



# County of El Dorado

Charter Review Committee  
330 Fair Lane, Building "A"  
Placerville, CA 95667

## Minutes - Draft Charter Review Committee

*Kris Payne, District III, Chair*  
*Don Fuller, District II, Vice-Chair*  
*Rachel Michelin, District I*  
*Michael Powell, District IV*  
*Jeanne Harper, District V*

*Alternate Members:*  
*Richard Ross, District I*  
*Jim Hill, District II*  
*Randy Pesses, District III*  
*Gary Campbell, District IV*  
*(No Alternate), District V*

*Shawne Corley, Assistant Chief Administrative Officer*  
*Judith Kerr, Principal Assistant County Counsel*  
*Jim Mitrising, Clerk of the Board of Supervisors*

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Thursday, November 2, 2017

4:30 PM

2850 Fairlane Court Placerville, CA 95667  
Planning Commission Hearing Room

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### **CALLED TO ORDER 4:30 P.M.**

**Present:** 5 - Don Fuller, Michael Powell, Jeanne Harper, Richard Ross and Randy Pesses

**Absent:** 2 - Rachel Michelin and Kris Payne

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

Member Fuller led the Pledge of Allegiance to the Flag.

### **ADOPTION OF THE AGENDA**

A motion was made by Member Harper, seconded by Alternate Member Ross to Adopt the Agenda.

**Yes:** 5 - Don Fuller, Michael Powell, Jeanne Harper, Richard Ross and Randy Pesses

**Absent:** 2 - Rachel Michelin and Kris Payne

**APPROVAL OF THE MINUTES**

- 1. **17-1200** Approval of the Minutes for the Charter Review Committee meeting of October 5, 2017.

**A motion was made by Member Harper, seconded by Member Fuller to approve the minutes.**

**Alternate Member Campbell took a seat on the dais in place of Member Powell to register a vote on the Minutes only and did not participate in any other portion of the meeting.**

**Yes:** 3 - Don Fuller, Jeanne Harper and Gary Campbell

**Absent:** 2 - Rachel Michelin and Kris Payne

**Abstained:** 2 - Richard Ross and Randy Pesses

**PUBLIC COMMENT (LIMITED TO 3 MINUTES PER SPEAKER)**

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

**MEMBER REPORTS**

**No Member Reports.**

**STAFF / COUNSEL REPORTS**

**No Staff / Counsel Reports**

**Clerk's Note: Paula Frantz, Sr. Deputy County Counsel, attended the meeting in Judith Kerr's absence.**

**ACTION ITEMS**

- 2. 17-0911** Discussion of the 2015/16 Grand Jury Report Case 15-04, Finding F9 which states, "The board of supervisors should do a comprehensive review of the authority granted to charter counties to determine if there are benefits to being a charter county that El Dorado County could take advantage of." (Cont. 10/05/17 Item 3)

*Public Comment:*

*Mike Raffety commented that he feels the Charter Review Committee can take whatever action they feel is necessary.*

**Asst. CAO Corley stated that during the discussion with the Board on October 10, 2017, the Chief Administrative Office committed to performing research on this subject matter for future consideration by the Board of Supervisors.**

**A motion was made by Member Powell, seconded by Member Harper to agree with the Grand Jury's Finding.**

**Yes:** 4 - Don Fuller, Michael Powell, Jeanne Harper and Richard Ross

**Noes:** 1 - Randy Pesses

**Absent:** 2 - Rachel Michelin and Kris Payne

**3. 17-1201**

Discussion of a letter from Ellen Day pertaining to the position of Registrar of Voters being an elected position.

*Public Comment:*

*Mike Raffety stated that to his recollection, the Registrar of Voters has always been an elected position.*

*Ellen Day commented on her letter.*

*Cherie Raffety commented that the county performs surveys and a recent survey revealed that county departments ranking high were administered by Elected Department Heads. Commented that the CAO's office has a history of attempting to get rid of elected officials. Encouraged the committee to perform their own survey.*

*Member Powell commented that a member of staff in the Elections department evaluates ballot initiatives.*

*Member Harper asked if someone can share their thoughts on the pros and cons of an elected department head and an appointed department head.*

*Counsel Frantz provided that any response to that question would be a matter of opinion. Provided that the duties of the Registrar of Voters were redirected to the Recorder Clerk by the Board of Supervisors following the retirement of the then appointed Registrar.*

*Cherie Raffety commented that to have representation, elections are necessary. An appointed department head takes direction from the Board via the CAO. An elected department head takes direction from the voters.*

*Member Pesses commented that he recalls Michelle McIntyre, the former appointed Registrar of Voters was the department head for many years and doesn't recall there ever being a problem with that department.*

*Counsel Frantz commented that the Board may have made the decision to consolidate the functions of the Registrar under the Recorder Clerk to achieve salary savings.*

*Member Powell listed and made comments on the elected positions at the county and their functions. Stated he would prefer to see the Registrar as an elected department head.*

*Alternate Member Ross commented that the Supervisors are elected within districts, not county wide and we ask them to listen to information and make rules to implement the policies. There are 7 other elected officials that do not have term limits and observed that the public at large may not have an awareness that these elected officials do not operate in a public forum similar to that of the Board of Supervisors. Commented on Section 210(b)(2) of the County Charter and asked Counsel to comment.*

*Counsel Frantz described how the Board might transfer powers and duties so as not to violate the Charter or General Law. In some counties the Treasurer and Tax Collector are two different jobs. The Board could not perform such a change because the Charter demonstrates that the Treasurer-Tax Collector is a single position. Ms. Frantz also commented that if language is not written in the Charter, General Law governs.*

*Alternate Member Ross commented on the district elections vs. countywide elections.*

*Cherie Raffety commented that elected officials in general work well with the CAO's*

office. Stated her department submits reports to the Board and the State at regular intervals demonstrating how they are transparent and cooperative. She participates on the Vacation Home Rentals committee and the Cannabis committee.

Member Harper asked if staff knew why Bill Schultz agreed with the recommendation to change the position of Registrar of Voters from an elected position to an appointed one.

Michael Raffety stated that a good percentage of voters read ballot language. The Board approves budgets for all county departments. The Superintendent of Schools is an elected position.

Alternate Member Pesses asked how much of the Registrar of Voters' responsibilities are ministerial in nature vs. a policy based position and is there an issue where that person should be beholden to the voters vs. responsive to the Board of Supervisors. Considers the Registrar position to be more of a ministerial manager carrying out the duties prescribed by law.

Member Powell stated that the position could be an appointed at-will position. Would like to know if the position can be changed to a civil service position. Another option is to have the position be elected. From a transparency standpoint, the position should be elected.

Counsel Frantz stated that appointed department heads are at will and therefore serve at the pleasure of the Board

Member Harper stated that she would like to request Bill Schultz be present for the next meeting. The Clerk agreed to ask Mr. Schultz if he would attend.

Cecil Renenburg agrees that the Registrar of Voters is ministerial in nature, but what if the employee in the position isn't performing well. Stated that there was an article from LA county that there was a 140% voter turnout.

Alternate Member Ross requested job descriptions in the TTC, Auditor, Clerk Recorder and Surveyor.

**Items 3 and 4 were heard together.**

**Following their discussion and public comment, no formal action was taken.**

**A motion was made by Member Harper, seconded by Alternate Member Pesses to continue Items 3 through 6 to the next meeting.**

**Yes:** 5 - Don Fuller, Michael Powell, Jeanne Harper, Richard Ross and Randy Pesses

**Absent:** 2 - Rachel Michelin and Kris Payne

**4. 17-1205**

Pursuant to direction provided by the Board of Supervisors at their meeting of October 10, 2017, discussion of Charter Section 402 with respect to the Elected Surveyor position, Registrar of Voters and other elected positions.

**Items 3 and 4 were heard together.**

**A motion was made by Member Harper, seconded by Alternate Member Pesses to continue Items 3 through 6 to the next meeting.**

**Yes:** 5 - Don Fuller, Michael Powell, Jeanne Harper, Richard Ross and Randy Pesses

**Absent:** 2 - Rachel Michelin and Kris Payne

- 5. 17-1202** Pursuant to direction provided by the Board of Supervisors at their meeting of October 10, 2017, discussion of Charter Section 210 and 301 with respect to the question of a Chief Administrative Officer vs. a Chief Executive Officer model.

**A motion was made by Member Harper, seconded by Alternate Member Pesses to continue Items 3 through 6 to the next meeting.**

**Yes:** 5 - Don Fuller, Michael Powell, Jeanne Harper, Richard Ross and Randy Pesses

**Absent:** 2 - Rachel Michelin and Kris Payne

- 6. 17-1204** Pursuant to direction provided by the Board of Supervisors at their meeting of October 10, 2017, discussion of Charter Section 502.1 with respect to county positions identified as "At Will."

**A motion was made by Member Harper, seconded by Alternate Member Pesses to continue Items 3 through 6 to the next meeting.**

**Yes:** 5 - Don Fuller, Michael Powell, Jeanne Harper, Richard Ross and Randy Pesses

**Absent:** 2 - Rachel Michelin and Kris Payne

### **FUTURE AGENDA ITEMS**

**The committee approved a request from Member Powell to add an item to the next agenda pertaining to Case #16-009 (FENIX Project) of the 2016-17 Grand Jury report.**

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

**ADJOURNED AT 6:20 P.M.**