

2009/2010 CHARTER REVIEW COMMITTEE



**CHAIRMAN'S
NOTES**

by: **Cris Alarcon, Committee Chairman.**

This compilation expresses the Chairman's contemporaneous notes of the proceedings and is solely the opinion of Cris Alarcon. This document is a work in progress and a reference presented as an aid to both committee members and the public.

The report of the Committee is the result of the votes, exclusively. This is not a product of the Committee.

Section 701, Charter Review, of the El Dorado County Charter states: The Board of Supervisors shall convene a Charter Review Committee within two (2) years of the effective date of this charter and within five (5) years of the last charter review thereafter. The committee shall review the charter and, after at least two (2) public hearings, make recommendations for amendments to or revisions of this charter to the Board.

Members

Alarcon, Cris: District 3, Chairman.
Blum, Robert: District 1
Dilts, Clarence: District: 4
Dobrich, Bob: District: 5
Laurie, Robert: District: 2

Brown, Kevin: Alternate, District: 2
Erpenbeck, Hal: Alternate, District: 1
Gundran, Fredrick: Alternate, District: 3
Marinaccio, Art: Alternate, District: 4

2009/2010 CHARTER REVIEW COMMITTEE..... 1

Members..... 1

 ACKNOWLEDGMENT..... 3

 PREFACE: 4

 METHODOLOGY 4

GLOBAL ISSUES 5

 2009 GRAND JURY REPORT PART 2 (GJ REPORT) 5

 COST ASSOCIATED WITH EDC CHARTER..... 6

 A REAL ESTIMATE OF CHARTER COST 7

 DIFFICULTY IN CHANGING CHARTER 8

 REPEAL OF CHARTER 8

 BALLOT MEASURE, TEXT OF..... 8

SECTION SPECIFIC PROPOSALS..... 9

 SUMMARY - ACTION ON PROPOSALS 9

 ELECTIONS - SECTION §102(A) 10

 RESIDENCE REQUIREMENTS -- SECTION §201 10

 TERM OF OFFICES - SECTION §202..... 11

 BOS, FILLING OF VACANCIES - SECTION §203 13

 SETTING OF MEETINGS - SECTION §205 16

 RECALL OF SUPERVISORS - SECTION §209 17

 POWERS AND DUTIES; BOS SHALL ... - SECTION §210(A)2..... 18

 POWERS AND DUTIES; BOS SHALL ... - SECTION §210(A)3 18

 COUNTY LIBRARY FUNDING - SECTION §210(D) 19

 COMMUNICATIONS WITH EMPLOYEES - SECTION §211 20

 CHIEF ADMINISTRATIVE OFFICER - SECTION §301 21

 APPOINTMENT AND REMOVAL - SECTION §302 22

 CAO DUTIES - SECTION §304 22

 BOARD MEETINGS - SECTION §305..... 23

 SHERIFF'S SALARY LIMITATION - SECTION §504..... 24

 CONTRACT ADMINISTRATION - SECTION §602 25

 GRAND JURY - SECTION §703..... 27

 INTERGOVERNMENTAL RELATIONS - SECTION §801 28

VOTE TO REPEAL CHARTER..... 30

ADDENDUMS 31

 PUBLIC DOCUMENT LINKS: 31

ATTACHMENTS..... 32

 COUNTY CHARTER HISTORY, WHAT AND WHY. CRIS ALARCON 32

 SCHEDULE OF MEETINGS 34

EL Dorado County Charter [PDF]..... 35

EDC Grand Jury Report [PDF]..... 36

The Limited and Contrary Uses of County Charter Reform [PDF]..... 37

Model City Charter – 8th Edition [PDF]..... 38

Acknowledgment

As Chairman, I have been privileged to work with the members of this committee made up of prominent, influential, and respected local citizens. Service on this committee was not an opportunity to spring to some public office, to push one's own favorite causes, not to micro-manage this or that department, nor an opportunity to press for a liberal or conservative agenda. Service on this committee was an opportunity to be a representative, forward-looking, zealous advocate of the General Welfare of EDC and its citizens

All members have demonstrated unselfish public service while working in a collegial manner. The Chair especially appreciated this as the committee was very diversified. Views ran the full spectrum, from very liberal to very conservative. In a lesser group, the discussion could have quickly become acrimonious and non-productive, but with these members, even in the most vigorous debate, members disagreed, agreeably.

- **Robert J. Blum**: Retired attorney, Retired Lieutenant Colonel, USAR. El Dorado County Civil Grand Jury 2008-2009 Chair. Democratic campaign contributor.
- **Clarence Dilts**: Well known local community advocate and taxpayer spokesperson. Foreman, El Dorado Grand Jury 1991-1992. EID Board Member Candidate, 2003.
- **Bob Dobrich**: Vice Chairperson, The El Dorado County Democratic Central Committee; Ca Federation of Democratic Central Committee Member; Marriage Equality USA of El Dorado County.
- **Robert Laurie**: Adjunct Professor, Public Policy Department, William Jessup University. Bob has been a City Attorney, County Counsel, General Counsel to Special Districts, as well as the President of the County Board of Education. Bob has also had experience as the California Energy Commissioner, Chairman of the California State Contractors Licensing Board, and California Liaison to the Nuclear Regularity Commission.
- **Art Marinaccio (voting alt.)**: Well known local community advocate and taxpayer spokesperson. A Commercial Real Estate Sales and a land use consultant. El Dorado County Republican Party Central Committee member.
- **Cris Alarcon**: Committee Chairman. Past Western Slope Boys & Girls Club Treasurer (BOD), Rotarian, Freemason, Publisher, and community activist.

The committee benefited greatly from the expert testimony by **Alvin D. Sokolow**, author of "The Limited and Contrary Uses of County Charter Reform: Two California Cases".

The committee depended on alternative members who stood by ready to step in at a moments notice. On a number of occasions, this committee functioned only because Alternate members stepped in to act for the primary members. Being an alternate member means that one must attend the meetings, do the independent research, and stand ready to vote if needed. In other words, they had all of the work, but none of the glory. A special thanks to **Art Marinaccio, Hal Erpenbeck, Kevin Brown, and Frederick Gundran**.

We also benefited enormously from the continued dedication of a group of seasoned professionals whose expertise in this area is unmatched.

- **Mike Applegarth**: Senior Administrative Analyst. MPPA, Public Policy and Administration; Former District Director, Assemblyman Tim Leslie California State Assembly.
- **Suzanne Allen de Sanchez**: Clerk of the Board; MPA. CAPC Community Representative
- **Ed Knapp**: Chief Assitantant County Counsel;

2009-2010 El Dorado County Charter Review Committee Chairman, Cris Alarcon.

Preface:

The 2009-10 Charter Review Committee began its review of the Charter in March of 2009 and completed its work in January of 2010. The Charter itself establishes a timetable and mechanism for period review. This committee was appointed by each member of the BOS. The Committee selected a Chairman, and Vice-Chairman, by nomination at the first meeting. Primary members are: Cris Alarcon, Chairman; Robert Blum; Clarence Dilts; Bob Dobrich, Vice-Chairman; Robert Laurie. Alternative members are: Kevin Brown; Hal Erpenbeck; Frederick Gundran; Art Marinaccio. Our goal is to provide better governance in EDC. The members have engaged in a process of: Self Education; Issue Identification; Fact Gathering; Public Hearings; Deliberations.

After selecting a Chair, the committee established an initial schedule and methodology. The committee discussed the timeline to place measures on the June 8, 2010 ballot. William Schultz, Recorder/Clerk & Elections Official, discussed the time lines to meet the requirements for the June 2010 election and the November 2010 election. It was decided to plan on the beginning of 2010 to submit the Charter Review proposals to the Board of Supervisors for the June 2010. In July '09, the committee adjusted and finalized the schedule based on probable tasks and their time requirements. The Committee completed its work on schedule.

Methodology

The committee proceeded on a two-pronged approach to the Review by scheduling meetings for both a comprehensive review of the current charter and meetings to address issues of special concern, such as, Charter Law verses General Law. The committee held:

- 3 Administrative Meetings: Initial; Framing; Wrap-Up.
- 11 Public Workshops.¹
 - 2 Public Workshops: Gen. Info; committee member's initial proposals.
 - 5 Review Meetings: Article-by-Article review of Charter.
 - 1 Special Meeting on Charter-Law vs. General Law.
 - 2 Public Comment meetings on Committee Member's Recommendation.
 - 1 meeting to vote on recommendations.

Each member agreed to submit their recommendations to the Clerk by September 15, 2009 in order to allow the public sufficient time to receive, digest, and respond to the recommendations. Every meeting solicited public comment on agenda subjects and concluded with public comment on any subject related to the Charter. The Committee, and individual members solicited public comment, searched for primary data, and members performed individual research. The Committee avoided secondary information, in favor of primary sources. The Committee avoided speculation as to motives or intrigue, in favor of a fact-based debate.

The work of the committee requires that we:

- Take an overview of the entire local government in a manner that few, if any, official or ordinary citizen can;
- Probe deeply into the procedures and interrelations of the different parts of EDC government, and other overlapping jurisdictions including both State and Federal agencies;
- Look elsewhere to discover "Best Practices" that might be adopted or applied;
- Deliberate and vote on proposals to be sent to the BOS.
- Perform all of this work in a manner that educates and wins the respect of those involved.

¹ Considering the low public turnout of 10-20, the recommendation of the Supervisor from Tahoe, the staff travel costs, and the economic condition of the County budget, the remote meeting in Lake Tahoe was rescheduled to meet in the BOS chamber.

Global Issues

Although the Committee proceeded on a section-by-section review of the Charter, there were a number of “Global” or “over-arching” issues that involved the Charter in total. Additionally, some issues addressed were related, but external to the Charter.

2009 Grand Jury Report Part 2 (GJ Report)

The El Dorado County Grand Jury preempted the Charter Review Committee (CRC) in many respects by concluding a review of the Charter as the CRC began its review. In order to contribute and influence the work of the CRC, the Grand Jury provided the CRC pre-release, and embargoed, copies of their confidential report to the BOS.

The committee faced three choices regarding the report:

- **Adopt** the GJ Report and go home,
- Independently **confirm or refute** the points made by the GJ Report,
- Just **ignore** the report. ²

As the GJ Report was about the Charter and the Grand Jury delivered it to the Committee as it began its work, the Committee gave considerable thought to its recommendations and methodologies, and we sought independent corroboration of the points made by the Grand Jury Report. Although some members of the public have accused the Grand Jury of attempting to preempt the Charter Committee’s work by intentionally releasing the Report to coincide with the start of the work of the Charter Review Committee, the Grand Jury’s work was a substantial, but limited, aid to the Charter Review Committee.

The Grand Jury work has been beneficial in a number of ways, primarily in issue identification. The analysis was less useful, or non-existent, due to the “secret nature” of Grand Jury testimony. This “secrecy” leads to a number of problems for the committee. The GJ, by law, cannot tell us who told them what or the nature of the discourse. This committee’s due diligence required that we carefully consider the GJ Report and all of its implications, BUT it also requires that we independently validate those claims before we endorse them.

² Although we never considered ignoring the GJ Report, in retrospect, it may have been more probative for the Board members, and the public, if the Grand Jury would have withheld its Report until the conclusion of the Charter Review Committee work. When the Grand Jury undertook a review of the Charter just before the Charter Review Committee’s review, they understood that the work would have to be done a second time by the Charter Review Committee. If the work had to be done redundantly, and the tax-payer had to pay twice, then two completely independent reports would be more powerful, and useful.

Cost associated with EDC Charter

The Committee has made considerable efforts to confirm the cost claims in the GJ Report, but with limited success. The Cost of the Charter is an area we were unable to confirm.

The cost of the Charter was of grave concern to me when I read the GJ Report and I immediately began discussions with county officials to validate this claim. The GJ Report calls out a number of Charter Costs ranging from 100's of thousand to a Million Dollars. It specifically names:

- The Deputy Sheriff Salary in Section 504 at \$589,000;
- Putting all purchases in writing, Section 602, claimed at \$100's of Thousands;
- Cost of Replacing a Supervisor in Section 203 at 35k – 45k;
- Cost associated with Elections of Department Heads in Section 402 – \$ not noted.
- With general implementation cost accounting for the balance.

504 – Deputy Sheriff's Salary

The analysis provided in the GJ Report regarding cost is simply a Red Herring. No one, not even the former foreman of the GJ which issued the report, suggested that we change the formula by which the salaries are calculated. As no one is suggesting changing this, it will remain a county cost, with or without a Charter. After all, we will still have Deputies and we will still pay them very nearly what we pay them today.

Therefore, to claim this is a Charter cost is simply wrong!

Although no one has suggested that the manner we calculate the wage being changed, there is considerable movement to get this out of the Charter, or to eliminate the Charter altogether.

This could be explained by recognizing the change in transparency of determining wages.

- Currently, wages are determined by Charter and can only be changed by majority vote of the public.
- Without this provision, or the Charter itself, the wages will be a subject of political debate, which usually ends in closed-door labor union negotiations.

602 – Written documentation for all purchases

On this issue we did receive testimony that qualitatively demonstrated this cost, but in spite of our best efforts, we were never able to get a quantitative number. Perhaps this is why the GJ Report was so vague as to the amount. The former Grand Jury Foreman, which issued the *2009 Grand Jury Report Part 2*, testified often to the committee and elaborated on this cost. He estimated this cost as exceeding \$500,000. Unfortunately, this testimony was more speculative than factual. Regardless of the fact that we were never able to get any testimony by any expert as to a quantitative cost, a proposal to mitigate this cost was put forth and adopted by committee.

203 – Special Election to Replace Vacant Supervisor seat.

The cost of a special election to replace a vacant Supervisor seat is estimated at about \$40k. This a rare event measured in decades not years, and which is for a county in California, the defining power granted by adopting a Charter. This is the sole significant permissive power of our Charter. This is the Keystone issue and the Grand Jury is most correct in naming this as a Charter cost.

A most basic benefit analysis of this cost (\$40k) could be thus said:

- Our charter allows us to select our own replacement Supervisor, and to pay for the public election to choose the person.
 - Without our Charter, or this key provision, will mean that only the State Governor will decide who shall be our Supervisor and there will thereby be no election costs.
-

402 – Appointing, rather than Electing department heads

The GJ Report correctly names some cost associated with electing department heads but fails to acknowledge corresponding cost of appointing department heads caused from the recruitment and procession cost associated with Human Resource department activities. These cost are essentially offsetting. There is no testimony indicating that there is any significant cost savings created by the recommended change.

General Implementation Cost

This is another area that the GJ Report fails to call out an estimated cost, but implies a cost between \$50k and \$200k annually.

The GJ Report named Hidden costs including the cost of compliance to Charter requirements and undefined “enactments and delays”. This committee received no information revealing neither those hidden cost nor any Charter caused “enactments and delays” that cost the county significant monies.

A Real Estimate of Charter Cost

It is not how much it cost to do all of the things named in the Charter, but the difference in the cost between what we spend now and what we would spend without a Charter.

The Report implies that the cost of compliance (and documentation) is nearly \$500,000 annually and in the following paragraph, also states that there is an only minor difference between our Charter and General law. Presumptively, if we continue to do 95% of the things in the Charter (because they are, in fact, General law), then we will still have 95% of the bills! In this scenario, the Charter accounts for about 5% of the estimated cost, or about \$25,000 annually. Applying realistic adjustments to the numbers provided in the Grand Jury’s own report indicates that the Grand Jury Report over-estimates the Charter cost by about 97% !

Provided the Committee’s cost reducing recommendations are adopted, the only significant costs are generated by the enhanced reporting requirements and they account for a few thousand dollars annually. Not the one million dollars alerted by the Grand Jury Report.

Difficulty in Changing Charter

Whether the Charter is hard to change is a matter of perspective. If you are a politician, staff, or a special interest advocate, then yes, it is harder. If you are a regular citizen of the county, then no, it is no harder to get it changed than it is to vote.

A County Charter is like a state and federal constitution in that it contains the basic principles that are not subject to change based on whim, fancy, or fad. It is purposely difficult for anything less than a majority of citizens to change this fundamental principle of governance.

Repeal of Charter

Although a repeal of the Charter may exceed the charge of the Charter Review Committee to “make recommendations for amendments to or revisions of this charter” it was the central theme of the Grand Jury Report, and as such, the Committee did consider and vote on this question.

The Charter Review Committee chose to consider this question after we had become familiar with the Charter provisions, their effect on governance, and the distinctions between what is different between Charter Law and General Law. We chose to vote on all proposed changes to the Charter, then to see if we thought it would be better to change the Charter or to Repeal it.

The committee received some criticism from the Former Foreman of the Grand Jury that issued the report, related to this arrangement. He testified that we were wrong to consider this question last; we should do it first, “as they had done”! We felt this approach might lead to a rush to judgment and saved this question for latter in the series of meetings.³

The question of Repeal of Charter was passed on a 3:2 vote and it should be noted that one of the affirmative votes stated in public that he felt that since the Grand Jury had made the recommendation, the BOS had no choice but to put it to the voters.

Ballot Measure, Text of.

A discussion of “who” should write the Ballot Measure Arguments involved the failure of several measures on the last round of recommendations. It was suggested that the BOS felt that they were precluded from advocating once they decided to put a measure on the Ballot. Inquires with the County Counsel about this question solicited a “gray” response appropriate for this somewhat gray area of law.

It was suggested that a Charter Review Committee member be given first opportunity if the BOS does not feel that they should write the argument. If it were not beyond the charge of the Committee, it might make this recommendation: *BOS recommends that the Charter Committee member, whom was the original motion maker, has the first option to write the Ballot argument in Favor of the measure, and the “No” voter(s) the first option to write the argument against the measure.*

³ It was like putting the cart before the horse to say that repealing the Charter was better than amending the Charter without first giving a real consideration of amendments and their effects.

Section Specific Proposals

Summary - Action on Proposals

(To Delete or Alter)

102(a)	Yes – 4:1	Y: Alarcon; Blum; Dobrich; Marinaccio. / N: Laurie	Elections
201	Yes – 4:1	Y: Alarcon; Blum; Dobrich; Marinaccio. / N: Laurie	Residency
202	Yes – 4:1	Y: Blum; Dobrich; Laurie; Marinaccio. / N: Alarcon	Term Limits
203	Yes – 4:1	Y: Alarcon; Blum; Laurie; Marinaccio. / N: Dobrich	BOS Vacancy
205	No – 2:3	Y: Blum; Dobrich. / N: Alarcon; Laurie; Marinaccio	BOS Mtg Times
209	No – 2:3	Y: Blum; Dobrich. / N: Alarcon; Laurie; Marinaccio	Recall
210(a)2	<i>Motion died, lack of second.</i>		<i>Commission</i>
210(a)	<i>Motion withdrawn.</i>		<i>CAO Hire/Fire</i>
210(d)	Yes – 4:0:1	Y: Alarcon; Blum; Dobrich; Laurie. / N: /A: Marinaccio	Library
211	Yes – 5:0	Y: Alarcon; Blum; Dobrich; Laurie ; Marinaccio. / N: -	Communications
301	<i>Motion died, lack of second.</i>		<i>Strong CAO</i>
302	<i>Motion withdrawn.</i>		<i>3rd Prty Comm</i>
304	Yes – 4:1	Y: Alarcon; Blum; Laurie; Marinaccio. / N: Dobrich	Strong CAO
305	<i>Motion withdrawn.</i>		<i>BOS Agenda</i>
408	<i>Motion withdrawn.</i>		<i>PO</i>
504	<i>Motion withdrawn.</i>		<i>Sheriff Clerk</i>
602	Yes – 4:1	Y: Alarcon; Blum; Dobrich; Marinaccio. / N: Laurie	Contracts
703	<i>Motion withdrawn.</i>		<i>Grand Jury</i>
801	<i>Motion died, lack of second.</i>		<i>Gov Relations</i>
Repeal Chtr	Yes – 3:2	Y: Blum; Dobrich; Marinaccio. / N: Alarcon; Laurie	

Elections - Section §102(a)

102. Initiative, Referendum, Recall and Charter Change. The electors of the county may by majority vote and pursuant to general law:

a. Exercise the powers of initiative and referendum.

At Issue

Section 102(a) is identical to and required by state law and has no effect by inclusion in the Charter.

Recommendations

Alarcon: Remove Sub-Section (a).

Comments:

- Dobrich: Bloat.
- Laurie: We should start from new rather than cut here and there.
- Marinoccio: With or without, policy remains.
- Blum: Out, redundant.

PUBLIC COMMENT

R. Boyland RE: Do not need duplicate verbiage if General Law covers the issue.

B. Johnston RE: People want their Supervisors to live in their District.

S. Alarcon RE: Should draw from within the District.

Dobrich Moved: Convert this section to General Law.

Blum 2nd

Vote: Affirmative (4:1 Neg-Laurie)

Residence Requirements -- Section §201

A candidate for election as supervisor shall be an elector in the district and shall have resided in the district prior to nomination for election. Once elected to the office of supervisor, a person shall remain a resident in the district in which they are elected or be deemed to have vacated the office.

At Issue

Residence Requirement is vague.

Recommendations

Blum: Amend to indicate that Residence requirements shall be in accordance with General Law. This proposal resolves the issue of how long a candidate must reside in the district prior to nomination for election. It replaces the current vague standard with an identifiable 30 day minimum used in General Law.

Comments:

- Same as GL.
- Laurie: Cutting Sections is not best approach, should start from scratch.
- No variation from GL allowed except extending initial residency requirement.

- Changes in state law would require changes to Charter.
- Soporiferous.

Blum Moved: Convert this section to General Law.
Marinaccio 2nd

Vote: Affirmative (4:1 Neg-Laurie)

Term of Offices - Section §202

The term of office of supervisor is four years. Board members shall be limited to two consecutive terms. No person elected supervisor may serve as such for more than two successive four year terms. Any person elected to the office of supervisor to complete in excess of two years of a four year term shall be deemed, for the purpose of this section, to have served one full term upon the expiration of that term. No person having served two successive four year terms may serve as a supervisor until at least four years after the expiration of the second successive term in office. Any supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purpose of this section, to have served a full four year term. The above shall not disqualify any person from running for election to the Board of Supervisors for any term or terms which are not successive. The term of office commences at noon on the first Monday after the January 1st succeeding their election. The supervisor for each of the First, Second and Third Districts shall be elected in 1996. The supervisor for each of the Fourth and Fifth Districts shall be elected in 1994.

At Issue

The California Supreme Court has ruled that the California Constitution does not allow term limits WITHIN a County Charter. See *Younger v. Board of Supervisors* (1979) 93 Cal. App. 864. Term limits may be separately addressed by the voters but NOT as part of the Charter. Elimination from the Charter removes this issue from legal attack. Should term limits be considered, they should be considered by voters in referendum separate and apart from the Charter.

Recommendations

Blum: Eliminate in its entirety.

Alarcon: Keep section in its entirety. Term Limits were not rejected in 1979 because they were in a County Charter, but because term limits were not legally authorized in California in 1979. This changed after 1993, term limits were voted on as a single issues by voters in El Dorado County, and this issue won by the widest margin of any other issue in that election. This is both legal and the will of the people of El Dorado County.

ANALYSIS: The 1979 case of *Younger v. Board of Supervisors*, 93 Cal.App. 3d 864, which held that counties are political and legal subdivisions of the state and, as such, can do only that which is authorized by state law or the state constitution.

In *Younger*, the San Diego Board of Supervisors placed an initiative before the public establishing term limits on all county offices. Just as in the Los Angeles County and El Dorado County cases, it was passed by a significant vote of the electorate. When challenged, however, the court ruled that the County Board of Supervisors never had the authority to place the matter before the public, since no law authorized interfering with the number of times the public can elect a county officer.

In 1993 that decision was ratified by the California Court of Appeal in the case of Cawdrey v. City of Redondo Beach, 15 Cal.App.4 th 1212, wherein the court reiterated that counties are legal subdivisions of the state and can, therefore, only perform those tasks authorized by the state.

Following the Cawdrey decision, the State Legislature amended California law by adding Government Code §25000(b). That section gives to Boards of Supervisors the authority to place an initiative before the people to set limits on the number of terms a member of the Board of Supervisors can hold office. It clearly addresses only the Board of Supervisors members themselves.

The statute does not authorize the Board to place an initiative before the people regarding the number of terms to be served by the offices of Sheriff, District Attorney or Assessor. Therefore, the only initiative which could be lawfully voted upon by the people was one to establish term limits on the Board members themselves, and only on the Board members.

Marinaccio: I do not believe the provision adopting Term Limits has resulted in better governance. Term Limits should not be retained. If the BOS decides not to allow the voters to vote on repealing the Charter they should ask the voters to eliminate Term Limits specifically.

ENABLING LEGISLATION: Government Code §25000(b) Notwithstanding any other provision of law, the board of supervisors of any general law or charter county may adopt or the residents of the county may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the board of supervisors may serve on the board of supervisors. Any proposal to limit the number of terms a member of the board of supervisors may serve on the board of supervisors shall apply prospectively only and shall not become operative unless it is submitted to the electors of the county at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

Comments:

- | | |
|--|---|
| <ul style="list-style-type: none"> • <u>OUT</u> • Brian drain of Institutional Memory. • Several recent Supervisors have come back to serve with good results. • Let people Decide. • Has not benefited County. • Disenfranchisement of Voter Rights. | <ul style="list-style-type: none"> • <u>IN</u> • Brain drain alone fails to recognize the need for constantly fresh legislators and ideas. Regular turnover is good. • Will & Power of People. • Keeps Citizen Legislators rather than Professional Politicians. • Brain drain loss offset by increase in number of experienced Veterans. |
|--|---|

PUBLIC COMMENT

Marinaccio RE: Term limit provision has not been good for El Dorado County.

R. Boyland RE: General law covers this section. Term Limits have failed.

T. Deville RE: Public wants to keep term limits. We have a nice middle ground.

G. Altshuler RE: Law of unintended consequences. Loose corporate knowledge with term limits. Should keep in the 4 year terms.

S. Alarcon RE: Term limits do not help.

Marinaccio Moved: Eliminate.

Laure 2nd

Vote: Affirmative (4:1 Neg-Alarcon)

BOS, Filling of Vacancies - Section §203

Whenever a vacancy occurs in the office of supervisor, the unexpired term shall be filled by election. If the vacancy occurs more than 90 days but less than 120 days before a scheduled primary, general, or special election, involving the district in which the vacancy has occurred, then the election to fill the vacancy shall be consolidated with the scheduled election. If the vacancy occurs more than 120 or less than 90 days before a scheduled primary, general, or special election involving the district in which the vacancy has occurred, then the vacancy shall be filled at a special election called by the Board of Supervisors to take place not less than 90 nor more than 120 days after the vacancy occurs. The special election shall be conducted in accord with the provisions of general state law regarding special elections. The candidate with the highest number of votes shall be elected to fill the unexpired term.

At Issue

The most recent Vacancy on the Board of Supervisors has demonstrated that this section lacks policy sufficient to effectively and efficiently replace a Vacancy while retaining local control. Additionally, the Grand Jury has identified this section as needing amendment.

Recent history has proven that this provision lacks a sufficient definition to determine when a vacancy occurs.

Historical Example

“The Charter direction to hold a special election has not always been followed. In early 2006 a supervisor seemingly abdicated his office but made no formal declaration of resignation. In July 2006 the Board of Supervisors declared the office vacant. In order to fill the vacant office, the Board should have called a special election.”

“However, 2006 was an election year and there were already candidates for the seat in the General Election scheduled for November. A costly special election would have resulted in the winner filling the supervisory seat for a few months before the winner of the November election was sworn into office. Consequently, the Board of Supervisors did not call a special election.”

EL DORADO COUNTY GRAND JURY 2008-2009 FINAL REPORT Part II

Results:

- Deviation from Charter requirement of 90-120 days: approximately One Week;
- Effective delay in seating new Supervisor: Approximately a Couple of Months;
- Cost savings to Tax Payers: estimated at \$45,000 to \$55,000.

Recommendations

Blum: Amend to indicate that vacancies shall be in accordance with General Law

It is my understanding that within the past 30 years there have been only three vacancies on the Board. This does not appear to be a problem of sufficient magnitude to create the procedure as it currently exists, with the \$45,000 to \$55,000 cost to the taxpayer for a special election.

In point of fact, the board of supervisors (in my opinion to their credit) in recent past chose to ignore this section and allow the position to remain unfilled rather than incur the cost of a special election followed shortly by a general election.

Under General Law, a vacancy would be filled by the Governor. This would save the county between \$45,000 and \$55,000 in costs. Additionally, the vacancy and appointment process under General Law is well understood, limiting potential collateral legal attack.

Marinaccio: The provision in the Charter to fill vacant BOS seats needs to be changed. General Law would be acceptable to me.

If the Charter is retained the entire section on filling vacancies needs to be rewritten. There should not be a process that results in electing a supervisor with fewer than 50% of the votes cast.

Laurie: General law provides that the Governor appoint to fill vacancies. The Charter gives the power to the People through direct election.

The paramount issue is accountability and loyalty to the People. The only feasible argument for not wanting to go to election would be cost. When dealing with such issues as representative government, the cost of an election is nearly irrelevant. Do we really want an appointment made on the basis of one's relationship with the Governor? Perhaps it depends on the Governor however in any case, such would not be good government nor good government policy.

Dobrich: This is one provision of the charter that differs from General Law. It is my belief this goes to the heart of local control.

Vacancies should be filled at the local level, by a vote of the people. Appointment by the Governor leaves the vacancy open to sway by parties internal and external to El Dorado County. However, the cost of a "special election" must weigh into the equation as well. If legally permissible, I would hold all special elections as "Mail Only Elections", if this demonstrated a significant savings after analysis of the Recorder/Clerk.

Alarcon: This section is the Keystone to Charter County law in California and is the principle tool, which takes power from the State and returns it to the local voters. The choice is clear, do we the citizens of El Dorado County select our Supervisor or do we allow the Governor to appoint our Supervisor.

Ceding this fundamental principle of local control because it might someday cost us \$55,000 is akin to throwing out the baby with the bathwater because the water is dirty!

There are two areas of this section that need attention: definition of "Vacant"; alternative to "Special Election."

History has demonstrated that two issues came up in 2006 that thwarted the Board of Supervisors from meeting their civil duties effectively. Initially, the BOS was delayed in determining that the seat was indeed vacant because there was no clear definition for "Abandonment" of office in our County Charter. Once that problem was settled, the BOS delayed initiating a Special Election that would have incurred significant taxpayer costs because ultimately it would have resulted in an interim office holder facing a new election just a few weeks after taking office.

Both of these issues can be solved, and have been similarly solved in many other jurisdictions. An elegant solution is recommended by the National Civic League and it has been adopted in many jurisdictions.

The National Civic League (NCL) is America's original advocate for community democracy. It is a non-profit, non-partisan, membership organization dedicated to strengthening citizen democracy by transforming democratic institutions. NCL fosters innovative community building and political reform, assists local governments, and recognizes collaborative community achievement. NCL brings together all sectors of our society - public, private, and nonprofit - to address our common needs and build a thriving democracy. NCL envisions a country where citizens are actively engaged in self-governance and works to create an active civic culture reflective of the diversity of

community voices. Understanding and supporting effective local government is a significant part of NCL's overall commitment to the goal of reinvigorating citizen democracy. Since the release of its first conference proceedings in 1894, the National Civic League has relied on publications as a principal means of outreach and education. Over the years, the NCL Press has published numerous manuals for local governance and administrative reform, including the Model City Charter, the Handbook for Council Members, the Guide for Charter Commissions, the Handbook for Strategic Planning and Visioning, and the Civic Index: Measuring Your Community's Civic Health, and continues to publish and distribute resource materials on a wide variety of topics. In addition, for 90 years, NCL's quarterly journal, the National Civic Review, has provided thoughtful commentary and discussion on issues affecting citizen involvement in government and community problem solving.

I propose that our current section 203 be replaced in its entirety with a proven mechanism that retains local control and is recommended by the National Civic League.

It is common for this section of a Charter to have three subsections: (a) Vacancies; (b) Forfeiture of Office; (c) Filling of Vacancies. Proposed to read as follows:

203. This section of a charter specifies the events or conditions, which create a vacancy, the grounds for forfeiture of office, and the manner by which the Board of Supervisors shall fill vacancies.

(a) Vacancies. The office of a Board of Supervisors member shall become vacant upon the member's death, resignation, removal from office, or forfeiture of office in any manner authorized by law.

(b) Forfeiture of Office. A council member shall forfeit that office if the Board of Supervisors member:

- i. Fails to meet the residency requirements;
- ii. Violates any express prohibition of this charter;
- iii. Is convicted of a crime involving moral turpitude;
- iv. Fails to attend three consecutive regular meetings of the Board of Supervisors without being excused by the Board.

(c) Filling of Vacancies.

i. A vacancy in the Board of Supervisors shall be filled for the remainder of the unexpired term, if any, at the next district-wide scheduled election following not less than 90 days upon the occurrence of the vacancy and the Board of Supervisors by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term of office. The candidate with the highest number of votes shall be elected to fill the unexpired term.

ii. If the Board of Supervisors fails to do so within thirty days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy, and to be otherwise governed by law. The candidate with the highest number of votes shall be elected to fill the unexpired term.

iii. Notwithstanding the requirement in §207, if at any time the membership of the Board of Supervisors is reduced to less than three, the remaining members may by majority action appoint additional members to raise the membership to three.

PUBLIC COMMENT

G. Amo RE: Take the decision out of the hands of the Governor.

S. Taylor RE: Do not allow the Board to appoint.

B. Johnston RE: Clarification is needed. Board can appoint if only for a few months but not longer. The people should vote to fill a vacancy.

R. Van Ansten RE: Legal question. Special election costs a lot.

R. Boyland RE: Board appointing a member to fill a vacancy is not democratic.

S. Alarcon RE: Special elections are expensive. Should find another way that is not expensive.

A motion was made by Chairman Alarcon,

Seconded by Representative Blum, to revise Section 203 to read as follows:

"203. The Board of Supervisors by a unanimous vote may fill a vacancy. In the case there is not a unanimous vote, the Governor shall fill the vacancy by appointment."

Vote: Affirmative (4:1 Neg-Dobrich)

Note: Recommend to BOS that a "Time" element be added to this amendment if moved on by BOS.

Setting of Meetings - Section §205

The Board of Supervisors shall provide by ordinance for the frequency, manner and time of holding all regular and special meetings. The Board of Supervisors is encouraged to hold one meeting per calendar year in each supervisorial district.

At Issue

Our government works for the People of El Dorado County, yet our Board of Supervisors meet during a time when a significant percentage of the citizens cannot attend a meeting without sustaining hardship. The current "encouragement" to hold a meeting in each supervisorial district is well intended, however, currently four of the five districts are within a reasonable distance of each other. Upcoming re-districting could make the distances even shorter.

Recommendations

Dobrich: I propose the public sessions of all Board of Supervisors meetings be held starting at 5:00 PM. While keeping the "encouragement" I recommend two meetings annually in South Lake Tahoe.

Alarcon: As most BOS meetings run from 6 to 8 hours in length, holding meeting from 5:00pm to 1:00am would create a greater "hardship" on more people than the current schedule. This being said, Section 205, IN NO WAY, precludes the BOS from setting evening or night meetings. As Section 205 of the Charter allows for flexible meeting schedules, and as many "remote" meetings as appropriate, then there is no need to change this section.

PUBLIC COMMENT

G. Altshuler RE: Do not limit comments. Meetings in the evenings accommodate working citizens. Items on the agenda can still be moved to the end of the agenda until there are few left to comment. Other possibilities: part of the meeting in the day and part in the evening, planning items in the evening.

G. Amo RE: Late at night (tired) people make bad decisions.

Name RE: Important to set a percentage of the meetings in the evening.
S. Alarcon RE: Supports evening meetings.
B. Johnston RE: Years attending meetings and Board is not interested in the needs of the constituents. Setting an arbitrary number of meetings in the evening may not be the way.
S. Taylor RE: Board does not seem to listen to the many citizens who wish to have meetings in the evenings.
R. Boyland RE: Government is for the people. Charter is to empower people. Two meetings a month.
S. Allen de Sanchez RE: Board schedules meetings in the evening when necessary. People have other methods such as email to participate.
T. DeVille RE: Side issues. List of issues for the board.
S. Ross RE: Due process. Land use issues need to be available.

**Motion was made by Blum,
Seconded by Dobrich,**

Amend Section 205 adding the requirement of 25% of the Board of Supervisors's meeting be held in the evening.

Final Comments: Although ALL members were supportive of the Board scheduling meetings to best serve the public interest, the setting of any pre-determined number, to evening or remote meetings, would be arbitrary. The current Charter provision empowers the Board members to schedule meeting where and when they desire. As they are all elected, the public they serve can *discharge* them if they fail to meet the public needs in setting suitable public meetings.⁴

Vote: Failed (2:3)

Yes: Blum; Dobrich. Noes: Laurie; Alarcon; Marinaccio.

Recall of Supervisors - Section §209

Any supervisor is subject to removal from office by recall.

At Issue

Since a County Charter cannot alter general law in this regard, § 209 should clearly identify the body of law governing recall.

Recommendations

Blum: Amend so as to indicate that Recall be as provided in General Law.

Alarcon: Remove. There is no advantage to adding superfluous language to a document that is already bloated with unnecessary and redundant reference to General Law. ALL items not dictated by the Charter defaults to General Law. There is no justification for reiterating this repeatedly in the Charter.

PUBLIC COMMENTS.

⁴ It should also be noted, that I asked from the Chair if anyone had ever been deigned a request for an alternative meeting time by the BOS. Not one, not even any of the outspoken advocates for more evening meeting, ever came forward to inform the committee of any such cases. As such, I concluded that there might not be a problem greater then informing the public that they can request alternatives based on need.

Taylor RE: Make it simple.

**Motion was made by Blum,
Seconded by Dobrich,**

Delete Section 209.

Vote: Failed (2:3)

Yes: Blum; Dobrich. Noes: Alarcon; Laurie; Marinaccio.

Powers and Duties; BOS Shall ... - Section §210(a)2

(2) Appoint or remove the Chief Administrative Officer. At least once each year, the Board shall review and evaluate the Chief Administrative Officer's performance. The Board shall (1) review, and (2) accept, reject or modify all performance evaluations performed by the Chief Administrative Officer pursuant to section 304(h) of this charter.

At Issue

Not submitted.

Recommendations

Dobrich: Replace with: "210 a (2). The Board shall appoint and review the CAO with the input and consent of a third party commission. The commission will not be comprised of any individual currently employed by the County, or employed within the past 48 months by the County, or any consultant having paid engagements with the county for a period of 60 months."

Alarcon: The suggested change does not provide for any "need", nor does it indicate whom should select the members of the third party commission or what should be the qualifications of members. More importantly, it does not address the second section of the existing section regarding the BOS, "review, and accept, reject or modify all performance evaluations performed by the Chief Administrative Officer pursuant to section 304(h) of this charter."

**Motion was made by Dobrich
2nd; None**

Include input from the CAO as well as requirements for a third party commission to assist in the hiring process for Department Heads.

The motion failed due to the lack of a second.

NO PUBLIC COMMENT

Powers and Duties; BOS Shall ... - Section §210(a)3

(3) Appoint or remove members of boards and commissions. Except as otherwise provided for herein, or by superseding federal or state law, the members of all county boards and commissions shall serve at the pleasure of the Board of Supervisors. Except as otherwise provided for herein, non-elected department heads shall serve at the pleasure of the Board of Supervisors. Appoint, suspend, or remove all department heads except those for whose election or appointment this charter makes other provision. Appointments shall be made on the basis of executive and administrative qualifications

as determined by screening and selection procedures comparable to those used for classified management personnel.

At Issue

The intent here is to clarify and focus the attention of senior level county managers on the needs of the CAO in implementing Supervisor policies, and at the same time align responsibility with accountability.

Recommendations

Blum: Eliminate this provision, instead provide that the Chief Administrative Officer shall have the power to appoint, suspend or remove all department heads except those who are elected to such position.

Alarcon: Retain and append to last sentence of this section with, "and in consultation of the Chief Administrative Officer" or language of similar effect.

SECTION 210.A.3 - Representative Blum withdrew his motion.

County Library Funding - Section §210(d)

(d) The Board, commencing with the fiscal year 1996-1997, shall annually budget and allocate from the County General Fund for the operation of the County library system, an amount equal to 80% of annually collected assessments for those zones receiving a majority voter approval on November 7, 1995. Such amounts shall be in addition to the debt service incurred for the Cameron Park Branch Library. This provision shall be effective only for a period of ten (10) years and shall thereafter be repealed without further amendment of this Charter.

At Issue

This provision has a sunset clause over which the sun has set.

Recommendations

Blum: Eliminate this provision.

Alarcon: As this item has already been repealed, remove it from the Charter.

SECTION 210.D - NO PUBLIC COMMENT

**Motion was made by Blum,
Seconded by Laurie,**

Eliminate Section 210.D from the Charter.

Vote: Affirmative (4:0:1)

Yes: Blum; Laurie; Alarcon; Dobrich. Noes: - . Abstain: Marinaccio

Communications with Employees - Section §211

Board of Supervisors' directions, recommendations or instructions to boards, commissions, department heads, or officers shall be by formal Board action. This section does not limit an individual Supervisor's right to obtain information or request advice or assistance in accordance with normal operating policies.

At Issue

This section should be repealed for a number of reasons. How the Board of Supervisors deals with the CAO and staff should be the subject rules and procedures to be adopted by the BOS. The inability of elected members to give direction Board and Commission members, most of which are advisory to the BOS, has been not only ineffective but counter productive. There was much testimony at the first few Committee meetings asserting that this provision is being ignored anyway. This provision was written to solve one isolated problem that actually resolved itself even before the Charter became effective.

Recommendations

Marinaccio: Eliminate this provision.

Alarcon: Although it is important to note that Policy directions from the BOS comes from a Board and not an individual Board member, this provision has had the unintended consequence of limited communication with volunteer members appointed to an advisory committee by the same Supervisor. If this provision is retained language should clarify that this restriction applies to county EMPLOYEES and only about activities related to the scope of their employment. BOS members should retain the full range of communications with volunteers, which they have appointed, and have the discretion to replace.

PUBLIC COMMENT

B. Smart: Role of CAO in County, Lines of Communication within County, CAO vs CEO, Supervisors go directly to line staff, need for good government.

**Motion was made by Marinaccio,
Seconded by Blum,**

Eliminate Section 211 from the Charter.

Vote: Affirmative (5:0)

Yes: Blum; Laurie; Alarcon; Dobrich; Marinaccio. Noes: - .

Chief Administrative Officer - Section §301

The Chief Administrative Officer is the chief executive officer of the county.

At Issue

This section states the CAO is the chief executive officer of the County. However, Article 2, section 200 indicates the governing body of the county is the Board of Supervisors. There is a conflict here and the role of the CAO must be clarified. (Dobrich)

Recommendations

Dobrich: The CAO shall be the operational executive head of the County. Department heads should report to the CAO and not to the Board of Supervisors. The CAO will be the responsible party for department heads and their staffs.

Laurie: It is argued that the County CAO lacks administrative authority. I disagree.

First, the Charter makes it clear that the CAO is the "chief executive officer of the County" (Section 301). It is further clear that the CAO is responsible for " .. such affairs of the county as are or hereafter may be placed in the charge of the Chief Administrative Officer, or under the jurisdiction or control of the Chief Administrative Officer" as may be directed and ordered by the Board of Supervisors or County ordinance. Accordingly, if the CAO believes that the office lacks authority, or if the Board of Supervisors believes that the CAO lacks authority then the Board by their action can provide such authority.

I am aware that there is a sense or perception that non-elected department heads do not respond to the authority of the CAO. In response, I would note that the CAO controls departmental budgets. Secondly, if there is a problem in this regard it can be easily fixed by order of the Board.

Nevertheless, I would offer two recommendations to deal with the question of perception. First, I would recommend that the position of the CAO be officially changed to reflect the title of Chief Executive Officer. (also see §304)

Marinaccio: The main corollary to that (Proposal for a strong CEO form of government) is the effort to make the County more efficient by making all the Department heads that are now elected, (to become) appointees of, and answerable to the CEO.

I see this issue a little differently. This is not an effort to make the County more efficient, it is to make the CEO more powerful. Unfortunately, for the supporters of this proposal, the departments that are operation the most efficiently are the departments with elected persons at the helm. This is not to say to say having an all powerful CEO might not be more efficient for the CEO but the purpose of the Charter is to make the People's business more efficient, not the running of the CEO's office. The preponderance of the testimony to the committee supports this position. I will not support making the department heads CEO appointments.

PUBLIC COMMENT: S. Lamar RE: Decentralization through diverse County. County is too diverse for a military structure. Problem is the balance between elected officials with appointed administrators. Strong city manager with deputy city managers assigned to various departments to root out issues before they need to come to the Board.

**Motion was made by Dobrich
2nd None**

Amend Section 301.

The motion failed due to the lack of a second.

NO PUBLIC COMMENT

Appointment and Removal - Section §302

The Chief Administrative Officer shall be appointed by the Board of Supervisors on the basis of executive and administrative qualifications and experience. The Chief Administrative Officer is evaluated by the Board, serves at its pleasure and may be removed at any time by an affirmative vote of three or more of its members.

At Issue

Not Submitted

Recommendations

Dobrich: While the CAO will be appointed by the Board of Supervisors with the input and consent of a third party commission, likewise the CAO can be removed by the Board of Supervisors only with the input and consent of a third party commission, and only for just cause according to California Labor Code.

Proposal Withdrawn by Maker

NO PUBLIC COMMENT

CAO Duties - Section §304

The Chief Administrative Officer shall be responsible to the Board of Supervisors for the proper and efficient administration of such of the affairs of the county as are or hereafter may be placed in the charge of the Chief Administrative Officer, or under the jurisdiction or control of the Chief Administrative Officer, pursuant to the provisions of this Charter, or of any ordinance, resolution or order of the Board of Supervisors. In addition to other powers and duties herein provided, the Chief Administrative Officer shall have the duty and power to: ...

At Issue

Nevertheless, I would offer two recommendations to deal with the question of perception (CAO/CEO issue). This would allow CAO direct participation in the department head hiring process.

Recommendations

Laurie: First... Secondly, I would recommend that Section J be added to Section 304 which shall read,

"Advise and make recommendations on the appointment of Department Heads as referenced in Section 404".

Alarcon: Agreed, and append last sentence of section §210(a)3 [BOS Duties] with, "and in consultation of the Chief Administrative Officer" or language of similar effect.

PUBLIC COMMENT

R. Boyland RE: CEO would be better. Current system is weak.
S. Taylor RE: Sometimes things run inefficiently and sometimes they run great.
B. Johnston RE: Board does not need masters.
G. Altshuler RE: Thank you for the time of each member of the committee. Charter contains policy issues. Chief Administrative Office is responsible for the Governance of the County. Perception of the people. Issues regarding the separation of policy and governance.

**Motion was made by Laurie,
Seconded by Marinaccio,**

Add "Section 304.J - Advise and make recommendations on the appointment of Department Head as referenced in Section 404."

Vote: Affirmative (4:1)

Yes: Blum; Laurie; Alarcon; Marinaccio. Noes: Dobrich

Board Meetings - Section §305

The Chief Administrative Officer or that person's designee shall attend any meeting of the Board of Supervisors, except that attendance at a meeting at which the Chief Administrative Officer's evaluation or removal is considered shall be at the Board's discretion, subject to the provisions of the Brown Act as amended.

At Issue

Far too often, the Board of Supervisors cannot make an informed decision in a timely manner because a noticed agenda item contains insufficient information.

Recommendations

Alarcon: §305.b Add this new section: "Insure that all agenda items presented to the Board of Supervisors contains the full range of plausible options and staff's recommendations, if applicable" or language of similar effect.

Proposal Withdrawn by Maker

NO PUBLIC COMMENT

Probation Officer - Section §**408**

408. The appointment and employment of the Probation Officer shall be as provided for by general law.

At Issue Superfluous.

Recommendations Alarcon: Removal.

Proposal Withdrawn by Maker

NO PUBLIC COMMENT

Sheriff's Salary Limitation - Section §504

The Sheriff's Salary initiative, commonly known as Measure A, and passed by a majority of the voters at a general election on November 7, 1972, is hereby repealed.

The Board of Supervisors shall, at least annually determine the existing average salaries for the South Lake Tahoe Police Department, Amador County Sheriff's Department and the California Highway Patrol for each class of position employed by said agencies. Effective on the first day of January of each year after this charter provision first becomes effective, the Board of Supervisors shall adjust and determine that the average salary for each class of position as set forth herein be at least equal to the average of the salaries for the comparable positions in the South Lake Tahoe Police Department, Amador County Sheriff's Department and the California Highway Patrol.

As used herein, the term "comparable class of position" shall mean a group of positions substantially similar with respect to qualifications or duties or responsibilities using the following positions as guidelines:

Undersheriff
Captain
Lieutenant
Sergeant
Deputy Sheriff
Clerk

The provisions of this section shall prevail over any otherwise conflicting provisions of this charter or general law which may relate to salaries of County officers or employees who are not elected by popular vote.

At Issue

Although the Sheriff has provided testimony explaining the important nature of this provision in ensuring the ongoing level of law enforcement services, there is an error in this section as written. Initially, this was proposed as a measure to recruit and retain sworn officers, but the word "clerk" was included in the "comparable class of position" list. This resulted in an inequity of pay for similar positions in deferent departments within the county. This was corrected via an MOU with the Sheriff's department, but the error still exists in the Charter.

Recommendations

Alarcon: Removal of the word "Clerk". It is important to retain the Charter in order to ensure that this provision stays in effect. It is an unsettled area of law whether a repeal of a repeal restores the original law. In other words, it is unknown whether repealing the Charter, which repealed Measure A, would effectively restore Measure A. The only way to avoid this question is to pass a new "Measure A" type initiative if the Charter is repealed.

Marinaccio: It is my belief that the testimony would strongly indicate that this issue should be resolved prior to taking repeal of the Charter to the ballot. There is a legitimate disagreement as to whether repeal of the Charter would revert the count(y) back to Measure A and N that existed prior to adoption. The county needs to declare its intent as to determination of salaries of law enforcement personnel and prepare a ballot measure to get the concurrence of the voters.

Proposal Withdrawn by Maker

PUBLIC COMMENT

D. Swim RE: El Dorado is ahead of it's time with Proposition A. Must stay competitive to attract the best applicants. Section 504 takes the guess work out of budget process. Methodology is in the Charter. Does not want El Dorado County to be the training ground for other agencies. Can submit a list of the Charter Counties who have sections similar to 504.

J. Harn RE: Timing is unfortunate. Election year

J. Neves RE: Clerical staff were moved out of 504. Original initiative was to have the salaries be an average of the other agencies. Section 504 has worked well for the Department and needs to stay. Board of Supervisors can add or change the initiative if needed during the 5years between Charter Review.

J. Noran RE: Sheriff Sergeant. Law Enforcement is important for the community.

Need to keep Section 504. Sheriff's salaries need to be competitive in order to keep trainees.

B. Johnston RE: Retired Deputy Sheriff. Before the passage of Proposition A his salary was so low that he could not afford to feed his family. Section 504 helps keep quality deputy sheriffs.

J. Neves RE: It takes 5 years for a Deputy to gain the experience needed.

D. Atkinson, President Deputy Sheriff Association RE: Keep section 504 of the Charter. Recruitment and retention of good Deputies through 504.

J. Seesack, Patrol Sergeant RE: Law Enforcement keeps good sheriffs with 1) equitable pay & benefits, 2) department's reputation, & 3) location. Section 504 of the Charter assures the equitable pay.

B. Johnston RE: DSA appreciates support of the Charter Committee. When

Section 504 was created in the Charter they were told that the measure would only survive within the Charter. There are three options to maintain the regulations within Section 504; 1) Within the Charter, 2) By a standalone

Initiative or 3) Board of Supervisors could adopt a Salary Ordinance for the Sheriff's Department with the same formula that is in Section 504.

B Hillamn, retired officer RE: County needs the wage and benefits package to retain the best. After Prop A there was more retention of higher officers.

B. Johnson, Field Training Officer RE: We still loose trained officers and if 504 is gone this will increase the number of loses. Fundamental of Government is to provide and protect the citizens.

J. Lowe, El Dorado Hills business owner RE: The public and businesses need good officers. Seasoned officers offer a great deal more than inexperienced officers. Citizens want the good officers and therefore County needs to keep the salaries in place.

G. Murphy RE: Thank you to the Charter Committee for accepting early testimony. Suggested order of priorities: 1) retain Charter and reword as needed but keep 504 in place, or 2) Put an independent measure on the ballot.

B. Johnston RE: Section 504 also helps the other Union negotiate raises for their members.

D. Atkinson RE: The three agencies used for the average rate set their salaries by various methods.

L. Hennick, Retired Sergeant RE: We could not attract good officers prior to

Measure A. Currently we can even though the current salaries place us 34 of the 58 Counties in California.

R. Van Asten RE: Grand Jury does not recommend to leave section 504 within the Charter since it has an annual change.

Contract Administration - Section §602

The Board of Supervisors shall not authorize the payment of money or other compensation for the performance of any service or function by a private entity except pursuant to a written contract meeting all legal requirements for county contracts as established by the Board of Supervisors. Each contract shall identify the county officer or employee with responsibility for administering the contract.

At Issue

The Grand Jury concludes, and the CAO's office confirms, that there is a significant cost associated with the current county procedures related to contracting for services. Although the Grand Jury concludes that this cost is predicated by section 602, it would seem to have more to do with the current interpretation of "written contract" than any other issue. Many argue that the

Charter simply requires a "written record" and that the type of written record is to be determined by the BOS. The County Council opines that "written contract" must be interpreted in a strict sense including a written signature of contracting parties.

It is clear that the vast majority of purchasing requirements and procedures are contained in the counties ordinances and that they are directly under the control of the BOS. Ostensibly, the Charter simply requires a paper trail for all county expenditures.

Recommendations

Laurie: Public testimony has suggested that the Charter imposes unnecessary barriers to the County's purchasing process. I disagree. Section 602 requires evidence of a written contract to pay for " service or function of a private entity". Such contracts are simply to meet, " all legal requirements for county contracts as established by the Board of Supervisors". We have heard of the need for multiple sign-offs by various departments resulting in undue and unnecessary delay. This is a bureaucracy problem it is neither a legal problem nor a Charter problem. It is up to the department heads, contracting office and the Board to streamline the contracting process. The Charter does not stand in the way of accomplishing such. I do not believe any modifications are necessary.

Alarcon: Although it is unclear at this time if the Supervisor can define a "written contract" as best meets the need to balance accountability with cost effectiveness, or if it can only be interpreted in the strictest sense, the desire of the votes to have a written record of all expenditures is clear and should be retained. If it is found that there is no ability for the Board of Supervisors to interpret a "written contract" in a manner necessary to effect efficacious policy, then I would support amending this section adding the words as indicated by the underlined text as follows.

"The Board of Supervisors shall not authorize the payment of money or other compensation for the performance of any service or function by a private entity except pursuant to a written contract meeting all legal requirements for county contracts as established by the Board of Supervisors. Each contract shall identify the county officer or employee with responsibility for administering the contract. Contracts for services under a monetary value, as established by the Board of Supervisors, may use a Purchase Order meeting all legal requirements for county purchase orders, as established by the Board of Supervisors." or language of similar effect.

**Motion was made by Alarcon,
Seconded by Marinaccio,**

Amend Section 602 adding the following:

"Contracts for services below an established monetary value, as established by the Board of Supervisors, may use a Purchase Order." or alternate language to be provided by the County Administrative Office amending Section 602 to ultimately facilitate contract administration.

PUBLIC COMMENT

R. Boyland RE: Section 602 is not needed.

T. DeVille RE: Bureaucracy of handling contracts.

R. Venincin RE: Charter is very particular. It hinders County Staff. Can be done under General Law and currently El Dorado has an Ordinance regarding purchasing.

Vote: Affirmative (4:1)

Yes: Alarcon; Blum; Marinaccio; Dobrich. Noes: Laurie.

Grand Jury - Section §703

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.

At Issue

Allow the Grand Jury the ability to establish their own format.

Recommendations

Dobrich: Article 7 would remain in tact since it identifies the administration of the Charter. However, I propose removal of the last sentence in section 703.

Alarcon: The last sentence of this section establishes who determines the format of the County's response to the Grand Jury's report, not the format of the Grand Jury's report. There is no known dispute between the Grand Jury and the BOS regarding the format of the county's response. In consideration of these issues, there is no need to change this section of the Charter.

PUBLIC COMMENT

M.J. Botaglia: Section 210 #12 Under duties of Board of Supervisors, shall adopt a policy and procedure for the Grand Jury Report and responses for wide distribution. Won't find this in general law.

Although a 3:2 vote was pending, County Counsel brought California Penal Code 933.5 to the committee's attention. Upon review, it was found that the Grand Jury already had that ability and the motion and 2nd were withdrawn.

933.5: A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.

Intergovernmental Relations - Section §801

No current text. Proposed new section.

At Issue

It is a trend in Federal policy to include a caveat that if an existing policy is in place in an effected jurisdiction, that Federal policy must take that policy into consideration. There are several policy area that are of critical concern to the citizens of the county.

This section empowers the county to participate in intergovernmental relationships—to receive assistance from the federal, state, and other local governments, to be represented in regional agencies established under federal or state law or intergovernmental agreements, and to perform jointly with any other governmental jurisdiction any function which any of the participating jurisdictions may perform alone.

The nature of intergovernmental relations is rapidly changing. Most counties are an integral part of a region. In that regard, engaging in cooperative intergovernmental relations is fundamental to the effective functioning of a county and the region of which it is a part. Although the purpose of engaging in intergovernmental relations is primarily to further the ends of the county, the health of the region should also be of concern to the county. (Alarcon)

Recommendations

Marinaccio: One additional issue that might justify retention of a Charter is the possibility of adding a provision declaring our intention to negotiate with Federal Agencies on NEPA projects. We have a Custom, Culture, and Economic Stability statement in our General Plan but there may be another opportunity to engage the Federal Agencies in a more defined way to secure the interest of our citizens. El Dorado Count(y) and its lifestyle and economy are greatly affected by federal policy. Fuels management, timber, and grazing policy, as well as, recreational access and open space are determined in federal decisions. We need to secure our seat at the table.

Alarcon: Adding the following sections to our Charter may put our county ahead of the curve and secure a better position for the county in a cooperative effort with Regional, Statewide, and Federal agencies. Although these provisions are no guarantee of a preferred position, they are a minor effort that might result in a great benefit to the county and its citizens. Proposed sections follow.

§801 Intergovernmental Relations. The county may participate by contract or otherwise with any governmental entity of this state or any other state or states or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

- (a) Purpose. – It is the purpose of this chapter to permit El Dorado County to make the most efficient use of its powers by enabling the county to cooperate with other municipalities, counties, and States on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.
- (b) To ensure meaningful involvement in the development of comprehensive State and Federal policies; it is essential that State and Federal agencies coordinate planning and management processes with El Dorado County before implementing legislation. For the purposes of this section “Coordination” is defined, but not limited by, the Federal Policy Management Act at 43 USC 1712.

- (c) To ensure protection to the persons and property within El Dorado County from the dangers of catastrophic wildfire, it is essential that State and Federal agencies coordinate planning and management processes with El Dorado County before implementing legislation related to wildfires. Due to the significant portions of El Dorado county lands owned and managed by State and Federal agencies, it is essential that State and Federal agencies coordinate planning and management processes specifically related to the prevention of wildfire through fuel-load reduction and other "Best Management Practices" in the forests of El Dorado County. The health, welfare, and quality of life of all Californians is directly dependent on the health and welfare of our forests which provide a diverse mix of essential values and uses that include water supply, aesthetics, recreation, wildlife habitat, wood products, and family wage jobs.
- (d) To ensure meaningful involvement in the development of comprehensive State and Federal policies; it is essential that State and Federal agencies coordinate planning and management processes with El Dorado County before implementing legislation related to the unique cultural, historic, geological, and economic nature of El Dorado County which are consistent with the objectives, goals, and policies set forth to conserve and improve the County's existing natural resources and open space, including agricultural and forest soils, mineral deposits, water and native plants, fish, wildlife species and habitat, and federally classified wilderness areas; and preserve resources of significant biological, ecological, historical or cultural importance, while recognizing and addressing the need for a sustainable economy through opportunities for positive economic growth such as a full range of local employment opportunities, a more diversified local economy, greater capture of tourism, and increased retail sales, land use policies that will permit and encourage economic activities that create employment opportunities that are commensurate with local housing costs, generate a positive sustained revenue flow into the County, maximize economic multiplier effects, and minimize reliance upon County services and expenditures. State and Federal policies must recognize, promote, facilitate, and support activities that provide a positive sustaining economic base for the County, maximize the economic potential of the County's natural resources, reduce out-of-County retail purchase and employment travel, and provide housing and job opportunities that are accessible to all levels of our society

PROPOSED SECTION 801 –

Motion was made by Chairman Alarcon
2nd: None

Add Section 210.B as follows: "Appoint citizens or staff to attend local, regional, state, or Federal agency meetings if, in the performance of any activity which one or more of such entities has the authority to undertake activities in El Dorado County which might have a significant impact on the economic, environmental, historical aspects of the county and particularly issues related to NEPA and fire load risks associated with woodlands in El Dorado County. Availability of intergovernmental cooperation, relative impact on county, and fiscal resources may determine the DOS participation." or language of similar effect.

The motion failed due to the lack of a second.

NO PUBLIC COMMENT

Vote To Repeal Charter

Motion was made by Blum, seconded by Marinaccio, - Repeal the Charter.

PUBLIC COMMENT

M.J. Botaglia: The Charter was presented as local control in 1994 and the people wanted local control. In 1998 planned amendments had to do with the Grand Jury, put into the Charter 2 parts as to how the Grand Jury reports were to be handled. Six main points; 1) Filling Board of Supervisors vacancies, El Dorado is a one party County and this was to protect the appointment to the local voters; 2) Term limits, public says that 8 years is enough, other elected officials do not have term limits; 3) CAO vs CEO, Charter has duties of the CAO, not fault of the Charter is CAO does not follow the duties, Board signed ethic agreement, CEO will cost more money and there are not extra funds; 4) Create financial officer to supervise Treasurer/Tax Collector, Why is the Surveyor elected, why is the Clerk elected, 5) Sheriff's office, 6) Purchasing – need to appease the tax payers not the vendors.

Charter is only the blue print meant for local people to have control.

B. Johnston RE: Handed out Proposed Ballot Measure Language from the Deputy Sheriff Association in case the Charter is repealed. Does not think the Charter should be repealed.

R. Boyland RE: Overall best interests of the public would be to repeal the Charter.

T. DeVille RE: Make sure there is no change for the elected department heads.

R. Boyland RE: Net Cost Benefit Ratio. Offices elected that are not necessary. Orange County has a good succinct charter. Public should decide which positions are elected.

K. McCoy RE: Efficiency costs. Functionality costs. \$1 million dollars a year.

B. Johnston RE: Not realistic to separate County Government from politics. Citizens view elected department heads as offering better service. Options should be put on the ballot to replace section 504 in the case that the Charter is repealed.

K. Walter RE: County Executive Officer. Build a Team. Performance Measurements. Time for the Charter to go. Public to be educated on the lack of difference between Charter and General Law.

R. Van Eskan RE: \$500,000 a year for Section 504 and \$500,000 for the written contracts to be approved by the Board of Supervisors.

T. DeVille RE: Charter can be simple. Better to have as many elected officials as possible. Political process is not just managerial.

A. Marinaccio RE: Local controls within the Charter are good.

⁵ Chair's Comments.

Vote: Affirmative (3:2)

Yes: Blum, Marinaccio; Dobrich. Noes: Laurie; Alarcon.

⁵ Repeal of Charter – A number of people and the GJ Report advocates repealing the Charter.

a) Arguments are:

i) Cost – Myth

ii) Hard to Change – That is Right, for politicians.

iii) Limited enhancement of local control – Agreed.

b) They go on to say that because it only offers limited enhancements, we should just get rid of it and default to the state!

i) Fundamental principle of American governance, that of local self-governance in local affairs.

ii) I do believe that keeping the government close to those being governed is good government and that, in large part, this is the kind of Liberty that America stands for.

iii) I am more likely to agree with Patrick Henry that Liberty is worth fighting.

We should not give up because we have only limited enhancement to our local control. On the contrary, we should redouble our efforts to preserve what we do have. Moreover, we should fight to get more.

Addendums

Public Document Links:

Charter Review Website: <http://www.edcgov.us/bos/CharterCommittee.htm>

E-mail: charter.review@edcgov.us

Charter Review Presentation - Article II – Cris Alarcon

<http://www.co.el-dorado.ca.us/bos/wwwroot/Attachments/66dd4218-504d-47c7-acb-7c381a99df8b.pdf>

Mountain Democrat 05-22-09 “Briggs Blame it on term limits”.

<http://www.co.el-dorado.ca.us/bos/wwwroot/Attachments/83c94916-e24e-4085-889d-b75d4f670c16.pdf>

Mountain Democrat 05-02-09 “Meaningless Title” 2009-2009 Grand Jury Report - Part II

<http://www.co.el-dorado.ca.us/bos/wwwroot/Attachments/23e8ae48-77f6-44b9-99d3-8303dc4e60a4.pdf>

2003 Charter Review Requests to the BOS

<http://www.co.el-dorado.ca.us/bos/wwwroot/Attachments/405331c7-3132-49b6-b8f7-317e5110c358.pdf>

Charter Analysis Article I - County Staff

<http://www.co.el-dorado.ca.us/bos/wwwroot/Attachments/73738b1f-6d4f-4490-b6ae-610faf715fb5.pdf>

Charter Analysis Article II - County Staff

<http://www.co.el-dorado.ca.us/bos/wwwroot/Attachments/6397f29b-c923-49ae-b793-fbdc947654b9.pdf>

Charter Review Committee Article II - Robert Blum

<http://www.co.el-dorado.ca.us/bos/wwwroot/Attachments/afb53550-5929-4e92-be1c-b8a96b374058.pdf>

Mountain Democrat “Dejavu all over again” Reply – Clarence Dilts

<http://www.co.el-dorado.ca.us/bos/wwwroot/Attachments/42778073-bd8f-4a27-9b32-a1bb15078c17.pdf>

Charter Recommendations - C Alarcon

<http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/240c6960-eb43-4700-8085-993513799573.pdf>

Charter Recommendations - R Blum

<http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/7565efa5-a4cd-4981-ac52-f7aa686c16fb.pdf>

Charter Recommendations - C Dilts

<http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/91d7d340-6487-4756-bd8d-77ec8fe21af2.pdf>

Charter Recommendations - B Dobrich

<http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/d12d8329-41f2-40b2-8f38-678444a1c7db.pdf>

Charter Recommendations - R Laurie

<http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/c16ffadc-1f74-4cba-bcc3-0629348eb265.pdf>

Charter Recommendations - A Maranaccio

<http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/eb955693-4e9d-421c-bc81-dc6576643b50.pdf>

Proposed Ballot Measure Language: Establishment of Deputy Sheriff wage formula

<http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/cf721317-e052-4f1e-80cf-53da018a97d1.pdf>

Charter - Final Amendments red line version

<http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/73a933cd-afa6-4461-a230-057e73757c34.pdf>

Charter - Final Amendments

<http://www.co.el-dorado.ca.us/bos/wwwroot/attachments/a9c3058c-6b52-4972-afce-a8b49111ca9c.pdf>

Attachments

County Charter History, What and Why. Cris Alarcon

The last 400 years provides a context by which we can see that a Charter is:

- a) A legislative tool which transfers some of the powers of the state back to the people of that local municipality;
- b) A Charter is a tool to keep politicians close to the people they work for as measure against corruption & Abuse.
- c) In addition, a Charter is an expression of the most fundamental principle of American Governance, "**Local self-governance in Local Affairs.**"

To give context to the need for, function of, and purpose of Charters, we need to go back more than 15 years, or 100 years, or 200, or 300, back almost 400 years.

400 Years ago, the Pilgrims left the safety and comfort of Europe to get LIBERTY. To get freedom from oppressive and non-representative governments. The Pilgrims were not seeking non-government or anarchy, they were demanding a place where they could exercise Local Control, self-reliance, self-sufficiency, self-determination, and most specifically, a place free from oppressive regulations legislated by peoples with little, or no, connection with the local community. A common theme in the colonies was, "**Local self-governance in Local Affairs.**"

300 years ago, Colonial life was hard but we had Liberty, AT FIRST, But then we began to lose those liberties. England, suffering from tremendous War debts, began to tighten down on the Colonies and began heavy taxation to cover that War debt. Colonialist were not willing to give up those Liberties they had purchased with blood.

In 1776, there was a War of Independence, which could have been called a War for Colonial American Liberty. A common theme in the Revolutionary days was, "**Local self-governance in Local Affairs.**"

The 1st 100 years of our nation, saw changes in America, both good and bad. The US saw great growth, governmental centralization, and governmental corruption ran rampant.

Although the Progressive Period is best known for issues like Suffrage, Temperance, and Farm protection, Charter "Home Rule" Reform led the way into the Period. Abusive governmental practices in the late 19th Century were prevalent. Originally, no rules governed the States legislative powers over cities and counties. The state would pass "Special Laws" applying to local jurisdiction.

This lead to many abuses:

1. The political party in power at the state level would pass punitive laws applying to jurisdiction controlled by the opposing political party.
2. "Special Interests" groups favored by the party in power at the state level received preferential treatment;
3. Many of these abusive laws were passed at the State level without notice, hearing, or input from the local communities affected.
4. Local leaders demanded reform and succeeded in getting Restrictions or prohibitions against "Special Laws";
 - a. Prohibition spread from NY, to Indiana, Ohio, Michigan, until over 3/4th of all states had such restrictions;

- b. A strong argument at the time was the right of local control and it was often stated as, “**Local self-governance in Local Affairs.**”
- C. “Special Laws” were successfully prohibited, but this left no mechanism for local jurisdictions to change or repeal outdated local laws.

In 1875, the Missouri Constitutional Convention addressed this problem when it embedded “Constitutional Municipal Home Rule” into the state constitution. Simply stated, it allowed some municipalities, within the limits of state laws, to Frame, Adopt, and Amend their own Charters. In essence, a Charter transfers some of the powers of the state back to the people of that local municipality.

The Missouri idea spread until more than half the states had similar constitutional powers for cities. In 1911, California was the first to extend this “Home Rule” to counties. Today, participation in creating, reviewing, and improving Charters is a significant feature of local democracy in a substantial majority of states. Offering “Home Rule” as a solution to abuses by corrupt governments calls directly back to the fundamental American principle of “**Local self-governance in Local Affairs.**”

About 15 years ago, El Dorado County also adopted a Charter. In 1993, Two EDC Supervisors proposed a Charter for our county. The BOS Appointed a committee to formulate a Charter for the 1994 election. A “Basic Charter” was presented to the voters in 1994 along with four alternative measures including Term Limits. The principle argument in favor of the basic Charter was that **the increase in powers of local self-governance in local affairs made possible by the Charter** would lead to better governance in EDC. Basic Charter passed with more than 60% of the vote. All four alternatives, which were separate Ballot Measures, and were voted on independently, also passed with Term Limits garnering the highest percentage of votes. Today, the 20% of California counties have Charters and range in size and demographics from EDC to Los Angeles County.

Schedule of Meetings

County of El Dorado
CHARTER REVIEW COMMITTEE

Updated 1/28/10

Board of Supervisors Meeting Room
330 Fair Lane, Building "A", Placerville, California
<http://www.edcgov.us/bos/CharterCommittee.htm>

Meeting 1 "**Organizational Meeting**"
Thursday, March 26, 2009 - 2:00 pm
Board of Supervisors Meeting Room

Meeting 2 "**Framing Meeting**"
Thursday, April 9, 2009 - 3:00 pm
Board of Supervisors Meeting Room

Meeting 3 "**Initial Public Workshop**"
Tuesday, April 28, 2009 - 9:00 am
Board of Supervisors Meeting Room

Meeting 4 **Articles 2 - Board of Supervisors**
Tuesday, May 26, 2009 - 9:00 am
Board of Supervisors Meeting Room

Meeting 5 **Articles 1, 6, & 7 - Powers of Electors, Finance, & General**
Thursday, June 25, 2009 – 3:00 pm
Board of Supervisors Meeting Room

Meeting 6 **Articles 3 - Chief Administrative Office**
Tuesday, July 14, 2009 – 9:00 am
Board of Supervisors Meeting Room

Meeting 7 **Articles 5 – Personnel**
Thursday, August 6, 2009 – 3:00 pm
Board of Supervisors Meeting Room

Meeting 8 **Articles 4 - Department Heads, Boards, and Commissions**
Wednesday, August 26, 2009 – 5:00 pm
Board of Supervisors Meeting Room

Meeting 9 **Charter vs General Law**
Tuesday, September 8 , 2009 – 5:00 pm
Board of Supervisors Meeting Room

Meeting 10 "**Remote Public Workshop**"
Commissioners Recommendations
Wednesday, September 30, 2009 – 5:00 pm
El Dorado Hills – El Dorado Hills CSD

Meeting 11 **Public Comment on Recommendations**
Wednesday October 28, 2009 – 5:30 pm
Board of Supervisors Meeting Room

Meeting 12 **Public Comment on Recommendations**
Tuesday, November 17, 2009 – 5:30 pm
Board of Supervisors Meeting Room

Meeting 13 **Consideration and Adoption of Final Recommendations**
Wednesday December 2 , 2009 – 5:00 pm
Board of Supervisors Meeting Room

Meeting 14 **Approve/amend Minutes and Staff's record of Votes.**
January 12 , 2010 – 3:00 pm
Board of Supervisors Meeting Room

Meeting 15 **Deliver Report to BOS**
February 9 , 2010
Board of Supervisors Meeting Room

*Delivery of Final Report concludes
Committee's work unless BOS
extends tasks.*

EL Dorado County Charter [PDF]

*EL DORADO COUNTY
CHARTER*



Birthplace of the Gold Rush

Charter Ratified November 8, 1994-Effective December 27, 1994
Includes Amendments to November 4, 2004

EDC Grand Jury Report [PDF]

**EL DORADO COUNTY GRAND JURY
2008-2009**

**FINAL REPORT
Part II**



April 9, 2009

Grand Jury
P.O. Box 472
Placerville, CA 95667
(530) 621-7477
www.co.el-dorado.ca.us/grandjury

The Limited and Contrary Uses of County Charter Reform [PDF]

State and Local Government Review
Vol. 36, No. 1 (Fall 2004): 7–19

GENERAL INTEREST

The Limited and Contrary Uses of County Charter Reform: Two California Cases

Alvin D. Sokolow

We, the citizens of Placer County, in order to secure the benefits of home rule, increase citizen participation in county government, improve efficiency, and provide for a responsible and cooperative county government, do hereby adopt this charter.

—Preamble, Placer County Charter,
adopted November 1980

FOR MORE THAN A CENTURY, the local reform tradition in the United States has promoted the adoption of charters by city and county governments as the sure route to more efficient, professional, and accountable governance. Charter status presumably makes improvement possible by giving local governments more autonomy by permitting increased experimentation in organization and programs to fit unique public circumstances and needs of individual communities (Adrian and Press 1977, 140–42; Elazar 1984, 205–6). The outcomes, according to the prevailing view of charter reform, are supposed to include more centralized

local governments, stronger executive officers, and shorter ballots—all features of the model city and county charters published by the leading local government reform organization, the National Civic League (previously the National Municipal League), throughout the 20th century (Cassella 1975).

There is a contrary, rarely acknowledged view that points to a very limited role for charter adoption as the route to local government improvement, however. The experience of a relatively small number of cities and counties that have adopted charters when this option has been available suggests that the scope of the resulting charters often has been disappointing (Adrian and Press 1977, 137–39; Cowan and Salant 1999). Charters are often loaded with provisions that run counter to reformers' expectations of empowering local government and rationalizing its administrative operations. Local option, the essence of charter reform, does not necessarily bring reform-type changes. It is just as likely to produce detailed and cumbersome procedures, special-interest benefits, and restraints on public officials in the name of citizen control.

The contrary view of charter status is illustrated here by an examination of the charter adoption experiences and effects in two

This article is based on a revised paper presented to the panel on the State of Local Autonomy, 2000 National Conference, American Society for Public Administration, San Diego, April 1–4.

Winter 2004

7

Model City Charter – 8th Edition [PDF]

Eighth Edition

Model City Charter

**A Publication of the
National Civic League**

**National Civic League
National Headquarters**
1445 Market Street, Suite 300
Denver, Colorado 80202-1717
Office: 303-571-4343
Fax: 303-571-4404
Web: www.ncl.org

Washington D.C. Office
1319 F Street N.W. Suite 204
Washington, D.C. 20004
Office: 202-783-2961
Fax: 202-347-2161