

From: Timothy White
Sent: Monday, January 23, 2023 5:30 PM
To: Richard Ross; [Jim Mitrising](#)
Cc: Kaylee Runkle <Kaylee.Runkle@edcgov.us>
Subject: Charter Review Committee Agenda for February 13, 2023

Good Afternoon Jim and Richard.

I don't know if the plan for the February 13th meeting is to have the same Agenda that was published for the cancelled January meeting, but if it is I think we should reconsider Agenda Item # 23-0094 - "Charter Review Committee to discuss the role, authority, and oversight of the Grand Jury and discuss a possible revision to the Charter regarding the Grand Jury."

The Charter contains 3 references to the Grand Jury:

1. Section 210 a.(9) which provides that the BOS shall adopt a uniform format that "shall provide for responses to findings and recommendations to reports of the Grand Jury...". The BOS has done so and I am not sure what any revisions to that section would accomplish.
2. Section 210 a.(12) which provides that "The Board of Supervisors shall adopt a policy and procedures for wide distribution of the Grand Jury Final Report and the Board of Supervisors Response to the Final Report.". It might be informative to determine what policy and procedures the BOS has adopted for wide distribution, but as with my comment on the last section, what revisions to this section would make the current policy and procedures better?

As a side note the Grand Jury does not only investigate and prepare reports on El Dorado County Departments-it also does so with other governmental agencies operating in El Dorado County such as our 2 cities and the Special Districts located in the County. I don't know whether the requirement for wide distribution applies only to the Grand Jury Reports with respect to County Departments under the jurisdiction of the BOS, or all Grand Jury Reports covering El Dorado County.

3. Section 703 which protects that "Every county officer and employee shall cooperate in providing the Grand Jury with any requested information or documents; except when disclosure is prohibited by law. The Board of Supervisors shall establish the format for county responses to the Grand Jury report.". The last sentence of this Section is some what duplicative (and not as detailed) as the requirement set forth in Section 210a.(9) (if this or a future Charter Review Committee wanted to do a general clean up of the Charter to correct duplication of language, capitalization of terms, punctuation and grammar, etc. this could be dealt with at that time.). What possibly revisions would make this Section better?

The role, authority, and oversight of the Grand Jury for the County of El Dorado is not under the jurisdiction of or the responsibility of the BOS - Civil Grand Juries are under the jurisdiction of the Superior Court in the County, supported by statutory provisions set forth in the California Penal Code and the California Government Code.

I don't believe any changes are needed or appropriate in the County Charter with respect to the Grand Jury, and as such recommend that the Charter Review Committee not even put this on the agenda. My recollection is that this came up for discussion when a Committee Member mentioned that the County Grand Jury was having trouble recruiting members, particularly new members. In our County that is a wide spread problem not only for county commissions, but for special districts and for charitable organizations. However that comment does not justify discussing changes to the County Charter with respect to the Grand Jury as the County has no responsibility for recruiting or selecting members of the Grand Jury.

Some other questions in reviewing the Charter:

1. Section 102 c. dealing with the exceptions for adopting, amending or repealing the Charter, the first exception provides that "...it is deemed ratified and it takes effect when filed WITH (my capitalization) the Secretary of State."

The second exception provides that an amendment to or a repeal of the Charter "... is deemed ratified and takes effect when filed BY (my capitalization) the Secretary of State."

It would seem to me that it would take effect when filed WITH the Secretary of State in both instances as it is the County of El Dorado doing the filing, not the Secretary of State.

Would it be better and clearer to say in both instances "filed with and accepted by the Secretary of State"?

2. Section 201 dealing with Residence Requirements for Supervisors provides that a candidate for Supervisor "... shall have resided in the district prior to NOMINATION (my capitalization) for election.". In our County candidates are not nominated- they self select and file to run for supervisor. Should the language be changed to read "... shall have resided in the district prior to filing for election."?

Please feel free to forward this to both Emma and Paula as they may be in the best position to address these last 2 items.

Thank you for taking the time to read this-I can be reached at 415-518-0306 if you want to discuss.

Tim

Sent from my iPhone