September 19, 2019

Good morning Commissioners,

Chairperson Miadich, in April when you accepted the position as chair of the Fair Political Practices Commission you noted that, "The Fair Political Practices Commission plays a vital role to help ensure the political process is fair and transparent" and that "The public must have trust that the system is properly serving the people. By providing these services the public can be assured every effort is being made to have their government be as open and trustworthy as possible." Furthermore, the FPPC mission statement notes that is the primary goal of your organization "to promote the integrity of state and local government in California, through fair, impartial interpretation and enforcement of political campaign, lobbying and conflict of interest laws."

I recently submitted a complaint to the FPPC regarding a blatant disregard of transparency guaranteed under the Political Reform Act and multiple violations of FPPC ordinances requiring public disclosure of personal financial conflicts of interest for my elected supervisor, Placer County District 4 Supervisor Kirk Uhler. FPPC codes (attached) clearly identify disqualifying personal financial conflicts and go through a rigorous series of check and balances to ensure that the public is provided with a clear and concise disclosure of financial gains by our elected officials.

On July 9 and again on July 23, Supervisor Kirk Uhler, the chair of the Placer County Board of Supervisors, was **temporarily** absent, (leaving the meeting 5 minutes prior to the agenda item and returning in closed section at its conclusion) and then abstained rather than disclose to the public that an ordinance being presented and subsequently approved included a 25 step increase in pay grade amounting to a 28% raise for his wife Assistant Director of Child Support Services Tamara Uhler. The position is to be reviewed upon exit of the incumbent leaving significantly more speculation about pension spiking since she will have completed 20 years of County service next year and be eligible for retirement.

More disturbing were the number of departments and individuals who were complicit in seeing that Supervisor Uhler was NOT made to make his required disqualifying disclosure to vote. Kate Sampson of Human Resources highlighted 2 positions receiving 10 and 11% raises; but did not mention a 28% pay increase, County Counsel Karin Schwab allowed Supervisor Uhler to be temporarily absent rather than upholding her obligation to ensure that the ordinance was clearly presented to the public. County CEO Todd Leopold surely would have to be aware of a step and pay grade this significant and the 4 members of the Board Supervisors Gore, Weygandt, Holmes and Gustafson sat in complicit silence aiding and abetting this deceit of public transparency.

My original complaint was dismissed as having insufficient evidence. The case has been reopened and is currently under review. I am here to ask that the commission to uphold its statutory responsibility and provide the maximum penalty possible for this offense. Please explain what evidence is required besides videos, presentations, a temporary absence, an abstention with no required public disclosure. I ask you today to stand behind your vital role in enforcing public transparency and trust as well as the rules and regulations that our tax dollars have been used to create. Please act now and regain the public's trust.

Respectfully,

Scott Vaughan
Concerned Citizen

Subject	**FPPC Complaint No. COM-08252019-01647; Kirk Uhler - basis of finding**
From	<vaughan@quiknet.com>
To	<complaint@fppc.ca.gov>
Cc	<ExecutiveDirector@fppc.ca.gov>, <CommAsst@fppc.ca.gov>
Date	09/09/2019 08:48 PM

- August BOS - pay.pdf (828 KB)
- Supporting Codes - KU.docx (15 KB)

Ms. West,

I was informed by Ms. Lambing that you will not proceed with any enforcement action for the clear conflict of interest and lack of notification violation by Placer County Supervisor, Kirk Uhler due to a lack of evidence. I am confused as to the FPPC inaction against a blatant attempt to withhold a financial conflict of interest by an elected official in direct violation of the FPPC Mission Statement and function.

"The Fair Political Practices Commission has primary responsibility for the impartial and effective administration of the Political Reform Act. **The mission of the Act is to serve as the legal bedrock of governmental ethics in California**. It regulates:

- Financial Conflicts of Interest by Public Officials"

Supervisor Uhler had no doubt that he had a disqualifying financial conflict of interest evidenced by his being **temporarily** absent on 7/09/2019. As stated in the corresponding video he stepped out for the last two items but would return 10 minutes later for the closed session meeting. This was a deliberate and obvious act taken to obscure and hide the huge financial benefit his family was about to receive. It would seem that by not taking action of his failure to disclose to the public that his wife was getting a 25 step upgrade in position and $30,000 pay increase along with the added gift of a retirement enhancement of $1200-1800 per year for life ($14,000 - 21,600 per year), that the FPPC is not acting as the **legal bedrock of governmental ethics**. Based on your assertion any official with a conflict of interest could simply leave the room nullifying many FPPC rules of conduct and destroying public transparency. As noted on your own website;

California's conflict of interest statues are based on the belief that a public official cannot serve two master simultaneously, and that the duties of the public office demand the absolute loyalty and undivided , uncompromised allegiance of the individual that holds the office . The purpose of conflict of interest statues is to eliminate the temptation , avoid the appearance of impropriety , and limit the possibility of improper personal influence on a public official's decisions.

Supervisor Uhler was definitely aware of this personal financial conflict of interest when he abstained on 7/23/2019. Your ordinances clearly and unequivocally state that he MUST state the reason for his abstention when a personal conflict of interest disqualifies him from voting: the salary increase of a direct family member which far exceeded that of the average individual receiving 3%.

Without this required declaration prior to his abstention, how could the public be informed of this significant financial gain? There was clear intent to conceal the information from the public since 2 other positions with drastically less financial impacts were disclosed yet his wife close to 30% increase was not discussed or identified. When there is even a perceived conflict interest, is it not the role of the FPPC to **enforce** disclosure for an open, honest and transparent government?

So I can better understand this conflict of roles and responsibilities, could you please provide your official explanation defining the referenced lack of evidence and clarify inaction by the FPPC to enforce transparency and full disclosure? I have yet to find anything in your guidelines that allow this action to take place. If you could provide the specific FPPC language that would be greatly appreciated. I have attached the original information and applicable FPPC codes for your reference

Thank you in advance.

Scott Vaughan
Concerned Homeowner and taxpayer

Supporting Codes

FPPC Code

Decision Making and FPPC 18707 Disqualification Requirements with financial interests under FPPC section 87100.

Section § 18700. Basic Rule and Guide to Conflict of Interest Regulations. (a) Basic Rule: A public official at any level of state or local government has a prohibited conflict of interest and may not make, participate in making, or in any way use or attempt to use his or her official position to influence a governmental decision when he or she knows or has reason to know he or she has a disqualifying financial interest. A public official has a disqualifying financial interest if the decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the official, or his or her immediate family, or on any financial interest described in subdivision (c)(6)(A-F) herein. (Sections 87100, 87101, & 87103.)

To determine whether a public official has a prohibited conflict of interest under the Act, apply the following:
(1) Step One: Is it reasonably foreseeable that the governmental decision will have a financial effect on any of the public official's financial interests? To determine if the financial effect is reasonably foreseeable, apply Regulation 18701. If the answer is no, there is no conflict of interest under the Act. If the answer is yes, proceed to Step Two.
(2) Step Two: Will the reasonably foreseeable financial effect be material? To determine if the reasonably foreseeable financial effect is material, apply Regulation 18702. If the answer is no, there is no conflict of interest under the Act. If the answer is yes, proceed to Step Three.
(3) Step Three: Can the public official demonstrate that the material financial effect on the public official's financial interest is indistinguishable from its effect on the public generally? To determine if the material financial effect on any of the public official's financial interest is indistinguishable from its effect on the public generally, apply Regulation 18703. If the answer is yes, there is no conflict of interest under the Act. If the answer is no, proceed to Step Four.
(4) Step Four: If after applying the three-step analysis and determining the public official has a conflict of interest, absent an exception, he or she may not make, participate in making, or in any way attempt to use his or her official position to influence the governmental decision. To determine if the public official is "making, participating in making, or in any way attempting to use his or her official position to influence a governmental decision," apply Regulation 18704.

§ 18704. Making, Participating in Making, or Using or Attempting to Use Official Position to Influence a Government Decision, Defined.

(3) Terms of Employment. Actions by a public official relating to his or her compensation or the terms or conditions of his or her employment or consulting contract. However, an official may not make a decision to appoint, hire, fire, promote, demote, or suspend without pay or take disciplinary action with financial sanction against the official or his or her immediate family, ***or set a salary for the official or his or her immediate family different from salaries paid to other employees*** of the government agency in the same job classification or position.

§ 87105. Manner of Disqualification. (a) A public official who holds an office specified in Section 87200 (see below) who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:
(1) ***Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public,*** except that disclosure of the exact street address of a residence is not required.

(2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
(3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
(4) Notwithstanding paragraph (3), a public official described in subdivision (a) may speak on the issue during the time that the general public speaks on the issue. (b) This section does not apply to Members of the Legislature. History: Added by Stats. 2002, Ch. 233. References at the time of publication (see page 2): Regulations: 2 Cal. Code of Regs. Sections 18702, 18702.1, 18702.5,

§ 87200. Applicability. This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of the High-Speed Rail Authority, members of planning commissions, **members of the board of supervisors**, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

Placer County Code 2.84.060 Disqualification in Decision Making: When a designated employee determines that he or she should not make a governmental decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor. (Ord. 5695-B § 2, 2012)

August 6, 2019

Supervisors,

Once again, I stand before you asking for a transparent, open and honest government. All I ask is that the due process guaranteed through local and state laws as well as through the Oath of Obligation taken by each Supervisor when accepting the responsibility be followed.

Supervisor Uhler, while watching the July 9th Board of Supervisors meeting, I noticed that, uncharacteristically, you left the meeting before its conclusion. This intrigued me since the county agenda was not complete and the board had two additional items to vote on. As the video from the meeting shows, the chairman simply got up and walked out.

The last item voted on, item 14A, was presented by HR Director Kate Simpson. She discussed the proposed county management salary increases stating that the average increase was approximately 3%. She explained that 2 positions, the Dispatch Service Manager and the Personnel Services Manager were outliers with 10% and 11% pay increases however she did not mention the 25-step increase for the Assistant Director of Child Services. It is very curious that, Mrs. Tamara Uhler, the current Assistant Director of Child Services according to Transparent California and the County website, received a jump of 25 steps with an almost 30% increase in pay; significantly more than the other two positions presented. In addition, the increase is "subject to review upon exit of the incumbent,". This would appear to indicate that it would revert to its old step grade when vacant.

How is this open and honest government? How is this transparent? It is my understanding that FPPC as well as County guidelines for conflict of interest require you to recuse yourself and explain the reason for your conflict so that the Board of Supervisors can decide whether you could remain on the dais, sit in the audience or leave the room. In fact, Placer County Code 2.84.060 Disqualification in Decision Making clearly states:

When a designated employee determines that he or she should not make a governmental decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; In the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor. (Ord. 5695-B § 2, 2012)

I would think this board would require some discussion as to "why" this step increase would be reviewed when the position was vacated and why Supervisor Uhler was not asked to recuse himself? Board? Weren't you concerned that a pay increase of this staggering amount could be misconstrued as Pension Spiking? County Counsel, how is a "temporary absent" permitted rather than an FPPC required recusal?

This is not an open and honest government. We are guaranteed the right to know how and why decisions are made and how our tax dollars are used. Taxpayers should not be your piggy bank!

Scott Vaughan

Concerned Homeowner

COUNTY OF Placer

MEMORANDUM
HUMAN RESOURCES

DATE: July 9, 2019

TO: Board of Supervisors

FROM: Kate Sampson, Human Resources Director

SUBJECT: Equity Adjustments for Classified and Unclassified Management Employees

---

ACTION REQUESTED

Introduce an ordinance, waive oral reading, amending the uncodified Schedule of Classifications and Compensation Ordinance and the uncodified Allocation of Positions to Departments Ordinance.

BACKGROUND

The Human Resources Department is recommending amendments to the uncodified Schedule of Classifications and Compensation Ordinance and the uncodified Allocation of Positions to Departments Ordinance accomplishing the following:

- Based on concerns expressed by Department Heads related to compaction between specific management classifications and their highest paid direct reports, the Human Resources Department (HRD) initiated a review. As a result of this review and analysis of the costs associated with salary increases, the HRD is recommending salary adjustments for 13 management classifications to place them approximately eight percent (8%) above their highest paid direct report and retitle the Client Services Program Director to Deputy Director of Health and Human Services. These equity adjustments address the compaction issues while maintaining the integrity of job families and internal alignments to ensure appropriate compensation of employees at all levels of the organization.

- At the request of the Placer County Sheriff's Office, the HRD reviewed the compensation of the Dispatch Services Manager classification. In July 2017, your Board approved an agreement with Placer Public Employees Organization (PPEO) that included a 6% equity adjustment for Public Safety Dispatcher classifications and the Dispatch Services Supervisor. In January 2019, your Board approved a subsequent agreement with PPEO and adopted an ordinance amending the un-codified Schedule of Classifications and Compensation Ordinance to further revise compensation for these classifications, reflecting a market adjustment of approximately six percent (6%) and establishing incentive pays for POST dispatcher certificates, phased signing bonuses and phased retention bonuses. For the Dispatch Services Manager overseeing this unit, the HRD is recommending a salary adjustment of approximately 11 percent (11%) based on a review of internal salaries and a market analysis.

- On September 15, 2015, your Board adopted an ordinance to implement changes in the organizational structure and realign Human Resource functions. Following the creation of the Director of Human Resources and the Assistant Director of Human Resources classifications in 2015, an ordinance was adopted on April 5, 2016 for the purpose of creating the Deputy Director – Human Resources (HR). Two Deputy Director positions were allocated to the HRD. With recent changes in executive leadership, the organizational structure was reviewed. Based on this review, overlap was identified in the duties assigned to the Deputy Director – HR and the Personnel Services Manager classifications. As a result, the HRD is flattening the organization by recommending the abolishment of the Deputy Director – Human Resources classification. In addition, the HRD recommends updating the title of the Personnel Services Manager to Human Resources Manager and revising the classification specification to reflect the role of division/unit lead, moving the Human Resources Manager from the classified service to the unclassified service, and increasing the compensation by ten percent (10%) in accordance with the expanded scope. This structure is more cost effective and consistent with the organizational structure of similarly-sized departments and the County's classification plan.

RECOMMENDATION

These compensation changes are designed to achieve equity, internally and externally, and better position Placer County to effectively recruit and retain critical management team talent. If approved, these salary updates will be effective on August 3, 2019, which is the first day of the pay period following final approval by the Board.

FISCAL IMPACT

Salary and benefit costs to maintain a minimum of eight percent (8%) between management classifications and their highest paid direct report are estimated at $365,000. The salary and benefits costs for the 11 percent (11%) increase to the Dispatch Services Manager in the Sheriff's Office is approximately $16,500. These costs will be absorbed by departments within the approved Fiscal Year 2019-20 budget. The organizational structure change in the HRD results in salary and benefits savings of approximately $33,000.

ATTACHMENTS

Attachment 1 – Ordinance

Before the Board of Supervisors
County of Placer, State of California

In the matter of: An ordinance amending the un-codified Schedule of Classifications and Compensation Ordinance and the un-codified Allocation of Positions to Departments Ordinance related to management compaction, Sheriff's Office, and Human Resources.

Ordinance No.: _____

Introduced: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held_____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____
Chair, Board of Supervisors

Attest:

_____
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

The un-codified Schedule of Classifications and Compensation Ordinance and the un-codified Allocation of Positions to Departments Ordinance are hereby amended as follows: (Additions to ordinance shown in bold and underline, deletions shown with strike-through.)

Attachment 1

Section 1. That the un-codified Schedule of Classifications and Compensation Ordinance is hereby amended to read as follows:

ADMIN CODE	CLASSIFICATION TITLE	SALARY PLAN — APPENDIX	GRADE	CLASS
19869	Assistant Director of Child Support Services[1]	MNGT	~~452~~ **477**	U
11748	Deputy Director of Engineering and Surveying	MNGT	~~469~~ **470**	U
19945	Deputy Director of Building Services	MNGT	~~469~~ **470**	U
13865	Probation Manager	MGTS	~~S00~~ **S30**	C
16202	Assistant Juvenile Detention Facility Superintendent	MGTS	~~S00~~ **S30**	C
19886	Juvenile Detention Facility Superintendent	MGTS	~~S03~~ **S04**	U
14702	Administrative Services Officer	MNGT	~~415~~ **416**	C
19828	Deputy County Counsel Supervising	MNGT	~~481~~ **482**	U
19875	Deputy District Attorney Supervising	MNGT	~~481~~ **482**	U
13645	Client Services Program Manager	MNGT	~~445~~ **448**	C
11317	Animal Services Manager	MNGT	~~445~~ **448**	C
11717	Assistant Client Services Program Director	MNGT	~~454~~ **460**	U
19850	~~Client Services Program Director~~ **Deputy Director of Health and Human Services**	MNGT	~~466~~ **468**	U
11743	Dispatch Services Manager	MNGT	~~427~~ **438**	C
14765	~~Personnel Services Manager~~ **Human Resources Manager**	MNGT	~~442~~ **452**	~~C~~ **U**

[1] This salary grade is subject to review upon exit of the incumbent.

MGTS Salary Admin Plan

GRADE	Step 1	Step 2	Step 3	Step 4	Step 5
S04	**50.54**	**53.03**	**55.65**	**58.41**	**62.49**

Attachment 1

Section 2. That the un-codified Allocation of Positions to Departments Ordinance is hereby amended to read as follows:

Health and Human Services	
~~Client Services Program Director~~	~~5~~ **0**
Deputy Director of Health and Human Services	~~0~~ **5**
Human Resources	
Deputy Director – Human Resources	~~2~~ **0**
~~Personnel Services Manager~~	~~2~~ **0**
Human Resources Manager	~~0~~ **4**

Section 3. That this ordinance shall be effective the first day of the pay period following adoption.

Section 4. That this ordinance amendment is adopted as an un-codified ordinance.

Placer County

Assistant Director Of Child Support Services (#19869)

$52.40-$63.67 Hourly / $9,082.67-$11,036.13 Monthly / $108,992.00-$132,433.60 Yearly

Notify Me when a Job Opens for the above position(s)

DEFINITION

(Unclassified)

To assist the Director of Child Support Services in managing and directing the overall operations of the Department of Child Support Services; to act for the Director of Child Support Services in the absence of the Director; and to supervise the work of assigned subordinate staff.

DISTINGUISHING CHARACTERISTICS

The Assistant Director level recognizes positions that serve as a full line assistant to the department director, in addition, the assistant director performs administrative and management tasks for the director as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Child Support Services.

Exercises direct supervision over management, supervisory, professional, technical and clerical personnel.

EXAMPLES OF ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

- Assist the Director of Child Support Services in managing and directing the Department of Child Support Services.
- Assist in developing the Departments goals and objectives; assist in the development and implementation of policies and procedures.
- Plan, organize and direct activities and operations of the Department; confer with the Director regarding policies and major operating procedures; review, evaluate and recommend change; work with and assist subordinates with problems and recommend course of action.
- Develop and implement work plans, performance measures, assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Book an appointment online at your local Les Schwab today.

TRANSPARENT CALIFORNIA

California's largest public pay and pension database

(/)

Home (/) / Counties (/agencies/salaries/#counties) / 2018 (/salaries/2018/) / Placer County (/salaries/2018/placer-county/) / Tamara J Uhler

Tamara J Uhler (/salaries/search/?q=Tamara%20J%20Uhler)

Asst Dirctrof Child Support Svcs (/salaries/search/?q=Asst%20Dirctrof%20Child%20Support%20Svcs) (2018)

Regular pay:	$130,509.60
Overtime pay:	$0.00
Other pay:	$9,270.25
Total pay:	$139,779.85
Benefits:	$48,561.09
Total pay & benefits:	$188,340.94

Share:

© 2019 Transparent California

About (/pages/about/) | Contact (/pages/contact/) | Blog (https://blog.transparentcalifornia.com/) | Disclaimer (/pages/disclaimer/) | FAQ (/pages/faq/) | Donate (/donate/)

Search Public Records

Enter a Name and Select a State, Then View Public Records Instantly! TruthFinder