

1997-1998 UPDATING & STUDY OF LWVRV & LWVA POSITIONS ON JACKSON COUNTY GOVERNMENT

INTRODUCTION

This study was undertaken in its second year by a combined committee from the Rogue Valley League and the Ashland League. The committee was co-chaired by Fran Skufca, LWVRV and Anna Hirst, LWVA. Committee Members are from Ashland: Barbara Bean, Sidney Goldberg, Barbara Jarvis, Selma McAlaster, May Lou Stewart; Rogue Valley: Normary Barrett, Carol Ingelson. The Committee studied the following:

I. Evaluation of the role, degree of responsibility, composition of the Jackson County Board of Commissioners and their election.

II. Analysis of the position of County Administrator and its effectiveness.

III. Comparison of elected and appointed positions: i.e., Treasurer, Clerk, Assessor, Surveyor, Sheriff, Judges, District Attorney with other counties in Oregon.

IV. Review and comparison of Jackson County Charter with other Oregon county charters and the Model County Charter.

V. Review and evaluation of citizen participation in Jackson County government.

VI. Evaluation of other issues discovered during the study.

I. EVALUATION OF COUNTY COMMISSIONERS.

A. Role and Responsibility of the Board of Commissioners.

The committee believes that the primary function of the Board of Commissioners (BOC) should be to guide and establish policy for Jackson County. The committee also believes that the BOC is the legislative and principal policy making agency of the county, and should pass appropriate ordinances, supervise all budgetary decisions and act responsibly in its quasi-judicial capacity in land use matters. The administrative functions of county government are then delegated to the County Administrator

B. Number of Commissioners.

At the present time we have three County Commissioners.

1. By retaining the current structure, citizens may sense that there is greater accountability with fewer commissioners. With three, there may be quicker response time and by being full time, also greater accessibility.

2. If the county were to increase the number of commissioners, it would result in more input and a variety of ideas and experience on the Board. It would also take more votes for a majority vote, giving citizens greater representation. If there were more commissioners and they were part time, commissioners would be more likely to focus on policy and not administrative duties. The, National Citizens League's "Model Charter", recommends a Commission membership of 5, 7 or 9. The

Committee's research found that during 79 meetings of the BOC, approximately 24 were attended by only 2 Board members, and at 6 more meetings, one member missed a portion of the meeting. Further, Board members voted unanimously on all issues except one during an entire year of deliberations.

C. Elected by District vs. At-Large.

1. Those elected by district would be accountable to local interests such as: environmental, economic, both urban and rural constituencies. (This seems to be effective in Lane County where districts are pie-shaped and mandatorily required to include both rural and urban constituencies.) Theoretically, less money is needed to campaign in smaller areas and thus provide the opportunities for less affluent candidates.

2. Conversely, if commissioners were elected at large, they would be less influenced by the special interests in one segment of the county's population. Possibly, representatives might respect the larger good rather than the local districts interests. If we evaluate conditions as they exist in Jackson County and others with large urban centers, representation by commissioners tends to favor rural interests.

D. Partisan vs Non-Partisan Elections.

At present, 3 Home Rule Counties, Jackson, Josephine, and Benton elect commissioners on a partisan basis. Lane, Washington, Hood River, Multnomah, Clatsop and Umatilla do not. Other studies have not addressed this question.

1. Partisan Elections.

The most persuasive argument for partisan elections is that belonging to a political party may give the county more influence in Salem if the Commissioners are of the same political party as the majority in the legislature.

2. Non-Partisan Elections.

Several arguments were found against electing commissioners on a partisan basis.

a. The voter might vote for the party rather than the qualified individual.

b. If elected under party affiliation, a commissioner may owe allegiance to the party, rather than his/her constituency.

c. A non-partisan election, "...puts county politics on its own and frees county government from domination by National, State or County party organizations." (From Guide to Charter Commissions)

E. Compensation of Commissioners.

1. Full-time paid Commissioners would be able to spend full-time and commit their full attention to County business. It should be noted that the Model Charter Commentary says that "A salary too close to a full-time salary could encourage council members to think of their positions as managerial and thus detract from their role as legislators or policy-makers. It is important, however that council members be compensated for expenses incurred in performing their duties."

2. If the Commissioners were not full-time paid, but volunteer, the addition of more Commissioners would not cause added expense to the County Budget. Further, part-time, volunteer Commissioners would be more likely to focus their energies on policy and not become easily embroiled in the day to day administrative problems.

II. ANALYSIS OF COUNTY ADMINISTRATOR POSITION.

The Committee supports the Consensuses of 1981 and 1985 which approve the delegation of administrative functions to a capable professional administrator while reserving all policy decisions to the BOC.

A. The Committee was impressed with the professionalism and competency of the County Administrative Officer (CAO).

B. The Committee did have concerns regarding the fact that the position of CAO is established by ordinance rather than being established by Charter.

C. Comparison of Charter & Ordinance Establishing Position:

1. Charter.

a. The office of CAO would be established by charter. The job description should then be determined by ordinance. An ordinance can adapt to changed circumstances more easily.

b. The office of CAO could not be eliminated except by a vote of the citizens.

c. If differences arise between the Board and the CAO, the County will not risk losing its commitment to professional management.

d. The county can expect better use of its resources with permanent management guaranteed.

e. A wider choice of candidates might apply for CAO if applicants know the position is included in the Charter.

f. A better selection of other county employees could occur if they know the CAO is a permanent position.

2. Ordinance

a. Currently, the office could be abolished by vote of two Commissioners.

b. The job description is easily updated, detailed and precise.

The eight other Home Rule Counties have established the office of County Administrator as follows:

Lane County: No charter provision, but established by order of BOC.

Washington: Charter establishes CAO, BOC delegates duties.

Hood River: Charter establishes CAO.

Multnomah: Charter provides Board Chair responsible for administration.

Benton & Josephine: No charter provision, BOC established.

Clatsop: Charter establishes CAO.

Umatilla: No charter provision for central executive.

III COMPARISON OF ELECTED AND APPOINTED POSITIONS IN HOME RULE COUNTIES.

The committee supports the prior position which states that "...those offices which require expertise in a professional field, are not required to make policy decisions, and are not politically sensitive, could be appointive rather than elective." The basic premise, therefore, is that elected officials who are responsive to the electorate, make policy, and those officials whose duties are solely administrative in nature should be appointed. The Committee's review of the 9 Home Rule Counties demonstrated that: The Sheriff is an elective office in all 9 Home Rule Counties. In the eight other Home Rule counties, the Assessor is elected in 4 and appointed in all others. The Surveyor, treasurer and clerk are elected in 2, including Jackson and Josephine counties and appointed by the others. (See Appendix A.)

Considerations regarding appointive vs elective positions are:

A. Appointive.

1. Popular election is not best process for choosing among candidates needing professional or technical competence.
2. There is less likelihood of appointing unqualified candidates to appointive positions--qualifications should be established and a professional citizen selection committee should be utilized.
3. Popular election may not produce a balanced and efficient administrative team.
4. It would be difficult for the Board to hold other elected officials accountable in 2 major areas: a) budget and spending; b) hiring and firing of personnel.

B. Elective.

1. Constituents value having elected representatives in key positions in government.
2. It would be difficult to change the position of sheriff from an elective to an appointive one.
3. Elective officials may place constraints on the management of the county by commissioners and/or the administrator.

C. Jackson County Finance Officer.

In 1995, at the retirement of Ms Jameson, the elected Treasurer of the County, the BOC agreed that a County Finance Officer be appointed and meet qualifications for that post. In 1997, the then appointed County Finance Officer ran for the office of Treasurer unopposed. He now retains the office of County Finance Officer and Treasurer. The duties he fulfills as Treasurer are investing funds, distributing taxes, pay checks, receive revenues, and makes deposits. The duties of the Finance Director include general accounting, county accounting, payroll, property management, tax collection, and supervision of purchasing.

The committee feels that the position of County Treasurer should be abolished and thus eliminate the necessity of the County Financial Officer running for office.

D. Assessor.

The office of County Assessor does not involve policy making but is purely administrative. Also, the direction and control of the duties of the office of County Assessor are established by the state. For this reason the Committee feels the County Assessor's position should be made appointive rather than elective.

E. Sheriff

Experience of other counties does not indicate any support for an appointive sheriff.

IV. Review and Comparison of Jackson County Charter with Other County Charters and the Model County Charter.

The Committee reviewed and compared the Jackson County Charter with the Model County Charter of the National Civic League. This comparison was used as a tool in studying the other issues listed in the scope of the study. Other charters reviewed include: Benton, Clatsop, Hood River, Josephine, Lane, Multnomah, Umatilla and Washington. These documents are available from the Committee.

V. Review and Evaluation of Citizen Participation in Jackson County Government.

The Jackson County Charter makes no provision for or mention of citizen involvement. In 1981, however, County Ord.#81-47 established designations for boards, committees and advisory groups.

There are approximately 30 boards and commissions which provide for citizen involvement. The Committee believes that candidates for boards and commissions should be chosen with consideration of their geographical location, expertise and diversity of background. A critical, appointed committee is the Budget Committee. The Budget process is attached. (See, App. B)

The Commissioners hold sessions during the week to which the public is encouraged to attend. The sessions and agendas are advertised in the Medford and Ashland papers.

The Committee recommends that the following positions be reaffirmed. "...Believes that the BOC should make every effort to provide widespread notice throughout the county of all vacancies on advisory boards and commissions. The Board should establish terms of service and qualifications for such positions. It should conduct interviews and select candidates who will bring diversity and experience to bear in their service to the County..."

Reaffirms its belief in the importance of the Oregon Open Meetings Law. Notices and adequate agendas for all public meetings of the BOC should be given widespread advance publicity in media throughout the county..."

IV. EVALUATION OF OTHER ISSUES DISCOVERED DURING THE STUDY.

A. Inconsistencies between County Charter and State Election Law.

Section 28(1) provides two categories for filing deadlines for county measures. (1) for regular primary and general elections, (no time limits indicated) and (2) filing deadlines for special elections.(91 days after filing the initiative or referendum petition.) Under State Law, the filing deadline for ballot titles under general election is 61 days before the date of the election. Since the Charter is silent regarding primary and general elections, state law applies, and County measures must be filed no later than 61 days before a primary or general election. If it is a Special Election, the filing deadline is 90 days before the date of the election.

Thus, there is some confusion about what was intended by the drafters. On the one hand there is an expressed intention to follow state law governing voting on county measures, i.e., 61 day deadline. However, there appears to be some intention to create a longer deadline for special elections. This confusion is also extended to deadlines involving the filing of initiative and referendum petitions. In Section 28(5) of the Charter, "...[a] referendum petition upon an ordinance may not be filed with the County Clerk more than sixty days after the passage of the ordinance." The filing deadline for referendum petitions under state law is 90 days. ORS 250.205(2). It should also be noted that there may be a question as to the legality of the conflicting sections.

The Committee feels that the confusion engendered by these conflicting sections of the County Charter serves to discourage and frustrate the citizenry trying to participate in the election process. Therefore, the Committee recommends that the Charter be amended to be consistent with State law.

B. Status of the Charter.

During the study of the Home Rule Charter in Jackson County, it became apparent to the members, that although the usual incentive for adopting a Charter was to change the structure of the County government, especially in regard to the elective and appointive offices, Jackson County had not availed itself of that opportunity. It is of particular note, that the Charter as established in Jackson County provides no change in the structure of the County government, and indeed mirrors the provisions that are provided statutorily to counties without a Charter. Further, it is of note that the Charter has not been amended or updated since its adoption in 1978. The Committee feels that there are changes that need to be considered, particularly the above changes to the election laws, and further to reconsider those elective and appointed offices.

Other issues that could be pursued include number, election and composition of Commissioners, and the provision of an Administrative Officer in the Charter.

C. Process of Amending the Charter.

The Committee feels that it is informative to understand the process that needs to be followed in order to Amend or Repeal the Charter.

1. By Voters. (After submission from Commissioners)
 - a. At a regular primary or general election
 - b. At a special Election called by the Board.
2. By Initiative Petition and vote.(Charter, Chpt. VII, Sec.29.)

D. Adoption of League Positions.

1. The Committee makes note of the fact that any county study must be agreed upon and approved by all Leagues in the county.
2. The Committee feels that the League County Position should be rewritten to reflect League responses to Consensus questions.

CONSENSUS QUESTIONS

I. EVALUATION OF COUNTY COMMISSIONERS

A. Role and Responsibility of the Board of Commissioners.

What should be the functions of the BOC?
Policy Making?
Legislative?
Supervise budgetary decisions?
Act in quasi-judicial capacity in land-use matters?

B. Number of Commissioners

1. How can the number of Commissioners adequately represent the population of Jackson County?
2. Should the League position be changed to include a number of Commissioners, i.e. 5, 7, 9?
3. What should the League position be regarding the support for 3 Commissioners?

C. Elected by District or At Large

How could the Commissioners be elected to insure representation of both rural and urban populations--by district or at large or a combination?

D. Partisan or Non-Partisan Elections

. Does that require partisan or non-partisan elections?

E. Compensation of Commissioners.

Should the League continue to support full-time paid Commissioners, or consider other options?

II. COUNTY ADMINISTRATOR.

1. How should the office of County Administrator be established--in the Charter or by ordinance?

2. In the Charter with the job description stated in an ordinance?

III. COMPARISON OF ELECTED AND APPOINTED POSITIONS.

1. Regarding the finances of the County---

- a. Should the position of Treasurer be abolished and those duties assigned to the Finance Officer?
- b. Should the nominal elected post of Treasurer be retained?

2 How can the qualifications of the Financial Officer and the Clerk be established?

3. Should the League position be changed to state that the Assessor, Finance Officer and Surveyor be appointive rather than elective and that the Charter be amended to reflect those changes?

IV. CITIZEN PARTICIPATION IN JACKSON COUNTY GOVERNMENT.

Citizen involvement is now provided for by ordinance, how important is it to require that citizen involvement be included in the County Charter?

V. OTHER ISSUES.

A. Inconsistencies between County Charter & State Election Law What should be done to remedy the inconsistencies between State Statutes and the County Charter?

B. County Charter

How can the League work toward amending the County Charter if it is necessary?

- a. Urge County Commissioners to call a special election?
- b. Support the formation of a broadly based Charter Commission?
- c. Introduce an initiative petition

JACKSON COUNTY LEAGUE POSITION JOINT MEETING

January 20, 1999

Talent Community Center

206 E. Main, Talent (Next to City Hall.)

11:30 a.m.

Bring Enclosed Materials & a Box Lunch.

Beverages will be supplied.

There will be a Cookie Exchange. Please Bring 6-12 of your favorite cookies packaged for exchange.

To Rogue Valley and Ashland League Members:

Enclosed are the following materials:

- 1. 1997-8 Update & Study
- 2. Resource List.
- 3. County & City Population Data
- 4. Budget Flow Diagram
- 5. Comparison of Home Rule Counties
- 6. 1985 Jackson County Position
- 7. Consensus Questions.

Discussion and Voting will be limited to League Members. Consensus will be sought on the Consensus Questions. Concurrence will then be discussed on the Position to be taken by the joint membership. This meeting will begin promptly at 11:30 a.m. to insure that the study and discussion can be completed.

The committee is suggesting that there be consensus sought on the questions they have prepared. They are also attaching a proposed position they have prepared for your concurrence. This position will be amended as necessary as a result of your decisions on the consensus questions.