

EDC supervisors intend to sue auditor-controller

Updated: *On Dec. 10 at 3:10pm with county counsel comments.*

By Kathryn Reed

El Dorado County Board of Supervisors voted unanimously this week to sue a fellow elected official, Auditor-Controller Joe Harn.

At issue is payment of \$169,859 in developer mitigation fees to Diamond Springs-El Dorado Fire District. This is **not a new issue**, but is actually several years old.



Joe Harn

Harn believes it would be illegal for him to release the funds based on the county not performing its nexus studies in a timely manner and an appellate court decision that came out this fall. If Harn is correct, anyone who paid the fee could personally sue him as well as the county if he were to pay the money.

The county believes the court decision is not a factor and that the check should be written, and has told Harn to do so. Harn continually refuses to. That is why the board took the action on Dec. 8.

Before Tuesday's vote Harn had already retained a private attorney. Neither Harn nor his attorney was at the meeting,

which was in Somerset instead of Placerville.

Harn on Nov. 15 asked in writing for a deputy county counsel to be assigned to assist with the matter in order to get it resolved. That has never happened.

“They ordered me to transfer some money. I said I need a more robust legal opinion before I transfer the money. I haven’t gotten one yet,” Harn told *Lake Tahoe News* on Dec. 9. “In order to sue me they need to establish written legal arguments as to specifically why I need to do this. That is what I have been asking Robyn Drivon for for a long time.”

Drivon told *Lake Tahoe News*, “How many written legal opinions does he need? It has been asked and it has been answered. This is an issue driven by facts. He has been provided all the facts.”

Neither Brian Veerkamp, chair of the Board of Supervisors, nor Sue Novasel, who represents Lake Tahoe on the board, returned a phone call.

Drivon said she hopes conversations between her office and Harn’s continue so litigation can be avoided. She doesn’t have a hard date as to when she will call off talks, but said she is hoping for resolution in the next few weeks.