



County of El Dorado

Charter Review Committee
330 Fair Lane, Building "A"
Placerville, CA 95667

Minutes - Final Charter Review Committee

Kris Payne, District III, Chair
Don Fuller, District II, Vice-Chair
Rachel Michelin, District I
Michael Powell, District IV
Jeanne Harper, District V

Alternate Members:
Richard Ross, District I
Jim Hill, District II
Randy Pesses, District III
Gary Campbell, District IV
(No Alternate), District V

Shawne Corley, Assistant Chief Administrative Officer
Judith Kerr, Principal Assistant County Counsel
Jim Mitrising, Clerk of the Board of Supervisors

Thursday, July 27, 2017

4:00 PM

2850 Fairlane Court, Placerville, CA
Planning Commission Hearing Room

4:02 P.M. CALLED TO ORDER

Present: 4 - Rachel Michelin, Don Fuller, Kris Payne and Michael Powell

Absent: 1 - Jeanne Harper

PLEDGE OF ALLEGIANCE TO THE FLAG

Member Michelin led the Pledge of Allegiance to the Flag.

PUBLIC COMMENT (LIMITED TO 3 MINUTES PER SPEAKER)

None

Matters not on the agenda may be addressed by the general public during Public Comment.

MEMBER REPORTS

Member Payne reported that he has been browsing Charter vs Non Charter counties. Mendocino County attempted to become a Charter County, however they failed to get the necessary votes necessary to do so.

STAFF / COUNSEL UPDATE

No Staff Report from the Chief Administrative Office.
Judith Kerr, County Counsel, addressed the Committee's inquiry as to when the last time there were term limits for the Board of Supervisors.

ACTION ITEMS1. [17-0836](#)

Discussion of Charter Section 202. Term of Offices (Supervisor).
(Reference: Finding #1 of the 15/16 Grand Jury Report Case 15-04)

Public Comment:

Larry Wiseman spoke of the differences between elected officials and the Board of Supervisors.

Sue Taylor opposed the changing of term limits. She would like to bring awareness to this issue.

Member Michelin stated she believes term limits should be applicable to all elected officials (including the Board of Supervisors) or none.

Judith Kerr, County Counsel, stated that it is unconstitutional to have term limits for all elected officials.

Member Michelin would like to work with County Counsel regarding this issue and whether the County needs to have so many elected officials.

Member Powell reported on the history of term limits, the powers of the Charter Review Committee, collusion, operational vs legislative power and continuity.

Member Payne reported that a change he may consider are three consecutive terms for the Board of Supervisors.

Member Michelin acknowledged that the Charter Review Committee is an advisory committee.

Member Powell acknowledged that at the last general election there were 109,474 voters in the County. There were 12,000 ballots casted at polls and 50,000 ballots casted by mail. This is a 64% voter participation rate.

Member Payne acknowledged that the Board's power over elected department heads is budgetary. He spoke of the learning curve for Board members, defined representative republic and acknowledged that the Charter Review Committee is advisory.

A motion was made by Member Michelin, seconded by Member Fuller to Continue this matter to August 10, 2017.

Yes: 4 - Rachel Michelin, Don Fuller, Kris Payne and Michael Powell

Absent: 1 - Jeanne Harper

2. [17-0837](#) Discussion of Charter Section 203 - Filling of Vacancies (Supervisor).
(Reference: Finding #2 of the 15/16 Grand Jury Report Case 15-04)

Public Comment:

Larry Wiseman spoke that voter franchise is unconstitutional. He suggested mailing everyone a ballot and giving voters the opportunity to vote by mail or at the polls. He is concerned about voter fraud.

Richard Ross acknowledged that the Members are opposed to the Grand Jury's recommendation.

Sue Taylor does not agree with mail only ballots.

Terry Gheradi believes any vacancy on the Board of Supervisors should be left to the voters.

Randy Pesses is supportive of mail in ballots.

Member Payne spoke to filling vacancies on the Board of Supervisors and questioned if it was appropriate for any Supervisor or group of Supervisors to have the ability to make the decision on who would fill a vacancy on the Board of Supervisors.

Member Powell spoke that if the Board of Supervisors became deadlocked the Governor would make the appointment. Section 203 in its current form prevents that from happening and places it with the electorate.

Member Fuller discussed expediency, the cost of elections and other County Charters.

Member Michelin supports a mail only ballot for special elections. She believes this would reduce the cost of the election and increase voter turn out.

Member Powell spoke of the statistics of those that vote by mail and those who vote at the polls.

Member Michelin requested the data from the special election for the District 2 Supervisor vacancy.

Member Powell cautioned that each District may have a different make up regarding voting by mail and at the polls. He noted that there may be restrictions about making vote by mail mandatory.

Member Payne read Charter Section 203 - Filling of Vacancies (Supervisor).

A motion was made by Member Michelin, seconded by Member Fuller to reject the recommendation of the Grand Jury regarding Charter Section 203 - Filling of Vacancies (Supervisor).

Yes: 4 - Rachel Michelin, Don Fuller, Kris Payne and Michael Powell

Absent: 1 - Jeanne Harper

3. [17-0838](#) Discussion of Charter Section 209 - Recall (Reference: Finding #3 of the 15/16 Grand Jury Report Case 15-04)

Public Comment:

Larry Wiseman spoke of the franchise of the voter.

Randy Pesses believes that the Grand Jury recommendation is a bad idea.

Member Payne explained how Section 209 would be not only a recall but also include removal from office.

Member Michelin wants the power to recall to remain with the constituents.

Judith Kerr, County Counsel, explained that Section 209 is restricted to the Board of Supervisors and the Grand Jury is recommending that it be expanded to include elected officials.

Member Payne read Section 702 - General Law Governance of the Charter.

Member Powell discussed Article I and Article II. He also addressed Section 402 which discusses who are the elected officials.

A motion was made by Member Powell, seconded by Member Michelin to reject the recommendation of the Grand Jury regarding Charter Section 209 - Recall.

Yes: 4 - Rachel Michelin, Don Fuller, Kris Payne and Michael Powell

Absent: 1 - Jeanne Harper

4. [17-0839](#) Discussion of Charter Section 204 - Compensation (Supervisor).
(Reference: Finding #4 of the 15/16 Grand Jury Report Case 15-04)

Public Comment:

Larry Wiseman spoke of the ordinance that addresses the compensation of the Board of Supervisors. Elected officials have their salary changed by resolution. Also, legislative office gives power.

Sue Taylor questioned the wording of the Grand Jury recommendation.

Richard Ross questioned the wording in the powers and duties of other offices and employees.

Lori Parlin provided the date of October 27, 2016 for the Santiago/Briggs lawsuit.

Member Payne read Charter Section 204 - Compensation (Supervisors).

Member Michelin discussed that currently the Board of Supervisors compensation is determined by ordinance and is set by the Board themselves.

Member Fuller discussed how the Board of Supervisors can make decisions on increases for elected officials compensation and the Board's salary would adjust accordingly.

Member Payne requested that Judith Kerr, County Counsel, provide the Members with the most current code regarding this issue. He would like to confirm that the Grand Jury representation of this issue is accurate.

Member Powell spoke about the court outcome of the Santiago/Briggs lawsuit and requested more information from County Counsel.

Member Michelin believes that the compensation for the Board of Supervisors should be voted on by the taxpayers.

A motion was made by Member Powell to reject the recommendation of the Grand Jury Charter Section 204 - Compensation (Supervisor). Failed for lack of a second.

A motion was made by Member Fuller, seconded by Member Michelin to Continue this matter to August 10, 2017.

Yes: 4 - Rachel Michelin, Don Fuller, Kris Payne and Michael Powell

Absent: 1 - Jeanne Harper

5. [17-0841](#) Discussion of Charter Section 402 - Elected Department Heads.
(Reference: Finding #5 of the 15/16 Grand Jury Report Case 15-04)

Items 5-7 were heard together.

A motion was made by Member Fuller, seconded by Member Michelin to Continue all three items to August 10, 2017.

Yes: 4 - Rachel Michelin, Don Fuller, Kris Payne and Michael Powell

Absent: 1 - Jeanne Harper

6. [17-0842](#) Discussion of Charter Section 304. Duties (Chief Administrative Officer) (Reference: Finding #6 of the 15/16 Grand Jury Report Case 15-04)

Items 5-7 were heard together.

A motion was made by Member Fuller, seconded by Member Michelin to Continue all three items to August 10, 2017.

Yes: 4 - Rachel Michelin, Don Fuller, Kris Payne and Michael Powell

Absent: 1 - Jeanne Harper

7. [17-0843](#) Discussion of Charter Section 502.1 - Classified and Unclassified Employees. (Reference: Finding #7 of the 15/16 Grand Jury Report Case 15-04)

Items 5-7 were heard together.

A motion was made by Member Fuller, seconded by Member Michelin to Continue all three items to August 10, 2017.

Yes: 4 - Rachel Michelin, Don Fuller, Kris Payne and Michael Powell

Absent: 1 - Jeanne Harper

FUTURE AGENDA ITEMS

Public Comment:

Richard Ross asked to include an additional item on the August 10, 2017 meeting that would address issues that were discussed (i.e. mail in only ballots).

Members of the Charter Review Committee requested that the Recorder Clerk or senior staff member of that department attend the August 24, 2017 meeting to speak to elections in general, costs of elections and statistics for Districts. Continued items from today's meeting.

Committee to provide direction to staff as needed regarding future agenda items.

Direction was given to Judith Kerr, County Counsel, to include the Recorder Clerk or senior staff of that department at the August 24, 2017 meeting, provide the decision of Santiago/Briggs lawsuit and provide current ordinance for Compensation (Supervisor).

Direction given to the Charter Review Committee to discuss future meeting dates at the August 24, 2017 meeting.

ADJOURNED AT 6:26 P.M.