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Economy & Efficiency Commission

Meeting Minutes

MINUTES OF THE SPECIAL MEETING OF THE ECONOMY AND EFFICIENCY COMMISSION

WEDNESDAY, JULY 21, 1992
KENNETH HAHN HALL OF ADMINISTRATION
500 West Temple St., Los Angeles, CA 90012

Editorial Note: Agenda sections may be taken out of order at the discretion of the chair. Any reordering of sections is reflected in the presentation of these minutes.

ATTENDANCE

COMMISSIONERS PRESENT

Fred Baiderrama
Gunther W. Buerk
Marshal Chuang
Jack Drown
Louise Frankel
Dr. Alfred Freitag
Jonathan Fuhrman
Dr. Mike Gomez
Marvin Hoffenberg
Chun Lee
Abraham Lurie
Carole Ojeda-Kimbrough
Robert H. Philiposian
Daniel Shapiro
Betty Trotter

COMMISSIONERS EXCUSED

Richards Barger
George Bodle
Randy Srockwell
Efrem Zimbalist, III

STAFF

Mr. Bruce Stanforth, Executive Director
Ms. Robin Kincaid, Executive Assistant

VISITORS

Jerry Hampton, LACERA

Chairperson Gunther Buerk noted that today's special meeting is being held to discuss the Pension Task Force Independent Legal Counsel's opinion on compensation for retirement, and to vote on whether the Commission should support the ballot measure to create the elective office of a County Executive.

LEGAL COUNSEL OPINION

Commissioner Freitag, chairperson of the pension task force stated that the task force has received the opinion, and met with Mr. Smith, the Independent Legal Counsel, who provided an interpretation of his opinion. However, the task force has not yet taken any position. The task force felt that Mr. Smith did a conscientious and thorough job, but the task force is not prepared to recommend that the Commission take a position on the pension issue until the work of the task force is completed.

The task force is going forward with its study as discussed at the July 1st meeting. The project design has been agreed to and a tentative calendar has been adopted by the task force. The remaining portion of this project is scheduled to be completed by the end of October. The task force believes this legal opinion could be a valuable resource to them in the course of their study.

Chairperson Buerk commented that the task force had done some very extraordinary work to find qualified counsel who was independent, knowledgeable, and wouldn't present a conflict of interest.

Commissioner Freitag noted that due to his knowledge and experience in the legal arena, Commissioner Philibosian took on a lead role in handling the search for counsel. One of the criteria established by the task force was that the counsel chosen had to be independent and knowledgeable in the retirement field.

Commissioner Drown inquired as to Commissioner Fuhrman's preliminary recommendations. Commissioner Fuhrman stated that he distributed copies to each of the Commissioners so that they could read the material prior to the next Commission meeting. He also asked that the recommendations be placed on the agenda for consideration at the regular Commission meeting on August 5th.

Due to a provision in the Brown Act, action can not be taken on these preliminary recommendations because they were not included on the agenda. The only items that can be discussed or acted on, are those listed on the agenda.

Commissioner Frankel believes that the opinion is being passed along to Commissioners as a point of information since the Commissioners present has just received a copy, and haven't had time to read the material. She recommended each Commissioner read three reports: the County Counsel's report, Grand Jury report, and the Independent Counsel's reports. This will give the Commissioners a better understanding of the situation for the next meeting.

Commissioner Philibosian stated that Commissioner Fuhrman's recommendations are not those of the entire task force. The task force has not taken a position on these recommendations, nor whether they should be included on the August 5th agenda.

Chairperson Buerk stated that the general practice has been for the task force to make recommendations to the full Commission, and then the Commission takes action. He noted that he had spoken with Commissioner Fuhrman prior to the start of the meeting, and Commissioner Fuhrman felt that the recommendations to ask the Board not to take any action on the pension issue, could be taken up by the task force and possibly make a recommendation to the full Commission.

Chairperson Buerk suggested that the task force review Commissioner Fuhrman's recommendations and come up with some thoughts to either endorse or modify them.

Commissioner Philibosian made the following motion:

The Independent Legal Counsel's opinion be passed on to the Board of Supervisors without prejudice, and that the Commission make a statement in the letter of transmittal that indicates the Commission has received it, but has not had a chance to study the opinion in detail. On the face of it, the Commission cannot find any fault with it and will use the opinion in the course of its study.

Commissioner Fuhrman seconded the motion.

Commissioner Frankel believes that the letter should simply state that the document has been received, was

professionally done, and the Commission is passing it along without any pros or cons. She doesn't believe the letter should state "on the face of it can not find any fault with it", as the Commission can't be sure until everyone has had a chance to analyze the opinion. She feels this sentence should be stricken from the motion.

Commissioner Freitag agreed with Commissioner Frankel's observation. Accordingly, Commissioner Philibosian restated his motion to reflect:

The opinion of the Independent Counsel be transmitted to the Board of Supervisors by the Economy & Efficiency Commission. That the Economy & Efficiency Commission has found, based on a recommendation by the Pension Task Force, that the Independent Counsel's opinion is responsive to the Board of Supervisors' request, and has been done in a complete and professional manner. The Commission transmit a copy of the task force chair's letter to Economy & Efficiency Commission Chairperson Buerk, as it explains that the task force carried out the board's order.

The second still stands. The motion was unanimously carried by the Commissioners present.

BALLOT INITIATIVE MEASURE

One of the measures on the ballot initiative is to create an elective County Executive. The Board would like to put the measure on the November 3, 1992 ballot. The Commission can endorse the measure and provide a ballot argument in favor of the measure with a two-thirds vote of the Commission.

Commissioner Zimbalist who was chair of the 1990 task force on Executive Structure that recommended the Board of Supervisors endorse such an initiative. At that time, the Board turned the initiative down.

In Commissioner Zimbalist's absence, Commissioner Trotter, who was the vice-chair of the 1990 task force, gave an overview.

Commissioner Trotter noted that there are three proposed ballot measures: to increase the Board from 5 to 7; from 5 to 9; and to create an elective County Executive. In order for the one of the first two measures to take effect, the elective County Executive measure must pass. At the moment three initiatives are before the Department of Justice who must approve them for compliance with the Voting Rights Act.

The County had hoped for a response from the Department of Justice by July 15. The response is now expected by July 30th. If one of the expansion measures is turned down, there might have to be additional action by the Board, which couldn't take place until August 4th. The deadline for ballot arguments would be August 11th, with a deadline for rebuttal arguments August 21st. Presumably by that time the proponents of the County Executive will have drafted arguments. Commissioner Trotter felt that it may be premature to reach any decisions, but it would be helpful to know the feelings of the Commission.

Commissioner Drown inquired if the Board had voted to put all three measures on the ballot and was told that the Board voted in May, 1992 to place the three measures on the November 3, 1992 ballot.

Commissioner Fuhrman noted that even though it may be premature to decide if the Commission wants to participate in the ballot arguments, he believes it is appropriate for the Commission to discuss whether or not the Commission should endorse the proposal.

Commissioner Fuhrman motioned:

The Economy & Efficiency Commission formally endorse the proposal to institute the office of elective County Executive.

Commissioner Frankel seconded the motion.

Commissioner Philibosian stated that he was against the motion. He expressed his belief that more government doesn't necessarily mean better government. He believes that at the present time, the structure is adequate, and that another layer of government is not needed. It could be more expensive and less efficient.

Commissioner Philibosian also stated that he is against expanding the Board, as the five Board members with their staff, and with county departments that have been competently and professionally developed, can do the job.

Commissioner Frankel stated that she is supporting the measure, since County government is floundering, and there is a lack of direction, no long range planning, and no overall leadership. She also noted that since the monetary authority

was turned over to the CAO, he hasn't been very accountable and lot of matters fell through the cracks. Each County department is like its own corporation, even though each of the five Supervisors have oversight responsibility over the departments.

Commissioner Balderrama stated that he would be against the measure. He believes that it would just be adding another layer of bureaucracy, and that having a County Executive doesn't mean that there won't be problems or more accountability.

Commissioner Fuhrman reiterated the 1990 task force recommendation of the County Executive, noting that the reason they endorsed the concept was primarily structural. This is a County with 38 departments, each with a general manager, each essentially independent, and essential running his or her own department, all of whom collectively report to a Board of Supervisors, that not only legislates, but also monitors the execution and management of County government.

The 1990 task force pointed out the inability of the system to deal with new problems affecting the County which cross most or all departmental boundaries, the lack of effective coordination between departments, and the failure institutionally to generate effective leadership and long-term planning. Commissioner Fuhrman suggested that the Commission endorse the measure this year.

Commissioner Philibosian believed it would be too optimistic to think that a County Executive could solve all the County's problems. He believed it shouldn't be expected that because there is a County Executive the County would be better run. He felt the Commission should not endorse the measure for this reason.

Commissioner Frankel noted that department heads spend a great deal of time sitting in the Board room, which takes away a lot of time from them doing their job. She believes that if there was a County Executive, he would meet with department heads to deal with issues, and meet with the Supervisors accordingly.

Commissioner Hoffenberg stated that one man shouldn't be depended on. There will still be the same number of departments, the same departmental culture to deal with, and the same types of internal organizations. The appointment of one individual may not have much of an impact.

Commissioner Drown inquired as to how much power the Board of Supervisors would lose if the measure passed. The County Executive would prepare the budget, appoint department head and Commissioners, and have the power to veto Board ordinances. The Board would continue as the legislative branch with the authority to confirm County Executive appointments, adopt ordinances and override vetoes.

Commissioner Shapiro believes that there has been very little improvement in services in the County. He believes that considering the shape the County is in, a change may be needed.

Commissioner Drown inquired about the financial limitations. The Board will set the salary of the County Executive. The County Executive's staff will consist of existing personnel from the CAO's Office.

Commissioner Trotter noted that the purpose of the measure is for a separation of powers between the legislative and the executive bodies.

Commissioner Philibosian believed that the department heads won't change their lobbying tactics. Instead, they will have one person instead of five. One system will change to another which could be more expensive, less efficient, and more time consuming. Commissioner Philibosian also believes the elective County Executive would allow another politician to come into the County with his/her own personal agenda, and use the position as a stepping stone to higher political office.

Chairperson Buerk reiterated that in order to vote in favor of endorsing the elective County Executive measure, the vote must pass by two-thirds of the Commissioners present. He called for a roll call vote.

Those AGAINST the Commission endorsing the ballot initiative measure for an elective County Executive:

Commissioner Balderrama
Commissioner Chuang
Commissioner Drown
Commissioner Hoffenberg
Commissioner Philibosian

Those in FAVOR of the Commission endorsing the ballot initiative measure for an elective County Executive:

Chairperson Buerk
Commissioner Frankel
Commissioner Freitag
Commissioner Fuhrman
Commissioner Gomez
Commissioner Lee
Commissioner Lurie
Commissioner Ojeda-Kimbrough
Commissioner Shapiro
Commissioner Trotter

Absent members: Commissioners Barger, Bodle, Stockwell and Zimbalist.

The measure failed to obtain a two-thirds vote by a poll of five (5) nay, ten (10) yea. The Commission will neither endorse nor oppose the measure.

With no further business to be considered at today's meeting, the meeting was adjourned by vote of the Commissioners present.

The meeting was adjourned by vote of the commissioners present.

Respectfully Submitted,



Bruce J. Staniforth
Executive Director



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