

**LOS ANGELES COUNTY
CITIZENS ECONOMY AND EFFICIENCY COMMITTEE**

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Burke Roche,
Executive Secretary

TO: Charter Study Task Force Members
FROM: Burke Roche, Executive Secretary
SUBJECT: Charter Study Issues

The purpose of this report is to provide the Charter Study Task Force with background information relating to possible charter amendments which the task force may recommend be placed on the ballot in either the June or November, 1974, elections.

I. ELECTED CHIEF EXECUTIVE

Arguments For

Proponents for an elected chief executive advance five principal arguments:

(1) An elected chief executive would eliminate the most serious problem now affecting the operation of County government, that is, its invisibility. Once established, this position would immediately become the second most powerful political position in the State of California--next to that of Governor. As such it would give County government an identity and a visibility it has never had before. This argument was summarized succinctly by Robert Abernethy and Art White in an article on County government entitled

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"The Invisible Growth Machine," which appeared in the May, 1972, issue of "West" magazine.

"The County budget," they reported, "is more than \$2.7 billion a year, which is greater than the budget of 42 states, among them Pennsylvania, Massachusetts and New Jersey . . . Yet in spite of its pervasiveness and cost, the government of Los Angeles County remains strangely hidden . . . Supervisor Ernest Debs agrees. 'When I go to Washington,' he told one of us with obvious pique, 'they don't know what a supervisor is.'"

The two reporters conclude, "What will it take, we wondered, to make County government more visible, more efficient, more accountable? . . . What is needed today is a mid-course correction to get power at the Hall of Administration out in the open where it can be seen and held accountable. This means dividing it between an elected executive and an expanded board of supervisors which would function solely as a legislature. . . It means not so much cleaning up the Hall of Administration as exposing it, and all its processes, to the ordinary people it serves but seldom sees."

(2) 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 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? . . . Is there any evidence anywhere in the United States that the concept of an elected executive is faulty? Are there any American cities which propose to do away with the office of mayor? Would anyone seriously propose that we do away with the office of governor and have a five-member commission run any one 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?"

(3) Because of the strong political power and prestige which would gravitate to the position, an elected chief executive would be much more effective than is the Board of Supervisors now in exerting influence and securing approval of County programs in relationships with other governments at all levels--city, state, and federal.

John Spellman, the elected Chief Executive of King County, Washington -- which includes the City of Seattle--emphasized this point when he appeared before our commission during its previous charter study.

"An elected chief executive," he said, "unifies the political leadership of the County. It establishes the chief executive as the political and policy-making leader with whom citizens can identify and hold accountable, because they elected him. Because he is the elected head of the government, he is in a much stronger position to represent the interests of County government in its relationship with federal, state, and municipal governments."

(4) 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. The validity of this point is clearly supported by the record. Although the electorate in the last eight to ten years appear to have been critical of the increasing costs of County government, and have in fact initiated several abortive attempts at taxpayer rebellion, it is still almost impossible to defeat an incumbent supervisor.

(5) 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 re-election. Unlike the division of authority under the present five supervisors, the elected chief executive could not avoid accountability for inefficient management and excessive costs.

Regarding an elected chief executive's accountability, Bernard Hillenbrand points out that an often heard criticism of the elected chief executive stems from a lack of understanding of how the office of chief executive would be operated. The question, he says, is always posed as to whether we shall have an elected executive or a professional County manager. He notes that in all of the 43 counties which have this position there is also a chief administrative officer. Thus, the elected executive acts as the political leader of the County, but he is assisted by a professionally trained administrator and staff who direct the day-in-day-out complexities of modern administration.

Arguments Against

Critics of an elected chief executive present the following major arguments against the concept:

(1) The cost of the election would be very high. The chief executive would therefore be indebted to the special interests who contributed to his campaign. As M. D. Tarshes, County Manager of San Mateo County, told our commission: "I think that an elected executive can be too much like a political funnel, and a funnel, you know, can become a plugged bottleneck. Inaction can result because too much is pouring through it." To which Mr. Shellenberger of our commission added, "And all those contributors would want to get through the funnel first."

(2) The election process would require the chief executive to devote a good deal of his time and attention to his re-election--particularly during the latter stages of his term--rather than to administration and management of the County organization. A capable chief executive might interest himself in improving the organization and administration of the County in the first years of his term, but in the latter years he would have to devote much of his time to campaign politics--if he wanted to be re-elected.

An elected chief executive, therefore, could not afford to devote the time needed to the legitimate problems of management. As a consequence, the efficiency of the organization would inevitably suffer.

(3) The training and experience of most politicians are not likely to qualify them as effective administrators and managers. Hence, the popular election process usually produces a person adept at politics and campaigning but not highly qualified as a professional manager.

For this reason, 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.

(4) The elected chief executive concept 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.

William MacDougall, formerly General Counsel and Manager of the County Supervisors Association of California and presently Executive Director of the National Council on Intergovernmental Relations, emphasized this point, in particular, in arguing against an elected chief executive. "This concept," he reported, "was tried in San Mateo County. They abolished the system after giving it a long and just horrendous trial . . . Since there was no party discipline operating at the local level, the chief executive and the Board of Supervisors became embroiled in a continuous civil war."

(5) 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.

"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."

(6) If the elected executive 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.

II. APPOINTED CHIEF EXECUTIVE

Arguments For

The arguments against an elected chief executive are essentially arguments for an appointed chief executive. In summary, they are:

(1) The County requires the highest degree of professional and managerial talent. This kind of talent is more likely to be secured through a competitive examination and appointment process based upon merit than by popular election. The Board of Supervisors is also free to select a candidate from any area of the country. Thus, the range of qualified candidates is almost unlimited.

(2) 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.

This is the model of the private corporation with its Board of Directors and appointed chief executive which has proved so successful in the private

sector. In the form of the council-city manager plan it is also the model used very successfully by a majority of city governments throughout the United States.

(3) 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.

(4) If the appointed chief executive turns out to be ineffective or incompetent, he can be discharged immediately.

(5) 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.

Arguments Against

(1) An appointed chief executive could not provide the kind of influential political and policy leadership that an elected chief executive would 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.

(2) 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 it 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 expediency 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.

(3) Regardless of what protection would be provided to the chief executive--either through civil service 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 this majority, since his position would become untenable if he lost the confidence and support of a majority of the supervisors.

(4) If the Board is politically divided with serious disagreements occurring among members on various issues, the ability of the executive to administer the County organization effectively is seriously weakened. If a particular action of the executive pleases one or more supervisors, it may displease other members simply because of their personal opposition to another member. The executive thus becomes subject to continual harassment and criticism.

(5) An appointed chief executive would not provide the political visibility and identity which an elected executive would provide. The County would still remain the most invisible of all large governments in the United States and the least accountable to the electorate.

III. SIZE OF THE BOARD OF SUPERVISORS

The question whether the Board of Supervisors should be increased to seven members was analyzed in detail in Section II of our previous study of the County Charter. There is no need to repeat the detailed summary which that Section contains of the comments by the speakers who appeared before our commission. For your convenience, however, I am including the two statements at the end of the section which presented the majority and minority opinions of our commission members.

A majority of 14 members of the commission recommended that the Board remain at its present size. A minority of 5 members recommended that the Board be increased to seven members. The commission, however, unanimously recommended that the Board of Supervisors place the question on the ballot as a separate proposition in the November, 1970, general election. The Board voted 3-2 against this recommendation.

Following is a verbatim quotation of the statements in the report.

The Majority Opinion

"Since the average cost of staffing and servicing a Supervisor's office is \$250,000 a year, two additional Supervisors will increase the cost of County government by at least \$500,000 annually. The County would also have to build and furnish two more office complexes for the new Supervisors, resulting in an additional cost for these facilities.

"Increasing the Board to seven members will not only increase the cost of County government but will also make the operation of the Board more cumbersome and less efficient. It will complicate the proceedings in the Board meetings and prolong discussion and debate. It will force the Chief Executive and the administrative officials in the County to spend additional time and effort conferring with two more Supervisors on any important issue.

"The five members of the Board of Supervisors and their deputies now represent all elements of the County's population. During the committee's five-year tenure as an advisory body to the Board, we have observed no problem which can be directly related to the fact that the Board has five rather than seven members. Moreover, the Federal and State governments, through grant and subvention programs, are assuming more and more policy-making authority at the local level. If, in addition, the Chief Executive and his agency heads are delegated responsibility for administrative details, then clearly the five Supervisors will have more time than at present to keep in close touch with all groups of people in their districts. Consequently, they will be in a much better position to legislate and create policies which are attuned to the needs and problems of their districts.

"No speaker who testified before the committee could provide any formula for determining what is or is not an appropriate number of people for one Supervisor to represent. To match Orange County representation, for example, the Los Angeles Board would have to be increased to 23 members. When the population of a constituency reaches a million or more people, population ceases to be a practical criterion for determining representation. One person cannot truly get closer to one million people than he can to 1.5 million.

"The purpose of the Economy and Efficiency Committee, according to its original charge, is 'To examine into all affairs of County government for the purpose of producing greater economy and efficiency.' How then can it support a change that will produce neither economy nor efficiency?

"A majority of the committee, therefore, believes that the conclusion is inescapable. Increasing the Board of Supervisors will decrease the efficiency of County government, will substantially increase its cost, and will not improve the quality of representation."

The Minority Opinion

"The supervisorial districts now are so large and contain such heterogeneous populations that no Supervisor, however skilled, can effectively represent all elements of the population. The State law (Government Code, Section 25001) provides that in establishing the boundaries of supervisorial districts the Board of Supervisors' may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity and compactness of territory, and (d) community of interests of the districts.' Anyone who makes an objective examination of the five supervisorial districts as they presently exist must conclude that they do not meet these criteria. In particular they violate the principles of cohesiveness, compactness of territory and community of interests.

"For example, the fourth supervisorial district stretches from Long Beach and Palos Verdes north along a narrow corridor all the way up the coast to the Ventura County line. It contains such diverse areas as Compton, San Pedro, Palos Verdes, Rolling Hills Estates, Santa Monica and Malibu. The third supervisorial district stretches from Westwood to East Los Angeles and contains such diverse communities as Bel Air, Beverly Hills, Boyle Heights, Monterey Park, and Cudahy.

"Each Supervisor now represents 1.5 million people. This is more than any elected legislator in California, except the two United States Senators. In contrast, a State Senator in California represents approximately 500,000 people and a United States Congressman represents 525,000 people.

"Consequently, a minority of the committee feels that the addition of two Supervisors will significantly affect the extent of representation on the Board of Supervisors. Dividing the County into seven districts, following the criteria set forth in the government code, cannot help but improve the cohesiveness, compactness of territory, and community of interests in each district. Each district would be more homogeneous from whatever point of view one takes--ethnic, cultural or economic. Increasing the districts would thus substantially improve the chances of the voters in each supervisorial district to elect a Supervisor who

represents their views and with whom they can identify. Finally, each Supervisor would have 500,000 fewer people to represent and on the average one-third less territory to cover. He would thus be in a much improved position to know the people in his district and to work on the problems which they believe are important. The result is bound to be a more stable, effective and relevant government."

Additional Comment

The majority statement points out that increasing the Board to seven members will make the operation of the Board more cumbersome and less efficient. We should also note that the increase will also make it more difficult for the Board to function as both the legislative and executive head of County government.

We have said on a number of occasions that the Board 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 vote of its members in a public meeting. It is thus in a difficult position to provide unified direction and supervision on a day-to-day basis over an operation as large and complex as the County. With seven members it would find the task even more difficult. Thus, increasing the size of the Board of Supervisors would correspondingly increase the need to establish the position of a strong chief executive, whether elected or appointed.

IV. OTHER CHARTER ISSUES

It will serve no purpose at this time to analyze a number of other possible charter recommendations-- including many contained in the commission's previous report--because the content of these recommendations will be affected

by the task force decision to recommend an elected or appointed chief executive. For example, there is no need to review the commission's previous recommendations for appointment and dismissal of the chief executive at this time or to go into detail on the authority of an elected chief executive.

However, there are certain issues which are not affected by the commission's decision on an elected versus an appointed chief executive. The report concludes with a discussion of these issues.

Agency Structure and Incentive Compensation System

Recommendation 5 of the commission's previous report stated:
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.

Supervisor Hahn took advantage of this recommendation in his arguments against Proposition B, our previous Charter proposal. "The amendment," he said, "would add 10 to 14 more bureaucratic 'agency heads' together with supporting staff, costing the taxpayers another \$500,000 a year." Since Supervisor Hahn now supports the agency concept, he probably would not take the same position, even if he opposed the commission's future recommendations for charter change. However, since the County already is establishing agencies, or consolidated departments, there appears to be no need to include this type of technical recommendation in the commission's charter proposals.

The same conclusion also applies to an incentive pay plan for County executives. The County, in fact, has established a special salary incentive pay

plan for department heads. Thus, since the County can act on both of these recommendations under the present charter, there appears to be no good reason to encumber the commission's charter proposals with these issues.

Appointment of the Director of Personnel

Recommendation 6 in the commission's previous report stated:
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.

On this recommendation the report commented:

"It is imperative that the Chief Executive be held accountable for the effective operation of County government. He cannot justifiably be held accountable if he does not have authority over the personnel function . . . The charter now states, 'The Commission shall appoint the Director of Personnel who shall administer the Civil Service system under the direction of the Commission.' We recommend that the Director of Personnel be appointed by and report to the Chief Executive. He would therefore administer the Civil Service system under the direction of the Chief Executive, not the Civil Service Commission. As far as the internal administration of the Personnel Department is concerned the Civil Service Commission's role would become purely advisory.

"We do not advocate, however, any changes in the Commission's authority, as set forth in Section 34, 'to prescribe, amend and enforce rules for the classified service, which shall have the force and effect of law.' The Commission would continue in its present role as the watchdog and guardian over the merit principles incorporated in the County Civil Service system.

"In addition to his responsibilities for administering the Civil Service system, the Director of Personnel is currently assigned other duties for which he is responsible directly to the Board of Supervisors. These duties include all activities involved in recommending annual wage and salary rates to the Board and the administration of rules and procedures to be followed in the County's employer-employee relationships. The Director of Personnel should be accountable to the Chief Executive for his performance in these areas, or to an agency head if his department

is included in an agency. The Chief Executive, for example, should have the authority to make any changes he thinks appropriate in the wage and salary rates recommended by the Director of Personnel. However, final approval by the Board of Supervisors of all wage and salary rates would still be required."

With the development of the County's collective bargaining system--a system which this commission recommended--the need for this charter amendment has increased. The Director of Personnel now often appears before the commission in an adversary role in relation to union representatives. The commission attempts to play the role of impartial arbitrator in these cases between County management, represented by the Director of Personnel, and union representatives. Since the Director of Personnel is the commission's own appointed official, this impartial role is in reality impossible, no matter how objective the commission members may seek to be.

As a result of this relationship, and perhaps for other reasons related to the actions of the commission, the relationship between the Civil Service Commission and union representatives has greatly deteriorated. Almost all union representatives consider the Civil Service Commission to be an arm of County management. The Civil Service Commission's jurisdiction also conflicts with and overlaps with the jurisdiction of the Employee Relations Commission. The effect has been to restrict the scope of negotiations, a restriction which the unions strongly oppose. These are the principal reasons why Henry Fiering, Director of the American Federation of State, County and Municipal Employees, and other union leaders are now calling for the outright abolition of the Civil Service Commission.

Thus, a proposal by our commission to transfer the appointing authority of the Civil Service Commission to a chief executive would incur no opposition

from the majority of union representatives. The Civil Service Commission itself would constitute the major opposition.

Personnel Authority of the Chief Executive

Recommendation 7 of the commission's previous report stated:

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.

The report contained a discussion on the merits of electing or appointing the Assessor, District Attorney, and Sheriff. The principal reason, however, for recommending no change in the status of these positions was strategic. It would have embroiled the charter proposal in an extremely controversial campaign on peripheral issues which would have endangered the possible success of the commission's major recommendations. The same consideration is certainly relevant to the commission's current charter recommendations.

With regard to the appointed officials, the report commented:

"A second exception to the Chief Executive's appointment authority are three appointed officials--the Auditor-Controller, the County Counsel, and the Executive Officer of the Board. Each

of these officials has a special relationship to the Board and therefore should be appointed by the Board and serve at its pleasure.

"The Auditor-Controller should be free to audit the office of the Chief Executive as well as any other department and consequently should be accountable directly to the Board of Supervisors in the performance of this function. The County Counsel is an advisor to the Board and to all County officials. He should report directly to the Board in order to preserve the appropriate client-lawyer relationship with the Board of Supervisors and with all County officials. Like the Auditor-Controller, he should not be placed in a position where it might be presumed that he is acting under orders from the Chief Executive. The Executive Officer of the Board serves as secretary to the Board of Supervisors. He is responsible for receiving and processing all incoming documents addressed to the Board and preparing and distributing written communications of Board actions. As the personal staff officer to the Board, he should report directly to the Board and serve at its pleasure."

These comments also appear to be relevant to future charter recommendations. The report continued:

"Third, there are certain boards and commissions in the County which serve as department heads responsible for particular functions. In this capacity they appoint the top staff official who directly administers the department. There are seven such boards and commissions.

- (1) Board of Governors, Arboreta and Botanic Gardens (25 members). Appoints the Director.
- (2) Civil Service Commission (3 members). Appoints the Director of Personnel.
- (3) Commission on Human Relations (25 members). Appoints the Executive Director.
- (4) Board of Governors, Museum of Natural History (15 members). Appoints the Director.
- (5) Board of Governors, Otis Art Institute (15 members). Appoints the Director.
- (6) Public Welfare Commission (5 members). Appoints the Executive Officer.

- (7) Regional Planning Commission (5 members). Appoints the Director of Planning.

"It can be argued that all these boards and commissions should be divorced from their status as department heads and placed in an advisory capacity. The top executive of the various functions would then be assigned department head status and would be appointed by the Chief Executive. However, these boards and commissions play a significant role in the guidance, policy making and direction of the functions under them. Therefore, with the exception of the Civil Service Commission, it is debatable whether their department head status should be changed. The committee's conclusion on the Civil Service Commission was discussed under Recommendation 6.

"Our committee has not closely examined the operation of most of these boards and commissions. Since the nature of their functions varies widely, each needs to be investigated separately to determine whether the operation would be significantly improved if the board or commission were assigned to an advisory capacity only. Until such a study is conducted) we recommend that the status of these boards and commissions remain unchanged, again excepting the Civil Service Commission."

With respect to the top staff officials reporting to a board or commission acting as department head, the problems which may result from this form of organization cannot command a high priority, with the exception of the Civil Service Commission. In the interest of keeping our charter proposals as simple as possible, it would appear best not even to mention or discuss the possibility of a change.

As we have indicated, there is also no reason to encumber possible charter proposals with the agency concept, and therefore the reporting relationship of department heads in agencies can be ignored.

Civil Service

Recommendation 8 in our previous report stated:

"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.

On this recommendation the report commented:

"The Board of Supervisors and the Chief Executive must be given greater flexibility in appointing and dismissing agency and department heads. In particular, if the Chief Executive is to be held accountable for overall direction of most County operations, he should have reasonable freedom to appoint executives who, he believes, will meet his standards of performance. Similarly, he should be able to replace executives if they fail to meet these standards.

"The present Civil Service system in the County is extremely rigid in its appointment and dismissal procedures. As we pointed out in our 1966 report on Civil Service Operations, the system is too much influenced by the view that the last man to trust in the selection and promotion of his subordinates is the line manager in charge of the function. The same thing can be said about dismissal procedures. It is now virtually impossible to discharge a department head in the County, except for gross incompetence or misconduct.

"We therefore recommend that the agency and department heads be placed in the unclassified service. With appropriate safeguards to protect the executives against capricious or politically motivated decisions, the Board of Supervisors and the Chief Executive should have reasonable freedom to replace these key officials if they are not performing in an effective and competent manner . . . It may be that other policy-making officials such as the chief deputies and division chiefs in the larger departments should also be exempted from the classified service.

"We recommend, however, that in the beginning the exemption from the classified service be limited to agency and department heads. We believe it is best to take a cautious approach on this issue. Making too many changes in an organization at one time can have a disrupting effect and in fact can endanger the successful implementation of any change. After the County has had experience with the exemption of agency and department heads, it will be in a sound position to determine whether the exemption should be extended to other positions.

"At that time we believe the Chief Executive should have the authority, subject to the approval of the Board of Supervisors, to determine whether the unclassified status should be extended to other positions, such as his own chief deputy and the chief deputies or division chiefs in the departments. This probably is the limit to which the unclassified status should be extended. The vast majority of County employees would remain within the Civil Service system."

Despite the commission's cautious approach, the inclusion of division chiefs in the recommendation was a key factor in losing the support of the County Federation of Labor, AFL-CIO.

The Civil Service Commission, which was opposed to our proposal (principally because it transferred the commission's authority to appoint or dismiss the Director of Personnel from the Civil Service Commission to the Chief Executive) worked behind the scenes to encourage the opposition of County union representatives. It used the recommendation to extend the unclassified service to division chiefs to convince the Fire Fighters Union, in particular, that our real purpose was to eliminate the Civil Service system in its entirety.

In addition, Supervisor Hahn, in his campaign against our proposal, took advantage of this recommendation and used it very effectively to convince the voters that our proposal would bring a spoils system back to the County. "Better a safe Charter," he stated in his official argument, "than enact one with loopholes and possibility of dangers. (Increased taxes, political machines, spoils system.)"

There appear to be two major questions to be resolved with respect to the issue of Civil Service: (1) From the point of view of strategy, it would appear wiser to limit the unclassified status to department heads and their chief

deputies. We proposed a similar limitation in Proposition E in the last election, which proposed a Charter change to allow open, competitive examinations for top level positions. The proposition won by a 74% majority. The Charter language reads as follows:

"Whenever practicable vacancies shall be filled by promotion; provided, however, that the following positions in the classified service shall be filled by open competitive examination, unless the Civil Service Commission finds in any particular case circumstances clearly necessitate a promotional examination:

- (a) Positions the incumbents of which are appointed by the Board of Supervisors.
- (b) Positions next in rank to such positions.
- (c) Positions first in rank on the staffs of commissions."

(2) Any proposal to change the present Civil Service system will give opponents to this or any other Charter change the opportunity to use the spoils charge against us. The record indicates that Proposition B almost certainly would have won, if it had been limited to the establishment of a strong chief executive position and had not sought to change the Civil Service system.

The inclusion of the latter issue fostered the opposition not only of the County Federation of Labor but also of the vast majority of County employees. The charge that a Charter change will bring spoils back to the County is bound to be a very effective argument with County employees.

The above discussion, I believe, provides a reasonably complete analysis of the issues behind the possible Charter changes which the Task Force may wish to consider.