



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, August 10, 2017

4:00 PM

2850 Fairlane Court Placerville, CA 95667
Planning Commission Hearing Room

CALLED TO ORDER AT 4:05 P.M.

Present: 4 - Kris Payne, Michael Powell, Jeanne Harper and Richard Ross

Absent: 2 - Rachel Michelin and Don Fuller

PLEDGE OF ALLEGIANCE TO THE FLAG

Jim Hill led the Pledge of Allegiance to the Flag.

PUBLIC COMMENT (LIMITED TO 3 MINUTES PER SPEAKER)

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

MEMBER REPORTS

Member Powell commented on Larry Weitzman's article pertaining to Background Checks of the members of the Charter Review Committee. Commented that the committee members do not have to fill out a Form 700 Statement of Economic Interest.

Alternate Member Ross commented on the final Grand Jury Report in full.

Member Payne commented that he brought a copy of the Constitution and looked up California Codes.

STAFF / COUNSEL UPDATE

Counsel Judith Kerr updated the Committee on their request for information pertaining to the Briggs and Santiago v. El Doardo County case as well as a copy of Ordinance section 2.15.030 - Salaries of the Board of Supervisors, pursuant to previous requests of the committee.

ACTION ITEMS

(see next page)

1. [17-0836](#)

Discussion of Charter Section 202. Term of Offices (Supervisor).
(Reference: Finding #1 of the 15/16 Grand Jury Report Case 15-04)
(Cont. 7/27/17 Item 1)

Public Comment:

Larry Weitzman commented on the Grand Jury processes, the Briggs and Santiago case and that he is in favor of term limits. Commented that term limits on a ballot would likely fail.

Lori Parlin commented on a survey she conducted using Google Forms regarding term limits for Board Members and that there were 104 responses.

Sue Taylor commented that she took the survey provided by Lori Parlin and is in favor of term limits as currently written.

Member Harper commented that one survey respondent stated they didn't know what District they reside in. Feels this needs more discussion.

Member Payne asked Counsel if there were any comments regarding the Committee's deliberation.

Counsel Judith Kerr elaborated that the Committee would make a recommendation to the Board and the Board would determine whether or not to place the topic on a ballot.

Member Payne asked about participation of the Alternates and if the Alternate's vote would be valid.

Counsel stated that Alternate Members serve in place of regular members. The committee can ultimately decide how they wish to handle this process.

Member Harper asked for confirmation that the committee's job is to make a recommendation to the Board of Supervisors. Could that recommendation give information that the committee has found and iterated the Board would make the decision, not the committee.

Member Payne stated the purpose of the Charter Review Committee is to vet and take action on each item/issue. If the action is to make a recommendation to the Board, the Board makes the final decision to place an item on a ballot. Asked what this committee's feelings are regarding taking action on this item today?

Alternate Member Ross stated he would not prefer to take action on this matter today because this is one of the most significant findings in the Grand Jury report. Feels it is important to allow more time for public comment and fact finding to gain as much information as possible.

Alternate Member Hill stated the 2014 Charter Review Committee discussed this topic at length with public input, research has been conducted by other members and asked, how many more times do we kick the can down the road?

Member Powell stated his Alternate, Gary Campbell, will be here next meeting. Using survey's as provided by Lori Parlin is to have it on the ballot with pros/cons demonstrated. Would rather see the voters decide and not this committee.

Alternate Member Hill stated the Board makes the decision if any

recommendation makes the ballot.

Member Harper commented that she doesn't see how the committee can take action today and that more information is needed. There are 181,000+ people in the county and 109,000 voters in the last election. Wants to have the survey submitted by Lori Parlin more broadly distributed to capture more data.

Member Payne stated there were various options regarding actions they can take on this agenda item.

Member Powell stated 109,474 county residents are registered voters. In the last general election there were 76,704 ballots mailed, 50,598 were returned. 42,599 were returned via mail and 7,999 were returned on election night. 12,017 voters cast their ballot at the polling place. 62,615 out of 109,474 registered voters voted, resulting in 58% voter turnout.

Member Harper posed a question to Lori Parlin and Sue Taylor if they can distribute their survey again to a more broad audience. These members of the public did not respond.

Member Hill commented that survey's and polls are easy to distribute. Lori Parlin confirmed from the audience that the survey went out to "thousands" and only 104 responded.

A motion was made by Member Harper, seconded by Member Ross to continue this item to the next meeting.

Yes: 3 - Kris Payne, Jeanne Harper and Richard Ross

Noes: 1 - Jim Hill

Absent: 2 - Rachel Michelin and Don Fuller

Abstained: 1 - Michael Powell

2. [17-0839](#) Discussion of Charter Section 204 - Compensation (Supervisor).
(Reference: Finding #4 of the 15/16 Grand Jury Report Case 15-04)
(Cont. 7/27/17 Item 4)

Public Comment:

Larry Weitzman commented that Member Payne's assessment of the ordinance is accurate. Stated the methods at the Board's disposal for changing any salaries is by Resolution or Ordinance. Is not in favor of changing this section of the Charter. Election costs are relatively inexpensive to the county, but not to the public. Commented that polls are generally inaccurate.

Member Payne read the finding from the Grand Jury report and read the ordinance code section as provided by Counsel (Section 2.15.030)(B). Section 204 of the Charter states only that the Board member compensation is set by ordinance. Suggests that section of the ordinance may need to be revised.

Counsel Kerr reiterated the language in the ordinance section. Counsel would, if this matter were placed on a ballot, perform an impartial analysis to be included on the ballot.

Member Harper stated the ordinance is meant to protect taxpayers.

Member Powell commented on recent action by the Board pertaining to Department Heads longevity issue resolved by Resolution. Stated he would need more information on the ordinance structure if the Board gives an increase and in turn the Board also receives a raise, that doesn't seem accurate.

Counsel Kerr reiterated the final decision of the court on the Briggs and Santiago case.

Member Payne read text from the court's decision on the Briggs and Santiago case and that this is a constitutional matter. The county's ordinance code section doesn't reference a referendum.

Counsel Kerr reiterated that the Constitution is the controlling document regarding a referendum.

Member Payne stated there really is no fundamental need to add anything to the Charter language as written.

Alternate Member Ross asked if a referendum is required to change the ordinance to which Counsel Kerr stated the voters can challenge by way of referendum before an ordinance takes effect.

Counsel Kerr stated that counties act by rule of law.

Alternate Member Ross stated that the Board can pass an ordinance to increase their own salaries.

After public comment:

Counsel Kerr stated the ordinance includes the language "as authorized by law" which again is reflected in the Briggs and Santiago case.

Member Payne stated that ordinances can be changed by the Board.

Member Harper stated she understands that the county can only affect changes to salaries by Resolution or Ordinance and asked Larry Weitzman to come to the podium. Mr. Weitzman reiterated his previous statements.

Mr. Powell agreed with Mr. Weitzman that we should keep it simple. If an ordinance gets passed, we're stuck with it. Feels the Charter is fine the way it is written.

A motion was made by Powell, seconded by Member Payne to leave the text of the Charter as it is currently written. No vote was taken.

Alternate Member Ross commented that the Grand Jury recommendation was the equivalent of a non-boot strapping provision.

Member Powell amended his motion to support the Grand Jury recommendation, seconded by Member Ross. No vote was taken.

Counsel Kerr stated the constitution reads the Board can set their salaries by ordinance. Counsel would like to ensure there is no confusion and requested the item be continued to perform analysis and report back to the committee at their next meeting.

Member Payne asked the motion maker and seconder to consider postponing this matter to allow time for Counsel to perform some analysis.

Member Powell and seconder Member Ross agreed to table this matter until next week. No vote was taken, however the committee was in agreement.

3. [17-0841](#) Discussion of Charter Section 402 - Elected Department Heads.
(Reference: Finding #5 of the 15/16 Grand Jury Report Case 15-04)
(Cont. 7/27/17 Item 5)

Public Comment:

None.

Member Payne reiterated the Grand Jury findings.

Member Powell commented that the language in section 402 allows the Board to modify the duties of elected officials.

Member Harper simply stated this doesn't appear to be a conflict; the Grand Jury findings are only to help clarify the language in the Charter.

Member Powell iterated Charter Articles.

Member Payne commented that the Treasurer's office and Tax Collectors offices were consolidated at some point, same for Agricultural Commissioner and Sealer of Weights and Measures.

Counsel Kerr stated that State and Federal law play a role in consolidations and those provisions in the Charter and ordinance code are provided for to comply with the law.

Alternate Member Ross stated the language in Charter section 210(B) (2). If the Board consolidated all functions of a given elected office, what happens to that elected official if they don't have a department?

Counsel Kerr responded that the Elected official would still serve. Commented that the consolidation of offices wouldn't be permitted during the term of a sitting elected official.

Member Payne stated various consolidated functions such as Sheriff-Coroner-Public Administrator, Treasurer-Tax Collector and Recorder-Clerk and Registrar of Voters.

Member Powell asked Counsel if there is any merit to having the language in the Charter pursuant to the Grand Jury's recommendation. Counsel stated she could not comment on that.

Member Harper stated that if offices of elected officials were consolidated, what would happen to the sitting elected officials. Counsel responded that this would not occur while an elected official was seated.

A motion was made by Member Harper, seconded by Member Hill to reject the Grand Jury's recommendation (leaving the language in the Charter as currently written).

Yes: 5 - Kris Payne, Michael Powell, Jeanne Harper, Richard Ross and Jim Hill

Absent: 2 - Rachel Michelin and Don Fuller

4. [17-0842](#) Discussion of Charter Section 304. Duties (Chief Administrative Officer) (Reference: Finding #6 of the 15/16 Grand Jury Report Case 15-04) (Cont. 7/27/17 Item 6)

Items 4 and 5 were heard together and the committee voted to take the following action.

A motion was made by Member Harper, seconded by Member Powell to continue items 4 and 5 to the next meeting.

Yes: 5 - Kris Payne, Michael Powell, Jeanne Harper, Richard Ross and Jim Hill

Absent: 2 - Rachel Michelin and Don Fuller

5. [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) (Cont. 07/27/17 Item 7)

Items 4 and 5 were heard together and the committee voted to take the following action.

A motion was made by Member Harper, seconded by Member Powell to continue items 4 and 5 to the next meeting.

Yes: 5 - Kris Payne, Michael Powell, Jeanne Harper, Richard Ross and Jim Hill

Absent: 2 - Rachel Michelin and Don Fuller

FUTURE AGENDA ITEMS

Member Powell asked for an agenda item to discuss whether a Form 700 Statement of Economic Interest is required.

Member Payne iterated that the committee decided at their first meeting that they would not add additional items outside their primary scope.

Member Powell stated that this stems from the article written by Larry Weitzman regarding background checks.

Counsel Kerr stated she would like to research this and return with an update at the next meeting.

Member Harper stated that she is back to work now and will not be leaving her employment location until 4:00 P.M.

Member Payne read Grand Jury Findings F8 and F9. Finding F8 was essentially taken care of by the Board's action to create this committee. Requested Findings F8 and F9 of the Grand Jury report regarding the Charter be added to the next agenda.

Member Powell asked if there would be something on the agenda that would allow the public to add items to the agenda. Member Payne informed Member Powell that at their first meeting the committee decided that requests for agenda items from the public would be taken up by individual Committee members first for consideration to place an item on the agenda.

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

ADJOURNED AT 6:11 P.M.