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Grand Jury calls for familiar charter reforms

The El Dorado County Charter should be scrapped at best or substantially amended, according to the Grand Jury report issued June 16. Tacking on to Grand Jury recommendations from 2008-09 and 2013-14 reports, the latest report recommends in even stronger language the repeal or heavy amending of the charter.

"The Grand Jury found that the structure of government prescribed by the charter discouraged cooperation among county officials and contributed to chaos, confusion and poor morale among employees, all to the detriment of efficient and effective county government," the report states. Of particular concern to the 2014-15 jury was the Charter Review Committee's perceived failure to address and take action recommended in the previous reports relative to the charter. The current report states that the committee's chairman testified that "in his opinion ... the committee did not have the authority to consider the Grand Jury's report unless directed to do so by the Board of Supervisors." The new report calls that opinion "erroneous" and further notes that the review committee is authorized by the charter and not by the board. Thus the committee abdicated its "legal responsibility," according to the report.

The jury's first recommendation states, "The El Dorado County Charter should be repealed and county government structured as a general law county pursuant to the California Government Code. In the alternative the El Dorado County Charter should be amended to:

"Repeal term limits for members of the Board of Supervisors" and to "redefine the authority of the chief administrative officer as set forth in the 2013-14 Grand Jury Report."

The second recommendation urges the board to convene a special Charter Review Committee and give it enough time to complete a thorough assessment of the charter and include a large degree of public input. Under California general law, county voters elect a five-member board, the sheriff, district attorney and assessor. El Dorado County's charter, enacted in 1994, added four additional elective positions: surveyor, auditor-controller, clerk-recorder and treasurer-tax collector. Term limits apply to supervisors but not to other elected officials, some of whom have been in office for more than two decades. The Board of Supervisors appoints a chief administrative officer, "However, seemingly conflicting provisions of the charter assign to the Board of Supervisors itself responsibilities customarily assigned to a chief executive," the report notes.

Because the county's top jobs are elective, the report states that those office-holders feel responsible to the electorate and may simply circumvent the organizational structure that, on paper, shows the CAO as director of county operations.

"However, elected officials do not believe they take direction from the Board of Supervisors and may be motivated by their own political interests and biases. Their longevity in office and their higher salaries provide them immunity from board direction," according to the report. "Members of the Board of Supervisors are subject to term limits. The other elected officials are not. This allows elected officials to accumulate power over many terms in office."

Because those elected do not report to the board, the Grand Jury determined, "... They may refuse to cooperate with the chief administrative officer when it isn't in their political interests or to their liking to do so. A power struggle between the chief administrative officer and one or more elected officials may ensue, in which case effective governance is lost."

Conflict between Auditor-Controller Joe Harn and former CAO Terri Daly is documented in the report and partly blamed for several problems, including issues associated with the Information Technologies Division. Failure to submit a "revised Cost Allocation Plan" as required by the California State Controller resulted "in a loss to the county of approximately \$1.5 million in fiscal year 2014-15 and additional losses of more than \$1 million in each of two subsequent fiscal years," the report states.

The Auditor-Controller's Office is responsible for preparing and submitting an annual Cost Allocation Plan which "determines the amount of money the county will receive from the state for administering federal programs."

Harn responded in an e-mail sent to the Mountain Democrat, writing, "The Grand Jury doesn't understand the county's Cost Allocation Plan. The State Controller found no fault with the plan prepared by my office. The State Controller found that the IT billings prepared by IT were not supported. IT didn't maintain the records needed to substantiate the billings. My office is not responsible for the IT billings. The IT billings were done correctly for a decade prior to the former CAO's reorganization of the management of IT."

The Grand Jury also prepared a separate report that calls Harn a bully who refuses to cooperate with other departments, makes financial decisions based on personal or political motives and calls those he doesn't like in county government "incompetent."

Harn said the report contains a number of "inaccuracies" and lacks specific examples.

Of his sometimes discord with other department heads, the auditor responded, "My goal is to keep the county out of debt and to have the county save a little money for a rainy day. Generally, I have achieved my goals. Being popular with career bureaucrats or with members of the Grand Jury is not my highest priority.

"Occasionally, the county auditor has to say no," he explained. "Career bureaucrats don't like being told no."

District 1 Supervisor Ron Mikulaco is the subject of a separate Grand Jury report that portrays him as a bully, a chauvinist and someone who "does not understand his role as a supervisor." Mikulaco vehemently disagreed with the Grand Jury's conclusions.

Under state law, department heads and supervisors have up to 60 days to submit a formal response to the Grand Jury. Response options include agreeing with individual findings, plus a description of some corrective action already taken or planned within a reasonable period of time, or disagreeing with findings. County Counsel Robyn Drivon told Village Life that it is common in other counties for County Counsel's department to collaborate with the Chief Administrative Office to prepare draft responses which then go to supervisors for comment and/or approval. She said she expected to follow a similar process in El Dorado County.