

**Multnomah County Charter Review Committee
Green Subcommittee Recommendation
May 18, 2016
Prepared by Dave Robertson, Committee Member**

Recommendation

The Green Subcommittee voted (4 to 1 at its May 12 meeting) to recommend that the Charter Review Committee approve a ballot measure to amend the County Charter to transfer administrative authority from the County Chair to a Manager appointed by the Board of County Commissioners.

Background

Fifteen volunteer residents of the County were appointed to the Multnomah County Charter Review Committee by their respective State Senator and Representative in August 2015. The Committee is required to review the County Charter every six years and determine recommendations for revisions to the Charter by voters.

The Committee held its first meeting in October and following initial review and discussion selected several governance and other topics for possible Charter amendment. Topics were assigned to one of four Subcommittees. The Green Subcommittee is responsible for the topic of an appointed County manager. The Subcommittee met January through May to examine this topic through public policy research, review of past Charter amendments, examination of national and Oregon best practices, and discussion with County elected and appointed officials and stakeholders.

Charter Impact on County Management

Multnomah County has four full-time Commissioners elected by district and a full-time Chair elected at-large. Section 6.10 of the Charter describes the roles of the Chair of the County Board of Commissioners. These rules include chief executive officer and personnel officer of the County with sole authority to appoint, order, direct and discharge administrative officers and employees of the County. In effect, the Chair has both political/legislative and administrative/management roles.

The role of the Chair as defined in the Multnomah County Charter contrasts with the governance model found in many urban and suburban counties nationwide and in Oregon. While there are wide variations in county governance models, in these counties the chair is the chief executive officer of the county and chair of the governing body, however, all administrative functions (including management and supervision of department/office directors) are vested in a professional county manager appointed by the governing body as whole.

Function of an Appointed Manager

Although an appointed professional city or county manager is often associated with the council-manager form of government, it is frequently found in mayor-council or commissioner forms of government as well.

“Council-Manager government combines the strong political leadership of elected officials with the strong managerial experience of an appointed manager or administrator. All power and authority to set policy rests with an elected governing body, which includes a mayor or chairperson and members of the council, commission or board. The governing body in turn hires a nonpartisan manager who has very broad authority to run the organization.

The elected council or board represents their community and develop a long-range vision for the future. They establish policies that affect the overall operations of the community and are responsive to residents' needs and wishes.

To ensure that these policies are carried out and that the entire community is equitably served, the governing body appoints a highly trained professional manager on the basis of his/her education, experience, skills and abilities (and not on their political allegiances). If the manager is not responsive to the governing body, it has the authority to terminate the manager at any time."

Source: Excerpt from ICMA brochure, Council-Manager Form of Government, Frequently Asked Questions

Subcommittee Findings

An appointed county manager is a common and successful model of local government in the United States and in Oregon

"To help with the increasing complexity of county activities and the range of responsibilities, many county boards appoint county administrators. 'County Administrator' is a function with various titles and fulfilled by different county positions around the country. Most often, county administrators implement the board's policy, run the daily operations of the county and prepare the annual budget.

Depending on the county governance structure and state statutes, administrators' powers and duties vary substantially across counties. Forty-four (44) percent of the 1,322 county administrators have a high level of authority, appointing and removing all or most county department heads, supervising county departments, the budget preparation and the day-to-day operation of the county. This trend is more pronounced in the West, where three-quarters of county administrators play this role."

Source: Excerpt from NACo brochure, An Overview of County Administration-Appointed County Administrators

According to a 2014 report provided to the Committee by County staff in December, Multnomah County is the only home rule county in which the Chair serves as the Administrator. In all other counties there is an appointed County Manager or Administrator (two counties, Josephine and Umatilla have no administrator). Neighboring Washington and Clackamas Counties also have an appointed county administrator.

Multnomah County has adopted a hybrid county manager model

Multnomah County has adopted some aspects of a County Manager model through Board-adopted ordinances and its employee classification and compensation plan, rather than Charter amendment. While it is encouraging that the Board of County Commissioners supports the concept of an appointed county manager through the establishment of a Chief Operating Officer, the current structure lacks some of the essential elements of an appointed County Manager found in other counties.

The hybrid/COO model can be reversed by action of a future Board. A Chair with majority support from Commissioners could eliminate some or all aspects of the hybrid/COO model and return to the governance model clearly defined in the County Charter, allowing the Chair to serve in both chief executive and administrative capacities.

The current Chief Operating Officer performs two functions, Director of Department Management, which includes management of finance, budget, assessment and taxation, human resources and risk management and Department Director Principal (working title COO).

The Director of Department Management functions alone are significant responsibilities. The COO functions include oversight of departments and programs, supervision of department directors and communication with the Board. The current structure creates an especially broad portfolio of responsibilities that without grounding in the Charter, introduces opportunity for day-to-day practice that may vary from the roles defined in ordinance and the classification/compensation plan.

The Subcommittee met with three current department directors in May to solicit informal, confidential feedback on the issue of an appointed county manager and the performance of the current hybrid/COO structure. Two directors voiced support for the current structure and one strongly supported a Charter amendment to establish an appointed County Manager. All three directors described their oversight and management relationships with the Chair, COO and Board quite differently than the governance structure as defined by ordinance and the classification/compensation plan. Specifically all three identified the Chair rather than the COO as their supervisor and broadly described the COO's role as more of a facilitator, liaison and communicator.

Two current Commissioners support a Charter amendment to establish a County Manager

Commissioner Shiprack wrote the Committee in November urging that it consider taking an in-depth examination of an appointed county manager. In her letter Commissioner Shiprack cited the complexity and depth of issues faced by the County and the need to retain a stable senior level administrative presence. She also pointed to turnover of County Chairs and administrative instability. Appointment of a Chief Operating Officer and Chief Administrative Officer by the Chair as a proxy for a Board-appointed County Manager was seen as problematic by Commissioner Shiprack due to inherent conflicts between the Chair's political and administrative roles, noting "this structure injects a political component into the routine matters of governance." Commissioner McKeel joined Commissioner Shiprack in support for an appointed County Manager during discussion with the Committee in February.

Professional support for county manager form of government

The Subcommittee met with two public administration professionals in April. Steve Bryant is the former City Manager of Albany, Oregon and currently serves as the ICMA state liaison for Oregon and Washington. Doug Morgan is Chair of the Public Administration program at Portland State University. Mr. Bryant and Dr. Morgan are broadly familiar with county management nationally and in Oregon. Both stressed the importance of appointing professionals with the education, training and experience to successfully manage a complex, diverse, multi-million dollar organization like Multnomah County. They also drew distinctions between the leadership and policy-making roles of elected officials and the administrative and implementation roles of a county manager. Rather than diminishing the role of elected officials, a successful county manager enables these officials and especially the chair to focus on articulating and advancing their vision for their community instead of the day-to-day tasks of administrative and staff management. Mr. Bryant and Dr. Morgan also noted the importance of removing even the appearance of political influence on administrative actions of staff as a benefit of a county manager.

Past effort to establish an appointed county manager failed

The current Multnomah County governance structure that recognizes the Chair as the chief executive officer and administrative officer has been largely in place since 1984, although more recent ordinance and classification/compensation plan actions have established a hybrid/COO function. Following the recommendation of the 1990 Charter Review Committee, a measure to amend the Charter to establish an appointed County Manager was placed on the November 1990 ballot. The measure was not approved by votes.

Some Subcommittee members noted that the 1990 election focused on the anti-tax ballot measure 5 and followed a period of frequent and controversial Charter amendment proposals and suggested the defeat of the appointed County Manager measure may have reflected the weariness of voters to consider yet another change.

Why Consider a Charter Amendment to Establish a County Manager in 2016?

- County governments with an appointed manager are widespread and successful models nationally and in Oregon. It has proven to be a valuable tool for good government and management for urban and suburban counties with diverse populations, broad policy and program scope, responsibility for long-term capital projects and infrastructure, and complex, large budgets. Multnomah County would benefit by embracing this model too.
- Multnomah County has created a variation on the county manager model, however not through the County Charter but instead through a mix of Board-adopted ordinances and the employee classification/compensation plan to create a hybrid/COO model. This hybrid model may have gaps and inconsistencies that weaken the benefits of strong, professional county management and create the opportunity for political influence of county administration. Day-to-day administration and implementation of Board policies should be based on authority grounded in the Charter, not in transitory ordinances and personnel policies or relationships between and among the Chair, COO, Commissioners and department directors that will necessarily vary with elections, personnel changes and personalities.
- It has been 26 years since voters turned down the appointed County Manager measure in Multnomah County and the County has seen significant growth and voter turnover since then. The County's population has risen from 586,617 in 1990 to 766,135 in 2013, an increase of 30 percent. Voters may be more attuned with the arguments in support of an appointed County Manager.
- The Subcommittee has been clear that its recommendation is not a criticism of the performance of current elected or appointed officials, but rather a focus on what governance structure is best suited to maintain and strengthen the integrity and effectiveness of Multnomah County government now and in the future.

Guiding Principles for Drafting of a Proposed Charter Amendment Ballot Measure (modeled on language in 1990 Measure 26-2)

If the Subcommittee's overall recommendation is approved by the Charter Review Committee, the following principles are further recommended to guide County staff and Committee members drafting Charter amendment measure language:

- The proposed Charter measure will transfer the administration functions of the Chair of the Board of County Commissioners to a professional Manager appointed by the Board as a whole. The Manager shall be selected on the basis of his/her professional qualifications and serve at the pleasure of the Board.

- The Chair of the Board will retain all non-administrative functions and remain the chief spokesperson for the Board.
- The County Manager shall be the head of administration of the County government and responsible to the Board for proper administration of the affairs of the County and for carrying out the policies of the Board.
- The County Manager's chief duties (unless specifically provided in the Charter) shall include:
 - Keep Board informed about the affairs and needs of the County.
 - Appoint, supervise, transfer and remove all County department heads, administrative officers and employees (except for the employees and staff of elected officials and the County Council) provided that Department heads shall be subject to the confirmation by the Board and the County Council shall be appointed by and serve at the pleasure of the Board.
 - See that County ordinances are enforced and that the terms of all County franchises, leases, contracts, permits and licenses are observed.
 - Prepare the annual budget estimates to submit to the Board, including the manager's recommendations as to proposed expenditures and the revenue necessary to balance the budget.
 - Have charge of all County purchases and custody and management of all County property and facilities.
 - Perform such other duties and exercise such other responsibilities as the Board deems necessary and appropriate to the Manager's function as head of County administration.
- Ballot language shall be drafted concerning the appropriate timeline for implementation of the measure to appoint a County Manager and the initial impact on the County budget.

Next Steps

If the Subcommittee's recommendation is approved by the Charter Review Committee on May 18 or a subsequent meeting, the Committee Chair shall request support from the County Attorney to prepare a draft ballot measure that reflects the approved recommendation and guiding principles.

The Committee Chair may also direct the Subcommittee or other Committee members as necessary to work with the County Attorney and other County staff to prepare a draft ballot measure for final review and action to the Committee at a future meeting.

If the ballot measure to amend the Charter to establish an appointed County Manager is approved by voters on November 8, the Board with support from staff will need to repeal or amend various ordinances and the classification/compensation plan to remove any conflicts with the amended Charter.