



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

Thursday, September 14, 2017

4:30 PM

2850 Fairlane Court Placerville, CA 95667
Planning Commission Hearing Room

4:30 P.M. - CALLED TO ORDER

Present: 5 - Don Fuller, Kris Payne, Michael Powell, Jeanne Harper and Richard Ross

Absent: 1 - Rachel Michelin

PLEDGE OF ALLEGIANCE TO THE FLAG

Member Powell led the Pledge of Allegiance to the Flag.

ADOPTION OF THE AGENDA

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

Yes: 5 - Don Fuller, Kris Payne, Michael Powell, Jeanne Harper and Richard Ross

Absent: 1 - Rachel Michelin

APPROVAL OF MINUTES

1. [17-0981](#) Approval of the Minutes for the Charter Review Committee meeting of August 24, 2017.

A motion was made by Alternate Member Ross, seconded by Member Harper to Approve the Minutes for August 24, 2017.

Yes: 5 - Don Fuller, Kris Payne, Michael Powell, Jeanne Harper and Richard Ross

Absent: 1 - Rachel Michelin

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

There were no Member reports.

STAFF / COUNSEL REPORTS

The Clerk of the Board informed the Committee that his office received a letter from Cherie Raffety, county Treasurer-Tax Collector addressed specifically to Kris Payne, Committee Chair, on the subject of the Grand Jury selection process. The Committee requested copies of the letter be distributed to all members, Counsel and Assistant CAO.

ACTION ITEMS

(see next page)

2. [17-0836](#) Discussion of Charter Section 202. Term of Offices (Supervisor).
(Reference: Finding #1 of the 15/16 Grand Jury Report Case 15-04)
(Cont. 8/24/17 Item 2)

Public Comment: None

Member Payne stated he is not aware of any additional information available to help determine a course of action. Recapped previous discussions and votes made by the committee.

Member Powell reported that he spoke with Supervisor Ranalli on this topic and stated the Supervisor's response was that Supervisors may be more effective in their second term. Surveyed members of a Board of Directors for a Realtor's Association who collectively opposed term limits.

A motion was made by Member Harper to leave the issue of term limits entirely to the voters.

Member Fuller asked Member Harper to clarify the motion. Member Harper responded that whoever officially runs for office is on the ballot.

Counsel Kerr provided information that the Elections Department will require a specific question to include on the ballot.

Member Payne reiterated the Grand Jury recommendation. The motion was seconded by Member Powell for discussion.

Member Fuller stated that this type of recommendation sounds like this would give the voters a multiple choice question.

Member Powell iterated a comment made by Supervisor Veerkamp at a Taxpayer's Association meeting that this issue "should be left to the voters to decide."

Alternate Member Ross stated that the Grand Jury recommendation is not to have term limits. The voters should have a clear understanding of what they are voting on.

Counsel Kerr provided that a motion may be reconsidered if the motion maker or seconder retract their motion/second.

Member Harper retracted her motion.

A motion was made by Member Harper, seconded by Member Powell to support the Grand Jury recommendation as written. Member Payne requested a Poll Vote.

(This matter will be prepared for consideration by the Board of Supervisors)

Yes: 3 - Michael Powell, Jeanne Harper and Richard Ross

Noes: 2 - Don Fuller and Kris Payne

Absent: 1 - Rachel Michelin

3. [17-0839](#) Discussion of Charter Section 204 - Compensation (Supervisor).
(Reference: Finding #4 of the 15/16 Grand Jury Report Case 15-04)
(Cont. 8/24/17 Item 3)

Public Comment: None

Member Powell stated that he feels that the text of this section is appropriate as is.

Member Payne commented that he is in agreement with Member Powell.

A motion was made by Member Powell, seconded by Member Harper to reject the Grand Jury recommendation.

Member Fuller stated the changes to Board member salaries should not be automatic and should be on a ballot for voter approval.

Counsel Kerr provided that any change to Board Member salaries must be made by ordinance which has public noticing requirements.

Member Fuller stated he understands the county is operating in compliance with the law.

Member Payne iterated that perhaps the ordinance needs to be modified.

Alternate Member Ross commented that the Charter language allows for an ordinance to address this. Transparency is important and the ordinance should have specific dollar figures.

Member Payne informed Alternate Member Ross that the current ordinance does reflect specific salary figures for the members of the Board of Supervisors.

Counsel Kerr shared that the members may choose to voice their concerns about the ordinance to the members of the Board, however the committee cannot take action on an ordinance.

Member Fuller stated that for transparency, the committee should support the Grand Jury recommendation.

Member Powell withdrew his motion.

A motion was made by Member Powell, seconded by Member Fuller to support the Grand Jury's recommendation with the addition of the word "automatic" after the word "future" in the Finding.

(Clerk's note, for clarification purposes the inclusion of the word "automatic" is inserted into the Grand Jury's finding below to demonstrate the recommended language for Board consideration).

204. Compensation

Compensation of supervisors shall be fixed by ordinance. Salary, benefits and any other compensation must be clearly set forth within the ordinance and not be subject to automatic future change by changes to other officials' salaries or benefits over which the board of supervisors has any influence.

Alternate Member Ross stated that the people responsible for the ordinance can change the ordinance at any time.

Member Payne stated that a change to the language in the Charter would require the Board to change the ordinance.

Member Payne requested a Poll Vote.

(This matter will be prepared for consideration by the Board of Supervisors)

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

Noes: 1 - Kris Payne

Absent: 1 - Rachel Michelin

4. [17-0842](#) Discussion of Charter Section 304. Duties (Chief Administrative Officer) (Reference: Finding #6 of the 15/16 Grand Jury Report Case 15-04) (Cont. 8/24/17 Item 4)

Public Comment: None

Member Powell commented that he thinks the addition of the words “state law” were proposed simply to clarify the Charter provision.

Member Harper and Member Fuller agreed that the additional language seeks only to clarify the Charter.

Member Payne read the full section of the Grand Jury’s findings, asked Counsel if the duties of the CAO include the provisions of State Law. At the request of the Chair, Counsel Kerr read the full text of Charter section 702.

Member Payne commented that adding these words to this section may require the same words be added to other sections in the Charter as may be appropriate.

Member Harper commented that members in District 5 were generally in support of the Grand Jury’s recommendation.

A motion was made by Member Fuller, seconded by Member Payne to reject the Grand Jury’s recommendation.

Alternate Member Ross stated that the Board of Supervisor’s response was in support of this finding.

Asst. CAO Corley provided the committee with background regarding Penal Code and how the Board must respond to Grand Jury findings with specific verbiage. The Board’s response to this Grand Jury finding reflects that the Board is in agreement with the Grand Jury’s finding that the Charter does not contain language pertaining to the CAO needing to adhere to state law.

Member Powell stated that the CAO should be “tagged” to state law, not only the Charter.

Member Payne stated Charter section 702 already provides for the provision that anything not in the Charter shall follow state law.

Alternate Member Ross posed a question about Charter Section 702, line 3 pertaining to state law and the state Constitution.

Counsel Kerr provided examples of how Charter Section 702 applies.

Member Payne commented on various components of the state Constitution pertaining to enacting county Charters. Stated his belief is that adding this language is redundant.

Member Powell commented that the Shingle Springs Rancheria has a gaming compact with the state of California and that the CAO has to work with the Rancheria on behalf of the county regarding the compact.

Counsel Kerr provided that the Charter does not address every law.

Member Payne requested a Poll Vote. (Motion restated below)

A motion was made by Member Fuller, seconded by Member Payne to reject the Grand Jury's recommendation.

Yes: 2 - Don Fuller and Kris Payne

Noes: 3 - Michael Powell, Jeanne Harper and Richard Ross

Absent: 1 - Rachel Michelin

A motion was made by Member Harper, seconded by Member Powell to accept the Grand Jury's recommendation.

Alternate Member Ross asked if the addition of "state law" in this section, will it create a conflict with Charter section 702.

Counsel Kerr commented that the county charter has never been challenged. The Charter does not conflict with state or federal law.

Member Payne requested a Poll Vote.

(This matter will be prepared for consideration by the Board of Supervisors)

Yes: 3 - Michael Powell, Jeanne Harper and Richard Ross

Noes: 2 - Don Fuller and Kris Payne

Absent: 1 - Rachel Michelin

5. [17-0843](#) Discussion of Charter Section 502.1 - Classified and Unclassified Employees. (Reference: Finding #7 of the 15/16 Grand Jury Report Case 15-04) (Cont. 8/24/17 Item 5)

Public Comment: None

Member Payne asked Counsel Kerr to comment on this item.

Counsel Kerr provided that the CAO is an appointed Department Head, all of which are designated by county ordinance.

Member Fuller read the full text of Grand Jury finding F7 and stated it is not clear why this finding appears to copy language already contained in this section of the Charter.

Member Powell commented that the CAO should be listed in this Charter section.

Counsel Kerr reiterated that the CAO is an appointed department head by ordinance.

A motion was made by Member Harper, seconded by Member Fuller to reject the Grand Jury's recommendation.

Yes: 5 - Don Fuller, Kris Payne, Michael Powell, Jeanne Harper and Richard Ross

Absent: 1 - Rachel Michelin

6. [17-0910](#) Discussion of the 2015/16 Grand Jury Report Case 15-04, Finding F8 which states; "Section 102 of the El Dorado County Charter authorizes the Board of Supervisors to propose amendments to the existing charter at any time without the need of a Charter Review Committee." (Cont. 8/24/17 Item 6)

A motion was made by Member Harper, seconded by Member Powell to continue items 6 and 7 to the next meeting.

Yes: 5 - Don Fuller, Kris Payne, Michael Powell, Jeanne Harper and Richard Ross

Absent: 1 - Rachel Michelin

7. [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. 8/24/17 Item 7)

A motion was made by Member Harper, seconded by Member Powell to continue items 6 and 7 to the next meeting.

Yes: 5 - Don Fuller, Kris Payne, Michael Powell, Jeanne Harper and Richard Ross

Absent: 1 - Rachel Michelin

FUTURE AGENDA ITEMS

The Committee requested the Clerk add an agenda item for their October 5, 2017 meeting to discuss the letter from Cherie Raffety, county Treasurer-Tax Collector, on the subject of the Grand Jury selection process.

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

ADJOURNED AT 6:20 P.M.