

Opinion: EDC Grand Jury has outlived its usefulness

By Larry Weitzman

While the precursor of the grand jury system dates back beyond the Magna Carta (which just had its 800-year anniversary on June 15), after reading the political claptrap from the current El Dorado County Grand Jury (2014-15), it appears that its usefulness has past.

One of the reports, "Time to Admit & Correct a Mistake" (Case GJ 14-15) wants to abolish the County Charter and revert to a general law county, which is a step backward in democracy. The appropriate title for this report should have been "Putting political Gain Above what's Right for the County." As stated in my column from a year ago, the grand jury is no longer a fact finder but a political body out to create political power for certain individuals. In fact, this grand jury and the several before it are pursuant to the Quadra Case (411 F. Supp 451) very likely illegally constituted.



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In my column from July 14, 2014, explained that the 2013-14 grand jury was an illogical attempt to neuter the Board of Supervisors and enhance the power of the chief administrative officer by first eliminating elected department heads and then giving the CAO the absolute power to appoint all department heads – including all department heads currently appointed by

the Board of Supervisors – was among the many power hungry charter changes sought by the CAO. This current grand jury – which is composed of some members from the previous grand jury – is trying another approach by claiming that we should revert back to a general law county where only three department heads are elected, the sheriff, the DA and the assessor, the rest of the current electeds should be appointed by the CAO.

Using illogical or specious facts, the GJ commences its rant by claiming that only 14 counties of California's 58 counties are charter counties, leading the reader to believe that El Dorado County is in the extreme minority, one of the outcasts. This is a good example how liars figure and figures lie. While that fact may be true, is it relevant? What is relevant is who the charter counties are. It turns out that about three-quarters of California's population live in charter counties. It is mostly low population counties that are not charter counties, like Alpine, Modoc, Calaveras and Amador. In mid-size counties, Tehama, Butte, Placer and El Dorado, the voters have chosen a charter county. Tehama is the smallest population-wise with about 63,000 people, about a third of El Dorado County's population.

The population of charter counties exceeds 25 million. Charter counties give the voters more democracy and a bureaucracy that is more responsive. Ever try to fire or get a response from a non-elected bureaucrat? An appointed auditor or tax collector might be beholden to the appointing body or official, creating areas of mischief. Independent checks and balances are the key to a vibrant democracy.

Attacking the Charter Committee

This GJ claims the Charter Review Committee ignored the prior GJ (13-14) charter changes such as remove term limits for supervisors or create them for elected department heads. I attended every CRC meeting except the first meeting, which was perfunctory. Nearly every item from the GJ recommendations was

extensively discussed. The CRC did make five recommendations to the BOS, three of which the voters approved with two more set for the next election.

Chairman interrogated

Chairman of the CRC, Kris Payne, was interviewed by the current GJ and wasn't asked about the accomplishments of the committee or what was done, except the GJ says, Payne said that the CRC "didn't have the authority to consider the GJ's report unless directed by the BOS." So the current GJ is saying those recommendations needed to be reviewed by a new CRC.

I have news for the GJ, in the meetings I attended which were effectively all of them, the report was discussed and found to be ludicrous for the most part. It would usurp most of the BOS' power, meaning the voters' power by placing too much power and authority into the hands of one person, the CAO; that the voters could then do little to change as the BOS would be effectively neutered. It was an attempted takeover of power by Terri Daly, CAO at the time of the 2013-14 grand jury. In fact, the Charter changes that were written appeared to be designed by Daly.

Term limits were also extensively discussed and left alone. The committee understood that terms limits on legislators, i.e., people who make laws and land-use decisions are one thing, but term limits on professional department heads are completely different as they have no lawmaking ability or far ranging power. Why would you limit your right to use a CPA, doctor or lawyer to just eight or 12 years? In real life most people keep their professional help for life.

Payne said the questions he was asked by the GJ were always leading and they seemed to want to find fault with the CRC. Payne says the CRC did not abdicate its legal responsibility. It appears that this GJ wants a do-over on the CRC. Pack it

with its people and try and have five people remake the county in its image. In the GJ report it clearly states the BOS and the CRC have been unwilling to consider the need for repeal or amendment to the charter. As CRC chairman said they and the BOS approved five changes. All the other recommendations were rejected. What makes this GJ so smart?

Payne was extremely proud of the performance of the CRC. Meetings were done in the evening so there could be more public participation. It was set in a conference room and while attendance was large, well beyond the five committee members, everyone had a seat at the large conference table and Payne encouraged public participation on all issues. Meetings were always timely noticed on the BOS agenda and Payne carefully maintained Brown Act compliance.

Still pulling puppet strings

In another twist this GJ biggest complainant appears to be none other than Daly, who was seen continually going in and out of the GJ room. She failed to get her ridiculous power-grabbing ideas effectuated last year so she went at it again this year. As with last year's GJ, this GJ became a pawn of Daly's manipulation.

Kill the messenger

If their report isn't laughable already, then it's their claim that "the absence of a local robust media market means voters in EDC lack reliable information about county government." And with that claim, the GJ even attacked the *Mountain Democrat* for its columns and several editorials; first demeaning the newspaper, saying it is only "published but three times a week and has a circulation of only 10,300..." The words "but" and "only" demonstrate the political editorializing of the GJ. Why are they demeaning the *Mountain Democrat*? Maybe their next move will be an attack on the First Amendment. Maybe the GJ should inquire of Terri Daly about the *MD's* impotence. Perhaps

the GJ never heard of the Internet and social media.

What makes the GJ media experts anyway? All it does is demonstrate their bias with specious, unfounded claims and a lack of real knowledge of the media and the lack of transparency within the CAOs office who often won't talk to the press.

IT disaster

Without showing that every claim they make is a virtual spin job, perhaps the most obvious is the GJ's failure to understand the Cost Allocation Plan that is the responsibility of the auditor-controller. The GJ shows it has no understanding of the plan, the law or department responsibilities under the plan. The Cost Allocation Plan was more than adequate and passed muster during a recent State Controller's audit. This plan was in existence for over 10 years and never had a problem in its operation among the various departments until Daly's handpicked director took over Information Technologies. It's at that point IT failed to do direct billings properly. This has nothing to do with the plan, but everything to do with the IT department.

But the GJ tried to blame the auditor for the mistakes of the IT department and its inept and totally incompetent director appointed by Daly. The loss of funds was the failure of the IT to do proper record keeping and billing. The BOS finally removed the IT director where she had no business being in the first place. The auditor can't replace the records lost by the IT director. The facts are clear on this issue and it is just another fabrication created by the GJ. In other words the GJ for the last several years has become a purely political body and not a fact-finding body. It was this way last year as well.

The county spends a lot of money on the GJ. (The \$80,000 annual budget is more than double the Yolo and Placer budgets

of \$35,000.) We should abolish the GJ or at a minimum, defund it. Of the 50 states in the United States, only two have civil grand juries. Forty-eight states don't or have abolished them. And only about 13 percent of the U.S. population suffers under this political tomfoolery. This GJ and many of the recent GJs before are not properly composed as provided by law with respect to diversity in age, race, and location and are supposed to be picked from a cross-section of EDC and a large jury pool. Because there are so few applicants a recruitment process is almost necessary, allowing cliques to form or special interest groups to take over the process which becomes a witch hunt as demonstrated here with its entirely bogus findings. They should all be rejected.

We will never know how the GJ concocted this hack report and the 14 others, as it is secretive and unaccountable. But it is obvious several of the reports are a simply another attempt at a county coup motivated by politics. What needs to be abolished are not the County Charter and the disenfranchising of the voters, but the El Dorado County Grand Jury itself. If that can't be done, then it should at least be defunded.

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