

Date: June 27, 2016

From: Carol Chesarek, Multnomah County Charter Review Committee Member

Re: County Manager proposal

Dear Chair Leonard and fellow committee members,

I respectfully object to this committee's County Manager recommendation and to the process by which that recommendation was reached. Because my concerns are lengthy, I decided to put them in writing rather than try to share them verbally at our next meeting. I have listened to the audio recording of our previous meeting where this proposal was discussed and voted on, a discussion which I was unable to be present for.

This County Manager recommendation is not a minor change in the County Charter. It proposes massive shift in power and responsibility away from the County Chair to the Board of Commissioners – all responsibility for the county's day to day operations would move from the sole authority of the Chair to the board as a whole. It also means shifting from a single-executive decision model to management by committee. This is by far the most significant change that we have considered to date, perhaps even larger than any change in the Sheriff's position. I'm very concerned that members of this Committee underestimated the significance of the change when they voted on this recommendation.

A truly minor change which would achieve most of the subcommittee's goals would be to instead recommend adding to the Charter a County Manager position which would be appointed and managed by the Chair, with the appointment being approved by the Board. This would maintain the current balance of power and executive responsibility, while ensuring that a County Manager type position is ensured and can't be undone by a majority of the Board. Requiring Board approval of a Chair's nominated County Manager would help (but can never truly ensure) that a well-qualified professional is hired for the position. I would support recommending this smaller change to voters.

I appreciate the detailed work done by the Green subcommittee, but I feel that important considerations were missing from their recommendation. In the following discussion, phrases like "the proposed change" refer to the proposed change to a County Manager who is managed by the County Board as a whole.

#### Charter Review Committee Process

- Discussion of this recommendation was limited to a single meeting, preventing at least 2 committee members (myself and Sami) from providing any input.
  - All of the other subcommittees shared preliminary recommendations which were discussed at several meetings, allowing everyone an opportunity to participate. The Green subcommittee shared their draft process at earlier meetings and asked for input on process, but did not have a recommendation until our May meeting. No discussion or questions were allowed in May.
- This Committee invited Chair Kafoury to testify, and she is scheduled to do so at our next meeting, but the Committee voted on a recommendation that would profoundly

affect her role without waiting to hear her testimony. I feel this was both unwise and disrespectful. This committee should be open to revisiting the recommendation after hearing from the Chair. The Chair's testimony is important because it appears that no one, until now, has advocated for the benefits of the current system or identified potential problems with the proposed new system.

- We agreed at the beginning of our process that we would not “fix what isn't broken.” I have reviewed the materials behind this recommendation several times and still haven't identified a problem commensurate with the scale of this proposed change. Multnomah County has a very successful government that is very responsive to constituents. I believe this change would put that success and responsiveness at risk in exchange for small marginal benefits, that the risks far outweigh the benefits.

### Green Subcommittee Process

When I reviewed the Green Subcommittee's expert interviews, I found:

- Neither of the two outside experts appears to deeply understand the current County “hybrid” system. I can't find any comprehensive comparison of the pros and cons of the current system to the proposed new system, or a comparison of the pros and cons for a County Manager overseen solely by a Chair as opposed to the Board as a whole. The experts appear to misunderstand the current hybrid system since, according to the Green subcommittee report (p. 3), they reportedly argue that a change to a County Manager responsible to the Board would reduce the Board's responsibilities for day to day county management, when in our case it will increase them for Commissioners (since they currently have none).
  - Mr. Douglas Morgan's written input says:
    - “I do not have regular interactions with the Board of County Commissioners,”
    - “I do not have operating knowledge of ...,”
    - “I do not have working knowledge of how much of the administrative work in the county gets politicized,” and
    - “I don't have personal knowledge of this issue with regard to Multnomah County.”
    - He talks about theory and general experience, which is fine, but does not provide comparison for the proposed change with the current system or alternatives. In many cases it isn't clear whether he believes the benefits of a County Manager increase or decrease if position reports to solely to a Chair as opposed to the Board as a whole. He appears to be advocating mostly for a County Manager position without specifying a reporting structure for the position.
- The experts “noted the importance of removing ‘even the appearance’ of political influence on administrative actions of staff as a benefit of a county manager.” But moving authority over a County Manager from the Chair to the Board as a whole will increase political influence on staff, because the county manager will be trying to please at least 3 of 5 politicians at all times, with a majority that can shift at every election, instead of serving a single elected official (the Chair). More politicians involved = more politicization.

- Mr. Morgan talks about “instances where managers hold their positions because of personal/political loyalty rather than because of their competence,” acknowledging that this can occur.
- Remember the “mean girls”? Three Commissioners who were at odds with then Chair Linn over funding for Sun Schools. In this proposed new system, those three could have disrupted not only the policy side of county decision making, but also the day to day administration of the County. They could have fired the County Manager and appointed someone of their choosing. I believe this shows that a County Manger reporting to the board is more subject to politicization than one reporting solely to the Chari
- I can’t find anywhere that Douglas Morgan or Steve Bryant conclude that the current Multnomah County system is not working well, or that a County Manager responsible to the Board would be more effective overall than one who reports solely to the Chair. Their conclusion appears to be merely that a County Manager role can work well if properly implemented. Several of Mr. Morgan’s arguments appear to better support a system where the County Manager reports solely to the Chair.
- The experts apparently dismissed concerns about a County Manager reducing county responsiveness to constituents, but my experience with Board managed County Managers and similar management systems in several local jurisdictions is that those systems do minimize responsiveness to constituents. I know a Commissioner from another local County (one with a County Manager reporting to their Board) who told me he is actively discouraged from advocating or even discussing constituent concerns with county staff – he’s told he’s responsible only for providing input on policy and vision and should not talk with staff. Our county doesn’t work that way – our Commissioners can and do advocate for constituents to staff today. I can see why they may feel more freedom to take a more adversarial position with staff because they are not responsible for county administration.
  - Mr. Morgan also says “If the change results in the board spending more time on its community leadership function, the influence of citizens should increase.” But this proposed change would take our Board’s attention away from community leadership, decreasing citizen influence.

Private interviews of County Directors and public testimony to the full committee showed:

- 2 of 3 privately interviewed County Directors supported remaining with the current system, only one supported a change.
- Both the County Auditor and County DA, who are independent of the Chair’s authority, told us they supported maintaining the current system.
  - County Auditor March mentioned some audit results haven’t been fully implemented due to term limits, but according to our March 16 minutes he also said “the current shared power model is working well.”
- So 4 of 5 Directors and independent elected officials support the current system.
- 2 of 4 County Commissioners testified in favor of a change, showing a natural desire to increase the power of Commissioners relative to the Chair’s authority. We have

not heard at this point from the other two Commissioners.

- This shows significant support for the current system, not a desire for a big change.
- I spoke yesterday with someone who worked for the county for decades (now retired), in a position that involved strategic planning. He thought this change was a terrible idea, that it would further politicize day to day county operations and confuse lines of authority. He said that the County Manager would want to curry favor with members of the Board, and that eliminating the clear executive authority over day to day operations currently held by the Chair would muddle decision making.
- If there was a significant problem with the current system, of the scale appropriate to trigger a huge power shift like this, wouldn't we see considerable support for such a change within the county, as there appears to be for changes around the Sheriff?

### Poor Timing

- As of January 1, we will have 3 brand new Commissioners. We have consistently heard that it takes time for a new Commissioner to come up to speed and really understand how the county operates. But if this proposal was adopted, a Board with a majority of inexperienced new members would be responsible for defining this new County Manager's job, hiring someone, and then managing and potentially firing them. The risk inherent in this seems obvious. We would be taking responsibility for day to day county operations away from an experienced Chair and handing it to a Board with an inexperienced majority.
- County operations will be disrupted as the County Board and managers implement the change. These changes always take more time and effort than anyone expects. This is a big change. First the new system has to be defined, then a new County Manager is hired, and then everyone spends months or years figuring out how the new system will actually work. People will encounter problems that are hard to anticipate and they may not know at first how to fix them.
  - How would large projects like the new County Courthouse, seismic retrofits to the Burnside Bridge, etc. be affected? How will county services be affected?
  - A Board with three new members would be asked to define this new system, hire a new Manager, and learn how to manage the manager, increasing the risk of mistakes and disruption.
  - Implementation will cost money, require staff time and significant attention from every member of the Board, distracting them from other issues.

### Sole executive authority = Clear Accountability & Quick Action

- Currently, if some County operation isn't working, it is the Chair's responsibility. If problems are significant and don't get fixed, the Chair can be recalled or forced to resign.
- The Chair's current executive authority allows the county to respond quickly to unexpected problems. A County Manager reporting to the board requires direction from the board (and a majority of the board must agree on a direction), likely delaying response to the unexpected.

- The day after lead was found in water at schools, the county offered lead testing for students who might be affected.
- Under the current system, the Chair is responsible for effective county operations and can buffer them from a troubled Board.
  - A problematic COO can be fired at will, in private, by the Chair.
- Under the proposed new system, no one person is easily held responsible for problems, and the politics of the Board are likely to make it difficult to fire a County Manager. A troubled Board could disrupt day to day county administration.
  - A decision to fire a problematic County Manager (even assuming the Board could be persuaded to take that action) would be very public, and therefore more difficult for all involved.

Analysis of Stated and Implied Goals of the proposed change, Goal by Goal:

1. Improved stability in county management.
  - a. There is 5 times as much change among 5 County Board Members than in a single County Chair, so a board majority can change much more often than the Chair alone. Shifting responsibility for hiring, managing, and firing the County Manager to the board could result in more frequent changes in direction, not less.
  - b. If our recommendation to extend term limits is approved by voters, turnover in the County Chair position should become less frequent.
  - c. A long term County Manager may offer more stability, but on the flip side that stability likely won't offer the innovation that can result from new ideas.
  - d. Removing all this authority from the Chair's job will make the position less appealing, and we may have poorer candidates to choose from.
2. "Appointing a professional with the education, training and experience to successfully manage" Multnomah County.
  - a. The proposed Charter amendment does not require hiring a professional with any particular qualifications (and should not). This goal assumes the board would only hire someone with strong qualifications but the Charter cannot guarantee it.
  - b. There is also no guarantee that a board-appointed County Manager will be a more effective manager than a COO hired under the current model. Both systems are open to hiring and management errors, what's key is being able to fix those mistakes.
  - c. A smaller change in the Charter, to a Chair appointed County Manager (who reports solely to the Chair), with that hire approved by the Board would provide the Board with more checks and balances on the hiring.
  - d. Management by committee (e.g. the Board) is often inefficient and ineffective because no one person has ultimate responsibility for the results.
3. Desire to be like everyone else. "County governments with an appointed manager are widespread and successful models." I don't argue with that, but that doesn't mean it is the best model for our County.

- a. I don't care if we're like everyone else -- different can be better, conformity can lead to mediocrity. I haven't seen any analysis showing that the proposed shift in responsibility for day to day operations from the Chair to the Board would necessarily result in better overall County management.
  - b. This goal seems to ignore the success of another model -- a single executive with responsibility for day to day government operations, like our state Governor and the President of the United States.
    - i. According to the Oregon Blue Book, "The governor is the chief executive of Oregon. The Oregon Constitution charges the governor with faithfully executing the laws, making recommendations to the Legislature and transacting all necessary business of government. The governor may veto bills of the Legislature and shall fill vacancies by appointment." (underline added)
  - c. An implied part of arguments around this goal seems to be that because our county government is so large, that it can't be operated effectively by a single executive. But this single executive model is used by the state of Oregon and by the United States, both larger governments. This proposal is like recommending that we shift responsibility for day to day operations of the state from the Governor over to the State Legislature and of the nation from the President to Congress.
  - d. Many of those other counties have part time Commissioners and even Chairs, and they need a full time manager to run things. That isn't the case in Multnomah County, where our Commissioners and Chair are full time jobs.
4. Protect the current hybrid model from being "undone" by a majority of the board.
- a. A majority of the board can be stupid about many things. They could choose to hire poor County Managers and fire them every few months.
  - b. Codifying the County Manager position in the Charter but maintain reporting solely to the Chair would also achieve this goal.
  - c. I found it highly ironic that you don't trust a majority of the Board to maintain the current hybrid system, but you would trust them with hiring and firing a County Manager, and to oversee all of the County's day to day operations. If the Board is going to be stupid, they can wreak far more harm if this change is implemented.
5. I suspect fixing the problems of Chair Cogen's administration was an unstated goal.
- a. No management system is perfect, they all have strengths and weaknesses. All of them can be subverted by people who are incompetent or who have evil intentions.
  - b. In Chair Cogen's case, the system worked. He made inappropriate management decisions and he was quickly forced from office. While the process was painful, the system worked.
    - i. Governor Kitzhaber made mistakes in his most recent term, and he was quickly forced from office too.

- c. Who would be held responsible if a County Manager responsible to the Board proves to be a moderately poor (but not obviously bad) fit and day to day operations suffer?
  - i. How long would it take for the Board to be convinced of a problem with the County Manager, particularly if it is subtle?
    - 1. Today, Directors can go to the Chair and privately share problems they have with the COO. In the proposed system, they would need to go to a majority of the Board and persuade them there is a problem that needs to be corrected. This process is unlikely to be private, and the County Manager could retaliate against them in a myriad of ways. The daunting prospect of trying to persuade a majority of the board that there is a problem makes it unlikely that anything short of gross and obvious incompetence would be reported.
    - 2. Douglas Morgan's input says "Legislative bodies need the help of the executive in figuring out how to carry out their organizational/oversight responsibilities. The executive almost always has to take the leadership role on this because members of the legislative body [in this case, the Board] really don't know what questions to ask; they don't have the expertise needed to ask the right questions regarding organizational accountability issues." If this is the case, how can we expect the Board as a whole to make better decisions about hiring, managing, and firing a County Manager than the Chair alone?
    - 3. Mr Morgan does not conclude that the current system is not working well, he says "if it is falling short, my guess is that it will do better with a fulltime professional executive..."
  - ii. After identifying a problem, how long would it take a majority of the board to be willing to publicly admit that there was a problem with the County Manager (and admit that they hired the wrong person) and to take action? These are difficult decisions, and it seems likely that a Board would prefer to live with moderate incompetence (which they can probably deny) than to publicly fire a County Manager.
  - iii. Finger pointing and reluctance to take responsibility seem far more likely in management by committee than effective action. Even if the Chair wanted to act in this new system, they wouldn't be able to unless 2 Commissioners were willing to support them.
- 6. Day-to-day practice may vary from roles defined in ordinance and the classification/compensation plan.
  - a. It isn't clear if there is a real problem here, or just a potential problem. It also isn't clear that the proposed change would guarantee a fix, aside from defining the County Manager role.
- 7. A county manager could help elected officials focus on articulating a vision instead of administration and staff management.
  - a. In our hybrid model, only the Chair is responsible for administration and management, so only that office should be at risk of this distraction.

- b. Moving to a board-appointed County Manager would increase the 4 Commissioner's responsibility for county operations (which are currently the Chair's responsibility), and thus create more distraction for them, not less.
- c. Are we lacking a county vision? I hear a lot of clear vision from the Chair.

With one exception, we have had very good County Chairs in recent memory. The Green subcommittee's own earlier discussion paper says "... the old saying, 'if it ain't broke, don't fix it' may warrant consideration too. Multnomah County is nationally and regionally recognized for its innovation in many areas of government policies and services." Would we no longer attract top candidates for Chair if the responsibilities are dramatically reduced?

I believe we have a very successful county. We've managed to replace the Sellwood and Sauvie Island bridges, and to develop a plan for a new County Courthouse. These are huge, difficult accomplishments that required strong leadership and good execution. That isn't to say that the county doesn't have flaws. But the flaws I can see seem minor compared to the successes, and I don't believe we should undertake a major change.

"The grass is always greener on the other side of the street." It is easy to identify problems in an existing system. The advantages can be harder to identify because we take them for granted. The advantages of a different system seem obvious and important if they appear to fix those problems you see, but potential problems with the new system are often overlooked.

The Green subcommittee is fond of sayings, so here's another one that's appropriate: Don't throw the baby out with the bathwater.

I would be comfortable recommending a minor change -- to codify in the Charter the role of a County Manager who reports solely to the Chair, and who is appointed by the Chair with approval of a majority of the Board. I do not support shifting responsibility for the county's day to day operations away from the Chair to the Board.

Why would we risk messing up our very successful county for marginal perceived benefits?

Thank you for your consideration.



Carol Chesarek

### Background

I have two sets of relevant experiences that I'd like to share because they explain why I feel strongly about this recommendation.

### My experience with Multnomah County

I live in rural Multnomah County. My neighborhood depends on county staff to manage land use planning and rural county roads, and to provide our law enforcement. Like the rest of you, we also depend on the county to care for our bridges and to run our elections.



My neighborhood is very involved in land use and transportation issues, and we work with everyone from the Chair down to individual planning staff members. Because we share a long border with developing part of Washington County, I've spent the last 10 years working with that county's land use and transportation planning too. Metro is also closely involved in land use and transportation, and I actively participate in many of their planning processes, and I am Multnomah County's Citizen Alternate representative to MTAC, a Metro advisory committee. So in addition to significant experience with our own county's operations, I also have a basis to compare those operations with two other local governments. Washington County and Metro both use a board-appointed type of administrator (Metro calls theirs a COO).

I've consistently found that Multnomah County's operations are well-run. Staff are competent and work effectively with the public. Public input is sought, respected, and influences decisions in meaningful ways – not lip service. I've participated in two very important and complicated Multnomah County planning processes – Urban and Rural Reserves and the current Comprehensive and Transportation Plan updates. In both cases our county did something stunning – they appointed 16 member citizen advisory committees who worked with staff to develop very important county policies. These committees were entirely made up of citizens -- no business representatives, no City representatives, just average citizens. I don't know any other jurisdiction that entrusts its citizens with this level of responsibility, but it works here and I think the results have been high quality. Even on a day-to-day level, I've found over the last 10 years that our County government, from the top down, is approachable and responds to thoughtful citizen input. That simply isn't true of other local governments – there is a huge difference.

Multnomah County has somehow managed to replace two county bridges at a time when infrastructure funding and investment at all levels of government are inadequate – these projects are very hard to fund, but we've done two. Our county elections operate efficiently and without the issues that have plagued other counties (e.g. Clackamas).

Lead was recently found in Portland school's water, and the next day Multnomah County offered free lead testing for students – very fast response.

#### My experience with management systems at Intel

I spent almost 19 years working at Intel. For the last 13 years I was a project and program manager, managing cross-functional development teams, some of which included over 300 people. I saw a lot of different management approaches, some that were very effective and some that were harmful.

I learned that when you have a high-functioning team, you should be very cautious about changing anything. It may operate in an unconventional way, but if the work gets done well and people on the team are happy, you should be very cautious about trying to improve it, because in trying to improve from 90% to 92% you can easily undo things that made the team successful in the first place, resulting in worse performance, not better.

I watched managers take over teams and apply management approaches that worked at a previous employer, and fail, because they didn't understand the needs of the situation.

Every management model has pros and cons. No organization is perfect. Good management is usually due to the manager's skill than to a management model.