January 15, 2020

Commissioners,

I am here to discuss two items today. The first; 18702.5 regulation changes adopted by the FPPC in the December 2019 commission meeting. First and foremost, I would like to thank you for considering and adopting the changes to ensure that the blatant conflicts of interest like the one by Placer County Supervisor Kirk Uhler who failed to disclose his wife's $30,000 raise is not repeated. However, I would like to echo Commissioner Cardenas's concerns over the changes made. Commissioner Cardenas was concerned that FPPC staff has failed to define the size of a representative group necessary when exempting public officials from disclosing a financial conflict of interest. In my sworn complaint, the FPPC determined that a representative group of 13 Placer County management positions out of 2543 county employees (0.51%) was significant enough for the associated disclosure exemption rules to apply. Furthermore, FPPC legal staff noted that they had not determined what group size was required for the exemption to apply and that the regulation stated that a single participant would not be granted the exclusion. This begs the question. Are two enough? 3? The FPPC needs to define in a **quantifiable and enforceable** fashion what is required for the exemption to apply.

Secondly, I am here to discuss my pending sworn complaint. I received notification that the FPPC would require additional time to evaluate whether Placer County was violating California State conflict of interest laws (1090) by allowing the Placer County District 4 Supervisor's wife to receive a defacto promotion and increase in responsibility and associated pay. As you are well aware, the FPPC informed Placer County Counsel that under the current conflict of interest laws Mrs. Uhler could not be granted job "changes such as a pay increase…a new title, a new job description, substantial additional duties.." (FPPC advice letter A-19-193). Mrs. Uhler is currently acting as the interim Director of Child Support representing her department in county department head meetings, etc. While the job description allows her to function in this capacity in the absence of the Director, the Assistant Director position does not directly supervise Child Support Attorneys. By granting her this added responsibility in violation of your findings, Mrs. Uhler received a $30,000 raise based on compaction. Without this added responsibility, her role as Assistant Director would not have required to be included as she made 28% greater than those she supervised. Based on all available public information this position has not changed when she was appointed in 2009 and has not changed today. I request that the FPPC investigation provide corroborating written disclosure why this and only this position will be reviewed upon exit of the incumbent as it can be perceived that this is due to her added role in supervising attorneys which granted her this increase in grade and pay. Also, why the Director position has only been posted within the last 24 days and has allowed Mrs. Uhler to serve as the Interim Director for the past year.

The FPPC has already made the decision that Mrs. Uhler's $30,000 raise and Supervisor's Uhler's associated lack of disclosure are exempted based on a general increase for management due to compaction (0.51% of county employees). The county cannot have it both ways; they cannot say that she is supervising attorney's, which has never been part of the Assistant Director of Child Support Services responsibilities, and also argue that the position has not changed since 2009. These are conflicting arguments and need to be resolved with clarity and evidence beyond a statement of fact.

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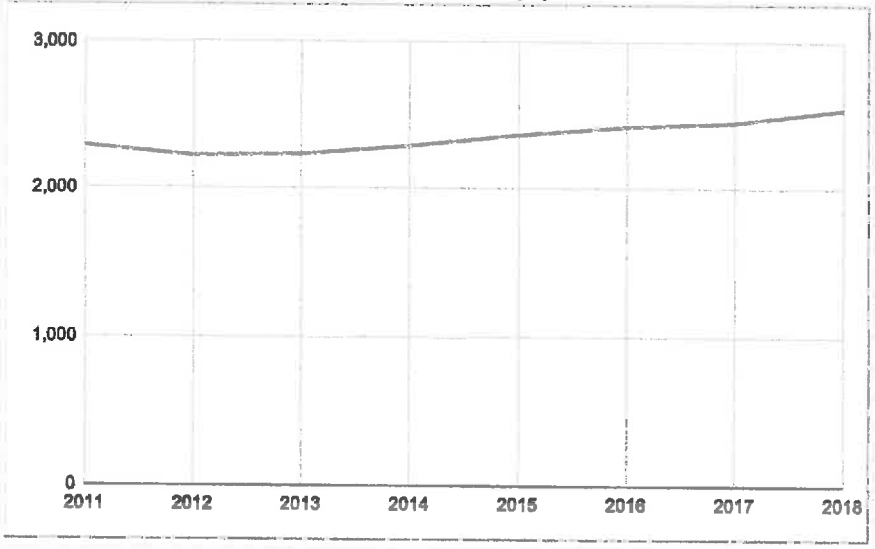
In the eyes of the public and the FPPC Mrs. Uhler received "additional job responsibilities" by being granted the right to overseeing attorneys which is not included in the job description but is the responsibility of the Senior Child Support Attorney. This responsibility will be removed when she exits the position. Her raise was therefore based on special privileges imparted due to her spousal relationship to Supervisor Uhler. Additionally, based on this fact, disclosure would have been required since compaction was not necessary.

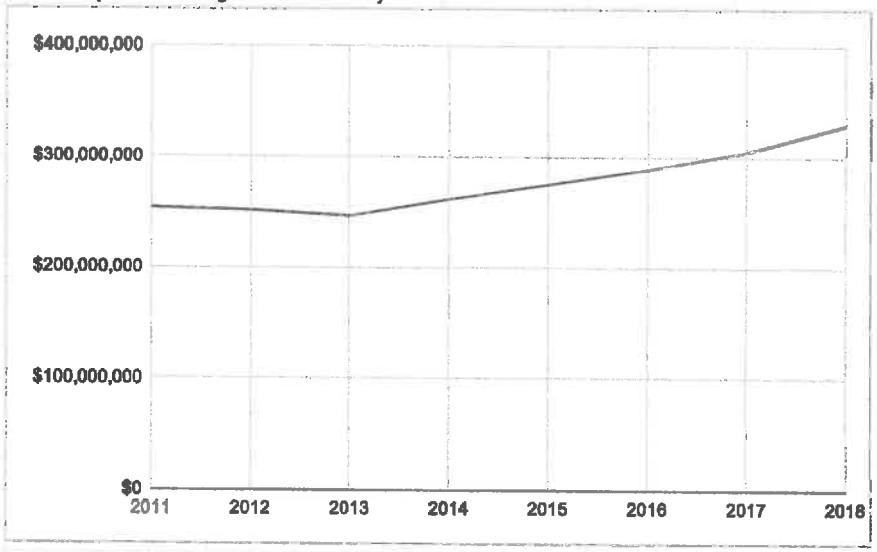
Respectfully,

Scott Vaughan
Concerned Taxpayer and constituent

Number of Full Time, Year Round Employees in Placer County by Year



Total Compensation Budget in Placer County



	Total full time County Employees	Total Comp	Median Pay (full time/year round ees)	% increase in median pay per year
2018	2,543	$329,456,483	$79,924	4.41%
2017	2,454	$304,944,575	$76,545	5.33%
2016	2,425	$288,840,800	$72,674	0.91%
2015	2,369	$274,667,944	$72,022	2.14%
2014	2,294	$261,016,340	$70,512	1.87%
2013	2,235	$246,016,681	$69,217	3.86%
2012	2,224	$250,978,462	$66,647	-0.45%
2011	2,291	$253,241,578	$66,945	
Cumulative increase:	11.00%	30.10%	19.39%	

Source: Transparent California