

COUNTY CHIEF EXECUTIVE
AND
SIZE OF THE BOARD OF SUPERVISORS

July, 1974

A Report Of The Task Force On the County Chief Executive
Los Angeles County Citizens Economy And Efficiency Commission

Leo A. Majich, Chairman
George E. Bodle
John D. Byork
Jerry Epstein
Catherine C. Graeffe
Joseph A. Lederman
W. J. Moreland
William S. Mortensen
Robert Ruchti, II

Other Commission Members:

Maurice Rene Chez, Chairman
James J. Cunningham
Roc Cutri
Dr. Robert J. Downey
Milton G. Gordon
Mrs. Ray Kidd
Ferdinand Mendenhall
Dr. Warren H. Schmidt
George Shellenberger
Carl Terzian

Commission Staff

Burke Roche, Executive Secretary
Luke A. Heese, Staff Specialist
Maxlynn Larsen, Secretary to the Commission

At the Board of Supervisors meeting on February 5, 1974, Supervisor Hahn proposed an amendment to the County Charter to establish the position of an elected County chief executive and to increase the size of the Board of Supervisors to seven members. At the same meeting Supervisor Schabarum proposed an amendment to establish the position of an appointed chief executive. Under both proposals the chief executive would exercise strong managerial authority over County operations, including the authority to appoint and discharge department heads.

The Board voted to continue its decision on these proposals until July. In the meantime it requested the Grand Jury and the Economy and Efficiency Commission to submit reports on the issues by that date.

The commission's report was prepared by a special task force appointed by Maurice Chez, chairman of the commission. The task force consists of the following members: Leo Majich, chairman; George E. Bodle, John D. Byork, Jerry Epstein, Catherine C. Graeffe, Joseph A. Lederman, W. J. Moreland, William S. Mortensen, and Robert Ruchti, II.

During the course of its study the task force sent a number of letters to officials in other counties throughout the United States requesting their views on the comparative merits of an appointed vs. an elected chief executive. These counties included the larger counties in the United States which operate with an elected chief executive and the three counties in California--Sacramento, San Mateo, and Santa Clara--which operate with a strong appointed chief executive.

The task force also sent letters to independent government research institutes and taxpayer organizations soliciting their views on the same question.

The comments and analyses received from these officials have been extremely helpful to the task force in reaching its conclusions, and we are very appreciative of their cooperation and assistance.

In the course of the study the task force also reviewed a number of county charters containing the appointed and elected concepts as well as pertinent reports and articles concerned with the subject. The letters and other source material are listed in Appendix B.

With respect to the question of the size of the Board of Supervisors, the task force, as the report points out, has relied principally on the Economy and Efficiency Commission' 5 report in 1970 on the County Charter, which contained a detailed analysis of this question.

Section I of the report presents a summary of the task force findings and recommendations. Section II analyzes the problems of County government as a background for comparing the relative merits of the two chief executive concepts.

Section III describes the main elements of each concept as well as the present County structure. Additional details on the two proposals are contained in Appendix A. Sections IV and V then present in detail the arguments for an appointed chief executive and those for an elected chief executive.

Section VI, concluding the report, presents a discussion of a particularly disputed question--whether an appointed or elected chief executive would increase or decrease the cost of County government.

The task force submits this report to the Economy and Efficiency Commission and respectfully requests its review and approval for formal submission to the Board of Supervisors.

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This section of the report summarizes the findings and recommendations of the task force on the three questions which the Board of Supervisors has referred to us.

1. *Should the position of chief executive be established in Los Angeles County?*
2. *If established, should the position be appointed or elected?*
3. *Should the Board of Supervisors be increased from five to seven members?*

Recommendations

The task force makes the following recommendations:

1. *The position of chief executive should be established in County government through an amendment to the present County Charter.*
2. *Five members of the task force recommend that the chief executive be elected by all County voters.*
3. *The other four members of the task force recommend that the chief executive be appointed by the Board of Supervisors.*
4. *The task force recommends that the Board of Supervisors place both proposals on the ballot as two separate propositions for final decision by the voters.*
5. *The Board of Supervisors should postpone placing the proposal to increase the size of the Board to seven members until the voters have decided whether they want an appointed or elected chief executive, or no change from the present structure.*

Analysis - The Chief Executive

The task force unanimously agrees that the establishment of a chief executive position is critically needed in Los Angeles County.

In an organization as large and as complex as the County, employing over 80,000 people and operating on a budget of \$2.9 billion a year, the Board of Supervisors cannot effectively operate as both the legislative and

executive head of the government. The Board of Supervisors is a deliberative body and can function effectively as a legislature; as chief executive, however, its authority is divided among five different individuals who can make decisions only by a vote of its members in a public meeting. Thus, planning, organizing, and controlling the internal operations of County government--that is, performing the role of an executive--presents serious problems for a multiple executive such as the Board of Supervisors. It is very difficult for five different supervisors to develop consistent long-range planning, or analyze organizational needs, or provide unified direction and control of operations.

All these functions require constant systematic review, analysis, and decision-making. Such a task will be difficult for a single County executive. With five separate executives --each with widely varying interests, opinions, and political priorities--the task is impossible.

The consequence is drift, piecemeal planning and decision-making, inadequate coordination, duplication of functions, and inconsistent execution. The Economy and Efficiency Commission emphasized this problem in our 1970 report on the County Charter. "If recent events are a criterion," the report stated, "it appears the County has now reached a state where it operates almost preponderantly by crisis. Today, four years later, we can say again that, if recent events are a criterion, the County continues to operate preponderantly by crisis.

Within the past year we have seen a crisis erupt over the design and construction of the Criminal Courts Building, another over the inadequacies of

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the air conditioning system at Harbor General Hospital and still another over the failure of the ORACLE data processing system (automated law enforcement and court record system) which, after an expenditure of \$8.1 million, still does not work and has lain idle for over two years. Early this year the

County was rocked by the exposure of a whole series of scandals involving an ambulance chasing ring and thefts of a million or more dollars of drugs and tranquilizers at the County-USC Medical Center. Most recently, the entire community has been shocked over the exposure of the deplorable conditions discovered to be existing at Central Juvenile Hall.

The principal responsibility of an effective chief executive is to avoid such crises by developing effective management information systems which will reveal problems as they develop before they erupt into crises. The difference between a good and a poor organization is not that the latter has problems and the former does not. All organizations have problems, and the larger the organization the larger and more complex its problems are likely to be. The mark of a good organization, in summary, is not that it has no problems, but rather that it has developed the organizational structures and procedures which will resolve problems as they develop.

The task force, therefore, is convinced that until the position of a strong chief executive is established and delegated the authority to organize, manage, and control County operations, the County will continue to operate preponderantly by crisis.

Having reached this conclusion, it remained for the task force to determine whether the chief executive should be appointed by the Board of Supervisors, as proposed by Supervisor Schabarum, or elected, as proposed by Supervisor Hahn. The key question, then, is: Which of these two alternatives offers the

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better means of correcting or diminishing the crises and problems which have plagued County government in recent years?

As the recommendations indicate, the task force was unable to reach agreement on this issue. (See Sections IV and V for detailed arguments on the two concepts.) The task force, however, believes that the voters

should be given the opportunity to determine which of these concepts they prefer, or indeed if they want any change from the present structure.

The task force, therefore, recommends to the Board of Supervisors that they place both proposals on the ballot in the November general election for decision by the voters. It is their government, and it is their taxes which pay for it. Hence, it is they who should decide whether (1) the charter should be amended to establish the position of an appointed chief executive, or (2) the charter should be amended to establish the position of an elected chief executive. If the voters decide they want no change in County government, they have the opportunity to reject both proposals.

Analysis - The Size of the Board of Supervisors

The 1970 report of the Economy and Efficiency Commission on the County Charter, in addition to an analysis of organizational problems in County government and a recommendation for an appointed chief executive, also contained a detailed analysis of the question whether or not the Board of Supervisors should be increased to seven members.

During the course of the 1970 study the commission, over a period of six months, held twelve public meetings at which it heard testimony on this issue from 27 different speakers. These speakers included seven experts on County government from other areas of the country, two representatives from taxpayer organizations, three union leaders, eleven speakers from the Mexican-American

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community, three speakers from the black community, and one speaker from the Urban Coalition.

The presentations of these speakers, which contained a wide range of opinion and analyses, were presented in an extensive summary in the section of the report covering this issue. Following this summary the report

presented a statement by a majority of commission members who opposed an increase and a statement by a minority who favored an increase.

The present task force believes that this material, which covers 16 pages, still represents the most comprehensive and detailed analysis of this controversial issue. We see no need, therefore, to repeat the material in this report.

Despite the division of opinion, however, the commission, in 1970, was unanimous in the conclusion that this issue should be submitted to the voters. "Following the traditional democratic process," the report stated, it is the voters who rightfully should decide whether or not they are willing to pay the additional cost in return for whatever benefits they believe the increase will bring."

The task force continues to subscribe to this principle. However, there are two important considerations which have led the task force to conclude that until the issue of the chief executive is resolved, it is premature to place the proposal to increase the size of the Board of Supervisors on the ballot.

First, the size of the Board of Supervisors is closely associated with the concept of a strong chief executive. That is, the larger the Board becomes the less it is capable of functioning effectively as both the legislative and executive head of County government. The larger a committee grows -- and the Board of Supervisors is a committee and can function only as a

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committee--the more cumbersome its operation becomes and the more difficulty it has in making effective and timely administrative and executive decisions.

Therefore, although increasing the size of the Board to seven members may make it more representative, the increase in members can only make the Board's proceedings more complicated and protracted. Its ability, therefore, to function effectively as chief executive is bound to deteriorate.

On the other hand, if the position of appointed County executive were established with strong executive authority, or the position of an elected County executive were established with all executive authority vested in this position, then enlarging the Board of Supervisors would have much less affect upon the effective operation of the executive function. In either case, the Board's principal role would be to function as a legislature.

Thus, the voters' determination whether or not they want an appointed or an elected chief executive, or neither, has a direct affect upon the arguments for or against increasing the size of the Board of Supervisors. Consequently, until the first question is resolved, the task force believes it is premature to ask the voters to decide the second question.

Second, if the Board of Supervisors adopts our proposal to place both the appointed and elected proposals on the ballot, the voters should be given every opportunity to hear in detail the arguments for and against these proposals. As it is, with no other County proposals on the ballot, there will hardly be sufficient time to allow proper public discussion and debate on this very complex issue.

The ballot is bound to be complicated--with not only a long list of contested offices to be decided but with State and city proposals, as well as the County proposals going before the voters. Moreover, the question of increasing the size of the Board of Supervisors, in itself, deserves very serious

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attention and consideration by the voters. It is not likely to receive such attention if it is placed on the same ballot with the two chief executive proposals.

For these two reasons the task force recommends against placing the proposal to increase the size of the Board of Supervisors on the same ballot with the chief executive proposals.

II. THE PROBLEMS OF COUNTY GOVERNMENT

There are a number of reports and articles available which discuss the relative merits of an appointed versus an elected chief executive. (See Appendix B for this source material.) For the purpose of our study, however, unless these arguments for and against the two concepts are directed to the particular circumstances and problems of Los Angeles County, they tend to be generalized and somewhat academic.

Therefore, it is most important to determine and describe the major problems which hinder the effective operation of County government. Once this determination is made we should be in a better position to compare the merits of the two concepts with respect to Los Angeles County. Which of the alternatives, in other words, offers the better promise of correcting or diminishing these County problems? To that end, the remainder of this section is devoted to a description of the problems which the task force believes are the most serious in their effect upon the operation of County government.

1. Separation of Powers

Since 1966 our commission has repeatedly emphasized that County government cannot function effectively without a clearly defined separation of powers. As we pointed out in Section I, the Board of Supervisors is a deliberative body and can function effectively as a legislature. As a chief executive, however, its authority is divided among five different individuals who can make decisions only by a majority consensus of its members in a public meeting. Thus it is extremely difficult for the Board to provide unified and consistent direction and supervision on a day-to-day basis over an operation as large and as complex as the County.

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There are three major consequences with respect to the executive function which result directly from this dual role of the Board of Supervisors.

First, the members of the Board and their offices function effectively in an ombudsman role in resolving complaints of citizens. They pay attention to these complaints because they are interested in serving their constituents and recognize that this service is directly related to their success in being reelected. To the same degree they are interested and

devoted to providing a level of service which will avoid complaints in the first place.

On the other hand, as we noted in Section I, in planning, organizing, directing, and controlling the internal operations of County government-- that is, in performing the role of an executive--the Board cannot function effectively. All of these functions require constant and systematic review, analysis and decision-making. Five separate supervisors with widely varying interests, opinions, and concerns cannot provide this kind of executive direction. As Peter Drucker has observed, ". . . good organization structures will not just evolve. The only things that evolve by themselves in an organization are disorder, friction and mal-performance." ("New Templates for Today's Organizations," Harvard Business Review, January-February, 1974, p. 52). Too often this appears to be the case in Los Angeles County.

Second, typical of many governments, Los Angeles County depends to a large degree upon an information system in which subordinates report to their superiors, orally or in writing, on the status of the operations which they supervise. Subordinates, however, are typically reluctant to report that there are serious problems in their areas, particularly if they suspect--rightly or wrongly--that they will

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be criticized or disciplined for allowing the problems to develop in the first place. The inevitable result is that all too often problems needing discussion and resolution never reach the decision and action level of the organization until they have developed into full-blown crises.

It is precisely to avoid such crises that every good executive recognizes that one of his principal responsibilities is to develop effective management information systems which will reveal problems as they develop before they erupt into crises. The difference between a good and a poor organization is not that the latter has problems and the former does

not. All organizations have problems, and the larger the organization the larger and more complex its problems are likely to be.

The mark of a good organization, therefore, is not that it has no problems, but rather that it has developed the organizational structures and procedures which will resolve problems as they develop. Consequently, one of the principal functions of a chief executive is to develop information systems and procedures which will reveal problems as they occur and which will then apply effective measures to correct them. Most important, these information systems cannot be dependent upon human inclination or whim. Rather, they must be calculated to reveal operating problems through some system of objective and factual reporting that cannot be tampered with or manipulated by those whose interest lies in concealing problems, rather than uncovering them.

The County is decidedly weak in such systems. As a consequence, the Board of Supervisors--and many County managers as well--have only a limited knowledge of what is actually going on in many areas of County government, particularly at the lower levels. The inevitable result is operation by crisis, which, as we stated in Section I, appears to be the preponderant mode of operation in Los Angeles County.

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A third major consequence of the Board's dual role as legislature and chief executive is the lack of an effective merit system in the County. It is true that the present Civil Service system provides reasonably effective protection against political patronage in hiring, selection, promotion, and retention of employees. There is little similarity, however, in the County's Civil Service system to what can be called a true merit system; that is, a system which impartially and accurately evaluates employee performance and on this basis rewards and promotes employees who perform well and disciplines and discharges employees who perform poorly.

As we pointed out in our recent report on civil service and collective bargaining, establishing such a merit system in any organization is a difficult task; in a government agency with a long tradition of civil service protectionism it is particularly difficult. In a government organization directed by five different supervisors--each with his individual concerns, opinions, reactions, and political priorities--the task is impossible.

As a consequence, in Los Angeles County, beginning with department heads and going on down the entire line of supervisory and non-supervisory levels, there is a decided lack of correspondence between effective performance and the particular reward or discipline which an employee may receive. Seniority, not competence or effective performance, is the predominant system of reward and promotion in Los Angeles County.

2. Accountability

Closely associated with the problem of the Board of Supervisors operating as both legislative and executive head of County government is the problem of accountability. The task force believes that one of the greatest deficiencies in County government is the lack of a single chief executive.

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The responsibility for County government is now shared by five supervisors, each of whom is responsible for a particular group of departments. Clearly, then, no single supervisor can be held accountable for the overall effectiveness of County government.

Since ancient times when men first began to analyze organizational principles, the validity of the principle of single executive authority and accountability has been tested time and time again. There are few or no instances of an army being commanded by five generals all sharing the same authority, a warship being commanded by five captains, or a corporation being directed by five presidents--and for good reason. Shared accountability

almost always results in finger-pointing and avoidance of accountability. As James Foy, Editorial Director of KNBC has put it, "The one job that doesn't exist in the County is one at the top. There's now no one person you can blame for a bad performance or commend for a good one." (KNBC Editorial, August 14, 1973.)

3. Visibility

For its size (the County employs more people than 43 state governments in the United States) the County is unquestionably the most invisible governmental agency in the country. Bob Abernethy and Art White, in an article in the Los Angeles Times, called it the invisible growth machine. (West Magazine, May 28, 1972 pp. 7-15) It has no single official with whom the people can identify. Thus, while the supervisors exert a tremendous power and influence in their responsibility to provide a vast range of government services to the citizens of the County, very few of these citizens are aware of the operation of this massive government or of its affect upon their daily lives.

Mayor Bradley, for example, is well known throughout this region, and in fact the entire country. In contrast, many citizens could not name their own supervisor, and almost none could name all five supervisors.

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Since a government agency operates without the need to make a profit or the requirement to operate in a competitive market, it is particularly important that it function under the constraint and control of what one writer has called "the fishbowl of democratic processes." If, however, no one is very interested in observing what is going on in the fishbowl, the effectiveness of this constraint loses much of its value. The result is a sluggish, irresponsive, and inefficient organization, concerned principally with its own self-preservation and not much else; or even worse, an organization devoted to the exploitation of its taxing and contracting authority for the benefit of special interests in league with politicians and inside administrators.

That the former description has some relevance to the County is evidenced by the series of crises which have erupted in recent years. Whether the latter description may also have some relevance is difficult to determine. What can be said positively, however, is that invisibility and lack of public disclosure inevitably lead to such exploitation.

4. Political Influence

Another serious problem in County government is its ineffectiveness and lack of influence at the State and Federal levels. A supervisor--or the entire Board--has very little persuasive power with either the Governor or the Legislature and even less with Congress and the executive branch of the Federal government. An outstanding example of this weakness is the inability of the Board to persuade the State Legislature to pass an enabling act allowing the County to consolidate the Marshal and Sheriff's offices. Moreover, this lack of influence is becoming increasingly serious because of the increasing amount of direct subsidies and grants of aid distributed by the State and Federal governments to local jurisdictions.

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This weakness at the State and Federal levels is in sharp contrast to the County's effectiveness and influence with respect to the smaller city governments. The explanation lies in the fact that these cities are beholden to the supervisors for the provision of County services and for the facilities which house these services within their city boundaries--for hospitals, courts, flood control projects, libraries, parks, and so on. They are also dependent on the Supervisors for the direct allocation of gasoline tax monies for road construction in their cities. Finally, a number of cities--approximately 30--contract the bulk of their urban services from the County; in fact, all cities in the County contract for one or more services from the County.

5. Audit Function

Supervisors Ward and Hayes have proposed that a special investigative and management audit unit be established in the County reporting directly to the Board of Supervisors. This unit would consist of 15-20 specialists whose principal responsibility would be to uncover problems as they develop, to report them to the Board of Supervisors, and to recommend appropriate means of resolving them before they erupt into full-blown crises.

The Board referred these proposals last month to the Economy and Efficiency Commission for review and report back to the Board. The commission's report supported the concept, but as of this writing no action has yet been taken by the Board. It should be noted, however, that while the establishment of such a function should enhance the Board's ability to uncover and resolve problems, such an agency could not operate in a manner comparable to the General Accounting Office in Washington or the Legislative Analyst in Sacramento. These agencies report to the legislature only and thus are completely separated from the executive branch which it is their responsibility to investigate.

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In contrast, an investigative agency reporting to the Board of Supervisors could not operate in a manner truly independent of the executive branch, since the Board itself operates as the chief executive of Los Angeles County.

The record of accomplishment of both the GAO and the Legislative Analyst clearly demonstrates the value and the need for this type of independent audit function in any major government organization. The lack of an effective audit function in the present County structure provides a further reason why the County tends to operate from crisis to crisis. To uncover problems as they develop and to recommend appropriate means to resolve them before they build up into full-blown crises is the primary purpose of a management audit function.

These, the task force believes, are the major problems affecting County government. In the next section of this report we shall describe briefly the three alternatives--the present structure, the appointed chief executive, and the elected--which the voters will have to decide between if the Board adopts our recommendations. In the following sections we shall analyze the arguments for and against each chief executive concept in the light of the problems just described.

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III. THE THREE CONCEPTS

As we stated in Section I, the task force is unanimously opposed to maintaining the present structure of County government. The critical and complex problems which have developed under the present structure, the task force believes, offer ample evidence of the need for change, in particular, the need to establish a strong chief executive position in County government. The members disagree only on whether the position should be appointed or elected.

Nevertheless, the voters must decide between three alternatives--the present structure, the appointed chief executive, or the elected chief executive.

Therefore, to help clarify the issues we present in this section a brief description of the three alternatives. Since there are a number of features which may or may not be included in a model for both an appointed or elected chief executive, we have included in Appendix A a more detailed description of

the principal elements which we recommend be included in the two models. These have to do principally with the respective authority and responsibility of the chief executive and the Board of Supervisors and their relationship to each other.

We should note that in both proposals, with the exception of the chief executive, we do not recommend any change in the civil service status of department heads or other county officials.

While our commission itself recommended in 1970 that department heads and other top officials be taken out of the civil service classification, our experience at that time indicated that this issue embroiled the proposal for the chief executive in such controversy that the more important question of whether the County should have a strong chief executive or not tended to become lost in the argument over bringing back a spoils system to County government.

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We believe, therefore, that the proposals for both an appointed chief executive and an elected chief executive should be kept as free as possible from associated organizational proposals which while deserving consideration are not vital to the effective operation of either structure. We believe that the voters should be presented with proposals which are as straightforward and clear as possible. Thus, on a ballot which is bound to be complex, they should be able to understand the issues and to vote knowledgeably whether they want an appointed chief executive, an elected chief executive, or no change at all in County government.

Present County Structure

As in 1913 when the present today is governed by five supervisors who serve both as legislative and the executive head of the government. A chief administrative officer, appointed by the Board, acts as a budget officer and as a

chief of staff to the Board of Supervisors. There is no single chief executive responsible for overall direction of County operations.

All appointed department heads report to the Board of Supervisors, except the Marshal of the Municipal Court who reports to the Court. There are now 48 appointed department heads and over 90 advisory commissions and committees reporting directly to the Board. Each of the Board members is assigned responsibility for the supervision of a group of these departments. In addition, the Board is responsible for approving the budgets and appropriating funds for the departments headed by the three elected officials--the Assessor, District Attorney, and Sheriff--and the Justice, Municipal and Superior Courts. (See the attachment at the end of this report for a chart of the current County organization. We should note that the placement of the Chief Administrative Officer on the chart could be interpreted as indicating that the department County Charter was adopted, the County who serve both as the legislative and A chief administrative officer, appointed and as a chief of staff to the Board of executive responsible for the overall

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heads officially report to him. This is not true. The Board of Supervisors appoints and dismisses department heads, and therefore all appointed department heads are under the direct command of the Board.)

Appointed Chief Executive

Under this concept, the Board of Supervisors would continue to serve as the legislative and policy-making body of County government. The executive responsibilities now vested in the Board, however, would be delegated to a chief executive officer appointed by and serving at the pleasure of the Board. The principal responsibilities of the chief executive would include: (1) To appoint and to dismiss, subject to the approval of the Board of Supervisors, all County department heads except the elected officials and three other appointed officials who would continue to report directly to the Board of Supervisors--the Auditor-Controller, the County Counsel, and the Executive Officer of the Board.

(2) To plan, organize, direct, and control all County operations accountable to him. (3) To prepare and submit to the Board of Supervisors a recommended annual budget for the County and to administer the financial and fiscal affairs of the County.

This is the model of the private corporation with its board of directors and an appointed chief executive which has proved so successful in the private sector. It is also the model used in the public sector in the form of the council-city manager plan which has been adopted by a majority of city governments throughout the United States. These, however, are typically the smaller cities with populations under 250,000. According to the Municipal Year Book, among the 16 cities with populations over 500,000 only three use the council-city manager plan. The others use the elected mayor plan.

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Elected Chief Executive

Under this concept the Board of Supervisors would continue to serve as the legislative and policy-making body in County government. The executive direction of the County, however, would be assigned to a County executive, elected for a four-year term by all County voters. His responsibilities would be the same as an appointed chief executive except that under this concept the elected executive usually has the right to veto any ordinance or any budget item approved by the Board of Supervisors. The Board, however, can override the veto by a two-thirds majority--in the case of Los Angeles County, by a four to one vote.

Under this concept also the County executive appoints a chief administrative officer who assists the County executive in the overall administration of County operations.

This is essentially the model established in the United States Constitution for our federal government and adopted by all state

governments. As we have indicated, it is also the form typically used by the larger city governments, particularly those with populations over 500,000.

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IV. ARGUMENTS FOR AN APPOINTED CHIEF EXECUTIVE

The members of the commission who favor an appointed chief executive present the following arguments in support of their position.

1 Fosters Professional Management

The County requires the highest degree of professional and managerial talent. The kind of talent, so vitally needed for such a giant enterprise as the County, is more likely to be secured through a competitive examination and appointment process based strictly upon merit, ability and experience than by popular election. In addition, the Board of Supervisors is free to select a candidate from any area of the country. Thus, the range of qualified candidates is almost unlimited.

In contrast, the popular election process usually produces a person adept at politics and campaigning but not necessarily qualified as a professional manager. In addition, the election process is especially vulnerable to the influence of special interests. As William R. Freeman, Assistant County Executive of Sacramento County, observes, "The idea of an

elected executive officer raises all of the problems that now exist in our election process. How much is it going to cost to be elected and where is the money coming from? What really are the qualities required to get elected--ability or charisma?"

It is certain that the cost of the election for county executive would be very high. The candidates would have to build a political campaign organization and solicit large sums of money. That immediately makes a candidate greatly indebted to many people.

Thus, the successful elected chief executive sitting in such a powerful position, if so minded, could dispense great favors to special interests who

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contributed to his campaign. The office could become a powerful patronage stronghold rather than one which concentrated solely on what is in the best interest of all the taxpayers, in particular, an efficient and economical government which does not constantly add more people to the payroll.

In our election process, it is no secret that shortly after a successful candidate takes office, he immediately spends much time cementing his political team. Often he must arrange for diversified affairs to obtain monies needed either to pay off delinquent bills of the previous campaign or to start building a new money chest for reelection purposes.

Running an immense operation involving billions of dollars annually requires intense and complete concentration by the chief operating officer in handling the tremendous diversified daily problems inherent in any vast enterprise of the County's size. Therefore) it is not possible for an executive who must continually mend or strengthen his political fences, to concentrate and focus solely on the proper administration and management of the County organization.

Moreover, as Douglas Harman and Steven Carter point out, "Local government rapidly is becoming a complex science involving performance budgeting, information systems, systems analysis, model building, cybernetics, productivity measurement, and capital budgeting. These are the skills of the modern manager. They are indispensable to local governments today and will be even more critical in future years.

The policy leadership questions must be evaluated within the context of the great demands for strong management skills in all local governments. The management profession is entering a new era in which its contributions will be needed and valued more than in any previous period." (Douglas Harman and Steven C. Carter, "Currents of Change," Public Management, June 1973, p. 9)

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The training and experience of most politicians are not likely to qualify them as effective administrators and managers in this increasingly sophisticated and technical environment. As a consequence, because of the need for professional management, an elected chief executive usually is assisted by a chief administrative officer who is responsible for the day-to-day administration of the county. This results in one more tier of management and additional administrative costs, another burden to the taxpayers.

2. Provides for Effective Separation of Powers Without Political Influence The strong, appointed chief executive concept accomplishes the separation of powers without the political embroilment, campaign costs, and the consequent influence by special interests which an elected chief executive plan generates.

Under the appointed concept, the Board of Supervisors could concentrate its attention on its legislative, policy development, and ombudsman roles, as does a city council in the typical council-city manager plan. As the proposed charter amendment requires, the Board would delegate the day-to-day administration of County operations to the chief executive and would hold him strictly accountable for effective direction and control of the operations assigned to him.

As we noted in Section III, he would be responsible for appointing and dismissing department heads, for developing operational plans and organizational structures, and for directing and controlling all County operations, except those of the elected officials and the courts. He would also be responsible for administration of the fiscal affairs of the County and for preparing the annual budget for final approval by the Board of Supervisors.

This concept is modeled after the organizational structure used in private corporations with their Board of Directors and appointed chief executive. It is also the model used in the public sector in the form of the council-city manager plan, which has been adopted very successfully by many city governments throughout the United States.

Thus the concept has been thoroughly tested in practice in both the private and public sectors. Its key advantage over the elected concept is that it provides for the establishment of a strong executive authority with professional expertise, but at the same time avoids the pitfalls of political and special interest influence through subsidization of election costs and other favors.

3. Provides for Clear and Direct Accountability of the Chief Executive to the Board of Supervisors

The Board of Supervisors will be able to hold the chief executive directly accountable for the effective management of County affairs. Unlike the

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present management of County departments by a multiple executive--the Board of Supervisors--the chief executive would be solely responsible for the planning, organization, direction, and control of the County's departments. If he fails to manage these operations effectively and responsibly, the Board can immediately remove him.

Moreover, the Board, in contrast to the electorate, is in a much better position to evaluate the chief executive's performance. The Board members serve full time and under this concept would have both their own staffs and an audit function--as well as the Grand Jury and the Economy and Efficiency Commission--to investigate and report to them how effectively the County's operations are being managed and what problems or crises may be developing.

In contrast, under the elected executive concept, only the electorate can make the decision on the effectiveness of the chief executive. Unfortunately, all too often in making their decision to elect or reject a particular candidate the voters are swayed by personal charisma or well-

financed campaign propaganda rather than by a record of effective and responsible management.

4. Insures Compatible and Unified Administration of County Operations

The Board of Supervisors appoints the chief executive and the chief executive serves at its pleasure--with appropriate safeguards to guarantee that he is not discharged capriciously or for purely political reasons. The appointment process therefore guarantees a compatible and unified administration of the government organization. The Board of Supervisors acts as the legislature in passing laws and establishing broad policy; the chief executive is responsible and accountable to the Board of Supervisors for the day-to-day direction and supervision of all government operations.

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The elected chief executive concept, on the other hand, tends to build in executive-legislative conflict because officials in each branch are elected independently and see their roles and their public accountability somewhat differently. If the executive is elected at large and the supervisors are elected from districts, as would be the case in Los Angeles County, the potential for such conflict is increased. We have all seen this type of deadlock operate at both the federal and state levels, and we could expect it to happen in the County.

William Freeman, Assistant County Executive of Sacramento County, strongly emphasized this point in his letter to our commission, "An elected executive," he states, "presents the potential for the type of conflicts that now exist between the President and Congress, or the Governor and the Legislature. Local government simply could not tolerate the paralysis that now exists in Washington while the President and Congress wage their power struggle."

5. Provides for Prompt Removal of an Incompetent Chief Executive

If the appointed chief executive turns out to be ineffective, incompetent, or dishonest he can be discharged immediately. With an elected executive, if he turns out to be seriously incompetent and major problems develop in county administration, corrective measures may have to wait until the term of the executive expires and until a new executive is elected.

While the proponents of the elected concept have proposed a recall provision similar to that for the present three County-wide elected offices, the recall petition would require approximately 300,000 signatures. As a result, the process is extremely laborious and costly. Consequently, it would be almost impossible to remove the chief executive, except for the most flagrant abuse of his office.

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6. Provides for a Strong and Effective Audit Function

As we indicated in Section II, both Supervisors Ward and Hayes have proposed that a special investigative and management audit function be established reporting directly to the Board of Supervisors.

Under the appointed executive concept the Auditor-Controller, as well as the Executive Officer of the Board and the County Counsel, would continue to be appointed by the Board of Supervisors. Whether or not the special investigative function would operate within the Auditor-Controller's department or report directly to the Board, its principal responsibility would be to insure, as Supervisor Hayes has stated, "that the Board will have the accurate and timely information it needs to properly solve problems in County government, and to prevent serious problems from arising in the first place."

With an effective delegation of authority established assigning day-today managerial responsibility to the chief executive, the role of the audit function in determining if the executive was managing County operations effectively would take on added importance. The Board, as the final arbiter of the chief executive's performance, would be especially dependent on this function to

investigate and report accurately on the state of County operations. In particular, the audit agency would be directly responsible for uncovering problems as they arise and in conjunction with the chief executive and the responsible departmental officials resolving them before they develop into major crises.

7. Follows California Tradition and Practice

A change from the present chief administrative officer form of organization to the strong appointed chief executive is a logical evolutionary transition. It would not require the radical departure from present experience and tradition which the elected concept embodies.

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There is absolutely no tradition in California for an elected county executive. Hence, the concept of an elected chief executive would mean a radical departure from present tradition and experience. This view was expressed by Dr. William Cassella, Executive Director of the National Municipal League, in his presentation before our commission during its 1970 study of the County Charter.

"In my State of New York," he said, "the prevailing method of executive selection in county government is popular election. This is in keeping with our tradition of strong elected executives at the state and local level. So in our tradition the elected executive has merit, but your tradition in California is quite different. You have had an important record of experience with appointed executives of both kinds, both managers and CAOs. They have made an enormous contribution to government in California. Therefore, I would presume to say that it seems to me that in the light of your tradition, an appointed executive makes a great deal of sense, and I think that if I were one of you that would be my preference."

Expressing a similar opinion, Melvin Horton, Executive Vice President of the Property Owners Tax Association of California, told our commission,

"An elected chief executive officer would launch County government on a new and different pattern with which it has had no experience. We believe you should build on the present structure rather than radically revamping the entire system."

In summary, the members who favor an appointed chief executive believe that it offers the most responsible and professional means of resolving the major problems confronting county government. In particular, it will establish unified, day-to-day professional management in the County, the lack of which is the principal cause for the series of crises which have erupted in the county in recent years.

At the same time, unlike the elected concept, it will not raise new problems--problems involving the cost of campaigning and the vulnerability of the election process to patronage and the influence of special interests. It will,

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in contrast, bring responsible and experienced management to the chief executive function through an open, competitive selection process based upon merit; it will accomplish an effective separation of powers without exposure to the problems of campaign costs and the influence of special interests; it will provide for clear and direct accountability; it will insure compatible and unified administration of County operations; it will enable prompt removal of the chief executive if he proves incompetent or dishonest; it will enhance and strengthen the audit function; and finally, it follows long established tradition and practice in California county government.

V. ARGUMENTS FOR AN ELECTED CHIEF EXECUTIVE

Commission members who favor an elected chief executive present the following arguments in support of their position.

1. Insures a Separation of Executive and Legislative Branches

An elected chief executive would ensure the separation of the executive and legislative branches of County government and so establish a check and balance system following the principles in the United States Constitution and incorporated in federal, state, and almost all large municipal governments.

On this point Bernard Hillenbrand, Executive Director of the National Association of Counties, and a long-time advocate of the elected concept, has commented,

"What is it about County government which is so different that it requires a concept of management totally different from that commonly applied to sister governments at the local, state, and national levels? . . . Would anyone seriously propose that we do away with the office of governor and have a five-member commission run anyone of our states? Would anyone propose that we do away with the office of President of the United States and have a multi-member commission run the executive offices of the American government?" (The Case for an Elected County Executive," The American County, February, 1970, p. 10.)

An appointed chief executive, in contrast, could not guarantee an effective separation of powers between the legislative and executive branches of the government. Since the Board of Supervisors appoints the chief executive, and he

serves at its pleasure, it is the Board that must be held accountable for his actions. Whatever action the chief executive may take involving County services or operations in a given district it will be the supervisor, not the chief executive, who will be held accountable by the public. It is understandable, therefore, that the supervisors are strongly impelled to participate in executive decision-making and are reluctant to delegate this authority to someone else.

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Hence, regardless of what the charter may say about the delegation of executive authority to an appointed chief executive, there is a strong probability that the Board of Supervisors would continue to exercise executive authority much as it does today. The Board has long been accustomed to operating as chief executive and would not easily be discouraged from continuing in this role, despite what the Charter may say. Certainly, it would be most difficult for Board members to delegate to an appointed executive the authority to make decisions which could vitally affect their political futures.

Since the Board appoints the chief executive and he serves at its pleasure, he would be in a weak position to protest such incursion into his responsibility. Thus, the appointed chief executive would have chief executive authority on paper only. He would be second guessed and by-passed by the Board of Supervisors whenever political necessity warranted it.

On the other hand, if anything went wrong in the government operation, the Board would hold the chief executive accountable. Hence, establishing an appointed chief executive would create very little change from the present method of operation in the exercise by the Board of Supervisors of executive authority. The only change would be that the paper delegation of executive authority to the appointed chief executive would provide the Board of Supervisors with a more convenient scapegoat when things went wrong.

Finally, regardless of what protection would be provided to the chief executive--either through civil service procedures or through the dismissal

procedures recommended in our previous charter proposal--an appointed chief executive would not be sealed off from political pressure. In order to operate effectively, he would have to maintain the support of at least a majority of the supervisors. He would therefore be subject to the political concerns of

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this majority, since his position would become untenable if he lost the confidence and support of a majority of the supervisors.

2. Provides Strong Political Leadership

An elected chief executive will unify and immensely strengthen political leadership in the County. As the analysis of County problems in Section II indicates, the County is now seriously deficient in this kind of leadership. Because he is elected by all the people, an elected chief executive would be in a much stronger position than are five separate supervisors to organize community support for social and reform programs. Also, because of the power and prestige which would gravitate to the position, he is in a much stronger position to represent the interests of County government in its relationship with federal, state, and municipal governments.

The more heterogeneous and diverse the area and the constituency the more important the political leadership factor becomes. Victor D. Brannon, Director of the Governmental Research Institute in St. Louis, Missouri, states,

"I should say there are valid reasons why St. Louis County should have an elected chief executive. The County has a population approaching one million, 93 separate municipalities, a tradition of partisanship in County Government elections, a diversity of income and education groups, few strong citizen organizations that are County-wide, and a tradition of strong interest in the local neighborhood and municipal community but little interest in the County as a whole. With this diversity, there is need for a strong chief executive who can provide County-wide leadership, bring community groups together, and encourage business and civic leaders to participate in the solution of County-wide problems. There is also need for a strong chief executive who

can work effectively with his counterparts in the City of St. Louis and other counties that make up the Metropolitan St. Louis Area, and who can also make an effective presentation of the County's needs to the Governor and the State Legislature. To provide this type of leadership, the chief executive must be a strong political leader, which probably means that he must be elected."

An appointed chief executive, on the other hand, because he is appointed and is not the chosen representative of the people, typically operates as a man-

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agement technician. Since he has no popular base of political power--which can only be achieved through the election process--he cannot possibly provide this kind of influential political and policy leadership that an elected executive can provide. He could not be expected to exert strong leadership on emerging issues facing urban counties, to crystallize public opinion, and to be an effective advocate of new social or governmental programs. In particular, he would not be in a strong position to represent the interests of County government in its relationship with federal, state, and municipal governments.

This factor of political leadership very likely explains why the large city governments predominantly use the elected mayor concept and why the smaller cities typically use the city manager concept. The seven largest cities in the country--New York, Chicago, Los Angeles, Philadelphia, Detroit, Houston, and Baltimore--all use the elected mayor plan. Houston, for example, which had adopted a council-city manager form in 1942, swept it out in 1947 and instituted one of the strongest elected mayor systems in the country. It is still in operation. According to the most recent figures available among the 13 largest cities in the country, only Dallas, with a population of 844,000, uses the council-city manager plan. (International City Management Association, The Municipal Year Book 1972, p. 28)

It is the large cities with their heterogeneous populations which have the most severe social and economic problems. Only strong and effective political leadership can exert the necessary power and influence to galvanize these communities into achieving needed social and economic reforms in order to resolve

the very complex and controversial problems confronting them. Such leadership would be impossible for a professional manager, having no political power base to operate from and consequently no leverage to force agreement between contending interest groups or to generate popular support for his programs.

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Similarly, these large cities, like the County, need a strong political leader to represent their interests with state and federal officials. This very likely provides an additional reason why they typically operate with the elected mayor concept rather than the city manager. In these days of increasing federal and state revenue sharing and program subsidies, it is a lesson the County can ill afford to ignore.

3. Provides Visibility to County Government

An elected chief executive would eliminate one of the most serious problems now affecting the operation of County government--that is, its invisibility. The County is one of the largest governments in the United States. It employs over 80,000 people and operates on a budget of \$2.9 billion, a budget larger than that of 40 states. Yet, as we noted in Section II, it is likely that the vast majority of County citizens would be hard pressed to name more than one or two members of the Board of Supervisors. An elected chief executive would immediately bring an identity and visibility to County government which it has never had before. The value of such visibility in insuring that the citizens know how their government is operating and what programs and policies it is pursuing cannot be underestimated.

As we pointed out in Section II, it is extremely important that a government have visibility and that the people know what is going on. Otherwise, without the constraint of a "watchdog" public, there is grave danger of the organization becoming fat and irresponsible, or even worse, an organization influenced principally by special interests at the taxpayers expense.

4. Provides Clear and Unambiguous Accountability

A single chief executive elected by the people would be held solely accountable by them for the effective operation of County government. Under the present system, no one supervisor can be held accountable since he shares the authority with four other supervisors.

Because the electorate could hold the chief executive solely responsible for the effective operation of County government, the person elected to this position would be strongly motivated to control the cost of government and to manage it as efficiently as possible in order to insure his continuing in office. Any general discontent by the electorate--for example, over a large increase in the tax rate--would most certainly seriously endanger his chances for reelection. Unlike the division of authority under the present five supervisors, the elected chief executive could not avoid accountability for inefficient management and excessive costs.

John Spellman, recently elected to a second term as County Executive of King County, Washington, which includes the City of Seattle, emphasizes this point in his letter to our commission.

"The issue which persuades me to support an elected Executive rests on my personal belief in accountable administration, elected by the people at large and subject to their direct scrutiny. After five years my experience convinces me an elected Executive is more responsive, assuming he's accessible, and more responsible for his actions than is the case of an appointed Executive who must serve his Board directly and the public secondly, although these hopefully are one and the same."

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This view is supported by William L. Massey, Executive Director of the Municipal League of Seattle and King County, a long established citizens' reform group.

"Our experience, Massey states, with an elected county executive in King County has been exceptionally good so far. Since the charter went into effect in 1968 nearly every facet of county government has been improved. From my experience this has been the direct result of the county executive's authority to be able to organize and operate as he sees the need. If you want clear lines of responsibility, letting an individual executive rise or fall on his own merits, then an elected executive is the way to go."

5. Provides for a Truly Independent Audit Function

With the establishment of an elected chief executive, an audit function could be established reporting to the Board of Supervisors which would be truly independent of the executive function. Under the current organization an audit function reporting to the Board cannot operate independently of the executive function, since the Board itself functions as the chief executive of the County.

In April of last year when Supervisor Ward proposed that such a function be established reporting to the Board, he pointed out that the proposal would free the Chief Administrative Officer from an embarrassing conflict of interest. "We place him in an uncomfortable, untenable position," the Supervisor said, "when we ask him to investigate himself." Such a unit reporting to the Board of Supervisors functioning as chief executive could be placed in a similarly untenable position if it attempted to investigate the operation of the Board itself or any Board office.

Similarly, under an appointed chief executive the Board is still the final executive authority in County government and accountable only to the

people for its effective operation. The audit function, therefore, would still not be divorced from the executive function. Any investigation, for example,

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which indicated error, poor judgement or default on the part of the Board could put the audit group in an equally untenable position as under the present structure.

With an elected executive, on the other hand, the audit function could operate with complete independence of the executive function, similar to that of the General Accounting Office in Washington or the Legislative Analyst in Sacramento. Since these organizations report only to the legislature, they are completely separated from the executive branch, which it is their responsibility to investigate. The creation of such an independent audit function is perhaps one of the most significant innovations which could be made to improve the efficiency and responsiveness of County government.

6. Follows a Growing Trend Throughout the Country

It is true that there is no tradition in California for an elected county executive--discounting the City and County of San Francisco, which is a unique case. This is an argument, however, which could be used against any innovation or proposed change.

Daily we see customs and traditions changing, or being abandoned, and new ones taking their place. Therefore, rather than evoke tradition--a tradition which in fact may be outmoded--a more practical and productive approach, it seems to us, is to determine what the counties that have adopted this structure think about it. Are they satisfied with it, or is there a movement to discontinue it and to return to the appointed concept?

In response to our letters of inquiry to elected county executives and to government research institutes located in the same area, we received nine letters in reply from county executives and four letters from officials of

government research institutes. All indicated support of the elected concept and general voter satisfaction with it. Neither from these or other sources

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have we learned of any movement to discontinue the concept, once it has been established.

In St. Louis County, Missouri, for example, a charter commission was established in 1966 to study the current County Charter. This charter had been adopted in 1950 establishing an elected supervisor as the chief executive. After a year's study the commission brought in its recommendations. The new charter was adopted by the voters in April, 1968.

The commission report states, "The chief executive, who retains the title of County Supervisor, is the elected head of the government, just as the President of the United States is the elected head of the Federal government, and the governor is the elected head of the state government. The Council is the legislative arm. Of the government. . . This concept of St Louis County government is basic and had stood the test of time." (New St. Louis County Charter, April 2, 1968, p iii)

Fred W. Bennion, Director of the Tax Foundation of Hawaii, reports a similar satisfaction by the people of Honolulu. "Finally," he writes in his letter to our commission, "we should add that certainly the people of Honolulu believe in the concept of an elected strong Mayor-council form of government. It has been reaffirmed twice in modern history with practically no opposition to the concept."

In 1968 the National Association of Counties reported that the charters of 13 counties at that time established the position of elected county executive. In 1969 the Association reported that this number had increased to 23 counties. The Association observed, "The elected executive, who in turn appoints a chief administrative officer, seems to be the current trend." (American County Government, April, 1969, p. 20)

In its latest report in 1973 the Association reported that the charters of 49 counties now establish the position of elected executive, including on the West Coast, Multnomah County, Oregon, King County, Washington, and the City and County of San Francisco. "The 49 executive counties," the Association's report states, "have a total 1970 population of 26 million people--26,715,326 precisely." (NACO Fact Sheet, Elected County Executives, May 1, 1973, p. 1)

Since these facts and statements reflect actual, tested experience, they seem much more impressive and persuasive to us than generalized statements about California tradition. The elected concept in fact does have a tradition in California--in its State government and many of its city governments. That it has not been adopted by California counties may say more about the state of county government in California than provide a valid argument against the elected concept.

In summary, the members who favor an elected chief executive believe that the analysis clearly indicates that with respect to the major problems confronting County government, the elected concept offers the only real hope of diminishing or resolving them. Thus it will achieve clear and definitive separation of powers; it will unify and immensely strengthen political leadership in the County and strongly enhance the political influence of County government in relation to other governments--particularly the State and Federal governments; it will bring visibility and personal identity to County government; it will strengthen and centralize accountability for executive leadership in one official and improve the government's responsiveness to the electorate; it will enable the establishment of an audit function like the Federal GAO truly

independent of the executive function; and finally, it follows a growing trend in county government throughout the country.

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VI. THE COST QUESTION

During the debate on the elected chief executive by the Board of Supervisors, Supervisor Hahn, who sponsored the proposal, stated that placing accountability for County operations under one elected chief executive would result in savings of millions of dollars. Supervisor Schabarum, who opposed the concept, stated that it would add another expensive administrative layer to the County hierarchy, which would add millions of dollars to the cost of County government. (Los Angeles County employs over 80,000 people and has a current annual budget of nearly \$3 billion.)

Neither supervisor, however, supported his statement with factual information or citation of experience in other governments. Perhaps for good reason. It is extremely difficult to obtain definitive and conclusive data on this question.

However, before discussing the cost question in relation to the elected concept, let us first discuss the same question with respect to an appointed chief executive. The Chief Administrative Officer in Los Angeles County now has under his direct command a staff of 213 employees. They perform such standard administrative and staff functions as budgetary control, systems and organizational analysis, capital projects planning and control, city-county coordination, personnel and stenographic services, information services, and similar support functions.

If then the charter is changed to give the Chief Administrative Officer strong executive authority, including the authority to hire and fire department heads and to provide executive direction and control over

most County operations, it is difficult to see why the chief executive would require any increase in

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personnel over the present staff. Our conclusion, therefore, is that establishing the position of a strong appointed executive would require no addition in personnel and consequently would not result in an increase in cost.

Furthermore, if appropriate executive authority is delegated to the chief executive, there is every reason to believe that he could achieve substantial savings. It is obviously impossible to estimate these savings, however, since much depends on the ability of the executive selected. In addition, too little is known about the details of County operations where possible economies could be achieved.

With an elected chief executive the question of cost becomes more illusive and complex. In our letters to County officials and others throughout the country, we asked them especially for their views on the cost question with respect to both an appointed and an elected chief executive. As one may expect, we received a wide variety of answers. Following is a representative sample of the replies:

Howard W. Campen, County Executive, County of Santa Clara, California:

"I am of the opinion . . . that an elected executive, in the context of county government as we know it in California, is unnecessary and would likely result in a cost sufficiently in excess of an appointed county executive with power such as granted by the Santa Clara County's charter."

Lyle C. Fitch, Trustee, Institute of Public Administration, New York,
New York:

"I do question whether your supervisor could support his statement that 'an elected chief executive would save the county millions of dollars,' if his alternative is an appointed professional manager. If the alternative is the present situation, he may be right. One of the great disappointments about government reorganization is that expenditures seldom fall after reorganization."

Louis V. Mills, County Executive, County of Orange, New York:

". . . the consolidated, single executive model does not realize direct immediate savings in most cases. Obvious waste and irresponsible behavior can be rectified even without a county executive, but there is an ability under this model to keep cost increases in many areas at the lowest possible rate."

Laurence K. Roos, Supervisor, St. Louis County, Missouri:

"There is no validity to the charge that the creation of a single executive would add a new and expensive layer of government. Actually, one elected executive working in tandem with an elected legislative body is the traditional American way of administering government and, in my judgement, in the long run is the most efficient and economical way of getting the job done."

Norman N. Gill, Director, Citizens Governmental Research Bureau, Milwaukee, Wisconsin:

"It is difficult to 'prove' statistically, but it is my value judgment that the cost of the Executive's office, since it began functioning in 1960, has paid for itself many times over."

John Spellman, County Executive, King County, Washington:

"As to cost, my office budget is \$213,769, but a fraction of one percent of the \$79 million operating budget, and it is lower today than in 1969 since reorganization has allowed me to depend upon agency heads rather than personal staff."

James L. Loomis, Administrative Assistant to the Mayor, City and County of Honolulu, Hawaii:

"As an example of what an economy-minded mayor can do, Mayor Fasi has saved the City and County of Honolulu nearly \$3 million by streamlining the City government and by reducing the number of employees (exclusive of police and firemen) ten percent in the last 18 months."

William R. Freeman, Assistant County Executive, County of Sacramento, California:

"In my opinion, neither approach is automatically going to save any dollars. On the other hand, either of the approaches could

produce savings if everyone agreed to that objective and worked towards it. A decision like this is a matter of judgment based on abstract ideas. There is no hard and fast factual evidence that one of the structures is better than the other. They both exist in this country and they are both working."

John V. N. Klein, County Executive, County of Suffolk, New York:

"Whether . . . there is an appointed administrative head or an elected county executive it seems to me that the net result financially is the same."

Victor D. Brannon, Director, Governmental Research Institute, St. Louis, Missouri:

"So far as costs are concerned, I see no evidence to support the contention that an elected chief executive necessarily means that costs will be either increased or reduced, as compared to the costs that can be expected under an appointive chief executive. The experience of St. Louis County has demonstrated that a competent elected chief executive can attract competent administrators and provide efficient, economical, and effective government. At the same time, the experience of the four municipalities cited above has demonstrated that a competent appointed city manager, backed up by a strong mayor and a good council, also can provide efficient, economical, and effective government. I could also cite examples of inefficiency and ineffective government under both types of chief executive."

Clearly, while some officials and observers associated with the elected executive structure believe it will achieve savings, and in fact report that it has done so, others believe that the contest between the two concepts ends up pretty much a draw. In reviewing this material, the task force concludes that the key question is the caliber of the person who is elected. It seems likely that if he is dedicated and competent, he can achieve significant savings -- particularly if the organization he takes over has been operating without effective executive direction and control. On the other hand, there is always the possibility that a poorly qualified person--at least from the standpoint of

managerial capability--may be elected, in which case there is small likelihood of savings being achieved.

It would take considerably more investigation into the actual costs of particular governments than we have been able to conduct in the course of our study to provide more conclusive data on the cost question with respect to elected chief executives.

An interesting cost comparison, however, emerges when we look at the City of Los Angeles and the County of Los Angeles. The City operates with an elected Mayor, a City Council of 15 members, and a City Administrative Officer who reports to both the Mayor and the City Council. The County operates with a Board of Supervisors, an Executive Officer of the Board and a Chief Administrative Officer.

In both cases, since the City Council and the Board of Supervisors function in an executive as well as legislative role, it is impossible to isolate executive from legislative costs. We can, however, compare the total cost of both functions in the two governments. In Los Angeles County, the total cost of the Board of Supervisors, the Supervisors' staffs, the Executive Office of the Board, and the Chief Administrative Office is currently \$6,463,916 a year.

The comparable cost in the City for the City Council, the Mayor's Office, and the City Administrative Office is currently \$8,016,145 a year. Thus, the total cost of the City functions which are responsible for an organization of 42,000 people is over \$1.5 million more than the County functions which are responsible for an organization of 80,000 people.

However, as we have indicated, before one can responsibly draw any definitive conclusions about these cost figures and their relationship to the elected executive concept, one would have to conduct a more rigorous analysis of the differences between the two governments than we have been able to do.

Until this and similar studies of other governments are undertaken, the question of cost and the elected concept must remain a disputed and unresolved issue.

APPENDIX A

Organization and Operation with an Appointed Chief Executive and with an Elected Chief Executive

In this appendix we present in greater detail the principal elements which we recommend be included in the charter proposals for both an appointed and an elected chief executive.

Appointed Chief Executive

Under this concept the Board of Supervisors would continue to serve as the legislative and policy-making body of County government. The executive responsibilities now vested in the Board, however, would be delegated to a chief executive officer appointed by and serving at the pleasure of the Board.

The task force recommends that this type of organization should include the following principal elements:

1. The chief executive shall be appointed by a 4-1 vote of the Board of Supervisors following an open competitive examination based upon present civil service procedures.

2. The chief executive shall serve at the pleasure of the Board without civil service or contract tenure. He shall be subject to dismissal by a 4-1 vote of the Board. Before a final vote for dismissal, the chief executive shall have the right to meet with the Board in executive session, or in a public session if he requests it, to consider and discuss the reasons for his proposed dismissal. In the event the Board dismisses the chief executive, it shall promptly adopt a written report setting forth the reasons for dismissal. This report shall be made public.

3. The County Charter shall outline the major responsibilities of the chief executive for the organization, planning, direction and control of County operations.

This authority is "advisory only" with respect to departments headed by elected officials and departments reporting directly to the Board of Supervisors.

4. The charter shall outline his responsibility for administration of the fiscal affairs of the County and in particular, his responsibility to prepare and submit to the Board of Supervisors an annual budget for final approval by the Board.

5. The charter shall delegate to the chief executive, subject to approval of the Board of Supervisors, the authority to appoint or dismiss all department heads except the following:

- (a) Elected officials--the Assessor, the District Attorney, and the Sheriff.
- (b) The Auditor-Controller, the County Counsel, and the Executive Officer of the Board. These officials shall be appointed or dismissed directly by the Board.

The chief executive would appoint or dismiss department heads using present civil service procedures. With the exception of the chief executive, we do not recommend any change in the civil service status of department heads or other County officials.

Elected Chief Executive

Under this concept, the Board of Supervisors would continue to serve as a legislative and policy-making body in County government. Executive direction of the County, however, would be assigned to a County executive elected for a four-year term by all County voters. His responsibilities would be similar to that of an appointed chief executive with, however, some significant differences.

1. The County executive shall appoint a chief administrative officer who assists the chief executive in the overall administration of County operations.

2. The County executive shall appoint all present department heads, including the County Counsel, subject to the approval of the Board of Supervisors. In making appointments he shall follow present civil service procedures. He shall also dismiss, on cause, the same officials, again following civil service procedures and subject to the approval of the Board of Supervisors.

3. The Board of Supervisors shall appoint and dismiss, following civil service procedures, the Auditor-Controller, the Executive Officer of the Board, and the Legislative Analyst, which position and office shall be created to provide legal assistance and advice to the Board of Supervisors.

4. The chief executive shall be responsible for the organization, planning, direction, and control of all County operations reporting to him. He shall also be responsible for preparing and submitting to the Board of Supervisors a recommended annual budget for the County and for administering the financial and fiscal affairs of the County.

5. The chief executive shall appoint the members of all committees and commissions in the County. He shall have authority to establish new commissions or abolish current commissions or committees. The budget authorization, however, for new commissions shall be a responsibility of the Board of Supervisors.

6. The chief executive shall propose new ordinances for approval by the Board of Supervisors.

7. The chief executive shall have the authority to veto any ordinance approved by the Board of Supervisors. Such a veto must be returned to the Board of Supervisors within ten days of the approval of the ordinance. The Board of Supervisors may override the veto by a 4-1 vote.

8. The chief executive may also veto any item, addition, or deletion by the Board of Supervisors of his proposed budget. The veto shall be subject to the same time limitation as an ordinance veto and the same 4-1 override by the Board of Supervisors.

9. Finally, the elected chief executive shall be subject to recall by the voters in the following manner:

A petition demanding the election or appointment of a successor to the chief executive shall be filed with the Registrar of Voters. This petition shall be signed by qualified voters equal in number to at least 15% of the entire vote cast within the County for all candidates for the office of Governor of the State in the last preceding gubernatorial election.

This is the same recall procedure contained in the present County Charter covering the offices of the Assessor, the District Attorney, and the Sheriff.

Letters From County and Other Officials

- Fred W. Bennion, Director, Tax Foundation of Hawaii, Honolulu, Hawaii, April 3, 1974
- Victor D. Brannon, Director, Governmental Research Institute, St. Louis, Missouri, April 2, 1974
- Jane M. Brodziak, Executive Assistant, Executive Office, New Castle County, Wilmington, Delaware, March 19, 1974
- Howard W. Campen, County Executive, County of Santa Clara, San Jose, California, April 1, 1974
- Daniel L. Colosino, Executive Secretary, Executive Office, Baltimore County, Towson, Maryland, February 11, 1974
- Michael Corriveau, Research Librarian, Milwaukee County, Milwaukee, Wisconsin, February 25, 1974
- Lyle C. Fitch, Trustee, Institute of Public Administration, New York, New York April 24, 1974
- William R. Freeman, Assistant County Executive, County of Sacramento, Sacramento, California, April 18, 1974
- Norman N. Gill, Director, Citizens' Governmental Research Bureau, Milwaukee, Wisconsin, February 26, 1974
- John V. N. Klein, County Executive, County of Suffolk, Hauppauge, Long Island, New York, March 4, 1974
- James L. Loomis, Administrative Assistant to the Mayor, City and County of Honolulu, Honolulu, Hawaii, February 19, 1974
- William L. Massey, Executive Director, Municipal League of Seattle and King County, Seattle, Washington, April 22, 1974
- Louis V. Mills, County Executive, County of Orange, Goshen, New York, February 26, 1974
- Lawrence K. Roos, Supervisor, St. Louis County, Clayton, Missouri, February 13, 1974
- John D. Spellman, County Executive, King County, Seattle, Washington, March 12, 1974

- John C. Bollens, Appointed Executive Local Government: The California Experience, Los Angeles, Haynes Foundation, 1952
- John C. Bollens, John R. Bayes, and Kathryn L. Utter, American County Government With an Annotated Bibliography, Beverly Hills, Calif., Sage Publications, Inc., 1969
- Herbert Sydney Duncombe, County Government in American, Washington, D.C., National Association of Counties, 1966
- Erie County Council of the League of Women Voters, Erie County: A Study of the Government, Buffalo, New York, 1972
- Jane Gladfelder, California's Emergent Counties, Sacramento, County Supervisors Association of California, 1968
- Governor's Committee on Reorganization of the Government of New Castle County, Delaware, Samuel R. Russell, Chairman, Report and Proposed Legislation, May, 1964
- Kenneth Hahn, "Los Angeles County Government Needs Overhauling - A Charter Amendment in 1970?" Los Angeles Town Hall Reporter, January, 1970, pp. 5-6
- Bernard F. Hillenbrand, "The Case for an Elected County Executive," The American County, February, 1970, pp.10, 60
- "The County Leadership Decision: An Interview," The American County, February, 1970, pp. 12-15
- "Elected County Executives," The American County, March, 1972 pp. 10, 55
- "Half Way To Nashville," The American County, June, 1970, pp. 6, 38
- "Unleashing New Jersey's Counties," American County Government, June, 1969, pp. 8-9
- "We Need County Governors," American County Government, June, 1967, p. 8
- International City Management Association, Ed., "Mayors and Municipal Administrators," Public Management, June, 1973
- Los Angeles County Citizens Economy and Efficiency Commission, Charter Proposals for the 1973 Special Election, August, 1973
- Los Angeles County Citizens Economy and Efficiency Commission, Study of the Los Angeles County Charter, July, 1970
- Paul R. Meyer, "King County, Washington, Charter No. 38," American County Government, April, 1969, pp. 31-35

National Association of Counties, "Charters 1968," American County Government, April, 1969, pp. 36, 57-65

National Association of Counties, From America's Counties Today 1973, New County, U.S.A. Center, Washington, D.C., 1973

National Association of Counties, NACO Fact Sheet, New County, U.S.A., Elected County Executives, May 1, 1973

Lawrence K. Roos, St. Louis County, Missouri, "Charter No. 37," American County Government, April, 1969, pp. 27-30

State of New Jersey County and Municipal Government Study Commission, William V. Musto, Chairman, County Government: Challenge and Change, April 28, 1969

Arthur G. Will, Chief Administrative Officer, Los Angeles County, Chief Administrative Officer's Position in County Government, Report to Board of Supervisors, June 18, 1973