
**STUDY OF LOS ANGELES
COUNTY CHARTER**

**REPORT OF LOS ANGELES COUNTY CITIZENS
ECONOMY AND EFFICIENCY COMMITTEE
July 1970**

LOS ANGELES COUNTY
CITIZENS' ECONOMY AND EFFICIENCY COMMITTEE
ROOM 139, HALL OF ADMINISTRATION/500 WEST TEMPLE/LOS ANGELES, CALIFORNIA 90012/625-3611, EXT.64605

July 14, 1970

Honorable Board of Supervisors
383, Hall of Administration
Los Angeles, California 90012

Gentlemen:

COUNTY CHARTER STUDY

In July, 1969, your Board adopted an order requesting the Economy and Efficiency Committee to conduct a study of the County charter. In your order you asked that the committee submit any recommendations to amend the charter in ample time for your Board to review them for possible inclusion on the ballot in the November, 1970, general election.

In responding to your request the committee concluded that it was neither necessary nor feasible to study every provision of the charter. The charter is a compact document of 35 pages. It is relatively free of legal and operational details. These appropriately have been incorporated in Board ordinances and compiled as the Administrative Code

Therefore, the committee confined its study to the two major issues which in recent years have caused the greatest discussion and controversy in relation to County government. These are:

1. The organizational structure of County government, in particular the relationship that should exist between the Board of Supervisors, the chief executive officer, and the department heads.

Robert Mitchell,
Chairman

Raymond Arbuthnot
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Louis Rogers
George Shellenberger
Mrs. Benjamin Erick Smith
William Torrence
Gus A. Walker
Burke Roche,
Executive Secretary

2. The size of the Board of Supervisors, in particular whether the Board should be increased from five to seven members.

To expedite the study the committee appointed a Charter Study Task Force, consisting of members of the committee, and assigned it the responsibility of developing the study program, establishing schedules, and providing supplementary reports and articles for the committee's review. Members of the Task Force were Dr. John Bollens, Chairman, Maurice Chez, Irvin Mazzei, Mrs. Donelle Smith, and George Shellenberger.

In determining the best manner of conducting the study, the Task Force concluded that these issues deserved thorough public discussion before the committee could responsibly submit its recommendations to your Board. The Task Force, therefore, organized a series of public meetings to which it invited experts in local government and representatives from local community organizations to testify before the full committee on the charter issues.

Between October, 1969, and May, 1970, the committee held twelve such meetings. Presentations were heard from 27 different speakers. These speakers included seven experts in County government from other areas of the country, two representatives from taxpayer organizations, three union and employee association leaders, eleven speakers from the Mexican-American community, three speakers from the black community, and one speaker representing the Urban Coalition. Appendix A provides a complete list of these speakers

These presentations provided the committee with a wide range of recommendations and pertinent information. The committee appreciates the

Honorable Board of Supervisors

July 14, 1970

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time and effort which the speakers devoted to their presentations and we thank them for their assistance in conducting our study.

The committee obtained additional information and comments on the charter issues from major department heads in the County through a series of interviews conducted by the committee's executive secretary. We would like to express our appreciation to these officials for their cooperation and assistance in our study.

The committee also reviewed a number of reports and articles analyzing the problems of local government. The report by the Committee for Economic Development, "Modernizing Local Government," the report by the New Jersey County and Municipal Government Commission, "County Government; Challenge and Change," and the nationwide surveys of county government published by the National Association of Counties were especially helpful to the committee.

The committee's recommendations are contained in the following report. We respectfully urge their adoption by your Board for inclusion on the ballot in the November, 1970, general election

Very truly yours,

ROBERT MITCHELL, CHAIRMAN

RM:ml

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INTRODUCTION

This report is divided into three sections,

Section I contains the committee's recommendations and conclusions on the organizational structure of County government, in particular the relationship that should exist between the Board of Supervisors, the chief executive officer, and the department heads.

Section II contains the committee's recommendations and conclusions on the size of the Board of Supervisors, in particular whether the Board should be increased from five to seven members

Section III repeats the recommendations in Section I on the organizational structure and adds further details covering the committee's conclusions.

SECTION I
RECOMMENDATIONS ON THE ORGANIZATIONAL
STRUCTURE OF COUNTY GOVERNMENT

Summary of Recommendations

Following is a summary of the committee's recommendations to change the organizational structure of County government. A detailed version of these recommendations is presented at the end of this section.

The recommendations will require amendments to the County charter. The committee unanimously recommends that the Board of Supervisors place these proposed amendments on the ballot as a single proposition in the November, 1970, general election.

1. A position with the title "County Chief Executive" shall be established by charter provision.

2. The Chief Executive shall be appointed by a majority vote of the Board of Supervisors following an open competitive examination process based upon merit.

3. The Chief Executive shall serve at the pleasure of the Board without civil service or contract tenure,

4. The County charter shall outline in general terms the responsibilities of the Chief Executive for the organization, planning, direction, and control of County operations.

5. The charter shall include a provision, which gives the Chief Executive authority, subject to majority approval of the Board, to reorganize County departments reporting to him into agencies, each agency to consist of departments performing related functions. It shall also include a

provision which gives the Chief Executive authority, subject to majority approval of the Board, to establish an incentive pay plan for County executives.

6. The authority to appoint or dismiss the Director of Personnel, now delegated by the County charter to the Civil Service Commission (Section 31), shall be transferred to the Chief Executive, or, if the Personnel Department is included in an agency, to the head of the agency.

7. Subject to majority approval of the Board of Supervisors the Chief Executive shall appoint or dismiss all agency heads and department heads except the following:

- a. The elected officials - the Assessor, District Attorney and 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.
- c. Top staff officials reporting to a board or commission acting as department head. The board or commission shall appoint or dismiss these officials, subject to approval of the Board of Supervisors.
- d. Department heads reporting to an agency head. The agency head shall appoint or dismiss these officials, subject to approval of the Chief Executive.

8. Agency heads, department heads, and top staff officials reporting to boards or commissions acting as department heads, shall be exempt from the classified service. The Chief Executive shall have the authority, subject to majority approval of the Board, to exempt other executives who hold upper level positions in a department, such as chief deputy or division chief.

9. Executives in the unclassified service shall be appointed through a competitive selection process based on merit.

10. If an executive in the unclassified service is replaced, he shall have the right to return to civil service tenure on an appropriate organizational level as determined by the Chief Executive. The Chief Executive shall have the authority, subject to the approval of the Board, to abrogate this right if the department head has been dismissed for gross incompetence, malfeasance or immorality.

11. Present County officials in positions which have been assigned to the unclassified service shall retain their civil service status for a period of five years. At the end of five years, or if they retire before five years, their position shall be made exempt.

Committee Conclusions

The remainder of this section presents the major reasons why the committee recommends these changes in the County organizational structure. Section III repeats the recommendations and adds details further explaining the committee's conclusions.

Present County Organization

The present Los Angeles County charter was adopted by the voters in 1912 and put into effect in June, 1913. At that time the County was largely rural. It had a population of 600,000. County employees numbered 3,000 and the annual budget amounted to \$4 million. Today Los Angeles County, except for the northeastern section, is one vast urban area stretching from Pomona to the sea. The population has grown to 7 1/2 million people. County government has grown even faster. Employment is now 68,000 and will increase to 73,000 in the next years. The annual budget has grown to \$2.2 billion.

SECTION II
RECOMMENDATIONS ON THE SIZE OF THE BOARD OF SUPERVISORS

Recommendations

1. A majority of fourteen members of the committee recommends that the Board remain at its present size of five members.

2. A minority of five members of the committee recommends that the Board be increased to seven members.

3. Nineteen members of the committee unanimously recommend that the Board of Supervisors place the question of increasing the Board to seven members on the ballot as a separate proposition in the November, 1970, general election.
(There are twenty members on the committee. However, one member was recently appointed and did not participate in the voting.)

The committee was unable to reach a unanimous conclusion as to the desirability of increasing the size of the Board of Supervisors. A majority of the committee is opposed to the increase. A minority favors the increase. Hence the views of both the majority and minority are included in this report,

Although the committee is divided on the question of increasing the Board, it is unanimous in the conclusion that this issue should be submitted to the voters. Following the traditional democratic process, 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 committee also recommends that this question be placed upon the ballot as a proposition separate from the proposition containing the

organizational amendments. Every voter, in other words, should be allowed to vote separately on each issue, either yes or no on the organizational changes and either yes or no on increasing the size of the Board of Supervisors.

Following is a summary of the views of the speakers who testified before the committee. After this summary, the section concludes with the statements of the majority and minority within the committee. As background information, see Exhibits 2 to 5 . Exhibit 2 shows present district boundaries and Exhibit 3 detailed maps of the five districts. Exhibit 4 presents an illustration, prepared by the County Commission on Human Relations, of possible district boundaries if the Board were increased to seven members. Exhibit 5 contains a chart showing the estimated ethnic distribution of population by supervisorial district.

Testimony of the Speakers

It is not surprising that the committee disagrees about increasing the size of the Board, since the speakers who appeared before the committee were themselves seriously divided. All 27 speakers testified on the issue, although not all took a specific position. See Appendix A for a complete list of the speakers.

Authorities from Other Areas of the Country

Of the seven experts from other areas of the country, three speakers said that they saw little justification for enlarging the Board of Supervisors. These speakers were William MacDougall, formerly General Counsel and Manager of the County Supervisors' Association and now Executive Director of the Advisory Commission on Intergovernmental Relations.

SECTION III

ADDITIONAL DETAILS ON THE ORGANIZATIONAL STRUCTURE OF COUNTY GOVERNMENT

This section repeats the recommendations contained in Section I and adds further details covering the committee's conclusions.

Selection of the Chief Executive - Election or Appointment

Recommendation 1. A position with the title "County Chief Executive" shall be established by charter provision. The County Chief Executive shall act as the executive head of the County with broad appointment and dismissal authority.

Of the twelve speakers who appeared before the committee and testified on the appropriate authority and responsibility of the chief executive in the County, eleven advocated a strong chief executive position. The only difference among these speakers was whether the chief executive should be appointed or elected.

One of the strongest advocates for an elected chief executive was Bernard Hillenbrand, Executive Director of the National Association of Counties. He pointed out that there has been a significant trend in recent times toward an elected county executive. He said that one of the principal problems with county government throughout the country is its lack of personal identity. Cities do not have this problem because their mayors are elected. As a consequence, many mayors, particularly in large cities, are very well known and operate from a strong political power base. In contrast, an appointed chief executive in county government is limited to internal administrative leadership and cannot operate effectively as a political policy-maker and leader, especially in relationship to other governments. An elected chief executive, for example, is in a much stronger position to work with and influence a state legislature.

John Spellman, the elected chief executive of King County, Washington, which includes the City of Seattle, and Richard Albrecht, an attorney and the Chairman of the Board of Freeholders which prepared a new county charter for King County, also strongly supported the concept of an elected chief executive. The new charter for King County was adopted by a large majority of the voters and put into effect in June, 1969. The charter provides for an elected chief executive and gives him broad executive authority, including veto power over ordinances passed by the County Commission of nine members,

Their arguments were similar to Mr. Hillenbrand's. They pointed out that electing the chief executive gives the county government greater visibility. It establishes the chief executive as a political and policy-making leader with whom citizens can identify because they elect him. In addition, as an elected representative of all the people in the county, the chief executive has more stature than an appointed executive in dealing with other governmental entities

The speakers who advocated an appointed chief executive cited a number of disadvantages in the elective system. They argued that the kind of qualifications and skills required for the chief executive position are more likely to come from appointment than by popular election. The training and experience of most politicians are not likely to qualify them for such an administrative position. These speakers pointed out that 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. Moreover, although the elected executive may concern himself with managerial problems

involving the county during the first year of his term, in the next three years he is more likely to be concerned about his reelection.

In a report on county government, the County and Municipal Government Study Commission of New Jersey points out two more deficiencies in the elected executive system. First, if things go wrong in county administration, corrective measures may have to wait until the term of the executive expires and until a new executive is elected. Second, this system also tends to build in executive-legislative conflict because the officials in each branch are elected independently and see their roles and their public accountability somewhat differently.

Our committee believes that the chief executive position which we propose for the County will require the highest degree of professional and Managerial talent. We agree with the speakers who believe that this kind Of talent is more likely to be secured through a competitive examination And appointment process based upon merit than by popular election.

We also discount the need for politicizing the role of the Chief Executive of the County. We believe the County's most urgent need is strong Executive leadership. As one authority on local government, Dr. Philip Neff of Westwood Research, Incorporated, has stated, "Improved efficiency in government is the only answer to mounting taxes. This efficiency will result only from applying the best administrative and technical support to government operations." This is the role we envision for the Chief Executive.

Another factor having a strong bearing on the committee's conclusion is tradition. There is absolutely no tradition in California for an elected County executive. On this point Dr. William Cassella, Executive Director of the National Municipal League, commented, "In my state of New

York, 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 CAO'S. 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 of the Taxpayers Association of California, told the committee, "An elected chief executive officer would launch County government on a new and different path with which it has had no experience. We believe you should build on the present structure rather than radically revamping the entire system."

The committee agrees with Mr. Horton, and we believe his statement aptly summarizes the case for an appointed over an elected chief executive.

Appointment Process for the Chief Executive

Recommendation 2. The Chief Executive shall be appointed by a majority vote of the Board of Supervisors following an open competitive examination process based upon merit. The Civil Service Commission shall determine the requirements to qualify for the position and prescribe the procedures to be used in the examination process. All candidates who pass the examination shall be eligible for appointment, and the Board of Supervisors shall be free to appoint any candidate who passes.

The committee believes that the Civil Service Commission should continue to have responsibility for determining the appropriate examination procedures to be used in the appointment process for the Chief Executive. We believe that the examination should always be open to all qualified can-