

Opinion: El Dorado County out of control

By Larry Weitzman

At the last Board of Supervisors meeting on Dec. 15 item 40 on the calendar was to correct an error made by the CAO's office in the **annexation by El Dorado Hills Fire Department**, the wealthiest district in the county, of Latrobe Fire, one of the poorest. The annexation was performed by the BOS on June 10, 2014, but item 40 proposed a grant of \$513,302 from the general fund to EDH Fire. In doing so the BOS made a summary finding without any evidence being introduced that there would be a public benefit as a result.

EDH Fire is a district that has on its last reported financial statement more than \$22 million in cash, along with the highest pay and benefit scale in the county for its employees. With only five years of service, an employee at 50 can retire with post-employment health care benefits, including dependents.



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The El Dorado County Fire Protection District by comparison is six times larger by area, has nearly double the population and has just 12 percent of the cash (\$2.6 million) of EDH Fire, according to their last balance sheets. Recently their Lotus

Fire Station was closed from lack of funds.

But there is a larger issue that didn't stop our BOS led by former EDH Fire Chief, Supervisor and Chairman of the BOS Brian Veerkamp from granting over half a million dollars to EDH Fire at that last BOS meeting. Veerkamp not only ran the meeting, he "said" that he had no conflict of interest, participated in the discussion, encouraged item 40's passing and voted for it all in a probable violation of Government Code Sections 1090 and 1091 even if it is found Veerkamp has only a "remote" interest in EDH Fire as defined by the statutes.

During this last meeting, the issue of conflict of interest was raised by two of the written public comments on item 40 with respect to Veerkamp's receiving an approximately \$200,000 annual pension paid indirectly by EDH Fire and health care benefits paid directly by EDH Fire. Veerkamp himself should know the answer as every elected official and certain public officials including fire chiefs are required to take ethics training, including conflicts of interest instruction every two years and maintain proof of participation in disclosable public records for five years. Instituted pursuant to Government Code Section 53235 the requirement for continuing education started in January 2006 (Attorney General Ethics Training for Local Government Officials). Since Veerkamp was the prior EDH fire chief, he should have had this training and course at least five times. He should be an expert on conflicts of interest and the prohibitions of gifts of public funds (California Constitution, Article XVI, Section 6).

The statutes with respect to conflict of interest questions are Government Code Sections 1090-1097 et seq. Those sections not only govern the conflict issues as raised by the written and oral public comments, they relate to the June 10, 2014, BOS hearing when EDH Fire originally attempted to annex the Latrobe Fire District. But mistakes made by the county administrative staff prevented the takeover of the property

tax revenues. Veerkamp was on the Fire Committee and LAFCO and participated favorably and voted for the annexation at the BOS level on June 10, 2014. Veerkamp had the exact same conflict issues then as he has now and likely has a problem as a result of participating in either BOS meeting. The penalties for a violation under Section 1090 are substantial. If you remember, former Supervisor Ray Nutting was charged by the district attorney for a 1090 violation.

Even if you have only a "remote" interest, which probably describes the Veerkamp relationship between being a supervisor and his receipt of benefits from EDH Fire as defined by 1091(b)(13), there are significant issues. The requirement of Government Code Section 1091(a) is where it gets dicey for Veerkamp. It says when a person sits on a governing body that is making contracts with an entity in which said person has a "remote" interest, you are required to do certain things which were spelled out by the court in the case of People vs. Honig (1996) 48 Cal. App. 4th 289, at 317, 318.

Honig was Bill Honig, the elected California superintendent of Public Instruction. "Section 1091 applies to an officer who is a member of a body or board that authorizes, approves or ratifies a contract. Such an officer will not be deemed to be interested in a contract if his or her interest is one of the remote interests as set forth in the section, if the officer makes a full disclosure of the interest, the officer abstains from voting, the officer does not influence or attempt to influence any other member, and the body or board authorizes, approves or ratifies the contract in good faith by votes of the membership sufficient for that purpose without counting the vote of the officer with the remote interest." The Honig case defined a "grant" of money as a contract.

And at this Dec. 15 meeting, the county had no contractual obligation to make this gift or grant. EDH Fire, because the property taxes were never transferred, had no legal interest in the Latrobe property tax revenues. They are gone forever as

far as EDH Fire is concerned. Not only has the matter slipped through the sieve, the statute of limitations with respect to a claim likely has also past. To get around the prohibition against public gifts of money, at the suggestion of CAO Larry Combs, the BOS had to say there was a finding of public benefit. (At the hearing Auditor-Controller Joe Harn promised to pay despite the evidence of a conflict.) It was added to the agenda as No. 4 to item 40 seconds before the vote was taken.

Not only does this whole item stink, Veerkamp, instead of declaring a conflict and recusing himself from speaking and voting, acted as if he had no conflict and continued to conduct the meeting, encourage Item 40's passing and voted. Veerkamp should know better. Veerkamp may have a serious problem as a result of bowing to a former master. That is a key reason for conflict of interest laws as stated by the court in Honig at pages 324-325.

Larry Weitzman is a resident of Rescue.