



COMMUNITY DEVELOPMENT AGENCY

ADMINISTRATION AND FINANCE DIVISION

2850 Fairlane Court, Placerville, CA 95667
Phone (530) 621-5900, Fax (530) 626-0387

September 30, 2013

California Department of Parks and Recreation
Office of Grants and Local Services
PO Box 942896
Sacramento, CA 94269-0001

Dear Sirs:

The County of El Dorado is in the process of being awarded RTP Grant Number RT-09-007 where providing certain notifications is required. The County would like to take this opportunity to present an explanation regarding Government Wide Debarment and Suspension 2 CFR Part 180, Section 180.335 (c).

The County, as an entity, meets all the qualifications as a responsible agency. The contract administrator and all other persons who will be responsible for distributing and accounting for the funds also qualify. However, 2 CFR Part 180, Section 180.335 (c), requires the County to provide notification if any of the County's principals has been convicted of or indicted for certain specific crimes. Supervisor Ray Nutting was charged on May 24, 2013, with four criminal charges, including two counts of filing a false document, one count of perjury by declaration, and one count of conflict of interest in a contract under Government Code Section 1090. Mr. Nutting was indicted of those same charges. Mr. Nutting was arraigned on September 20, 2013 and pled not guilty. No debarment or suspension proceedings are currently pending against Supervisor Nutting.

To ensure that Mr. Nutting has no connection to, or influence over, any County decisions about state or federal grants, contracts or other funding assistance during the pendency of the criminal matters against him, the County has taken the following steps:

1. At every meeting since the charges were filed, the County, through the remaining Board members, the Chief Administrative Officer, County Counsel, and the Clerk of the Board, has monitored and reviewed the Board's agenda each week and determined which items have state and/or federal funding.

2. Supervisor Nutting has been asked by the County to voluntarily recuse himself from voting on any matter which involves state or federal funds or programs. At every meeting since the charges were filed, Supervisor Nutting has voluntarily recused himself; he has not participated at Board of Supervisors meetings, or meetings of any other commissions, JPAs or other entities, on any funding decision involving state or federal funding or programs.

3. On June 21, 2013, Supervisor Nutting provided the attached letter stating that he will continue to voluntarily recuse himself on all matters involving state and federal funding until his criminal charges are resolved.

4. On June 18, 2013, the Board authorized the Chair to sign the attached letter indicating that if Supervisor Nutting fails to voluntarily recuse himself on any matter involving state or federal funding, the remaining Board will not consider his statements during any hearing, and the Board will not count his vote in determining the outcome of the item.

In addition to taking the steps noted above to ensure that Supervisor Nutting does not participate directly on any matter involving state or federal funding, the County has taken steps to ensure there is no indirect influence on these matters. The County is aided in this by its existing Charter, which precludes individual supervisors from directing staff work. Section 211, entitled Communications with Employees, provides as follows: "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."

1. At the June 4, 2013 meeting with department heads, they were instructed to reiterate to staff that under the County's Charter, no individual supervisor may direct departmental work and only a majority vote of the Board provides that direction for policy and implementation.

2. In addition, until the criminal charges are resolved, to ensure the confidentiality and security of all contracts and grant applications, the County has restricted the access for Supervisor Nutting and his assistant so that they cannot enter into any other county offices except through public entrances and during hours those offices are open to the public.

If there is any additional information you need about the County's notification for Grant RT-09-007, please do not hesitate to contact us. The Federal Highway Administration and Office of Inspector General – Department of Transportation has previously been notified.

Sincerely,



Kimberly A. Kerr

Acting Community Agency Director

COUNTY OF EL DORADO

330 Fair Lane
Placerville, CA 95667
(530) 621-5390
(530) 622-3645 Fax

JAMES S. MITRISIN
Clerk of the Board



BOARD OF SUPERVISORS

RON "MIK" MIKULACO
District I
RAY NUTTING
District II
BRIAN K. VEERKAMP
District III
RON BRIGGS
District IV
NORMA SANTIAGO
District V

June 18, 2013

To all interested state and federal agencies and departments:

The Board of Supervisors of the County of El Dorado hereby informs you that during the pendency of the criminal charges against Supervisor Ray Nutting, Dkt. Nos. P13CRF0295 and P13CRM0744, the County intends to take all steps available and necessary to ensure that Mr. Nutting does not participate in any actions or decisions involving the application for, receipt of, or disbursement of state and federal funds.

At all times since the charges were filed, Supervisor Nutting has been fully cooperating with the Board by voluntarily recusing himself from all agenda items involving state and federal funds. If at any time in the future Supervisor Nutting ceases to voluntarily recuse himself, the remaining Board members will not consider his opinions or comments on the items, and will not count his vote in determining the decision. The County does not anticipate that such a change will occur.

If you have any questions about the steps that the County is taking to ensure that Mr. Nutting is not acting on any matters involving state and/or federal funding while the criminal charges are pending, please feel free to contact the El Dorado County Counsel's office.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron Briggs", is written over a horizontal line. The signature is stylized and somewhat cursive.

Ron Briggs
Chairman of the Board

COUNTY OF EL DORADO

330 Fair Lane
Placerville, CA 95667
(530) 621-5390
(530) 622-3645 Fax

JAMES S. MITRISIN
Clerk of the Board



BOARD OF SUPERVISORS

RON "MIK" MIKULACO
District I
RAY NUTTING
District II
BRIAN K. VEERKAMP
District III
RON BRIGGS
District IV
NORMA SANTIAGO
District V

June 21, 2013

Dear Fellow Board Members:

I will be vindicated of the malicious charges that have been made against me. I want to resume fulfilling all of the duties I was elected to perform. However, I also want to ensure that the charges do not affect the County's ability to obtain or use state and federal funds. I have been informed that my participation in matters that involve the application for, receipt of, or expenditure of, state or federal funds could put those funds at risk. Since the first meeting following the complaint being filed, (the special meeting on June 3, 2013), I voluntarily recused myself from matters that involve any state or federal funding. I want to ensure all of our state, federal and local partners of my commitment to continue to recuse myself on these matters while the criminal case is pending,

I advise the El Dorado County Board of Supervisors and each of the state, federal and local entities which provide funding to the County that until disposition of the criminal charges pending against me in El Dorado County Superior Court, I will not participate, advise, or cast a vote on matters involving the use of funds from any departments or agencies of the state or federal government that comes before the El Dorado County Board of Supervisors, the El Dorado County Transit Commission, the EDC Water Agency, the Transit Authority, TRPA or any other board, commission, JPA or commission that receives state or federal funding. I further agree that this recusal shall also apply during the period of any consequent suspension or debarment of me by any agency of the federal government.

I have been told that failure to adhere to this recusal could put at risk the funding for programs and projects receiving monies from any federal source. I believe that asking an elected official to recuse himself from representing his constituents on items he was duly elected to vote on, before he has had his right to a trial violates many important constitutional principles, including the principle that a man is innocent until proven guilty; however, I do not want to take any risk of putting the County's federal money at risk, so I will continue to voluntarily recuse myself from items involving funding.

I further understand that all members of all commissions and other entities that I am a member of by virtue of being a member of the Board of Supervisors have been informed of my recusal and the County Administrator, in consultation with Board, County Counsel and the Board Clerk, is monitoring the agendas, minutes, and other activities of those Boards and Commissions to assure ongoing compliance with this recusal.

Again, I am recusing myself voluntarily, solely to ensure that the County can continue to receive all state and federal funding to which it is otherwise entitled while the case proceeds. I fully intend to be acquitted in a court of law as quickly as possible and then return to perform all of the duties for which I was elected. In the meantime, I will continue to perform all duties not involving funding to continue to serve my constituents to the best of my abilities.

Sincerely,



Ray Nutting, District II Supervisor