



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, August 4, 2014

5:00 PM

Conference Room A - 330 Fair Lane, Placerville

5:06 P.M. - CALLED TO ORDER AND 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 Payne to Adopt the agenda.

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

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C. Raffety – Rule 10.67 et al regarding Grand Jury creation. Requests to be on a future agenda to speak on this in more detail. (Ref. Charter Section 703)

L. Weitzman – Governor's appointees do have term limits. Senator Cordell Hall reference regarding tax code.

CAO STAFF REPORT

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Ross Branch restated that the Board approved all three Charter Review Committee recommendations to be on the November 4, 2014 ballot. Any other recommendations of this Committee would be considered for the June 2016 General Election.

ACTION ITEMS

1. [14-1091](#) Approval of the July 21, 2014 meeting Minutes.

A motion was made by Member Gherardi, seconded by Member Staller to Approve the July 21, 2014 meeting Minutes.

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. 7/21/14 Item 2)

Public Comment:

Todd White commented that proposals to changing this section are premature given the need for Legislation to pass. Feels it is grandiose to assume the Board of Supervisors understands how legislation works. Believes in the power of the voters, if they don't like an elected official, they will eventually vote them out. Elected officials are trained. Suggests this committee not waste its time on this as it is not currently legal to put term limit maximums on elected officials.

Larry Weitzman agreed with Todd White that changing this section isn't currently legal. Elected officials do have special training and skills. Don't pass a bill to learn what is in it. Thinks there will be more resistance to the proposed legislation that people think. Feels this committee is way ahead of itself.

Member Hill commented during Mr. Weitzman's comment period how his interpretation of what he has read is different from others. What is wrong with challenging a position? What is wrong with bringing it forward? Referenced medical marijuana laws.

Mr. Weitzman stated that this agenda item is to consider term limits for elected officials.

Cherie Raffety commented on respectful workplace and how term limits set on elected officials is a sad proposition and that the experience of elected official's long term careers would be affected. Encouraged the members not to proceed with recommending changes to this section of the Charter.

Counsel Judith Kerr provided a report on the term limits for Elected Department Heads (not the Board). (See Judith's Attorney-Client document for details). Terms for non-elected are acceptable, but they cannot set terms for Elected officials. Govt. Code 25000 references only the Supervisors. Charter is only allowed to include issues/matters where state law or the constitution permits such.

The Committee held a general discussion following Ms. Kerr's report.

Member Michelin provided a Legislative Counsel's Digest on Senate Bill No. 2, Chapter 432 as well as a recommendation for modifications to Charter Section 402.

After public comment:

Member Gherardi stated that if this were to be recommended to the Board in the future, the actual Legislative Bill should be attached. Does not feel this is the time to make this recommendation.

Member Michelin stated the Bill won't be introduced until January 2015. Sometimes the only way you change things is by pushing the envelope. Responded to comments made by the public. Voters would have greater power if this legislation passes and the Board places new language on the ballot. If voters know there is an opportunity to advance due to maximum term limits, more would show an interest in running for vacant seats. Staff working in departments would benefit from mentoring by the outgoing official.

Member Payne suggested the Committee take action and recommend changes to the Board for their consideration. Suggested to Member Michelin that there is no rush for this item and additional work on is necessary.

A motion was made by Member Gherardi, seconded by Member Staller to continue this item to the next meeting. All in favor.

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

3. [14-0895](#)

**Discussion of Charter Section 202 - Term of Offices (Supervisor).
(Cont. 08/04/14 Item 3)**

Public Comment:

Cherie Raffetty – commented on the maximum term limits for Supervisors of 12 years as previously discussed.

Member Payne reiterated his changes as proposed at previous meetings.

General discussion amongst members of the public, counsel and the committee ensued, focused on the language proposed by Member Payne.

Counsel Kerr reminded the committee that whatever changes they would propose must be in compliance with Government Code 25000.

The committee requested this item be continued to the next meeting.

4. [14-0896](#)

Discussion to consider adding language to the Charter pertaining to the topic of Respectful Workplace. (Cont. 08/04/14, Item 4)

Public Comment:

Larry Weitzman – commented that the Code of Ethics paragraph F uses the word “respectful.” Line L is the best line and could be included in the Preamble (Uphold these principles being ever conscious that public office is a public trust). Feels the term Civil is defined as polite and courteous.

Cherie Raffety likes second paragraph, recommended some modifications.

Member Payne provided the Committee with a revised version of his recommendation as provided in previous meetings. The committee read the revised language.

Member Staller feels the second paragraph is redundant. The third paragraph would direct people to the Code of Ethics.

Member Gherardi commented that she still has problems with the paragraph addressing the Code of Ethics. Doesn't feel there is a need to state the county has adopted the Code of Ethics. Fear of potential litigation by modifying the Preamble in this way.

Member Michelin likes the first paragraph, agrees with Member Staller that the second paragraph is redundant.

The committee asked Counsel about the parameters of the ballot question and other content sent to voters, specifically is the Code of Ethics included or only referenced. Counsel responded that the Code of Ethics themselves would not be part of the ballot. Code of Ethics may change at any time.

Member Payne does not feel the voters truly understand what has occurred at the county. Knows that if this advances, it will be scrutinized by Counsel.

Counsel Kerr commented that any time there is language such as this added to something like the Charter, there is potential for litigation.

Member Hill likes the first paragraph, feels the second paragraph is redundant and isn't sure about the third paragraph.

Member Payne made some notations on his copy of his proposed language by polling the committee members and the public present. Member Payne decided to remove the last paragraph of his proposal.

The committee requested this item be continued to the next meeting.

5. [14-1022](#) Discussion of Charter section 210(c) - Powers and Duties (Supervisors)
(Cont. 7/21/14 Item 6)

Public Comment:

Larry Weitzman feels this section makes the Charter more difficult to understand because this section doesn't belong. Member Payne engaged in a discussion with Mr. Weitzman and reiterated his point that this section is no longer needed.

Counsel Kerr stated that this section appears to be language that is compliant with current State law. Does not know what the potential pitfalls would be, if any, should this section be removed, as suggested by Member Payne. Proposition 218 is part of the Constitution.

Member Payne stated he has not received any indication that this section should not be removed from the Charter.

A motion was made by Member Payne, seconded by Member Gherardi to recommend to the Board that Section 210(c) should be deleted from the Charter. (Next General Election is June 2016)

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

MEMBER CLOSING COMMENTS AND SETTING OF NEXT HEARING DATE

The committee set September 22, 2014 at 5:00 P.M. as their next meeting date.

Closing comment regarding the Grand Jury candidate process relating to Charter section 703.

ADJOURNED AT 7:35 P.M.