- c. Clerk of the Board
County Counsel

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502.1 Classified and Unclassified Employees

The classified service consists of all positions in which employees have achieved civil service status except those positions designated as unclassified below.

The unclassified service consists of:

- a. elected county officers;
- b. appointed department heads;
- c. all appointed boards, committees and commissions;
- d. all persons serving without compensation (compensation does not include incidental fees and expenses);
- e. casual patient and inmates at county institutions;
- f. the following administrative personnel charged with making policy decisions: Deputy Director of Welfare; Undersheriff and any other unrepresented position as determined by resolution of the Board of Supervisors, all of whom ~~The Undersheriff~~ shall have the right to return to a former classified position in accord with county ordinance;
- g. any person holding a confidential position to each member of the Board of Supervisors;
- h. persons employed to render professional, scientific, technical or expert services on a temporary basis for a specific project;
- i. persons covered under State Merit Systems;
- j. persons employed as independent contractors pursuant to contracts, as authorized by the Board of Supervisors.
- k. persons otherwise excluded by operation of law.

The Board of Supervisors shall have the right for good cause and after written notice to affected parties, to make "de minimis" changes which amend the foregoing list.

18 of 18