

## Memorandum

To: Multnomah County Charter Review Committee  
From: Carol Chesarek, committee member  
Re: County Manager proposal  
Date: July 5, 2016

Dear Chair Leonard and fellow committee members,

I wanted to create a summary of pros and cons for the County Manager proposal, and to list of supporters and opponents for the record. I am not asking the committee to reconsider the recommendation at this time, respecting the committee's vote not to reopen the topic.

I hope that we can all agree that our goal should be to improve the county's effectiveness. So the bottom line for any change that we recommend to voters is that we should be confident that the change will, on balance, make the county better.

The proposal to shift responsibility for the County's day to day operations from the Chair to the Board is not a minor change – it is a huge shift in power and authority and a big change in the county's decision making processes. The scale of the impact was confirmed by Chair Kafoury at our last meeting.

To assess whether this change will improve county effectiveness, we need to look at the "pros" and "cons" of both the proposed change and the current system to ensure that changes won't undermine important qualities that make the county successful today.

There are two questions that can be considered separately. The first question is whether the Charter should require and define a County Manager position that would be responsible for running the day to day operations of the county.

If the answer to the first question is yes, the second question is whether the County Manager should report solely to the Chair, maintaining the current system of authority, or whether the County Manager should instead report to the Board as a whole.

The current authority of the Chair is comparable to that of our Governor or President of the United States. Those roles include responsibility for operations of the State and Federal Government, respectively.

I've listed the Pros and Cons that I could identify for each option below.

### Support for retaining the current system or Opposition to Appointed County Manager

- 1) **Chair Kafoury**, verbal comments to committee 6/28/16
- 2) **Commissioner Smith**, verbal comments to committee 6/28/16
- 3) **Commissioner Bailey**, letter committee 6/30/16
- 4) **District Attorney Underhill**, verbal comments to committee 5/18/16
- 5) **Auditor March**, verbal comments to committee 3/16/16
- 6) Two anonymous County Directors, interviewed by Green subcommittee
- 7) Jerry Grossnickle, citizen, letter 6/28/16

### Support Appointed County Manager

- 1) **Commissioner Shiprack**, letter 11/18/15
- 2) **Commissioner McKeel**, verbal comments to committee 2/17/16
- 3) One anonymous County Director, interviewed by Green subcommittee

### Modify the Charter to establish a County Manager position:

#### PRO:

- Ensure that the Chair plus two Commissioners cannot rescind the Ordinances and Resolutions that currently enable the COO position.
- Clearly define the role.
- Language can try to eliminate some obvious political influence on hiring.
- Adds some stability by requiring a particular County Manager role, so the Chair and/or Board cannot eliminate the position or use a different management structure.

#### CON:

- Limits the Chair or Board to one specific management structure and role definition. It does not allow, for example, the management of different county functions to be divided between two or three people who report to the Chair and/or Board, even if that made sense. For example, at some point the county might want a CFO to manage financial functions, and who would report in at the same level as the County Manager. Or we could have two Managers divide up the Departments.
- Not clear if this new definition would prevent the current role sharing, where the COO is also Director of Department Management.
- May be perceived by voters as an extra layer of bureaucracy and unnecessary expense.

### Considerations about the proposed County Manager job definition:

The Green Subcommittee recommendation also assigns enforcement of “all County franchises, leases, contracts, permits, and licenses”, plus responsibility for all purchasing, property management, and facilities to the County Manager. Does this grant the County Manager inappropriate authority over the Sheriff, Auditor, or District Attorney’s operations?

The more details we include in the job description, the less flexibility the Chair and/or Board will have to redefine the job to make the county more effective. Small details in the language may have important unintended consequences, great care is needed.

**Modify the Charter to shift responsibility for day to day county operations from the Chair to the Board as a whole.**

PRO:

- May add stability when the Chair transitions, but not guaranteed since the Board majority changes much more frequently than the Chair.
- For Commissioners, more power and influence over county operations.
- Reasons for firing a County Manager will be more public (assumes we think this is a PRO and not a CON).
- May decrease the political components in routine matters of governance, if you believe that 5 elected officials managing a County Manager will have fewer political agendas and reasons to meddle than a single Chair.

CON:

- May decrease stability, since turnover among 5 board members will be higher, and every change in board majority could result in firing the current Manager and hiring a new one, or in changes of direction provided by the board to the Manager.
- If term limits are extended, the Chair position should transition less frequently.
- For the Chair, less power and influence over county operations and budget.
- For Commissioners reduced ability to advocate for constituents, reduced influence on budget.
- Experience in other jurisdictions shows staff becomes inwardly oriented and less responsive to citizens in this model.
- I believe the change would make the County Manger and routine governance more susceptible to political influence because the County Manager will want to please at least 3 members of the board (instead of just the Chair), and the 5 board members will all have agendas and want to maximize their influence. The County Manager could cut deals with board members (“I’ll pat your back if you pat mine”).
- A less powerful Chair position is less attractive, so fewer highly qualified candidates may choose to run for the position, or to stay in office if elected.
- Change is always disruptive, staff and the board will be distracted while this change is implemented and the new system is likely to take an extended period of time for everyone to learn how it works.
  - Could disrupt major projects: new County Courthouse, expansion of homeless services, etc.
- Management by committee instead of a single executive authority likely to result in unclear lines of authority and slower decision making about county operations, especially for unexpected urgent issues (e.g. lead testing in Portland schools).
- Need for 3 votes is likely to make it difficult to fire a problematic County Manager quickly, and makes any potential changes much more public.
- 3 new incoming Commissioners mean we’d have an inexperienced board majority implementing this important new change and hiring a new County Manager.
- No evidence of broad support for this change within the county, or from the public.

Other considerations about the proposed Green Subcommittee language:

“No Board member shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the county manager in matters of staff appointment or removal. Nothing in this section shall prohibit the Board, in open session, from fully and freely discussing with, or suggesting to, the manager any matter that pertains to county affairs or the interests of the county.”

I understand the intention, but I don't understand how this could effectively be enforced, or what it means. Does it mean that a Board member would be penalized or reprimanded if they told the County Manager that they knew of a qualified candidate for a job? Would the Board member be subject to an investigation? Who would investigate? What penalty?

Would it apply only to “suggestions and otherwise” that were made privately, or could a Board member mention a qualified job candidate in public session? How would anyone know if a Board member made a suggestion verbally and in private, unless the County Manager complained (which they might not if they wanted to earn their favor)?

This could prevent the Board from commenting on staff's performance and effectiveness if those comments can be interpreted attempting to “directly or indirectly, by suggestion or otherwise” influence the county manager in matters of staff removal. This would seriously hinder the Board's ability to influence and manage county operations, leaving the County Manager with almost unrestrained power and the Board with only one management option – removal of the County Manager. That's a very limited toolbox for supervision.

This language would not prevent a County Manager from telling a Commissioner that they learned through another source that a campaign contributor or relative of the Commissioner is applying for a job and that they intend to support their application, in an attempt to earn the Board member's favor. It also doesn't help address a County Manager willing to facilitate a favorable contract for a campaign contributor of the Board member.

The problem of inappropriate Board influence becomes larger if the County Manger reports to the Board as a whole, instead of just the Chair, because there are more people who could benefit from inappropriate behavior.