Charter Review Committee

August 8, 2019
3:00 PM – 4:30 PM
CEO 1

1. Introductions

2. Other Committee Member Reports
   1. Public Comment (on issues not on the agenda)
   2. Review of Prior CRC Reports to the Board of Supervisors
   3. 2019 CRC Issue Briefs Overview
   4. Discussion of Additional Potential CRC Issues
   5. Proposed Scheduling Matrix for Committee Board/Dept Interviews
   6. Public Outreach Methods/Insights (Chris Gray-Garcia, Deputy Director of Communications/Public Affairs)
   7. Next Steps/Future Meeting(s)

8. Adjourn

Attendees
Jane Christenson
Brian Wirtz
Chris Gray-Garcia
David Butler
Loretta Walker
Ed Silva
Jeff Mikles
Roger Luebkeman
Todd Lindstrom
Wayne Nader
Megan Wood
Charter Topic/Section: Electoral Issues, Tahoe Area Concerns

Issue Overview: A committee member has raised an issue that residents living in the Lake Tahoe area of the County believe that they have a disproportionally small say in the overall policy decision of the County, and that they feel that their concerns may be under represented by the Board of Supervisors.

The last time the Charter Review Committee was convened (2012-2014), the issue of increasing the number of Supervisors was discussed in order to determine whether that would increase the Lake Tahoe area’s presence at the Board of Supervisors. That effort examined the potential to increase the number of Supervisors from five to seven. The Clerk-Recorder-Registrar of Voters provided maps showed how those districts could look. Those maps are attached.

Given the laws related to re-districting, coupled with the comparatively low population in the eastern portion of the County, the prior CRC determined that increasing the number of supervisors would not result in a significant difference in Tahoe area representation. As outlined in that CRC’s final report, that CRC did not recommend the Board of Supervisors take action on that issue.

Other administrative efforts have been taken by the County in the past in order to help ensure the citizens of the Tahoe Region become more involved in the County’s operations. For example, the Board of Supervisors meets quarterly in the Lake Tahoe area to provide for more direct interaction with its residents. Subject matter experts from the County will be able to provide additional details on efforts that have been taken to further be responsive to the concerns of Tahoe area residents.

Potential Subject Matter Experts/Contacts: Ryan Ronco, County Clerk-Recorder-Registrar of Voters rronco@placer.ca.gov

Jennifer Merchant, Deputy CEO – Lake Tahoe jmerchan@placer.ca.gov
**Charter Topic/Section:** Placer County Election Safeguards

**Issue Overview:** Per the California Secretary of State Office website (www.sos.ca.gov), election security is a major concern at all levels of government. The end goal of election security is to deliver a process that is not only safe and secure, but also fair, accurate and accessible. In California, at both the state and county level, there are a multitude of layered security protocols in place.

According to Ryan Ronco, Placer County Clerk-Record-Registrar of Voters, these safeguards include:

- Physical security at Clerk-Recorder-Elections Office and polling places
- Restricted security access to elections computers/servers
- Ballot safeguards/access/printing restrictions
- Secure voter registration database
- Poll worker & staff security training
- Equipment/ballot chain of custody requirements
- Routine/required audits for each race appearing on Placer County ballots
- Signature comparison/verification
- System independence of non-networked voting equipment
- Voting equipment programming, testing and inspections
- Pre-ballot logic & accuracy testing (LAT)/sealing
- Pre-election security plans for Sheriff’s Office/local law enforcement agencies
- Department of Homeland Security oversight (elections were designated as critical national infrastructure in late 2016, with new federal DHS agencies formed to address cybersecurity, information sharing and elections monitoring concerns)
- Secretary of State Office of Voting System Technology & Assessment oversight (OVSTA)
- Lack of internet connection on elections workstations

Taken together, these tight control measures have been implemented to safeguard Placer County’s elections’ physical and process security for the voters and staff taking part in our democratic process. To educate our community on these actions, the County has developed public service videos to illustrate the emphasis placed on election security:

https://vimeo.com/350415322/17427b5600

https://vimeo.com/350415316/99f85622c0

Additionally, the Clerk-Recorder-Registrar’s Office has invited CRC members to observe the upcoming August 27th Assembly District 1 Special Election and/or to convene a follow-up discussion to address election safeguards/security concerns in greater depth.

**Potential Subject Matter Experts/Contacts:** Ryan Ronco, County Clerk-Recorder-Registrar of Voters
rrocco@placer.ca.gov
**Charter Topic/Section:** District Residency Requirement for Board of Supervisors

**Issue Overview:** Charter Section 203 requires that each member of the Board of Supervisors be a resident of one of the five (5) supervisorial districts, and must have been a resident of the district he (or she) seeks to represent for at least thirty (30) days immediately preceding the deadline for filing nomination papers for the office of supervisor and shall reside in the district during his (or her) incumbency.

The provisions of the California Constitution related to charter counties is silent as to term of residency as a precondition to becoming a member of the Board of Supervisors. Los Angeles County requires a one-year residency prior to being eligible to run for office (Los Angeles County Charter, Section 4). Fresno County has a 30-day residency requirement (Fresno County Charter, Section 4). Butte County requires a supervisor to be resident of the County (not a district) for a five-year period before becoming eligible to run for Supervisor (Butte County Charter, Art. II, § 2). A review of other county charters shows that these either specifically defer to general law or do not address residency (implicit deference to general law) for candidacy requirements.

**Potential Subject Matter Experts/Contacts:** County Counsel’s Office, Brian Wirtz
bwirtz@placer.ca.gov
Charter Topic/Section: Removal of County Officers.

Issue Overview: The CRC was generally interested in how a public official may be removed from office. Section 302 of the Charter empowers the Board of Supervisors to provide for the appointment of county officers, other than elected officers, while elected officers are elected pursuant to state law. There are several methods for removal of government officials, which may vary depending on which official is involved.

1. Action applicable to all officials: Pursuant to Government Code Section 3060 et seq., a written accusation alleging “willful or corrupt misconduct in office” may be filed with the Grand Jury. This process, which involves the District Attorney’s Office, can result in removal of the officer and possible criminal charges, depending on the severity of the proven misconduct.

2. Appointed Department Heads: The County’s Charter provides authority to the County Executive Officer, pursuant to Section 503(b) of the Charter to “appoint, suspend or remove subject to confirmation by the Board of Supervisors all appointive department heads except County Counsel.” A decision by the CEO to remove a department head requires approval from the Board of Supervisors.

   Removal of the County Counsel is addressed Section 507 of the Charter. That section defers to Government Code Section 27641, which provides two scenarios by which the County Counsel may be removed. First, the Government Code Section 3060 process, mentioned in item no 1 above, is expressly authorized for use to remove a County Counsel. Second, any individual (who is not a member of the BOS) may file a written accusation with the Board. The Board would then hold a hearing, after which the Board would render a decision regarding removal.

3. Elected Officials. The County Charter is silent as to removal of an elected official; the provisions of general law would therefore govern. First, as with all government officials, elected officials may be removed via the Grand Jury proceedings mentioned in item number 1, above. Second, the California Elections Code provides a process by which an elected official may be removed by recall election. Elections Code section 11000 provides that “elective officers of the State of California and of all counties, cities, school districts, county boards of education, community college districts, special districts, and judges of courts of appeal and trial courts” may be removed by recall election.

   Elections Code Section 11000 statute further provides that this process “does not supersede the provisions of a city charter or county charter, or of ordinances adopted pursuant to a city charter or county charter, relating to recall.” What this language means is that a County Charter may provide for other methods for removal of an elected official; an Opinion from the Office of the Attorney General in 2001 provides additional information relevant to this issue.

Potential Subject Matter Experts/Contacts: County Counsel’s Office, Brian Wirtz
   bwirtz@placer.ca.gov
Charter Topic/Section: Civil Service Commission Efficacy

Issue Overview: The CRC was interested in the efficacy of the current Civil Service Commission in meeting Placer County’s present-day staffing needs. To follow up the CRC’s questions, staff met with Kate Sampson, the County’s current Director of Human Resources. She shared her perspective on the role and responsibilities of the Civil Service Commission, as well as the County’s recent history with the realignment of Human Resources with the County Executive Office in 2015. The September 2015 staff report on this transition is included for CRC reference.

With the Human Resources (HR, formerly known as Personnel) Department’s realignment with the CEO Office in 2015, the Commission is less involved in the direct oversight of the department. The Commission continues to meet monthly to fulfill its role to oversee the employment and working conditions of Placer County employees and promote the values of public service.

On the responsibilities of the current Civil Service Commission, HR relies on the Commission for its value-added service as the hearing body for disciplinary proceedings, as well its involvement on employee compensation and classification issues. Its status as an objective and neutral 3rd party in these matters, coupled with its understanding of County operations, positions the Commission as an impartial forum for adjudicating such disputes. Those counties without a Commission rely on an administrative judge or other objective 3rd party bodies for similar neutral adjudication services.

Potential Subject Matter Experts/Contacts: Kate Sampson, Director of Human Resources
ksampson@placer.ca.gov

ATTACHMENT: Board Memo Re: Realignment of Human Resource Functions (September 15, 2015)
**Charter Topic/Section:** Indexing of Contracting/Bid Thresholds (Section 608B)

**Issue Overview:** Charter Section 608 describes the County’s purchasing policy. Section (b) addresses the indexing of bid amounts, and as noted has not been revised since November 2, 1982. The CRC’s interest in reviewing this section is to ensure the indexing amounts thresholds identified as requiring bids ($30,000 for roads and $20,000 for contracts other than roads, as adjusted annually by the percentage change in the Engineering News Record or subsequent index) is appropriate/relevant to the County’s business needs for products and services today.

In conferring with Brett Wood, Placer County’s Purchasing Manager, he provided the following:

Procurement has reviewed the historical information available and cannot find the information that would help to explain why the Engineering News Record Index was the referenced tool for annual increases.

What the Procurement Division has used as a tool for indexing annual increases for existing contracts has either been the PPI (Producer Price Index) or the CPI (Consumer Price Index). Given the long time frame from 1982 to present staff evaluated where the dollar amounts would be now if the increases had been applied. For roads the formal bidding threshold would now be $77,170 and for other contracts the formal bidding threshold would be $51,446.

Probably the greatest single problem with this indexing approach right now is that it will put the County in conflict with several state laws regarding work done on public projects. Those provisions are as follows:

- **Government Code Section 20394.** Whenever the board finds that the estimated expense of any work to be done upon any county highway is twenty-five thousand dollars ($25,000) or less, the board or the purchasing agent may let a contract covering both work and material, or purchase the material and let a contract for doing the work, or purchase the materials and do the work by day labor, without calling for bids.

- **Government Code Section 20403.** Whenever the board of supervisors finds that the estimated expense of any work to be done on any county bridge is ten thousand dollars ($10,000) or less, the board or the purchasing agent may let a contract covering both work and material, or purchase the materials and let a contract for doing the work, without calling for bids.

- **Public Contract Code Sec. 20150.4.** Public projects between four thousand dollars ($4,000) and ten thousand dollars ($10,000) shall be let to contract by informal or formal bidding procedures. Public projects of ten thousand dollars ($10,000) and more shall, in all instances, be let to contract by formal bidding procedure.

- **Public Contract Code Section 20131.** Counties which employ purchasing agents may:
  
  (a) Authorize the agent to employ state-licensed independent contractors and purchase materials, furnishings, and supplies used in the construction or repair of public works estimated as costing not more than six thousand five hundred dollars ($6,500) without the
formality of obtaining bids, letting contracts, preparing specifications, and the other things required by this article.

These provisions limit the County’s ability to move the formal bid threshold for roads projects above the level of $25,000. The current procurement policy was updated and revised in May of 2018 and set the threshold for public projects (includes roads projects) consistent with state law at $10,000 and set the threshold for other goods and services at $50,000 for formal bidding.

While the information in the Charter for this section has not been updated in a significant time period, the current policy for contracts other than roads is reflective of the current indexed amount. The indexed amount for roads projects conflicts with state law and should not be applied.

Our recommendation would be to either eliminate this language from the Charter or amend it as follows: Index the bid amounts on a periodic basis and reflect the updated amounts in the applicable policy.

**Potential Subject Matter Experts/Contacts:**
Brett Wood, Purchasing Manager
bwood@placer.ca.gov
**Charter Topic/Section:** General Powers & Duties of CEO/Section 502(b)

**Issue Overview:** Section 502 of the Placer County Charter outlines the CEO appointment process (a), as well as the general powers and duties of the position (b). Part (b) reads:

“The County Executive shall be responsible to the Board of Supervisors for the proper and efficient administration of the affairs of the county as are or hereafter may be placed in the provision of this Charter, or of any ordinance, resolution or order of the Board of Supervisors with respect to any necessary or proper coordination of function of officials and boards not under his jurisdiction or control.”

In raising this issue, the CRC’s interest is to clarify the charter language rather than seek to change the content of this section. To this end, the following are proposed revisions to this language:

“The County Executive shall be responsible to the Board of Supervisors for the proper and efficient administration of the affairs of the county. This includes the charter as written or subsequently amended by any ordinance, resolution or order of the Board of Supervisors regarding coordination of function of officials and boards impacting Placer County, which may or may not be under the Chief Executive’s jurisdiction or control.”

**Potential Subject Matter Experts/Contacts:** Jane Christenson, Assistant CEO

jchristenson@placer.ca.gov
# 2019 Charter Review Committee (CRC) for Placer County

## Proposed Scheduling Matrix for CRC Board/Department Interview

**August 8, 2019**

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<thead>
<tr>
<th>Board/Department Interview</th>
<th>Interested CRC Members (2-3 due to Brown Act)</th>
<th>Date/Status</th>
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<td><strong>Board of Supervisors (BOS)</strong></td>
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<td>D1 Bonnie Gore</td>
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<td>D2 Robert Weygandt</td>
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<td>D3 Jim Holmes</td>
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<td>D4 Kirk Uhler</td>
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<td>D5 Cindy Gustafson</td>
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<td><strong>Departments</strong></td>
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<td>Clerk Recorder Ryan Ronco</td>
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<td>HR Director Kate Sampson</td>
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<td>Purchasing Manager Brett Wood</td>
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<td>Deputy CAO-Tahoe Jennifer Merchant</td>
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<td>Other (TBD, pending additional issues)</td>
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