



# 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*

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Monday, July 21, 2014

5:00 PM

Board of Supervisors Meeting Room

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### 5:01 PM CALLED TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG

Member Gherardi led the Pledge of Allegiance to the Flag.

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

### ADOPTION OF THE AGENDA

A motion was made by Member Michelin, seconded by Member Staller to Approve the Minutes for July 14, 2014.

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

Matters not on the agenda may be addressed by the general public during Open Forum

### OPEN FORUM

*Public Comment:*

*Larry Weitzman – Commented that last week there may have been a violation of law when Neil Cunningham, Foreman of the Grand Jury for 2013-2014, submitted a letter to the Committee and spoke to the Committee during the meeting regarding the content of the Grand Jury Final Report. Suggested that the letter submitted by Mr. Cunningham and the Grand Jury Report itself be ignored by this committee.*

*Joe Warchol – Previous salary survey's did not include the position of Supervisor. Lack of transparency in the salary survey. Requested the Committee address the Supervisors' salaries.*

### CAO STAFF REPORT

CAO Report: Clarification on the last date to submit a recommendation to the Board would be July 29, 2014. If the recommendation(s) is approved by the Board, they would need to give formal direction to staff to return on August 5, 2014.

### ACTION ITEMS

1. **14-1021** Approval of the July 14, 2014 meeting Minutes.

**A motion was made by Member Gherardi, seconded by Member Michelin to Approve the Minutes for July 14, 2014.**

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

2. [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). (Cont. 7/14/14 Item 4)

*Public Comment:*

*Bernard Carlson - Believes there should not be any term limits. The voters should be more involved in what goes on in Government. There is a difference between a Board members and the other elected officials whose positions require special skills. Strongly favors staying away from putting term limits on elected officials.*

*Larry Weitzman – Comments that the committee members thinking is not balanced. The Board has different powers (creation of laws) than elected officials, this is why Board members have terms. Elected officials are experts in their fields. You don't change a doctor you like every 12 years. Other problem is that the salary structure is not in line to create incentives to take these positions. Encouraged the Committee not to make an emotional recommendation.*

*Carol Lewis – Separate the Auditor functions from the Controller functions. This conversation has manifested itself throughout the county. Mr. Weitzman made some good points; even elected officials were new at some point.*

*Cherie Raffety – 3 Years ago the Board asked that all Departments have the ability to take credit cards as forms of payment. Only Revenue Recovery made the change. Elected Officials are not trying to stop things like this from happening, quite the opposite. The only people complaining about elected officials are internal to the county. Tax Collector has set up several online programs to aid the public and Title Companies in the course of their work. Experience does count and you want department heads to be here for a really long time.*

*Bill Schultz – Recorder Clerk/Registrar of Voters/Veterans Service Officer – commented that he prides himself on his offices. Recorder's office is one of 14 counties in the state with electronic recording of documents. Also has OCR (Optical Character Recognition) throughout his departments. Has implemented an electronic voting system. Website in the Recorders office has millions of hits and has won awards for its quality. Has great pride in each of his employees who are loyal and proud of the work they do. The Board of Supervisors are political positions, other elected officials are not political positions. Term limits on elected officials is not good for the citizens and not economical.*

**Member Payne provided a duplicate copy of the documents provided to the Committee at their meeting of July 14, 2014.**

**Member Michelin reported to the Committee that she spoke with several current or former Elected Officials. Feels it is fine if we leave these positions as Elected versus Appointed. If we are going to have term limits for members of the Board, then all other Elected positions should also have term limits equal to those of the Board, or eliminate term limits for all elected officials.**

**Member Michelin commented that part of having Term limits allows for a mentorship program to bring people to the county to advance their careers.**

**Member Gherardi commented that she too had made some inquiries and most thought the positions should remain elected and the terms could be 12 years.**

**Member Hill commented about recycling Elected officials. Agrees with Member**

Michelin and that sometimes change is good.

Member Staller agrees with Member Hill and Member Michelin, people from other areas help bring new ideas.

Member Payne commented that in his proposed documents, there are no changes to the existing arrangement. Went to the county website and searched for "Charter" in the main Search field. Read the first 30 results and found a document called the "Chairman's Notes" completed by the 2009 Charter Review Committee. Contained therein was a recommendation to remove all term limits for elected officials. Member Payne read an excerpt from the "Chairman's Notes."

Member Michelin to leave all these positions elected and apply the 12 year rule as has been adopted by the State that applies to Legislators.

Member Gherardi does not feel there is a comparison between a Board member and the other Elected Officials.

Counsel will research this issue and report back to the Committee.

**No Action Taken.** The Committee requested this item be continued to their next meeting.

3. [14-0895](#)

Discussion of Charter Section 202 - Term of Offices (Supervisor).  
(Cont. 07/14/14 Item 2)

*Public Comment:*

*Larry Weitzman commented that the discussion on Term Limits is the result of the County's Cultural Assessment document. The issues alleged are not in the study. The public doesn't know what this means because there is nothing to compare it to. Has studied this survey and the issues are in the CAO's office with 22%. This survey was created to start a political witch hunt.*

*Cherie Raffety – When you have Term limits, you're taking the power away from the people and giving it to the appointed positions. Supports not having term limits. Commented that vast majority of the department heads who don't want their departments to take credit cards are those in Appointed positions.*

Member Payne provided the Committee with revisions pertaining to this section.

**No Action Taken -** The Committee requested this item be continued to their next meeting.

4. [14-0896](#)

Discussion to consider adding language to the Charter pertaining to the topic of Respectful Workplace. (Cont. 07/14/14, Item 5)

*Public Comment:*

*Mike Raffety – Likes the last paragraph of Member Payne’s proposed language changes.*

*Cherie Raffety – Agrees with Mr. Raffety. Treats all employees in her department the same. If this were added to the Charter, the Board would have to do the same.*

*Member Payned asked Ms. Raffety to share her thoughts on why this language should be added to the Charter.*

*Ms. Raffety responded that the last sentence of Member Payne’s proposed changes should be added. Understands where Member Payne is coming from, that all people should be treated equally. Recommended a discussion with Counsel to determine if this violates any laws.*

*Larry Weitzman – The public should be tied into this. The US Constitution preamble provides for welfare payments where millions of taxpayer dollars are spent. The third paragraph may conflict with the second paragraph of the revised proposal from Member Payne. US Constitution protects the people’s right to freedom of speech, religion etc. People confuse that the Constitution is saying people should respect the right others have and not the actual right themselves.*

*Carol Lewis – Likes opening statements in general. Should elevate the standard of services provided by county. Address the citizens of the county be included in the opening statements. Department heads sometimes abuse their power.*

**Member Payne provided a revised proposal for changes to this section of the Charter. Believes the Preamble as it is now doesn’t really say anything substantive. What is the Preamble? His changes would be unique to the County and that other county Charters do not even get into these kinds of things. Doesn’t know what else he can do to make it work.**

**Member Gherardi commented that she sees this more as Policy and it should not be in the Charter as it may lead to some form of litigation.**

**Member Staller likes the changes Member Payne made, but agrees with Member Gherardi that the Charter is not the place for this. This belongs in the Code of Ethics.**

**Member Payne stated there is no Preamble to the Code of Ethics.**

**Member Staller commented that a Code of Ethics as the relationship with the public and is not just applied to coworkers.**

**Member Gherardi stated that the Charter governs the county; the Board of Supervisors set county policy.**

**Member Payne - Asked for another place where this language may be inserted.**

**Member Gherardi could see this language on the Board of Supervisors webpage.**

**Member Michelin stated that this language is workplace centric and applies to**

policy more than it does the county Charter. Understands where Member Payne is coming from, but does not see how this fits.

After public comment for Item 4

Member Staller pointed out some of the language may be considered if it were modified further.

Member Payne asked for the members of the public present to help him by marking up his proposed language for consideration at a future meeting.

Member Gherardi stated that her concerns remains legal ramifications, but agrees to continue.

Member Payne asked Counsel to provide copies of the proposal to Judith Kerr (attorney assigned to the Charter Review Committee, but absent this date) and also to comment on any legal issues that may arise out of these modifications.

Larry Weitzman made additional comments about using the word "Public" vs. the use of "People" in the second paragraph.

**No Action Taken.** The Committee requested this item be continued to their next meeting.

5. [14-1019](#)

Discussion of Charter Section 206 - Election of Officers (Board of Supervisors).

*Public Comment: None*

Member Payne provided a document with proposed language changes for this section. The language changed refers to the use of Pro Tem vs the current practice of using the terms Chair, Vice Chair and Second Vice Chair.

Member Gherardi agrees with these changes and had previously found this section confusing.

A motion was made by Member Gherardi, seconded by Member Staller to approve this as a recommendation to the Board of Supervisors.

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

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**ACTION ITEMS (cont.)****6. [14-1022](#) Discussion of Charter section 210(c) - Powers and Duties (Supervisors)***Public Comment:*

*Cherie Raffety – Commented that there was recently movement by the Board to make the entire county a Mello Roos District, would removing this section affect the County's ability to do that in the future? The Board is considering a countywide Solar Energy program for those residents who wanted to install such.*

*Larry Weitzman – Mello Roos Districts are usually created by developers, it would be difficult to apply a Mello Roos throughout the county. Does Proposition 218 in fact make this section redundant?*

*Carol Lewis – Would this have any effect on Measure Y? Mello Roos on a countywide basis would be another tax.*

*Wendi Mae Davis – Housing becomes unaffordable when a Mello Roos is in place.*

**The committee asked Elizabeth Zangari of the Community Development Agency (Special Districts Analyst) who is responsible for Zone of Benefit activities for the county to provide an overview of the Zones of Benefit. Ms. Zangari provided the Committee with an overview as requested.**

**Member Payne provided a written proposal to recommend this section be removed from the Charter altogether. Mr. Payne's proposal included a summary report from Ms. Zangari.**

**The Committee requested that Counsel answer the question posed by Cherie Raffety regarding Mello Roos Districts and report back at their next meeting.**

**No Action Taken. The committee requested this matter be continued to their next meeting.**

**7. [14-1023](#) Discussion of Charter section 210(d) - Powers and Duties (Supervisors)**

*Public Comment: Larry Weitzman commented that this should no longer be in the Charter.*

**Member Payne stated he had spoken with Counsel Judith Kerr for some clarification that this section is indeed inoperative. Read an excerpt from the Chairman's Notes from the 2009 Charter Committee who also found this section should be removed from the Charter.**

**A motion was made by Member Payne, seconded by Member Michelin to Approve this as a recommendation to the Board of Supervisors.**

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

**CHARTER REVIEW COMMITTEE MEMBER CLOSING COMMENTS  
and  
SETTING OF THE NEXT HEARING DATE AND AGENDA**

Member Payne encouraged other Committee Members to be present for the Board Meeting of July 29, 2014 to support their recommendations.

The Committee set Monday, August 4, 2014 at 5:00 PM as their next meeting date.

**ADJOURNED AT 7:35 P.M.**