

# Accusations and Facts

## FACTS:

1. Kirk Uhler is currently the Chair of the Placer County Board of Supervisors and has been on the Placer County Board of Supervisors representing District 4, continuously since December of 2006.
  1. Kirk Uhler has been the Chair of the Placer County Board of Supervisors since January 2019.
  2. Kirk Uhler was previously on the Placer County Board of Supervisors from January 1993 - December 1996.
2. Tamara Uhler is an attorney.
  1. Tamara Uhler previously worked in the Placer County District Attorney's Office beginning sometime in 1992, until approximately 1999.
  2. Tamara Uhler was hired as the Assistant Director of the Placer County Office of Child Support Services in 2009, after Kirk Uhler began his current tenure of service on the Placer County Board of Supervisors in 2006.
3. Kirk and Tamara Uhler were married in 1995, while Kirk was serving his first term as County Supervisor and Tamara was working as a Deputy District Attorney.
4. There is only one position of Assistant Director of Child Support Services in Placer County and it is held by Tamara Uhler.
5. Tamara Uhler has held the position of Assistant Director of Child Support Services continuously since 2009.

6. On July 9, 2019, the Placer County Board of Supervisors considered and approved the “introduction of an ordinance” for agenda item #14.A.1 Equity Adjustments for Classified and Unclassified Management Employees, adjusting the salary of the Assistant Director of Child Support Services held by Tamara Uhler by 28% (\$38,189.00).
  1. A memo was included as part of agenda item #14.A.1 “Equity Adjustments for Classified and Unclassified Management Employees”. According to the memo, the Board of Supervisors was considering a number of pay adjustments for certain management employees to achieve an 8% difference between the specified positions and their direct reports.
  2. Attached to the memo for item #14.A.1 “Equity Adjustments for Classified and Unclassified Management Employees” was a resolution regarding the adjustments, including an itemized listing of the salary adjustments for each of the positions. The adjustments included a salary increase of \$38,189/year, or 28% for the position of Assistant Director of Child Support Services held by Tamara Uhler.
  3. Additionally, the list of adjustments in the resolution included a footnote for the position of Assistant Director of Child Support Services position which stated “This salary grade is subject to review upon exit of the incumbent.” Tamara Uhler is the incumbent. This footnote can only be meant to mean the increase provide special treatment and only applies to Tamara Uhler. The will not likely apply to the next holder of the position, nor has it applied to prior occupants of the position.
7. At the July 9, 2019 meeting, after Board agenda item 12.A.1 concluded, Board Chair Uhler stood, handed the gavel to Vice Chair Bonnie Gore, and left the room without stating a word about his departure. Although he left the room and remained out of the room foe item #14.A.1, he did not state his conflict of interest or recuse himself from the vote on the next agenda

item #14.A.1 "Equity Adjustments for Classified and Unclassified Management Employees". Kirk Uhler deliberately evaded the conflict of interest requirements by leaving the room and "making himself absent" just prior to item related to his wife, Tamara Uhler's salary increase.

8. On July 23, 2019, as part of consent agenda 19.A.1 "Equity Adjustments for Classified and Unclassified Management Employees" the Board of Supervisors took action to "adopt the ordinance" approving the salary increases for various management positions, including the salary increase for the position of Assistant Director of Child Support Services held by Tamara Uhler. Chairman of the Board, Supervisor Uhler personally called for the vote to approve the consent agenda, which included his wife's salary increase. He called for ayes, noes and then stated he was "abstaining", not recusing himself. He did not leave the room, and he did not give any reason for his abstention.
9. Prior to the Board of Supervisors approval of Tamara Uhler's salary increase on July 23, 2019, after nine years, she was presumably at the top step of her salary grade, or \$135,075 per year.
10. Prior to the July 23, 2019 salary increase, the salary differential between the Assistant Director of Child Support Services (\$135,075 top step) and its highest paid direct report (Senior Administrative Services Officer top step \$105,348) was already at a 28% differential (\$29,727). This 28% differential was greater than, and therefore not consistent with the rationale for the 8% differential which was stated in the board memo.
11. Nothing in the public record justifies a salary adjustment for the Assistant Director of Child Support Services position held by Tamara Uhler.
  1. The Placer County Budget for Fiscal Year 2019/20 provides an organizational chart for the Department of Child Support Services. This organizational chart indicates the Program Manager and Senior Administrative Services Officer are the direct reports of the Assistant Director of Child Support Services.

2. The organizational chart shows that attorneys report up through the Director and the Supervising Child Support Services Attorney. There is only a functional relationship between the Senior Child Support Services Attorney position and the Assistant Director of Child Support Services. Senior Child Support Services Attorneys report directly to the Supervising Child Support Services Attorney. A review of the Board of Supervisors agendas for the past year does not show any re-organization of the Department of Child Support Services which would justify a salary adjustment for the Assistant Director of Child Support Services position. This further demonstrates that there was no justification for the salary adjustment based on salary compaction, and that Tamara Uhler was afforded "special treatment".
3. The job description for Assistant Director of Child Support Services does not and has not included any requirement to be an attorney. Therefore the position of Assistant Director of Child Support Services has not included compensation for having "active membership in the California State Bar" as necessary to supervise attorneys or practice law, nor does it require other legal skills or ability.
4. The job description for the Assistant Director of Child Support Services has not been revised or changed since 2000. (See job description revision date)

## ACCUSATIONS:

1. **The Placer County Board of Supervisors approval of a salary increase for Tamara Uhler, wife of Kirk Uhler, the Chair of the Placer County Board of Supervisors was a violation of Government Code Section 1090. Placer County Board Chair Supervisor Kirk Uhler's wife Tamara Uhler's salary increases should never have been put before the Placer County Board of Supervisors for consideration or approval.**
2. **Tamara Uhler's salary increase constitutes a gift of public funds in violation of the California State Constitution Article 16, Section 6.**
  1. The job description for Tamara Uhler's position of Assistant Director of Child Support Services has not changed.
  2. There has not been any re-organization of the Department of Child Support Services resulting in a change of reporting relationships or duties for the Assistant Director of Child Support Services.
  3. A compaction adjustment is not warranted as there is already a 28%+ differential between the Assistant Director of Child Support Services and her direct reports.
  4. The footnote in the Board agenda item indicates **"This salary grade is subject to review upon exit of the incumbent."**, can only be interpreted to mean that Tamara Uhler has received "special treatment" and that any future individual holding the same position with the current job description is not likely to receive the salary that was just approved for Tamara Uhler's position. If the job description has not changed why would a subsequent occupant of the position receive any different pay?
  5. The approval of a salary increase for Tamara Uhler's position constitutes special treatment since no compaction issue exists; she was

not treated under the same terms and conditions as if her husband were not a member of the Board of Supervisors.

3. Board chairs control agendas. As Chair of the Board of Supervisors and husband of Tamara Uhler, Supervisor Kirk Uhler had every circumstance to know that his wife's salary increase was included in the salary compaction adjustments to be approved by the Placer County Board of Supervisors on July 9, 2019. As Chair of the Board Kirk Uhler must have been fully aware of the next agenda item regarding his wife's salary increase. Certainly, Tamara Uhler must have been aware of the Board agenda item that included approval of her salary increase. His behavior and actions on July 9 and July 23, 2019 are sheepish and scurrilous indications of his awareness of the legal and ethical violations of his actions, and are a deliberate attempt to evade the law.
4. As Chair of the Board, Supervisor Uhler must have been well aware of the order of Board items. Supervisor Uhler's departure from the Board Room without stating a recusal was an attempt to evade the requiring recusal, and more significantly an effort to dodge conspicuousness about the Board action approving his wife's salary increase.
5. **Supervisor Uhler's failure to recuse himself is a violation of Government Code Section 87100.** Paradoxically, the salary increase for Tamara Uhler, should not have even be the subject of Supervisor Uhler's recusal when the Board of Supervisors took action to adopt the ordinance approving his wife's salary increase. Supervisor Uhler's wife's salary increase should not have even come before the Board, as it is a violation of Government Code Section 1090, regardless of whether Chairman Uhler absented, or properly excused and recused himself.
  1. Had Tamara Uhler's salary increase not been an violation of Government Code Section 1090, any conflict of interest legal requirements should not have been evaded by Supervisor Uhler. He should have properly recused himself by announcing his recusal and his conflict of interest, and leaving the room. Supervisor Uhler should have recused himself when he left the Board Chambers, and

instead in an orchestrated maneuver, he handed the gavel to Supervisor Gore on July 9, 2019 and left room without stating any reason. Supervisor Uhler should not have participated, by calling for the vote and abstaining, instead of properly recusing himself, on July 23, 2019 when the Board of Supervisors adopted the ordinance approving his wife's salary increase on the consent agenda.

2. **Tamara Uhler's violation fo Government Code 1090 should be sanctioned by the California State Bar.**

As an attorney, certainly Tamara Uhler must have been aware there were ethical issues, conflicts of interest and multiple violations of law and professional codes of conduct related to any action of "special treatment" by the Board of Supervisors that would result in a personal benefit to her and her husband Kirk Uhler as a member and current Chair of the Board of Supervisors.

3. **Tamara Uhler's pay increase is a theft of State and Federal funds.**

The Placer County Department of Child Support Services received State and Federal Funding. Tamara Uhler's receipt of salary which is not due her position is a gift of public funds and therefore a theft of State and Federal program funds.