

Opinion: Ex-CAO keeps haunting EDC

By Larry Weitzman

Everyone knows that El Dorado County is short of money for road maintenance, funding employee pensions and dozens of other items that need attention. In fact, the county is so short of money there was an attempt to eliminate senior legal which costs the county about \$250,000 annually, a pittance when compared to the over quarter billion-dollar General Fund budget. So, you would think that if turning over a rock would benefit EDC by even \$100, they would do it. Maybe not. And because of that we need answers.



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It's time for EDC to not turn over a rock, but start rolling big boulders. On Nov. 4, 2014, a transition agreement and release of claims was executed by EDC and former CAO Terri Daly. It provided for the payment to Daly the sum of \$153,519.73 incumbent on her to keep certain promises which were a substantial part of the consideration for this payment.

Daly agreed in paragraph 4 (a) of that agreement to assist the "county in regards to matters in which she was involved during her employment including but not limited to assistance in connection with any actual or threatened claims, complaints, litigation or lawsuits in which the county and/or Daly, in her official capacity, are named as subjects or defendants ..."

The same paragraph further states, "In consideration of the foregoing, county will pay Daly a total of nine (9) months base salary ... \$153,519." Seems pretty clear cut even to a non-legal lay mind.

In addition to this actual cash sum, Daly was paid other benefits, with the total amount perhaps approaching \$200,000. Almost enough to pay for senior legal which the Board of Supervisors were so willing to cut because the county is short of cash.

About 10 months after the execution of that contract and mutual promises which the county fulfilled by paying all sums and benefits due under the contract, two former BOS members, Norma Santiago and Ron Briggs file a lawsuit against the county for back pay of some \$200,000. Maybe they had spent the \$77,000 annual salary they each received for the prior eight or nine years and thereafter couldn't achieve gainful employment. Being a BOS member was maybe the highest paying "job" they ever had. In fact, Briggs has filed for another county job after filing and losing the race for county treasurer, a position for which he clearly wasn't qualified. Now he has filed for county clerk a job with a base pay of about \$120,000. Doesn't this guy have any marketable skills? I have the feeling Santiago will also seek public office again for the same reasons.

I digress. During the initial phase of that lawsuit which was decided in favor of the county solely on briefs and argument, Terri Daly, the ex-CAO who promised to assist the county in any litigation (lawsuits), filed a voluntary declaration under penalty of perjury saying effectively that Briggs and Santiago were entitled to their claim. Would you call that "assisting the county in litigation as per paragraph 4.a.? In fact, it was the antithesis of her promises made for the payment of about \$200,000. Daly clearly breached her contract by taking a side that would be against the county. I and every other taxpayer should demand the county file an immediate lawsuit

against Daly for breach of contract for her clear violation and seek the return of \$153,519.57 and all other payments and benefits paid to pursuant to the contract. She made promises she did not keep. She owes the county a lot of money.

The upshot of the Briggs/Santiago case was that they lost hands down because their claim violated the state Constitution. I wrote that would be the decision months before the actual decision and the judge in that case ruled correctly. It was very clear cut. There was obviously no appeal. And Briggs and Santiago have the audacity to run for another public office? That's a good definition of chutzpah.

I have discussed this matter with CAO Don Ashton as to if the county is so short of money as to even consider cutting senior legal, and you know Daly breached her transition agreement as I wrote about it nearly 18 months ago, why haven't we, the county, sued? He says he doesn't make that decision, but he could recommend it to the board. And the contract provides for reasonable attorney's fees to the prevailing party on top of the recovery of our money.

Why hasn't our county counsel recommended the recovery of this money; what it's small potatoes? So was senior legal which certain members of the board being so eager to cut. You can bet there are politics at play here, big time. If any incumbents are running for re-election and you can bet Mike Ranalli is, then he has to demand that we sue for recovery of the money. If they don't, they obviously do not care about the taxpayers' money. Why should they, it's OPM to them. But it's not to me when I get charged sales tax or worse write that property tax checks twice a year.

This lawsuit against Daly stealing our money needs to be filed post haste as the statute of limitations will run on Nov. 3, 2018. The county is quick to raise taxes but not recover money from those that effectively steal from us. And if Mike Ciccozzi, county counsel, won't do it, why are we paying him

over \$200,000 a year? The board should fire him. We need him as much as we need another do nothing bureaucrat. But with Ciccozzi we get bad advice and it costs the county twice or more.

Larry Weitzman is a resident of Rescue.