



# Charter Review Committee 2022-23

## Final Report and Recommendations to the Board of Supervisors

Honorable Members of the Board of Supervisors,

First and foremost, the 2022-2023 Charter Review Committee (Committee) extends its gratitude to county staff members Kaylee Runkle, Emma Owens, and Paula Frantz for sharing their insights and expertise to help make the Committee successful in its deliberations. The Committee also thanks county department heads and members of the public for their contributions over our term. We all believe that good governance is a community effort and the input we received was provided with great respect for the process of evaluating the Charter.

The Committee is honored to be selected by the Board for this unique opportunity to offer our recommendations to further modernize the Charter for the benefit of El Dorado County citizens and stakeholders.

We offer the enclosed final report addressing the six specific topics directed by the Board as well as other topics contemplated by the Committee. The report makes four (4) recommendations for amending the Charter based on research and deliberations performed by Committee members, county staff, and with valuable input from numerous members of the public. We also include the public outreach document entitled *Be in the Know...Your El Dorado County Charter* for your awareness and future use.

On a personal note, I offer my sincere appreciation to the current and former Committee members and respective alternate members listed below for their dedication to public service. Each of you expressed your thoughts in meaningful ways and your participation in our deliberations made our meetings informative and respectful. It has been my honor to serve with you.

Thank you,

Jim Mitrisin  
Charter Review Committee Chair, District 3

### Current Members

Richard Ross, District 1 (Vice Chair)  
Cherie Raffety, District 2  
Laurel Brent Bumb, District 4  
Pat Frega, District 5

### Alternate Members

Mindy Jackson, District 3  
Tim White, District 1

### Former Members

Bill Carey, District 1  
Jeanne Harper, District 5



## Background and Process

### **The Preamble to the El Dorado County Charter (Charter):**

*"We, the people of El Dorado County, adopt the charter to provide a county government that is responsive to the public safety, infrastructure and other appropriate needs as to be provided by county government in a democratic and just manner.*

*The people expect that the business of the county will be conducted using equitable methods and that the results shall benefit no individual or group(s) of individuals to the detriment of the people."*

### **Section 701 of the Charter provides for a periodic review of the Charter as follows:**

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.

On June 14, 2022, with Legistar item 22-0969, the Board of Supervisors (Board) convened a Charter Review Committee (Committee) with five representatives, each appointed by a member of the Board of Supervisors.

### **Board Directed Review of the Charter**

The Board directed the Committee to review the following six topics in relation to the current Charter.

1. Consider any possible Grant Jury reports *(See page 7)*
2. Examine an additional third term in office for Board members excluding current sitting Board members. *(Recommendation to amend)*
3. Examine staggered terms for Elected Department Heads. *(See page 8)*
4. Align the County Charter with County Ordinance with regards to the Civil Service Commission. *(See page 7)*
5. Examine increasing the number of Board members from five (5) to seven (7) members. *(See page 8)*
6. Examine term limits for Elected Department Heads and whether certain Elected Department Heads should be appointed rather than elected. *(See page 8)*

### **Committee Meetings**

The Committee began meeting monthly beginning on August 1, 2022. All meetings were held in person in the Board's meeting room and streamed online pursuant to the Ralph M. Brown Act. All meetings were video recorded and supplemental materials are available at [eldorado.legistar.com](http://eldorado.legistar.com).



## Summary of Recommendations

### **Summary Recommendation #1**

Consider modification to Charter Section 202 - *Term of Offices* to change the term limits for members of the Board **from two terms to three** terms and remove the provision that terms be consecutive.

### **Summary Recommendation #2**

Consider modification to Charter Section 205 – *Setting of Meetings* to require, upon request of a Board member, a meeting to be held in a specified supervisorial district.

### **Summary Recommendation #3**

Consider modification to Charter Section 401 - *Powers and Duties* to enhance transparency by requiring all department heads to submit to the Board during a duly noticed meeting, an updated strategic plan reflecting departmental accomplishments by year and department goals for the ensuing year.

### **Summary Recommendation #4**

Consider allocating county resources regarding Charter Section 504 - *Sheriff's Salary Limitation*. The Board of Supervisors is encouraged to engage County resources to review the three comparator agencies and determine if those comparator agencies remain the appropriate agencies for Charter Section 504.



## Recommendation Details

### Detail: Recommendation #1

The Board requested the Committee consider a revision that would change the term limits for members of the Board. The Committee received input from former supervisors, discussed potential operational impacts, and received input from the public.

The Committee considered the outcome of the November 2018 ballot Measure U which posed the third term scenario. While Measure U failed with 76.6% no votes and 23.4% yes votes, the Committee affirmed that the role of county supervisor is highly complex and presents a sharp learning curve for incoming supervisors. For that reason, the Committee determined one additional term would provide improved continuity of county governance.

On March 13, 2023, with Legistar item 23-0530, the Committee approved a recommendation to propose a Charter revision to allow for a third term for members of the Board.

### Current Section 202: Term of Offices

*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.*

[Amended by Charter Amendment ratified November 8, 1994, effective December 27, 1994; Stats. 1994, ch. 18; Amended by Charter Amendment ratified November 4, 2004, effective December 14, 2004, Stats. 2004, ch.16]

### Recommended modification to Section 202

*The term of office of supervisor is four years. Board members shall be limited to three full terms. No person elected supervisor may serve as such for more than three full 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. Any supervisor who resigns shall be deemed, for the purpose of this section, to have served a full four year term. The term of office commences at noon on the first Monday after the January 1st succeeding their election.*



### **Detail: Recommendation #2**

Upon request of a Committee member, the Committee discussed the 2004 revision to Charter Section 205 - *Setting of Meetings* and a desire to encourage Board meetings be held outside of the County seat. On April 10, 2023, with Legistar item 23-0751, the Committee approved a recommendation to the Board of Supervisors to revise Section 205 further enhancing the provision to require, upon request of a Board member, a meeting to be held in a specified supervisorial district. The current language in Section 205 provides for the Board to be *encouraged* to hold one meeting per calendar year in each supervisorial district rather than as a requirement at the request of any sitting supervisor.

The recommended revision outlines how a supervisor can request one meeting of the Board be held in their district if they make their request before the adoption of the annual calendar of regular meetings.

#### **Current Section 205: Setting of Meetings**

*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.*

[Amended by Charter Amendment ratified November 4, 2004, effective December 14, 2004, Stats.2004, ch.16]

#### **Recommended modification to 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 required, if requested by a supervisor before the adoption of the annual calendar of the regular meetings of the Board, to hold one meeting per calendar year in that supervisorial district.*

### **Detail: Recommendation #3**

The Taxpayers Association of El Dorado County submitted a request that an addition be made to the Charter requiring all elected and appointed department heads present their department's goals and objectives to the Board during the annual budget hearings. The Committee discussed this topic, received an overview of the County budget process from staff, and considered public comment. On June 12, 2023, with Legistar item 23-1150, the Committee approved a recommended revision to Charter Section 401. The revision would require that all department heads, elected or appointed, prepare an annual update to their department strategic plan and, unless specifically exempted by the Board, present that strategic plan update to the Board.

#### **Current Section 401: Powers and Duties**

Department heads, boards and commissions shall have all the powers and shall perform all the duties vested in them by this charter, by ordinance, and by general law when not in conflict with this charter or with ordinances adopted pursuant to this charter. All department heads and officers of the county, both



elected and appointed, shall cooperate with the Chief Administrative Officer so that the Chief Administrative Officer may achieve complete coordination of all county activities.

Recommended modification to Section 401:

Department heads, boards and commissions shall have all the powers and shall perform all the duties vested in them by this charter, by ordinance, and by general law when not in conflict with this charter or with ordinances adopted pursuant to this charter. All department heads and officers of the county, both elected and appointed, shall cooperate with the Chief Administrative Officer so that the Chief Administrative Officer may achieve complete coordination of all county activities.

All department heads, both elected and appointed, prior to submitting their annual budget request, shall provide to the Board of Supervisors, at a meeting, an updated strategic plan for their department setting forth the next year's goals, as well as the status or accomplishment of the previous year's goals; however, the Board of Supervisors may specifically exempt a department head from publicly presenting an update that was provided.

**Detail: Recommendation #4**

The Taxpayers Association of El Dorado County, submitted a request that this section be reviewed. Over multiple meetings, the Committee discussed Charter Section 504. This discussion included a discussion with the Director of Human Resources on how the section is implemented. Due to the complexity of the topic and the limited resources of the Committee, it was determined that the Board would need to authorize a more costly and thorough analysis and therefore, the Committee could not determine a specific revision to the Charter.

On May 8, 2023, with Legistar item 23-0917, the Committee approved a recommendation that the Board of Supervisors use County resources to review the three comparator agencies and determine if those comparator agencies remain the correct agencies for Charter Section 504.



## Other Topics Discussed

### Ability for the Board to classify additional positions as “unclassified service”

At the request of the Auditor-Controller, on July 10, 2023, the Committee discussed if the Board should be able to classify additional positions as “unclassified service” (at-will) as defined in Charter Section 502.1. The Committee was provided with documentation demonstrating that the Placer County has 125 at-will employees. The Committee also received a narrative regarding the 2017-2018 Charter Review Committee recommendation and subsequent Measure V on the November 2018 ballot (Resolution 155-2018). Measure V failed with 58.54% no votes and 41.46% yes votes.

On August 14<sup>th</sup>, 2023, with Legistar item 23-1580, the Committee decided not to recommend any changes to the Charter that would alter Charter Section 502.1.

### Agricultural Commissioner as an Elected Department Head

Upon request of a member, the Committee discussed if the Agricultural Commissioner should be an elected position. The Committee reviewed the Food and Agricultural Code regarding the position. On April 10, 2023, with Legistar item 23-0752, the Committee declined to further discuss this topic.

### Civil Service Commission Appointment Process

On September 19, 2022, the Committee determined that there is no conflict in process between Charter Section 502 and Ordinance Code Section 2.16.030. The Committee did not recommend that any changes to Charter Section 502 be brought to the Board of Supervisors and the Committee has been informed that the Board of Supervisors is following the process set forth in the Charter.

### Elected Department Heads Appointed Instead of Elected

The Board of Supervisors requested that the Committee consider if any elected department head positions should instead be appointed department heads. Over multiple meetings the Committee discussed this topic. This included inviting all the elected department heads to provide input on this issue to the Committee. The Committee decided not to recommend any changes to the Charter that would make an elected department head a appointed department head.

### Grand Jury Report Recommendations

The Fiscal Year 2021-22 and 2022-23 Grand Jury Reports did not include any recommendations that would require an amendment to the Charter.

### Increasing the Members of the Board of Supervisors from Five to Seven Members

The Board of Supervisors requested that the Committee consider recommending that the Board of Supervisors increase from five districts to seven districts. The Committee received input from past



Supervisors, discussed possible operational and fiscal impacts, and received input from the public on this possible change.

On December 12, 2022, with Legistar item 22-1784, the Committee recommended that no revision be made to the Charter concerning the number of Board of Supervisors members and for the Board to remain at five members.

## Role, Authority, and Oversight of the Grand Jury

Upon request of a member, the Committee discussed who provides oversight of the Grand Jury and the connection between the County and the Grand Jury. On February 13, 2023, with Legistar item 23-0094, the Committee recommended that no revision to the Charter regarding the Grand Jury be made.

## Staggered Terms for Elected Department Heads

The Board of Supervisors requested that the Committee consider staggered terms for elected department heads. During the term of the Committee, the Governor signed AB 759 that made the District Attorney and Sheriff's elections during presidential elections. AB 759 in effect staggered the terms for elected Department Heads. The Committee received input from the public and current and prior elected department heads on this topic.

On February 13, 2023, with Legistar item 23-0096, the Committee recommended that no revision to the Charter regarding staggered terms for elected department heads be made.

## Term Limits for Elected Positions That Do Not Currently Have Term Limits

The Board of Supervisors requested that the Committee consider is any elected positions that do not have term limits should have term limits. Over multiple meetings the Committee discussed this topic. This included input from some of the current and past elected officials that this would impact. On May 8, 2023, with Legistar item 23-0918, the Committee recommended that no revision be made regarding elected positions that do not currently have term limits.