


B. CARLSON 12/8/15
PUBLIC COMMENT
ADOPTION OF AGENDA



TAXPAYERS ASSOCIATION OF EL DORADO COUNTY
Post Office Box 18  Placerville, California 95667
Founded in 1958

TO: El Dorado County Board of Supervisors
FROM: Al Hamilton, President

DATE December 7, 2015

REGARDING: Agenda Item 5

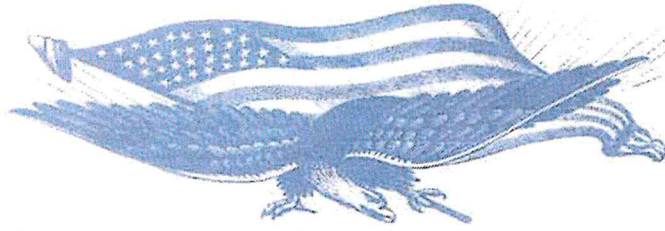
Item 5 needs to be pulled from the calendar consent or otherwise for the following reasons. First there is no blue routing sheet. There is no 21-day notice requirement. Most importantly it is not clear as to what is the new resolution to correct the mistake created in resolution 180-2013 and continued in resolution 235-2014. Which is the new resolution to be considered by the BOS? To correct this error a new resolution needs to be prepared, this BOS cannot amend a resolution from two years ago through line-outs. A new entirely new resolution is required. What is being presented to the BOS will only create confusion and may not be legal.

Since the passage of resolution 204-2003 on July 15, 2003 longevity pay entitlements for elected and appointed department heads shall NOT include credit for prior related professional service out of the county or any city. That has remained the county policy even until today.

Resolution 180-2013 mistakenly included a provision to make out of county service included for calculating longevity pay. That mistake of counting out of county service in longevity pay was also included in resolution 235-2014 whose intent was to undo resolution 180-2013. That longevity pay for out of county service is still uncorrected from the 2003 resolution.

There appears to be a revised resolution in the packet entitled in the lower right hand corner 14-1649 A-Revised 1 of 3 which ONLY CONTINUES the error for giving credit for out of county service on page 2 of that document. The resolution necessary should be simple; a resolution correcting the error of both 180-2013 and 235-2014 and then reciting the correct county policy from resolution 204-2003. None of the paperwork reflects that change except for some line-outs on of prior resolutions 180-2013 and 235-2014. Those line-outs are neither effective nor legal and could be litigious. A new resolution is necessary. This matter needs to be pulled, continued and corrected.

CC: Robyn Drivon, County Counsel
Larry Combs



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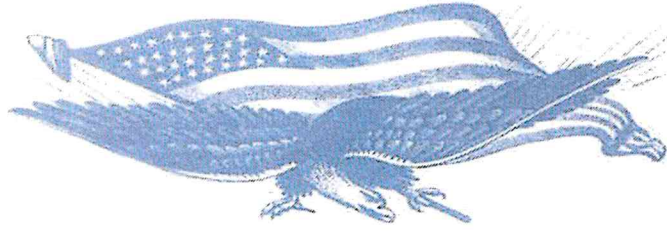
DATE December 7, 2015

REGARDING: Agenda Item 7

Item 7: We don't approve this item first as a consent calendar item and it should be pulled and continued until the next BOS meeting.

We want BOS meetings every week for several reasons the first of which is public access to the BOS, confusion as to when there are BOS meetings and the fact that a twice a month calendar will mean longer meetings thereby limiting time for the public to speak and less deliberation created by pressure to finish the calendar as they most likely will extend deep into the evening. A rushed and pushed calendar items mean poor decision making especially after eight and ten hour meetings. Such policy will expand and make for more items on the consent calendar. That is bad government.

CC: Robyn Drivon, County Counsel
Larry Combs



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Post Office Box 13 *HA* Placerville, California 95667
Founded in 1958

TO: El Dorado County Board of Supervisors
FROM: Al Hamilton, President

DATE December 7, 2015

REGARDING: Agenda Item 31

Item 31: This item needs to be pulled indefinitely for several reasons. First of which is the Walker case which says if there is a failure to make the five-year nexus study for mitigation fee act districts, the unexpended, committed or uncommitted funds held on account MUST be refunded to the property owners of record. The Walker case is now the law of California as on November 10, 2015, the California Supreme Court refused to accept the case for a hearing. Since a claim by a property owner within the Diamond Springs/El Dorado Fire District on those unexpended funds has been filed with the county demanding a refund of the unexpended funds in the mitigation fee act account within the Diamond Springs Fire District has been made, those funds are unavailable for any other purpose other than a refund to said property owners of record.

Secondly, the law is clear that the funds currently in the account are unexpended as they are still in the account as the law explicitly says all unexpended funds, committed or uncommitted are to be refunded. That duty to refund as per the Walker case is a statutorily mandated duty of the fund holder, in this case the county.

To claim these funds were expended because the fire district expended their funds to acquire this piece of equipment has no bearing. As long as the money is in the county MFA account, they remain unexpended.

To authorize the commencement of litigation against the Auditor would be a negligent gross misuse of county general fund monies. It may also create personal liability of certain county officials.