



AGENDA

2019 Placer County Charter Review Committee (CRC) Agenda

March 23, 2020 | 3:00 PM - 4:30 PM

Skype Conference Phone Number#1-619-483-4068 | Conf ID: 422326934#

Important Notice: Pursuant to Executive Order N-29-20, a physical location for this meeting is not provided due to the imposition of social distancing measures. Members of the public may observe the meeting and offer public comment through Skype by calling 1-619-483-4068 and entering in Conference ID#:422326934#, or by accessing the following web link, [Join Skype Meeting](#). **Public Comment is limited to 3 minutes per person.**

1. Welcome and Introductions Dave Butler, Chair
2. Committee Member Reports – Board of Supervisors (BOS)/Dept/Other Mtgs Committee
3. Public Comment (on issues not on the agenda)
4. Overview of DRAFT CRC Final Report Jane Christenson
5. Committee Comments on DRAFT CRC Final Report Committee
6. Proposed Next Steps Dave Butler & Jane Christenson
 - a. CRC DRAFT Final Report Review March 23
 - b. Approve CRC Report to BOS April
 - c. CRC Report Recommendations Presentation to BOS May 19
 - d. BOS Direction/Potential Approval of Ballot Measure June 9 or June 23
 - e. Placer County Election Nov 3
7. Adjourn

DRAFT

**2019 Placer County Charter Review Committee (CRC)
Final Report & Board of Supervisors (BOS) Recommendations
May 2020**

I. Introduction

The County Charter was adopted by the voters of Placer County in 1980. The Charter is an important governing document that provides a level of flexibility in local decision making and contains provisions that guide the organizational structure, duties and responsibilities of elected and appointed officials. Any changes or additions to the Charter must be voted on by the citizens of Placer County. A summary of Placer County Charter amendments submitted to the voters from 1980 – 2014 is included as **Attachment A**.

Section 601 of the Charter requires the periodic review and assessment of the Charter document to recommend potential changes or additions to the document and requires the Board of Supervisors to convene a Charter Review Committee for this purpose. On February 26, 2019, the Board of Supervisors authorized the 2019 Placer County Charter Review Committee (CRC) to convene to:

- Review the County Charter
- Conduct at least two public hearings soliciting input, and to
- Submit a report of its recommendations to the Board of Supervisors on its recommended changes or additions to the County Charter.

The Charter does not prescribe a specific method, composition or number of members to serve on the Review Committee and is based on the discretion of the Board of Supervisors. There is no Supervisorial residency requirement for individuals to serve on the Committee. Prior Boards have approached the formation of the Committee in different ways. The Charter Review Committees formed in 1990 and 2000 consisted of five members selected from each of the five Supervisorial Districts. In 1994, the Review Committee consisted of seven members, one from each Supervisorial District and two at large members. The prior Charter Review Committee in 2014 also included seven members to allow for broader representation. In keeping with that precedent, the 2019 CRC was recommended for seven members, for which the County advertised and submitted interested applicants to the Board for consideration, resulting in the appointment of the 2019 CRC on May 28, 2019, as follows:

District 1: Loretta Walker

District 2: Wayne Nader

District 3: David Butler

District 4: Todd Lindstrom

District 5: Roger Luebkehan

At-Large: Jeffrey Mikles and Ed Silva

II. 2019 Charter Review Committee (CRC) Approach/Outreach

The 2019 Placer County Charter Review Committee convened its first meeting on July 10, 2019. Committee members made introductions, shared professional/public service histories, and agreed to conduct their meetings with civil discourse using Robert's Rules of Order. The Committee elected its officers, selecting David Butler as Chair and Loretta Walker as Vice-Chair. Committee members received an overview of the Charter, the Charter Review Committee process, and were advised their meetings were subject to the Brown Act, with public meetings covered by the California Public Records Act.

This first meeting began with Committee members identifying potential issues for CRC review, as suggested by each other, Placer County citizens, and other issues of interest based on their reading of the Charter. Committee members committed to doing their appropriate due diligence with subject matter experts (SME), and as well as to seek out Board of Supervisors, Department Directors/Charter Officers, and CEO input on potential study issues. Given their experience in the private sector, members were especially interested to identify policies and/or processes that create redundancies and/or inefficiencies in County operations and lines of authority.

Over the course of nine CRC meetings (July 2019 – January 2020), the Committee members also expressed their desire to refrain from taking positions on any issues until their due diligence/subject matter expert (SME) interviews were completed and their community/public outreach efforts were conducted. CRC due diligence and public outreach efforts are briefly summarized below:

Due Diligence/Subject Matter Expert (SME) Follow-Up. Based on the identified issues of interest, non-quorum subgroups of Committee members met with each Supervisor, as well as the following subject matter experts (SMEs) over the course of CRC work. SME interviews included Clerk-Recorder Ryan Ronco, Human Resources Director Kate Sampson, Purchasing Manager Brett Wood, Deputy Chief Administrative Officer-Tahoe Jennifer Merchant, Community Development Resource Agency (CDRA) Director Steve Pedretti and Chief Executive Officer Todd Leopold. The CEO also encouraged all County Department Directors to advise if they had issues for the CRC's review/consideration, and monthly Department Head meetings included a regular CRC Update from Assistant CEO Jane Christenson, who staffed the CRC along with Deputy County Counsel Clayton Cook

Community/Public Outreach. Seeking community/public outreach was also of paramount interest to the Committee, which emphasized transparency in its work. Several citizens took the opportunity to email or attend the regular monthly Charter Review Committee meetings in Auburn, promoted on the County's website/social media.

In order to attract more citizens to take part in the Charter Review process, the Committee reached out to Board Supervisors to invite them to attend the CRC public hearing in their district. Each subregion of Placer County was afforded a local opportunity to share input, with community/public outreach meetings held in North Lake Tahoe (November 15 with Supervisor Gustafson), Mid-Placer/Loomis (December 3 with Supervisors Holmes and Weygandt) and South Placer/Roseville (December 9 with Supervisors Gore and Uhler).

CRC meeting agendas and notes are included as ***Attachment B*** to this report for reference.

The CRC identified a potential area of interest early on involving the County's Civil Service Commission (CSC) structure. Certain modifications to the CSC structure require voter approval and therefore it is logical for the CRC to provide recommendations on that topic during its review. The CSC structure was looked at by a prior CRC in August of 1994 based upon Board of Supervisors direction to investigate the issue. In line with past precedent, this CRC requested and received authority from the Board to investigate the CSC structure on October 8, 2019.

III. Charter Review Committee (CRC) Issues Review & Recommendations

Beginning with its initial meeting in July, the 2019 Placer County Charter Review Committee began identifying issues of interest for potential Charter change recommendations for the Board of Supervisors (BOS). While Committee members themselves suggested issues, members also committed to reaching out to County citizens, Supervisors and staff throughout the fall to propose Charter changes that could help the County organization to be more efficient and optimize the use of Placer County tax dollars.

Based on this outreach, the CRC identified fourteen issues of interest, and non-quorum subgroups of Committee members met with relevant Department Directors and staff to learn more and conduct their due diligence for reporting back to the full Committee. After conducting three public meetings (Tahoe, Mid-Placer (Loomis) and South Placer (Roseville)) in November/December 2019 to garner additional input, the Committee reconvened in January 2020 to discuss disposition of the identified issues. It should also be noted additional issues emerged from this January discussion, which were then discussed at the February CRC meeting, as well as several issues needing further staff review.

In evaluating potential issues, the CRC outlined three distinct categories in its disposition review: (1) issues that were studied but were determined to require no further action, (2) issues discussed in greater detail, resulting in comments to be shared with the BOS, short of a Charter change recommendation, and (3) issues for which the CRC proposes Charter change recommendations to the BOS. A summary of these dispositions is noted below.

No Further Action

1. *Sheriff-Coroner division of duties.* A CRC member raised this issue in January for the Committee's consideration, noting that several CA counties have moved to separate the two positions to avoid any potential conflict of interest. After meeting with the Placer County Sheriff and Undersheriff to discuss this concern, it was reported that Committee members were satisfied that sufficient safeguards are in place in the Placer County organizational structure to prevent this perceived conflict.
2. *Allowing Board removal of elected officials for nonperformance.* An issue that generated much discussion and public comment, the CRC determined that existing mechanisms of the grand jury and election recalls were adequate to address this concern, especially considering the significant balance of powers and the rights of the voters comments expressed by both staff and the public throughout the CRC's meetings and deliberations.
3. *Cleanup of CEO duties (Sec. 502(b)).* An early concern was expressed by the Committee regarding this Charter section, especially given its unclear language and improper grammar. When weighed against other potential issues, the Committee chose to focus on those issues

that improved the efficiency of County operations rather than simply clarifying existing Charter language.

4. *Elections security.* Identified early in the CRC process, this issue was of interest to the Committee and members took the time to meet with the Placer County Clerk-Recorder's Office, as well as to observe the fall special election. Satisfied that both physical election security and chain-of-custody ballot integrity were secure and well-managed, the CRC decided no further action was needed on this issue.
5. *BOS vacancy appointment vs. special elections.* A Placer County citizen raised this issue following the Board's appointment to the vacant District 5 Supervisor position, asking why the County chose to appoint vs convene a special election. Following Committee member follow-up on special elections process and costs (estimated at \$400,000), the Committee determined no further action was needed on this issue.
6. *Term limits.* Raised within the Committee, this was another issue reviewed with Placer County's Clerk-Recorder's Office staff. In reviewing Placer County's supervisorial term history and reflecting on the CA Legislature's experience with term limits (considerably reducing institutional knowledge and strengthening lobbyists' role in the legislative process), the Committee decided elections were a sufficient check on the power of incumbency.
7. *Redistricting.* As 2020 is a Census year, the Committee sought to better understand the redistricting process, especially as it related to its concerns on the unwieldy size of District 5 (further information under next section on ***CRC Comments for BOS Consideration***), now and in the post-Census future given growth in western Placer County. Committee members met with both the Clerk-Recorder and the CDRA Director as both departments have an important role in translating Census results in drawing new County supervisorial districts.

Proposed Charter Change Recommendations

1. *Splitting Civil Service Commission administrative and hearing duties and assigning administrative duties to Human Resources.* This issue was raised by several CRC members, in response, a CRC subcommittee met with Placer County's Human Resources Director to better understand the Civil Service Commission's role in County staffing issues. The Committee learned the CSC has two primary roles – conducting administrative review and serving as an adjudicative hearing body for County disciplinary issues.

While its administrative role seems to be a legacy of the County's former organization structure (when the Personnel Director reported to the CSC), this added review can often slow and encumber the hiring process for County staffing needs. The CSC's hearing body role, however, has served as a useful third-party review on personnel issues, a need that would otherwise be handled through expensive and time-consuming mediation or arbitration. In this context, *the Committee recommends the CSC retain its hearing duties but that the Charter be amended to assign administrative duties to the Human Resources Department.*

2. *Removal of Board confirmation for the appointment, suspension or removal of appointive department heads except County Counsel (Sec. 503).* The CRC studied this issue and came to

understand that in practice the CEO often makes most of the decisions with respect to Department head appointments, except as otherwise required by state law for certain service functions that receive state/federal funding. As the current Charter language is unclear, *the Committee proposes to remove this language.*

3. *Removal of bid thresholds (Sec. 608(b)) due to conflict with state law.* This issue was raised early in the CRC process, and the Committee heard from Placer County's Procurement staff that the current Charter language is contradictory to state law, thus negating the Charter language as written. *This proposed change would be to clarify and/or eliminate this now-inconsistent language.*

CRC Comments for BOS Consideration

For this last category of CRC issues, the Committee had considerable discussion. While members did not elect to advance a Charter change or addition, they did want to share their thoughts for the Board of Supervisors' consideration and/or potential referral to the next Charter Review Committee in 2024.

1. *District 5 representation/size.* This was an issue of considerable focus for the Committee, concerned with District 5's physical size and the ability of a Supervisor to adequately represent such a large geography. These concerns were further compounded by the anticipated 2020 Census redistricting, which will only expand this eastern Placer County district given the considerable growth in western Placer County. Over the course of its due diligence, Committee members learned that while the geography is compelling, the decision rules for district boundaries are driven by voter population. *Committee members ask the Board of Supervisors to evaluate allocating greater staffing and resources to the District 5 Supervisor post-2020 redistricting in recognition of the District's unique geographic, economic and demographic challenges.*
2. *Public meeting noticing.* Public noticing was an issue raised during the CRC's public outreach, as citizens reported a perceived lack of notice by other regional entities on which Placer County is represented. While not a Charter issue per se, *the Committee asks the BOS to consider requiring additional noticing time for actions taken by the County beyond what is required by state law, consistent with County meeting notice requirements.*
3. *County financial management.* Since this issue arose late in the CRC process after its public outreach was conducted, Committee members elected to not provide this as a recommendation but agreed to advance this issue for BOS consideration. Simply defined, the County's trifurcated financial management (Auditor-Controller, CEO-Budget, Treasurer-Tax Collector) operates well due to collaboration among current incumbents, but the BOS may wish to evaluate if this is the optimal financial structure to serve its future needs. *Committee members determined that review of the County's structure of financial management is worthy of consideration, and the Board, if interested, should direct staff to review the item for the next Charter Review Committee process.*

Further Staff Review

Beyond the above-mentioned disposition categories, the Committee also expressed concerns with the Charter’s residency requirements, both for Supervisors and other Charter elected officials. The current Charter requires a 30-day residency requirement for Supervisors but does not reference a residency requirement for other elected officials. Committee members expressed support for longer residency requirements for both Supervisors/other electeds but were advised by County Counsel that prior case law limits the time frames that can be required, thus requiring additional staff review on permissible residency terms.

Closing

In closing, the 2019 Charter Review Committee members express their appreciation to the Board of Supervisors for their appointment. Over eleven months of Committee proceedings, CRC members were afforded the time and County connections to ask questions, learn more about departmental operations and investigate issues of interest to the Board, staff and fellow citizens. The Committee also appreciated the staff support provided by Jane Christenson, Clayton Cook and Sarah Duncan throughout its work. All in all, it was an engaging civic experience, and Committee members enjoyed the opportunity to contribute to more efficient and effective public service delivery in Placer County.

Thank you,

District 1: Loretta Walker, CRC Vice-Chair

District 2: Wayne Nader

District 3: David Butler, CRC Chair

District 4: Todd Lindstrom

District 5: Roger Luebke

At-Large: Jeffrey Mikles
District 3: David Butler

At Large: Ed Silva

Attachments

- A. Summary of Placer County Charter Amendments Considered (1980 – 2014)
- B. 2019 Placer County Charter Review Committee Meetings Agendas/Minutes