



County of El Dorado

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

Minutes - Draft Charter Review Committee

Rachel Michelin, District I
Don Fuller, District II
Kris Payne, District III
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

Monday, June 26, 2017

4:00 PM

330 Fair Lane, Placerville, CA
Office of Emergency Services (OES) Conference Room
(Lower Level)

Call to Order

Alternate Members present: Richard Ross, Randy Pesses, Gary Campbell
Alternate Member absent: Jim Hill

Present: 5 - Rachel Michelin, Don Fuller, Kris Payne, Michael Powell and Jeanne Harper

Pledge of Allegiance to the Flag

Jim Mitrising, Clerk of the Board of Supervisors, led the Pledge of Allegiance to the Flag.

Introduction and Overview (Staff)

Jim Mitrising and Paula Frantz, Sr. Deputy County Counsel, provided a brief introduction and overview of the Board of Supervisor's direction to establish the Charter Review Committee. Staff also provided a brief history on the Charter and amendments thereto over the years.

Adoption of the Agenda

A motion was made by Member Michelin, seconded by Member Payne to Adopt the Agenda.

Yes: 5 - Rachel Michelin, Don Fuller, Kris Payne, Michael Powell and Jeanne Harper

Public Comment (Limited to 3 Minutes per speaker)

No Comments

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

Action Items**1. 17-0686 Election of committee Chair and Vice-Chair.***Public Comment:*

Larry Weitzman commented that the 2014 Charter Review Committee took up discussion on the term limits for elected officials. Stated he is not in favor of term limits for anyone except the members of the Board of Supervisors. Commented there are no new and innovated ways to run government.

Terry Gherardi commented that she was on the last committee. Feels that 90% of the voters want local controls and further stated that Kris Payne served the prior committee well.

At the conclusion of public comment and given the amount time consumed by this item, Paula Frantz stated the committee could trail this item to the end of the meeting.

Sue Taylor agreed with Paula's recommendation.

(Clerks Note: Item 1 was called and after a lengthy discussion, subsequently trailed to the end of the meeting for action.)

A motion was made by Jeanne Harper to appoint Rachel Michelin as Chair and Kris Payne as Vice Chair. The motion was seconded by Member Michelin. No vote was taken on this motion, continuing discussion ensued.

Discussion of the motion:

Kris Payne stated his position is that his history and experience being the Chair of the last Charter Review Committee should be considered.

Rachel Michelin stated that her voice was not heard on the 2015-16, feels the committee is only to serve in an advisory role to the Board. The primary role of the Chair is to ensure the meetings progress as efficiently as possible.

Member Harper withdrew her initial motion and offered the motion shown below.

A motion was made by Member Harper, seconded by Member Michelin to trail this item to the end of the meeting.

Yes: 5 - Rachel Michelin, Don Fuller, Kris Payne, Michael Powell and Jeanne Harper

Public Comment on trailed portion of this item:

Larry Weitzman commented that he attended all the previous committee meetings and thinks that change is not the right approach and that Member Payne served well in 2014.

(Clerks Note: Item 1 was trailed to the end of the meeting.)

Member Harper asked for input from Member Michelin and Member Payne.

Member Michelin stated she would bring up the Grand Jury report, discuss other parts of the Charter, any low hanging fruit and develop a longer term work plan. Would like to come up with a way to capture public input in advance of a meeting. Member Michelin would also like the committee to consider holding their meetings in the individual Supervisorial Districts.

Member Payne stated he agrees with Member Michelin's approach. Added that the committee needs to determine if the Charter is still needed. Time have changed and he feels the Charter is still needed, but he would pose that question in future meetings. Feels the committee will need to determine the length of time this committee needs to meet to arrive at their recommendation(s). Believes the 2014 Charter Review Committee was successful in making several recommendations to the Board.

A motion was made by Member Michelin to appoint Member Harper as Chair. Member Harper respectively declined given her personal and professional obligations. Motion failed for lack of a second.

A motion was made by Member Powell to appoint Member Payne as Chair and Member Michelin as Vice-Chair. Motion failed for lack of a second.

The vote below is for the following motion:

A motion was made by Member Harper, seconded by Member Michelin to appoint Member Michelin as the Chair and Member Payne as the Vice Chair. Motion failed 2-3.

Yes: 2 - Rachel Michelin and Jeanne Harper

Noes: 3 - Don Fuller, Kris Payne and Michael Powell

A motion was made by Member Fuller, seconded by Member Harper to appoint Kris Payne as the Chair.

Yes: 4 - Don Fuller, Kris Payne, Michael Powell and Jeanne Harper

Noes: 1 - Rachel Michelin

A motion was made by Member Payne, seconded by Member Harper to appoint Member Fuller as Vice Chair. Prior to the vote, Mr. Fuller shared that he has a full time job and travels frequently. Member Payne acknowledged Member Fullers commitments and commented that as a retiree, he is generally available to serve as the Chair.

Yes: 4 - Don Fuller, Kris Payne, Michael Powell and Jeanne Harper

Abstained: 1 - Rachel Michelin

2. 17-0687

County Counsel instruction on purpose of the Charter Review Committee including a discussion regarding the Ralph M. Brown Act (Open Meetings Law).

Public Comment:

Larry Weitzmen commented that alternates getting involved in the discussions will cause the meetings to "take forever." Suggested the alternates provide their questions, if any, to the primary member to take up with the full committee.

Another member of the public (no name provided) commented that this item is already taking a long time.

Sue Taylor commented that hearing this information is important. Seems the Charter review committee has been activated three times in the past few years .

Paula Frantz, Sr. Deputy County Counsel provided the committee with an overview of the purpose of the Charter Review Committee and the Ralph M. Brown Act. Recommended the committee also review the two previous Grand Jury reports for some background. Ms. Frantz also commented on the 2015-2016 Grand Jury report and how the Board of Supervisors directed the committee evaluate the report. Ms. Frantz also stated the committees responsibility is also to review the Charter as a whole, pursuant to section 701 of the Charter.

Jeanne Harper asked staff if the Board gave a targeted date for the committee to make their recommendations. Shawne Corley, Assistant CAO, answered by stating the Board did suggest the committee provide their recommendations by May 2018.

**Ms. Frantz turned the conversation to an overview of the Ralph M. Brown Act. Members of the public are always invited to meetings of the committee. Ms. Frantz gave the following as examples:
Meetings are open and transparent and publicly agendized. Further provided examples to caution members on how they may communicate when not in an officially noticed public meeting.**

Member Payne asked counsel to outline the appropriate level of communication with the members of the Board of Supervisors. Ms. Frantz responded that members of the committee may meet with Board members at will, however doing so could potentially cause an inadvertent Brown Act violation by members of the Board who may in turn, discuss the subject matter with another Board member.

Ms. Frantz iterated the Brown Act's contemplation of the use of phone, email and text messaging. Also stated the Brown Act's rules regarding the posting of meeting agenda's.

Ms. Frantz also reminded the committee that Judith Kerr, Principal Assistant County Counsel, will provide support to the committee going forward.

Member Payne posed a scenario: The committee wants to hear each Board members thoughts on the Charter. How can the committee obtain the Board members input on items. Ms. Frantz stated the appropriate action is for the committee to advise the Board and not for Board members to weigh in on the potential recommendations of the committee. Ms. Frantz stated she does not

recommend the committee invite Board members to participate. Member Payne further asked what if the committee wanted to invite other elected officials for their input, to which Ms. Frantz responded the other elected county officials are not subject to the Brown Act.

Member Fuller posed a scenario: If he speaks with the Alternate member appointed to represent District II, and then speaks with an Alternate member representing another district, is that a Brown Act violation? Ms. Frantz stated this is not a Brown Act violation; however there is a risk of one of those Alternates then speaking with other members or alternates which may result in a Brown Act violation.

Member Michelin posed a scenario: If the member is present, can the alternate member revert to being a member of the public? Ms. Frantz stated that scenario has not occurred in her time at the county, however it would not be advisable for Alternate members to actively participate in discussions as members of the public. Alternates can participate in their role as an Alternate, however they would not register a vote if the primary member is present.

Supervisor Hidahl was in the audience and stated the intent of the Board was to have the alternate members participate in the conversation, but of course they wouldn't have a vote.

Ms. Frantz reiterated the recommendation that it is a better practice for members to communicate with only the alternate member on matters before the committee.

Received and filed. No formal action taken.

3. 17-0688

Committee to review and discuss the 2015-2016 Grand Jury Report and provide direction to staff as needed.

Public Comment:

Cherie Raffety commented that it would be good for the committee to determine how a member of the public can add an item on the agenda.

Member Payne responded that the Chair of the committee may request a matter be taken up by the committee.

Member Michelin commented that it is important for the process to be managed publicly. Suggested an item be placed on future agendas include an item for "Future Agenda Items" for the committee to openly discuss, up to and including requests from the public.

Ms. Frantz interjected to state the next meeting should have an item on the agenda to discuss this matter as this topic is not on the agenda for today. If a member of the public or a member of the committee requests an item for a future agenda, the committee can direct the Clerk to add it.

A motion was made by Member Payne, seconded by Member Harper to Continue Item 3 to the next meeting.

Yes: 5 - Rachel Michelin, Don Fuller, Kris Payne, Michael Powell and Jeanne Harper

4. 17-0689 Committee to determine the date for their next meeting and, if appropriate, establish a meeting schedule. Pursuant to El Dorado County Charter section 701, the Charter Review Committee shall hold at least two (2) public hearings prior to making any recommendation(s) to the Board of Supervisors.

After a discussion among the members regarding future meeting dates including the potential for meetings to be held within the respective Supervisorial Districts, the committee took the following action.

A motion was made by Member Michelin, seconded by Member Payne to schedule Thursday, July 13, 2017 starting at 4:00 P.M. for the next meeting, to be held in Placerville.

The motion included the dates below, location to be determined. (2nd and 4th Thursdays of each month)

Thursday, July 24, 2017 4:00 P.M.

Thursday, August 10, 2017 4:00 P.M.

Thursday, August 24, 2017 4:00 P.M.

The committee further noted that they would like to have generalized sections added to future agendas for "Member Reports", "Staff/Counsel Reports" and "Future Agenda Items."

Yes: 5 - Rachel Michelin, Don Fuller, Kris Payne, Michael Powell and Jeanne Harper

ADJOURNED AT 6:27 P.M.