



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

Monday, July 14, 2014

5:00 PM

Board of Supervisors Meeting Room

CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG

The meeting was called to order at 5:04 P.M.
The Clerk 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 Gherardi to Adopt the Agenda.

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

Comments on matters not on the agenda may be made during Open Forum.

Open Forum

Public Comment:

Todd White – Consideration that Board members should have salaries comparable to that of other counties.

Neal Cunningham – Grand Jury Foreman from 2013- 2014 available for questions regarding his correspondence to the Committee.

Larry Weitzman – Requests a copy of the correspondence from the 2013-14 Grand Jury Foreman.

Lindell Price – The Committee should consider changing the Charter to allow the Board to have more than 5 Supervisors (Number of Supervisors per county is set by state law – Counsel Judith Kerr)

Stan Price – Agreed that the Board should have more than 5 members.

CAO Staff Update

Ross Branch from the CAO's office provided a clarification regarding the timeline for recommendations to the Board.

Action Items

1. [14-0989](#) Approval of the June 25, 2014 meeting Minutes.

Public Comment: None

A motion was made by Member Michelin, seconded by Member Gherardi to Approve the June 25, 2014 meeting Minutes.

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

2. **14-0895** Discussion of Charter Section 202 - Term of Offices (Supervisor).
(Cont. 06/25/14 Item 5)

Public Comment:

Carol Lewis – agrees with 12 year terms with no possibility for reelection thereafter. Gives new Supervisors to “get on board” with senior Supervisors and have time to learn.

Mike Raffety – General comment on Supervisor’s in the past served for 3 terms.

Todd White – Non-Supervisory elected positions carry specialized training and skills.

Feels the voters should have the opportunity to choose every four years.

Bernard Carlson – agrees with Carol Lewis. Board of Supervisors is very wide and deep, most Supervisors don’t really know how big the job is. Other elected officers are different than the Board members, requiring specialized skills and education and elected officials should not have term limits.

Steve Ferry – would like to see terms of Supervisors offices continue

Larry Weitzman – Term limits of elected officials should not change. Board members need to have limits. Elected officials do not have the power that the Board members have. One size fits all government doesn’t work. If you’re going to have term limits for the Elected officials, why not have term limits for Appointed department heads have.

Susan Fredricks – Favors term limits for Supervisors, agrees that 12 years for Supervisors is a good idea.

Jeanne Harper – Sees the pros and cons of having term limits; feels that her vote is losing more and more value, with others making decisions for her.

Stan Price – How do the voters put a candidate up for election to oppose a particular candidate? Shorter Terms may work better? Does not agree with term limits. Need expertise and quality candidates.

Member Payne provided copies of his recommended changes to this section of the Charter.

Member Michelin suggested a Supervisor may serve up to 12 years with no possibility for reelection thereafter.

Counsel stated that California Constitution Article 11 Chapter 4 relates to Board Member Salaries.

No Action Taken. The Committee requested this item be placed on their next meeting agenda for further discussion.

3. 14-0893 Discussion of Charter Section 203 - Filling of Vacancies (Supervisor).
(Cont. 6/25/14 Item 3)

Public Comment:

Larry Weitzman – Why not also make the recommendation to be 75 days vs. 90 days, making the total period 75 – 180 days.

Steve Ferry – Consider that the upcoming election in September will only require 19% of the vote for a Supervisor to be seated.

Member Payne provided copies of his recommended changes to this section of the Charter

Member Michelin would like to see the taxpayer impact lowered as a result of special elections and extending the time frame would be in the best interest of the county.

A motion was made by Member Michelin, seconded by Member Hill to recommend to the Board of Supervisors the changes to Charter Section 203 as provided for in Member Payne's proposal.

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). (Cont. 6/25/14 Item 4)

Public Comment:

Jeanne Harper – Term limits are challenging, however the ultimate decision is left up to the voter.

Susan Fredericks – Question to Member Payne – Does EDC have policy for non-elected employees forcing them to retire at age 65? Believes in term limits and “fresh blood.” Suggests the county have a policy to force retirement at age 65, even for elected officials.

Carol Lewis – One of the few counties who have this many elected officials. Term limits would benefit the county. People are questioning what we are doing now. Elected officials have aided and abetted the current atmosphere. Voters are detached and are not aware of what really occurs at the county. Bringing the best and brightest to the county is vital, incumbants have an edge so most qualified persons would not even try to run. Mountain Democrat newspaper does not do investigative reporting. Department heads in general do a good job. Favors term limits to bring in better people and only those elected positions defined by the Constitution.

Steve Ferry – Differing opinions are valuable. Considers the current Auditor Controller as the “Pit Bull” of the county. Does not favor term limits, does not like that elected officials receive Longevity pay.

Bernard Carlson – Disagrees with Carol Lewis, agrees with Steve Ferry.

Larry Weitzman – There is a reason for term limits. We have term limits because of President Roosevelt. Federal Judges are seated for life. Elected Department Heads stay in office to benefit the county. Limiting their terms is the same as limiting the term of a Federal Judge. Has performed extensive investigative reporting and found that the County Cultural Assessment Survey proves that the problem isn’t in the Auditor’s Office, it’s in the Community Development Agency which is being run by the Assistant Chief Administrative Officer. Term limits on the Supervisors is to limit their power.

Neil Cunningham – 13 counties in the last 9 years have gone from multiple elected officials to only those required by the State Constitution. Suggests the Committee look into how other counties have made this change. There are qualified and experienced elected department heads now, but when the time comes for reelection, there are not very many people in the individual districts qualified and capable of running for office.

Member Payne provided copies of his recommended changes to this section of the Charter.

Member Staller agrees with Member Payne’s proposal, citing the importance of clarifying minimum requirements and qualifications.

Member Gherardi feels that it is appropriate to leave section 402 as is.

Member Hill stated that his experience with department heads across the county has been good. One of the problems with hiring appointed department heads takes months, while elected officials have election deadlines.

Member Michelin cited there is a perception of imbalance of how “things are done” at the county. Would regular turnover in the positions of the elected officials be of greater benefit to the county? Perhaps we should not have term limits for any elected official at the county or implement an even application of term limits throughout the Charter.

Member Payne feels there are two sides to this, those who appreciate the language of the Charter as it is now and those who feel that the only elected officials should be those as directed by the California Constitution. Feels his proposal helps to clarify this section of the Charter. His experience is that all elected officials at the county now are experienced. Elected officials are held

accountable by the voters. Agrees that term limits applied evenly may be an option.

Member Staller is glad there is an election every 4 years for the voters to decide. Member Hill commented that there is voter apathy. Voters need to ask the question of whether there are people who may be qualified, but do want to spend the money on a campaign just to "come in second."

No Action Taken. The Committee requested this item be placed on their next meeting agenda for further discussion.

5. 14-0896

Discussion to consider adding language to the Charter pertaining to the topic of Respectful Workplace. (Cont. 06/25/14 Item 6)

Public Comment:

Cherie Raffety – Notion that we should all be courteous to one another and especially to the taxpayers. It's not Government for Government, it's Government for the People.

Lindell Price – Suggests the addition to include a reference to our public health as a county.

Jeanne Harper – Preamble sets the stage for what comes next. Feels the proposed language is pretty good. If there are other documents, are they found in the Charter? If so, place the language there.

Stan Price – Agrees with Cherie Raffety that people need to be included and that the public health of the people should be stated in the Charter. Feels most of the Preamble is appropriate otherwise.

Larry Weitzman – If this Preamble were to be given "teeth" it may be what some people consider as a "lawyers dream." "Efficient and "Courteous" conflict with one another and are two different ideas. Made a reference to Air Traffic Controllers and how they speak in very certain, direct terms. Thinks the word "cultural" should be removed from the existing Preamble.

Member Payne provided copies of his recommended changes to the Preamble of the Charter. This language is found in the new Personnel Rules as brought before the Board by the Human Resources department. There is also the County Code of Ethics which are clearly defined.

Member Hill – If this language is added to the Preamble, it has no "teeth." Question is what are we trying to accomplish? We all want people to be treated fairly. If we're going to do this, give it some teeth by including it as its own section.

Member Gherardi – The Charter is by the People of the county. This language is specific to county employees and doesn't feel it belongs in the Charter.

Member Staller – Feels this language doesn't have any teeth and it would take taxpayer money to get this language added to the Charter (by way of a ballot measure).

Member Michelin – Commented that the Preamble reflects the vision of the people and that this language is specific to county employees.

Member Payne - believes the Charter sets the identity of the county.

Researched Charters of other counties where there are a great number of "administrative" materials included therein. Feels there is a place for this in the Charter.

Member Gherardi commented that the Charter is how we govern vs. governance under General Law. Feels this language doesn't fit that description and other county documents contain similar language to cover these issues.

Following Public Comment:

Member Payne stated that he doesn't know if he will continue to press forward with this language. Commented that having "efficient" and "courteous" in the language were from the Personnel Rules. Read the San Mateo County Charter Preamble as reference.

No Action Taken. The Committee requested this item be placed on their next meeting agenda for further discussion.

6. [14-0988](#) Member Michelin recommending the Committee have a discussion and receive a briefing from County Counsel pertaining to the Redistricting process for County Supervisorial Districts.

Member Michelin commented on the process of redistricting and how, in other jurisdictions, an independent body evaluates the districts vs. how it is done at the county where elected officials contemplate the district boundaries. Suggested this item only as a means to consider it for inclusion in the Charter, if appropriate.

County Counsel Judith Kerr commented that redistricting is identified in Article 11 Section 4A of the California Constitution. The County is governed by state statutes and government code states that the districts must be determined by equal proportions of the population. Referenced San Diego who have a Charter where they spent more than 10 years researching this and a ballot measure will be considered by the voters in 2018 which required action/approval of the state Legislature.

No Action Taken.

ADJOURNED AT 7:51 P.M.

The next meeting of the Committee will be Monday, July 21, 2014 at 5:00 P.M