



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
(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 24, 2017

4:00 PM

2850 Fairlane Court Placerville, CA 95667
Planning Commission Hearing Room

4:05 P.M. - CALLED TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

Member Michelin led the Pledge of Allegiance to the Flag.

ADOPTION OF THE AGENDA

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

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

Absent: 1 - Jeanne Harper

APPROVAL OF MINUTES

1. [17-0913](#) Approval of the Minutes for the Charter Review Committee meetings of July 13, 2017, July 27, 2017 and August 10, 2017.

A motion was made by Member Michelin, seconded by Member Powell, to adopt the Minutes for July 13, July 27 and August 10, 2017.

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

Absent: 1 - Jeanne Harper

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 requested a defined process for members of the public to use to add topics to future meeting agendas.

Member Payne updated the committee that at the first meeting, members of the public were encouraged to notify the Committee Chair or the Clerk if they wanted to add a topic to the agenda.

Member Powell mentioned that Treasurer/Tax Collector Cherie Raffety stated at the first meeting of the committee that she may have an interest in adding a topic.

Counsel Kerr stated that a member of the public could also raise a future agenda item request during the Future Agenda Items section on each agenda.

Member Payne commented that he would prefer to have such requests be submitted in writing.

Counsel Kerr iterated that the members of the committee have the option to add topics to the agenda.

Member Payne stated that written requests should include details about the topic to discuss.

Member Michelin stated that members of the public should notify the committee via the Clerk or the Chair to request a topic be added to the agenda and further commented that the requests would need to be within the scope of the committee.

Member Payne iterated the committee's focus is the 15/16 Grand Jury report, however they may take up any topic related to the Charter.

Assistant CAO Shawne Corley stated that the Board directed the committee to focus on the 15/16 Grand Jury report, but the committee may take up any matter related to Charter as provided for in Section 701 of the Charter.

STAFF/COUNSEL REPORTS*Public Comment:*

District 3 Alternate Committee Member Randy Pesses commented that if there is a vacancy on the Board of Supervisors, the remaining members have the authority to appoint. The question was could a mail in ballot only be applied to the voters of the specific district in question.

The Recorder Clerk-Registrar of Voters Bill Schultz introduced Assistant Registrar Linda Webster, present at the request of the committee to share details of previous elections. Mr. Schultz commented on the November 8, 2016 election there were 116,459 voters, 97,024 ballots cast which he believes is a record, or 83.1% turnout. The Registrar's office performed some significant outreach to voters.

Member Payne stated the importance of elections and the committee.

Ms. Webster provided an overview of how elections work and stated that current elections code does not provide for counties to conduct vote by mail ballots exclusively, unless there are fewer than 1,000 voters in a Supervisorial District. If a Special District has less than 5,000 voters they may request a special election by mail ballot only. SB450 will be implemented in 2018 granting authority to 12 specific counties to conduct elections using mail-in ballots exclusively with the provision that those will also be required to set up a specific number of "vote centers" which are required to have the capability of printing ballots for completion by voters onsite. The Vote Centers are required to be open 10 days prior to an election.

Member Fuller commented that it doesn't seem that implementing SB450 would save costs of conducting elections.

Counsel Kerr asked Ms. Webster to explain that the authority to perform elections is provided by Federal and State law.

Member Powell asked about the voter turnout by district. Requested statistics on vote by mail ballots by district.

Ms. Webster stated that Districts 1 and 4 had the highest turnout in the last election.

Member Payne asked what the final date the committee could submit something to make the ballot.

Ms. Webster stated the preference is to receive all ballot language 125 days before the election.

Member Michelin commented on recent elections for the El Dorado Hills CSD and the Cameron Park CSD and the number of polling places.

Ms. Webster stated that the target is to have no more than 1,000 voters assigned to each polling place.

Member Powell reiterated voter turnout figures he commented on at previous meetings.

Member Payne opened this up to public comment.

Member/Staff comments made after Public Comment:

Member Michelin stated that this issue was recently discussed at the State Legislature.

Mr. Schultz stated there were 12 counties specifically mentioned in SB450, El Dorado was not one of them. The largest proponent of this bill was Orange County. The state has implemented a program on a statewide level for voter registrations. One feature of this program is when a voter moves to another location in the state, the voters' former county/jurisdiction is notified. This was previously managed by mail in post card.

Member Harper arrived at approximately 4:40 P.M.

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

ACTION ITEMS

(See next page)

2. [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. 8/10/17 Item 1)

Public comment:

Clerk's note: Members of the committee posed questions to members of the public and Alternate Committee Members during Public Comment.

Alternate Member Richard Ross stated that having limiting term limits can disenfranchise the voters. Voters should have the ability to determine who they want in office. The survey demonstrates that people don't formulate opinions until they are asked to do so. Doesn't believe the survey should influence how the committee considers this option. Agrees that the voters should decide. Cited the circumstances in District 1 in the last election that the voters decided to elect someone else.

Member Payne stated that the Grand Jury recommendation was to strike the term limit provision.

Mr. Ross stated the committee exists to make a recommendation to amend the Charter.

Lori Parlin stated that former Supervisor Ron Mikulaco did not run in the last District 1 election.

Member Payne permitted Mr. Ross to return to the podium.

Mr. Ross stated the district voters could have demonstrated support of the former District 1 Supervisor.

Lori Parlin commented that the ballot next June will be "huge" due to the consolidation of elections for smaller districts. Not very many people come to county meetings and may not be paying attention. Adding more items onto the ballot may not be beneficial.

Member Payne asked Ms. Parlin to state her preference regarding the motion.

Ms. Parlin responded that she would leave this section of the Charter the way it is and there is no compelling reason to change it. Commented that attempting to take on an incumbent is very difficult.

Member Michelin restated that Ms. Parlin's argument is that the committee shouldn't add this to the ballot because it will be too large? Ms. Parlin responded that there will be even more campaigning involved as items are added to the ballot.

Member Payne stated that the Board will receive a report from the committee. The Board can still take up the matter and place this on the ballot.

Jim Lemure stated Board member turnover dilutes the professionalism on the Board. A two-term limit has caused more problems than it has solved. Supervisors need to learn a specific skill set to come up to speed with all the aspects of county government.

Member Payne stated the Supervisors have a great deal of responsibilities. Supervisor Sweeney successfully served two 8 year terms after a respective 4 year break.

Member Powell stated that a few years ago El Doardo Hills attempted to become a city.

A future elected Supervisor from that district will need to drive any future effort to that end and it would take more than 8 years to accomplish this.

Alternate District 4 Member Gary Campbell stated he prefers three consecutive 4 year terms which would enable the Supervisor to be more productive. The Supervisor would still need to win the election every 4 years. Changing to three consecutive terms with no provision for return is preferred.

Alternate District 3 Member Randy Pesses stated that he supports the motion as presented. He does not support the recommendation of the Grand Jury. Mentioned that "power corrupts" and that he has worked with many Supervisors over the years and has witnessed how they change over the course of their tenure as a result of many outside influences. This is a fundamental reason voters in general prefer term limits. Stated that he's heard Supervisors state that "this is the best job they've ever had." He does not believe it takes a Supervisor 4 years to come up to speed and that they can do it in about a year. The Charter is appropriate the way it is written. Mr. Pesses iterated he was the Deputy Director of Transportation for 10 years.

Member Michelin commented on the comments made by Member Powell regarding El Dorado Hills incorporation and that it requires more than just one Supervisor's input/vote. In terms of term limits, she worked in the State Legislature where there were term limits. There is merit to three consecutive four-year terms and that the committee should give the Board several different options to choose from. Voters are smarter than they've been given credit for. Term limits are a "touchy" subject that raises the attention of voters.

Member Harper commented that her background is in education administration and there are administrators in that field who have been in their positions for far too long. The committee's job is to accept or reject the Grand Jury's recommendation and/or to make a different recommendation to the Board. What would the language on the ballot be if the Board was to give voters multiple options?

Member Payne stated the committee is doing what they've been asked to do.

Member Payne asked member of the public Lori Parlin to come to the podium to update the committee on the survey she posted to social media a few weeks ago which was sent to more people since the committees last meeting. The first survey had 104 responses and a total of 169 responses to date. Ms. Parlin provided updated copies of the survey results.

Member Payne gave examples of other counties who have term limits and Los Angeles County which does not have term limits. San Diego County Supervisors are limited to two (2) four-year terms. San Francisco is a County and a City with 11 members, limited to 2 four-year terms. San Joaquin County attempted to change the term limits to 3 four-year terms in 2012, the vote failed.

A motion was made by Member Payne, seconded by Member Fuller to leave the current term limits in place, thereby rejecting the Grand Jury's recommendation.

A vote was not immediately taken and the following discussion ensued.

Member Harper asked the Chair if Lori Parlin could return to the podium, permission was granted.

Member Harper asked if Ms. Parlin could clarify the chart which shows the

number of survey respondents preferring to change the term limits to be two (2) four-year terms with no provision to return to the Board in future years.

Member Powell commented that the committee should consider the number of terms, length of the terms and whether a Supervisor can return to the Board after completing two consecutive terms as separate actions. Commented that Supervisor Veerkamp was at the last Tax Payer Association meeting and was asked about term limits to which the Supervisor replied that it is up to the voters.

Member Payne stated that the motion on the table takes into consideration all aspects of term limits. If the motion doesn't pass, the committee can consider taking action on each component of Charter Section 202 separately.

Member Michelin iterated that the committee makes the recommendation to the Board of Supervisors and the Board can decide if the matter is placed on the ballot. Making a recommendation to the Board with multiple options as suggested by Member Powell is preferred.

Member Payne asked Counsel if the committee is obligated to return to the Board with multiple options.

Counsel Kerr stated the committee can make any recommendations they agree to.

Member Harper stated that there does not appear to be a great deal of interest in county government and that special elections are about \$68,000.

Member Michelin stated this recommendation would be on a general election ballot in June 2018, not a special election. There is no additional cost to place this on the ballot.

Counsel Kerr stated there are nominal costs for printing and providing arguments for and against.

Member Powell commented on Lori Parlin's survey results and how he would have worded the question of term limits differently.

Member Fuller stated that he would have seconded the motion even without the survey. He feels the current language in the Charter appropriate.

After public comment, Member Payne reiterated the motion.

A motion was made by Member Payne, seconded by Member Fuller to leave the current term limits in place, thereby rejecting the Grand Jury's recommendation.

Member Payne requested a poll vote.

Yes: 2 - Don Fuller and Kris Payne

Noes: 3 - Rachel Michelin, Michael Powell and Jeanne Harper

Public Comment was reopened at the suggestion of Counsel Kerr after the second motion:

Mr. Ross stated that the reason we have a Charter Review Committee is to help the Supervisors determine what needs to be recommended to the voters.

Mr. Campbell agrees with Mr. Ross.

A motion was made by Member Powell, seconded by Member Payne to recommend an amendment to section 202 of the Charter to allow for three successive consecutive terms in both places (line 2 and line 6 of Charter Section 202).

Member Payne requested a poll vote.

Yes: 1 - Michael Powell

Noes: 4 - Rachel Michelin, Don Fuller, Kris Payne and Jeanne Harper

3. [17-0839](#) Discussion of Charter Section 204 - Compensation (Supervisor).
(Reference: Finding #4 of the 15/16 Grand Jury Report Case 15-04)
(Cont. 8/10/17 Item 2)

A motion was made by Member Michelin, seconded by Member Harper to continue all remaining items (3-7) to the next meeting.

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

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. 8/10/17 Item 4)

A motion was made by Member Michelin, seconded by Member Harper to continue all remaining items (3-7) to the next meeting.

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

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. 8/10/17 Item 5)

A motion was made by Member Michelin, seconded by Member Harper to continue all remaining items (3-7) to the next meeting.

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

6. [17-0910](#) Discussion of the 2015/16 Grand Jury Report Case 15-04, Finding F8 which states; "Section 102 of the El Dorado County Charter authorizes the Board of Supervisors to propose amendments to the existing charter at any time without the need of a Charter Review Committee."

A motion was made by Member Michelin, seconded by Member Harper to continue all remaining items (3-7) to the next meeting.

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

7. [17-0911](#) Discussion of the 2015/16 Grand Jury Report Case 15-04, Finding F9 which states, "The board of supervisors should do a comprehensive review of the authority granted to charter counties to determine if there are benefits to being a charter county that El Dorado County could take advantage of."

A motion was made by Member Michelin, seconded by Member Harper to continue all remaining items (3-7) to the next meeting.

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

FUTURE MEETING SCHEDULE

The committee determined the following new meeting dates, beginning at 4:30 P.M.

Thursday, September 14, 2017

Thursday, October 5, 2017

Thursday, October 26, 2017

FUTURE AGENDA ITEMS

No new agenda items were proposed.

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

ADJOURNED AT 6:04 P.M.