

Opinion: EDC practicing closed government

By Larry Weitzman

Sixty-two years ago Ralph M. Brown, a legislator from Modesto and later Fifth District Court of Appeals Judge, wrote the Brown Act and now called the Open Government Act. Brown in the preamble said, "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know."

El Dorado County government acts as a closed system whose main purpose is to help themselves to more power, more salaries and pensions and less of everything else for the taxpayer. When the voters of EDC wake up, most of the administration will be long gone, leaving their destruction in their wake either retired with a big fat pension or moving on to some other county only to suck on the teat of some other unsuspecting county's taxpayer-funded general account. Sort of like musical chairs with an extra chair always in the game.



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Remember Terri Daly? She is now pulling down a nice six-figure income from the Yuba County Water Agency after receiving a severance package of over \$150,000 from EDC. This was after as CA0 of Amador County spending \$20 million on an unnecessary lease which they will pay on until 2028 and as El Dorado County CA0 destroying its financial stability with unbridled

hiring and raises. Never mind her hiring of failed city of Ione's city manager, Kim Kerr, as ACAO at over a \$150K per. Kerr's reward as a menacing ACAO was a high ranking position with one of EDC's insurance vendors who Kerr worked closely with during her tenure of havoc at EDC.

Robyn Drivon was one of Daly's hires. Unfortunately, we are still saddled with Drivon as EDC's county counsel. Drivon is part of the problem as she gives bad and incorrect legal advice to the BOS, a bona fide legal illiterate. As to her part in closed government, it was always policy ever since Lou Green that after a closed session to report out a summary of the closed session. Ditto for Ed Knapp. That procedure of informing the public has ended as after every closed session with Drivon, her standard remark "there is nothing to report." Maybe Edison's most famous invention has yet to be discovered in EDC. Some open government?

At the most recent EDC board meeting item No. 7 further reduced the taxpayers' access to the BOS by reducing the number of regular meeting from about 42 to 27. Instead of basically a weekly schedule, for 2016 it will be twice a month. Now you will have to look them up because the schedule is a bit irregular.

Board meetings are already too long, but to double up the calendar means a lot of deliberation and discussion will be left on the table. Longer agendas will mean more items on the consent calendar, a favorite way for the county dictator, Larry Combs, to slip through items that need scrutiny by the BOS. It happened with respect to two items last week, one being limiting BOS board meetings. With longer agendas there will be less time to speak and more time for members of the public to sit and wait for items. However, the BOS members are there earning about \$1,500 a week, meeting or no meeting. With meetings already lasting into the night, longer agendas will mean even longer meetings and that equates to a hurry-up in discussions, less vetting and deliberations and a tired BOS.

There will be a hurry to end the meeting so the decisions will be rushed. And that means more mistakes will be made. It's the same reason we don't allow pilots to fly for more than a limited number of hours or limit a truck driver's time behind the wheel. We can't afford decisions to be made under duress or fatigue. Bye-bye open government.

Item No. 5, also on the consent calendar, was an attempt to correct a BOS mistake from 2013 and repeated in 2014 which incorrectly added longevity pay to department heads for out of county service. The mistake was discovered at least six months ago and the BOS asked it to be fixed by a certain date in June or July. Of course, Pamela Knorr – HR director and ex-temporary CA) – didn't do the two-page fix and neither did Combs until pressured by a BOS member. Instead of a new two-page document that shouldn't have taken more than half an hour to prepare, the BOS was presented the old resolution with cross outs. They were unintelligible. But the BOS still accepted a cross-out document that may come back to haunt another BOS in the future. At the salaries the administration earns, this kind of product is unacceptable.

But it was the last item of the day, item 31 that looks to be the coup d'grace of the BOS and its administration. It was an item to request that the BOS authorize litigation against the auditor for not paying from a mitigation fee act account \$169,859. The auditor rightly claims because a proper five-year Nexus finding wasn't filed by the Diamond Springs-El Dorado Fire District, it was in violation of the Mitigation Fee Act that says if such a report is not timely filed, the county shall refund the unexpended funds in the account to the property owners of record within the district. That is the law in California by statute and the appellate court case of Walker v. City of San Clemente. As the California Supreme Court refused to hear the case, it is the absolute law in California, although our county counsel continues to tell the BOS otherwise.

Your BOS as a result has authorized the spending of (tens of) thousands of dollars in outside legal fees against the auditor in a case they can't win. Meanwhile, we have potholes that aren't being filled and Drivon continues to collect her \$200,000 plus a year in salary and benefits. Thanks again Terri Daly.

News flash, Placerville: On the BOS agenda for Dec. 15 is a closed session item (No. 50) for hiring a new county counsel. It looks like Drivon is playing the game of musical chairs before everything hits the fan here. But with Combs and Knorr running the process of recruitment, the likelihood of hiring a lawyer who will be independent of the HR director and the CAO and will bring leadership to the County Counsel Office still remains slim and none.

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