



# County of El Dorado

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

## Minutes - Draft 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*  
*Leon Abravanel, District V*

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

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Monday, December 18, 2017

4:30 PM

2850 Fairlane Court Placerville, CA 95667  
Planning Commission Hearing Room

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### **CALLED TO ORDER 4:32 P.M.**

Paula Frantz, Sr. Deputy County Counsel, was present in Ms. Kerr's absence.  
Don Ashton, Chief Administrative Officer, was present in Ms. Corley's absence.

**Present:** 5 - Rachel Michelin, Kris Payne, Michael Powell, Leon Abravanel and Jim Hill

**Absent:** 2 - Don Fuller and Jeanne Harper

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

Member Payne led the Pledge of Allegiance to the Flag.

### **ADOPTION OF THE AGENDA**

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

**Yes:** 5 - Rachel Michelin, Kris Payne, Michael Powell, Leon Abravanel and Jim Hill

**Absent:** 2 - Don Fuller and Jeanne Harper

### **APPROVAL OF MINUTES**

- 1. 17-1367** Approval of the Minutes for the Charter Review Committee meeting of November 2, 2017.

Of the members present at today's meeting, only Member Powell was also present at the November 2, 2017 meeting. As a result, the committee elected to continue the consideration of the Minutes to the January 8, 2018 meeting.

**PUBLIC COMMENT**

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

**MEMBER REPORTS**

Member Payne distributed a map of California Counties and noted verbally those counties who have a Charter.

**STAFF / COUNSEL REPORTS**

Counsel Frantz mentioned a charter amendment can be considered at a special election or a regular election.

**ACTION ITEMS**

(see next page)

**2. 17-1201**

Discussion of a letter from Ellen Day pertaining to the position of Registrar of Voters being an elected position. (Cont. 11/2/17 Item 3)

*Public Comment:*

*Cecil Greenburg commented that when there is an elected individual, they can maintain some independence and if the Board directed an elected official to perform an illegal act he/she could stand up for what is right. Commented that in Los Angeles County last year they had a 140% voter turnout. Agrees with Ellen Day's position.*

*Richard Ross stated that no one has suggested that the county has done a poor job in regards to the Registrar position. Feels the Registrar is a ministerial position with state regulations governing the function.*

**Items 2 and 3 were heard together.**

**At the request of Member Payne, Member Powell provided a brief recap of these items which were continued from a previous meeting.**

**Counsel Frantz stated that the position of Registrar of Voters has always been an appointed position and has never been on a ballot as an elected position. The Board consolidated the office under the elected Recorder Clerk.**

**Member Payne stated that the letter from Ellen Day is specific to the Registrar being an elected position. Commented on research he performed of several other counties having elected or appointed Registrar's and where those duties are aligned.**

**Counsel Frantz stated that the Clerk of the Board distributed two additional documents to the committee per their request for information. One was from the California State Association of Counties "County Structure & Powers" and the Elections office provided copies of the "Candidate Qualifications Information."**

**Member Payne commented on the Board's recent adoption of Ordinance 5065 which added the Registrar of Voters as an appointed department head.**

**Member Payne asked Bill Schultz, Recorder Clerk, to address the committee.**

**Mr. Schultz commented that the Registrar of Voters is indeed an appointed position. Elections have become a highly focused function and a dedicated Registrar is important going forward.**

**Member Powell stated that the Recorder-Clerk is an elected position and asked Mr. Schultz for his comments.**

**Mr. Schultz stated residents of the County are independent minded and want elected officials to act on their behalf. Mentioned Carl Kelly, former elected Recorder-Clerk, who had the Registrar of Voters function aligned with his office. In the early 90's the elected recorder asked the Board to have the Registrar be an appointed position and the Board agreed, eventually appointing Michelle McIntyre.**

**CAO Don Ashton commented that in his experience in Los Angeles County, there were three elected officials. In El Dorado County there are seven elected**

officials and after some time, came to understand why there are so many elected department heads. Offered his opinion that the Surveyor's position should be appointed vs. elected.

Member Powell asked if anything would be lost if the Recorder Clerk and Assessor's duties were combined.

Mr. Ashton stated that in discussions with Mr. Schultz and other elected officials, there were no major objections to such a model; however such a change would need to be determined by the voters.

Member Michelin stated she is concerned about undue influence of elected official and does not see the value of an elected Registrar of Voters.

Public comment was called and upon closure, deliberations continued.

Member Hill stated that the members of the committee are appointed by a relationship with the appointing Board member. The Constitution speaks to "We the People" and believes this decision should be up to the voters.

CAO Don Ashton pointed out that an elected official in LA County was arrested and sent to jail, yet retained his status as an elected official and the Board was powerless to take action.

Member Michelin reiterated that the Board already took action to make this Registrar an appointed position. Even if this committee recommended the Board make this an elected position, is there sufficient time to make a ballot in 2018?

Counsel Frantz stated that the timeline is unrealistic due to the statutes in place for candidates to file their documents to be elected.

Member Powell feels the position of Registrar of Voters should be placed on the ballot to educate the public on the position and voters can decide if the position should be elected.

A motion was made by Member Michelin, seconded by Member Payne to maintain the Registrar of Voters as an appointed position.

**Yes:** 3 - Rachel Michelin, Kris Payne and Leon Abravanel

**Noes:** 2 - Michael Powell and Jim Hill

**Absent:** 2 - Don Fuller and Jeanne Harper

**3. 17-1205**

Pursuant to direction provided by the Board of Supervisors at their meeting of October 10, 2017, discussion of Charter Section 402 with respect to the Elected Surveyor position, Registrar of Voters and other elected positions 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 the comparison between the Charter and Government Code and provide recommendations to the Board from that analysis. (Cont. 11/2/17 Item 4)

*Public Comment:*

*Bill Schultz, Recorder-Clerk, commented that any recommendation to change this section of the Charter would not be considered for a ballot for another 4 years (given the statutory candidate filing dates).*

*Richard Ross commented that there are no changes necessary to this section of the Charter; however elected officials do not have term limits which can pose problems. The committee could examine how those elected by section 402 could be combined or reassigned to be more effective.*

*Member Payne iterated the important component to elected official's offices is the dedication of staff.*

*Richard Ross stated that allowing the voters to make a choice is what this committee has been tasked to accomplish.*

**Items 2 and 3 were heard together.**

**Member Payne provided a brief overview of Charter section 402 and asked the committee if there is any discussion on the other elected positions.**

**Member Powell suggested that the Recorder-Clerk could be made an appointed position, but required to be designated under the Assessor.**

**Member Payne stated that those offices are not currently combined.**

**Mr. Ashton stated that one alternative approach would be to have an elected Assessor/Recorder.**

**Counsel Frantz provided that the Recorder-Clerk could be removed from the list of elected officials, thereby enabling the Board of Supervisors to determine whether the Recorder-Clerk function is combined with another office or as a stand-alone department.**

**Member Michelin commented that it would be better to give the Board multiple recommendations regarding how the county should be structured. The county has changed dramatically from when the Charter was first adopted in 1994.**

**Public comment was called and upon closure, deliberations continued.**

A motion was made by Member Michelin to recommend the Board consider making all non-constitutional department head positions appointed. Before a second or vote was taken, the committee deliberated.

Member Powell asked the CAO to comment on the motion.

Mr. Ashton clarified that this recommendation would be for the Board to contemplate which department heads should be elected vs. appointed and ultimately that the decision is up to the voters.

Counsel Frantz provided that the motion effectively recommends the Board consider changing any or all of the four non-constitutional positions to from elected to appointed.

Member Michelin shared that the motion is to recommend the Board decide what should be on the ballot for the voters to decide which positions should be elected and appointed.

The Clerk read back the motion.

A motion was made by Member Michelin, seconded by Member Powell to recommend the Board consider making all non-constitutional department head positions appointed.

Member Payne requested a roll call vote.

**Yes:** 3 - Rachel Michelin, Michael Powell and Leon Abravanel

**Noes:** 2 - Kris Payne and Jim Hill

**Absent:** 2 - Don Fuller and Jeanne Harper

**4. 17-1202**

Pursuant to direction provided by the Board of Supervisors at their meeting of October 10, 2017, discussion of Charter Section 210 and 301 with respect to the question of a Chief Administrative Officer vs. a Chief Executive Officer model. (Cont. 11/2/17 Item 5)

Member Payne distributed a copy of a newspaper article from 2010 regarding the CEO vs. CAO models and asked CAO Ashton to comment.

Mr. Ashton commented that under a CEO model, the CEO has hiring/firing of appointed department heads. The Board has that authority in a CAO model. Specific to LA County history, a 14 year veteran CEO retired and in doing so, recommended the Board adopt a CAO model. They did not and were ultimately unhappy with their new CEO and recently changed the duties of their CEO to not include hiring/firing authority of appointed department heads. Further commented the current Board has been supportive and collaborative with him (as CAO) in hiring several new appointed department heads.

Member Payne asked Mr. Ashton to comment on the Strategic Plan.

Mr. Ashton stated that a few weeks ago the Board adopted their first ever Governance Handbook.

Member Payne commented that he doesn't feel he will find very many CEO models in county government.

Counsel Frantz commented that over the years, California Counties are about even between CEO and CAO models with the details being in the assigned duties and performance of the individuals in the position.

Member Powell commented that this topic was on the ballot in 2012 and it failed.

Member Michelin asked if the CEO model has a more broad scope of work.

Mr. Ashton stated that LA County's charter states the county operates in a CEO model; however their Board passed an ordinance delegating certain authority under a CAO.

A motion was made by Member Powell, seconded by Member Payne to leave Charter sections 210 and 301 as written.

Member Payne asked for a roll call vote.

**Yes:** 5 - Rachel Michelin, Kris Payne, Michael Powell, Leon Abravanel and Jim Hill

**Absent:** 2 - Don Fuller and Jeanne Harper

**5. 17-1204**

Pursuant to direction provided by the Board of Supervisors at their meeting of October 10, 2017, discussion of Charter Section 502.1 with respect to county positions identified as "At Will." (Cont. 11/2/17 Item 6)

A motion was made by Member Michelin, seconded by Alternate Member Hill to continue items 5 and 6.

**Yes:** 5 - Rachel Michelin, Kris Payne, Michael Powell, Leon Abravanel and Jim Hill

**Absent:** 2 - Don Fuller and Jeanne Harper

- 6. 17-1368** Discussion of the 2016/17 Grand Jury Report Case 16-009 pertaining to the county financial system known as FENIX.

**A motion was made by Member Michelin, seconded by Alternate Member Hill to continue items 5 and 6.**

**Yes:** 5 - Rachel Michelin, Kris Payne, Michael Powell, Leon Abravanel and Jim Hill

**Absent:** 2 - Don Fuller and Jeanne Harper

**FUTURE MEETING DATES**

The committee identified January 8 and 22, 2018 as future meeting dates.

**FUTURE AGENDA ITEMS**

No future agenda items were requested.

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

**ADJOURNED AT 6:52 P.M.**