



County of El Dorado

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

Minutes - Final Charter Review Committee

Kris Payne, Chair, District 3 Representative
Rachel Michelin, Vice-Chair, District 1 Representative
Jim Hill, District 2 Representative
Terry Gherardi, District 4 Representative
Cathy Staller, District 5 Representative

Ross Branch, Senior Administrative Analyst
Judith Kerr, Principal Assistant County Counsel
Jim Mitrisin, Clerk of the Board of Supervisors

Wednesday, June 25, 2014

5:00 PM

Conference Room A - 330 Fair Lane, Placerville, CA

Call to Order and Roll Call - 5:01 P.M.

Present: 5 - Michelin, Hill, Payne, Gherardi and Staller

Adoption of the Agenda

A motion was made by Member Michelin, seconded by Member Gherardi to Adopt the Agenda.

Yes 5 - Michelin, Hill, Payne, Gherardi and Staller

Action Items

1. [14-0910](#) Approval of the June 16, 2014 meeting Minutes.

A motion was made by Member Michelin, seconded by Member Gherardi to Approve the June 16, 2014 Minutes.

Yes 5 - Michelin, Hill, Payne, Gherardi and Staller

2. [14-0914](#) Staff recommending the Committee review the portion of the El Dorado County Grand Jury Final Report for 2013-2014 related to the County Charter.

Public Comment:

Art Marinaccio commented that the 2008-2009 Grand Jury and other Grand Jury reports may be useful to the committee.

Cheri Raffety commented that she was not interviewed as the Grand Jury report states

Jack Sweeney – Reflected on the purpose of the Charter Review Committee

Karl Weiland read a prepared statement (copy not provided to the Clerk)

Bill Schultz read a prepared statement (copy not provided to the Clerk)

No formal action taken. Grand Jury Final Report received and filed.

3. [14-0893](#) Discussion of Charter Section 203 - Filling of Vacancies (Supervisor)

Public Comment:

Mike Raffety commented on the option for the Governor appointing a Board member where a Democratic Governor appointed a Conservative Board member.

Art Marinaccio commented that this section of the Charter is not working and the Committee should recommend to the Board a variety of options including the option for the Governor to appoint. Also commented on the potential for removing this section. Recommend the Charter be amended to allow for mail in ballots. (Bill Schultz stated this is not possible per the Elections Code)

Larry Weitzman commented that the extension of 90-180 days be considered, perhaps expanding the window on the short side, such as 75-180 days.

Jack Sweeney commented on the procedures to become a candidate for a special election and that 90 days may be a minimum amount of time to complete this process.

Karl Weiland commented on the 90-180 days option.

Noel Stack commented that the prior District II Supervisor's court case is being appealed and that the prior Supervisor may be reinstated by order of a Judge. (County Counsel Judith Kerr reported this is not an option, regardless of the outcome of Supervisor Nutting's appeal).

Joe Harn commented that this section of the Charter is problematic and there have been situations where the Governor refused to make appointments.

El Dorado County Registrar of Voters, Bill Schultz, provided three potential options for changing the Charter related to the filling of vacancies in the position of District Supervisor;

- 1) Extend the time period from 90-120 days to 90-180 days to allow for the consolidation of elections**
- 2) Provide for the Governor to appoint the Supervisor**
- 3) Stay with the current language in the Charter**

No formal action taken. The Committee requested this item be placed on the next meeting agenda for further discussion.

4. [14-0894](#) Discussion of Charter Section 402 - Elected Department Heads (Noting the California Constitution requires the positions of Sheriff, District Attorney and Assessor be elected).

Public Comment / Discussion with Committee Members:

Melissa Owen – agrees with having elected officials, believes there should be term limits; elected Auditor controls what goes on and elected officials become complacent after so many years in office.

Karl Weiland –Elected positions require qualified individuals.

Member Michelin commented that department's that are managed by career elected officials may be better served by an appointed department head.

Wanda Flores – believes in the elected official's model as it is currently in the Charter.

Art Marinaccio commented that the 2009 Charter Review Committee discussed how appointed department heads were actually more problematic in terms of qualifications.

Jack Sweeney commented that his father served as County Recorder for many years and won an election where there were 5 other candidates. In his experience as a Supervisor, found that elected officers were truly the experts. Commented that if these elected official positions were changed to appointed positions, the public loses some access to those officials. Recommended the committee consider how Sacramento is set up where staff members make twice as much money as a Senator. Doesn't think term limits work.

Todd White commented that he agrees with Jack Sweeney. Voters pay attention when elected officials know what they're talking about. Disagrees with any notion of term limits for elected officials and voters should not be beholden to the Chief Administrative Officer. Leave this section of the Charter as is.

Bill Schultz wanted to know the reason for considering the deletion of non-mandated elected positions. Will it save money? Appointed department heads receive leave time and payout for that time when they leave as well as health benefits. This will cost tax payers more in the long run. The Recorder Clerk's office is a statewide leader in the use of technology for electronic recording of documents. The Elections department is a top performer with above average election results and turnout.

Bill reported he applied for and received a grant in 2010 for the purposes of Veteran vote by mail services for military and oversees voters.

Limited choices for the filling of the District II Supervisors seat due to the short timeframe for the election.

Bill did some research on elected vs. appointed on a statewide level and will provide a copy of the chart to the Clerk for distribution to the committee.

Member Payne asked if there are qualifications for elected officials. Bill Schultz responded that the Candidates Manual clearly defines this for each elected official.

Larry Weitzman commented that term limits are good. Showed an organizational chart of Placer County. (copy not provided to the Clerk)

Pamela Knorr, Director of Human Resources for El Dorado County commented that there is often a combination of elected and appointed department heads at counties. Spoke to the salary disparity between appointed vs. elected department head positions.

Cherie Raffety commented on term limits for elected officials. Appointed and Elected officials each serve the county and why not have limits to Appointed positions? Commenting on Charter Section 402 – Asked the committee to imagine how many times the Treasurer Tax Collector (Raffety) is approached by Board members regarding a late payment of taxes penalty charge for one of their constituents. Board members can apply tremendous pressure on the Treasurer Tax Collector simply for the reason of helping their friends. Elected officials feel empowered to say no. If you're appointed and fear losing your job by saying no to a Board member, you may not be as willing to say no. Board members have asked the Treasure Tax Collector to approve a "scheme" to sell off the tax roll.

There are instances where the ability to say no to a Board member is very important.

Joe Harn commented that the last three HR directors left in favor of higher salaries. Also commented that it would be unfair to Bill Schultz (given his involvement in numerous elections) if the committee recommended to the Board of Supervisors to change this section of the Charter.

Wanda Flores commented that you cannot have elections for every county employee. Leave this section of the Charter as is. Feels it is important that Supervisor's should have term limits.

Member Staller asked why the County has all these elected positions vs. only those required by the California Constitution?

Joe Harn commented that many counties have elected officials similar to that of El Dorado County. Commented that there have been suggestions that the county become a city, similar to that of the City and County of San Francisco.

Member Payne – commented on the difference in the quality of service from a department managed by an Elected Official compared to that of an Appointed Department head.

Member Gherardi – Elected vs. appointed = Elected officer is "better known" due to the nature of the public voting process. As staff support to prior Supervisors, she found that Elected department heads were more responsive.

No formal action taken. The Committee requested this item be placed on the next meeting agenda for further discussion.

5. [14-0895](#)

Discussion of Charter Section 202 - Term of Offices (Supervisor)

Public Comment: None

A motion was made by Member Michelin, seconded by Member Gherardi to Continue this matter to the next meeting.

Yes 5 - Michelin, Hill, Payne, Gherardi and Staller

6. [14-0896](#) Discussion to consider adding language to the Charter pertaining to the topic of Respectful Workplace.

Public comment:

Larry Weitzman commented that if this language is in the Preamble there would be no force and effect of law, however he agrees with the language itself. Another remedy is for employees to take civil action against elected officials.

Wanda Flores – cited differences between the Charter and County Policy.

Cherie Raffety – Important to treat the public with courtesy. Has watched Board members “chew out” department heads publicly and told the public they should move out of a District or the county if they don’t like the way things are.

Bill Schultz – Military background where you lead by precept and example. If the language does not appear in the Charter, he would like to see the words on a banner somewhere.

Melissa Owen – if elected officials are only accountable to the voters and employees can only take civil action, where does it stop?

Todd White – where is the proper place for this language? He doesn’t think this should be in the Charter as the language is in various forms in other policies and procedures throughout the county. To respond with this sort of language in the Charter on the heels of the recent elections, it is not effective as the offices of elected officials received high marks on the cultural assessment survey.

Member Hill reminded the committee that the Committee is only making a recommendation to the Board, not actually changing the Charter.

Member Payne opened the discussion by stating that the county is undergoing a cultural assessment. A good place to add language regarding a Respectful Workplace may be in the Charter Preamble. Member Payne’s language:

The county promotes and values a respectful work environment and expects that the business of the county will be carried out in the most efficient and courteous manner.

Member Hill commented that all department heads and most staff attend mandatory sexual harassment training.

Member Staller asked if elected, appointed or otherwise are all governed by the same rules via Human Resources.

No way for the county to discipline an elected official. Only the voters can remove an elected official by way of formal Recall, absent illegal activities.

Sheriff D’Agostini commented that laws of the State/Federal government apply to elected officials. Feels it is appropriate that the language presented by Member Payne may be appropriate in the Charter Preamble, but not in a specific section of the Charter.

Pamela Knorr commented briefly on the process used related to the Cultural Assessment Survey and resulting actions.

No formal action taken. The Committee requested this item be placed on the next meeting agenda for further discussion.

Public Comment

Bill Schultz commented on Section 304 Duties. In a CEO vs CAO model, the CEO would be able to dictate the operations of an elected official's office and duties.

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

ADJOURNED AT 8:03 P.M.