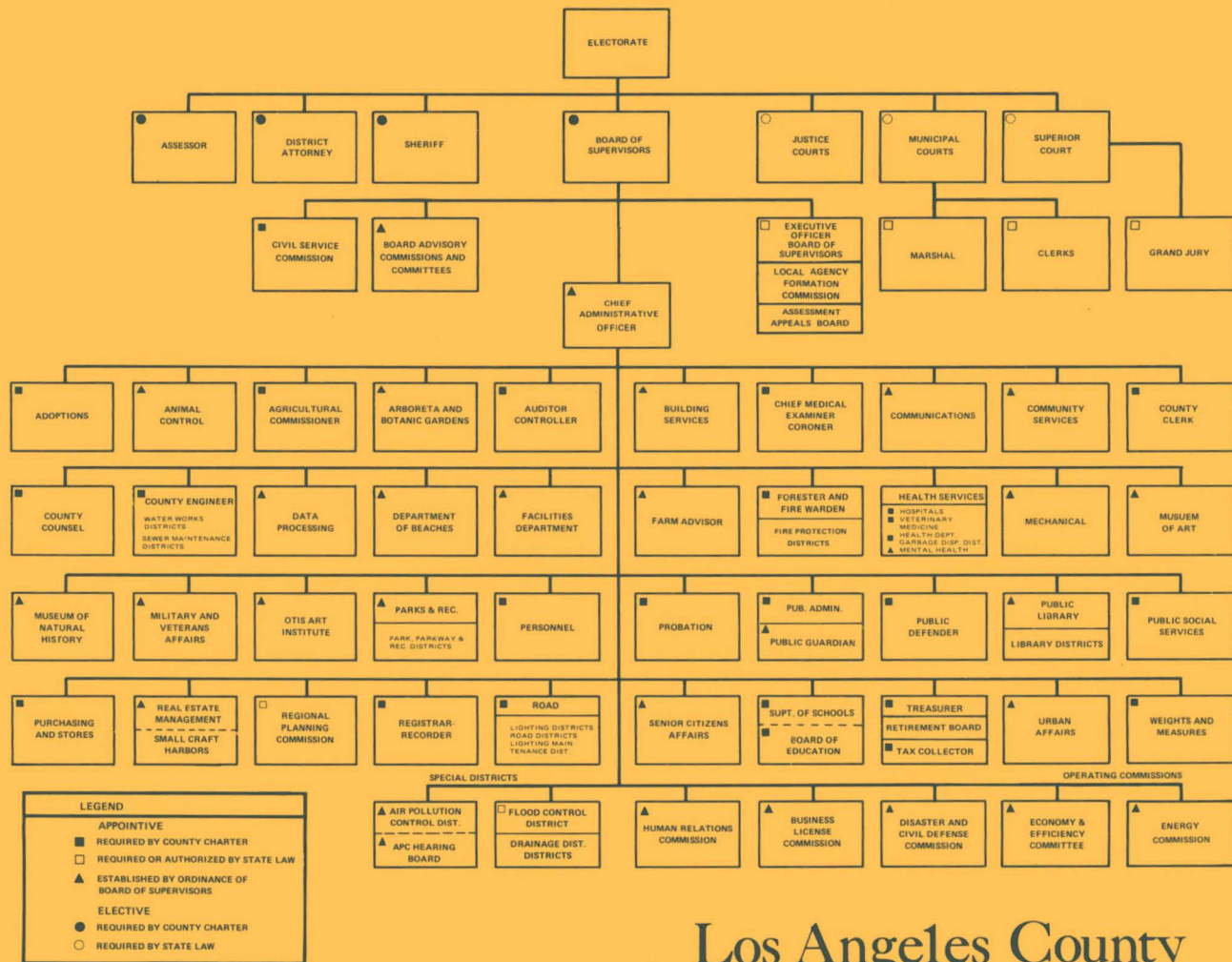


TO SERVE SEVEN MILLION



REPORT OF THE PUBLIC COMMISSION
ON
LOS ANGELES COUNTY GOVERNMENT



Los Angeles County

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**REPORT OF THE PUBLIC COMMISSION
ON
LOS ANGELES COUNTY GOVERNMENT**

February 1976

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on County Government

FOREWORD

The Public Commission on County Government was created by the Los Angeles County Bar Association pursuant to a grant from the John Randolph Haynes and Dora Haynes Foundation. Composed entirely of private citizens serving in their individual rather than professional capacities, the Commission has no connection with the government of Los Angeles County nor with any other public or private body. It has existed for the sole purpose of conducting this independent review of the structure and operations of County government, with special reference to the adequacy and effectiveness of its central managerial and decision-making institutions.

Formed in February 1975, the Commission has twelve members, drawn from a wide variety of professions and affiliations. All have served without compensation. The membership is as follows:

David Boutté	Donn B. Miller
Willie Davis	Dorothy W. Nelson
Richard C. Gilman	Joseph R. Rensch
Evon Gotlieb	William Robertson*
Seth M. Hufstедler (Co-chairman)	Armando Rodriguez
Frederick Llewellyn	Harold M. Williams (Co-chairman)

The conclusions and recommendations contained in this Report reflect thousands of hours of research by the Commission and its staff, and extensive public hearings at which many citizens and officials presented views. It also builds upon the excellent efforts of prior study groups. Much of the Commission's work has already been made public in the four Staff Working Papers which have been previously published. The agencies focused upon in these Papers were chosen because of the different perspectives they provide on County operations. The theses derived in these studies were then tested through less detailed reviews of other operating units. The reader will find basic supporting and statistical data in these Papers. However, they contain no conclusions or recommendations. The Papers are as follows:

The Central Executive Structure and Decision-Making Processes of the Los Angeles County Government (150 pages; August 1975).

*Mr. Robertson replaced Sigmund Arywitz, who died on September 9, 1975.

The Los Angeles County Road Department (111 pages; October 1975).

The Los Angeles County Department of Health Services (150 pages; November 1975).

The Principal Law Enforcement Agencies of Los Angeles County (225 pages; February 1976).

The Commission's staff has been directed by Edward K. Hamilton. The Deputy Director has been Francine F. Rabinovitz. A full list of those who have assisted in a staff capacity is appended to this Report. The Commission especially wishes to note the unusual contributions of its staff to this Report, and in particular, the competence and judgment of Mr. Hamilton and Ms. Rabinovitz.

No serious work would have been possible without the cooperation of both the elected and the career officials of the County government. This cooperation has been provided to the Commission in the fullest possible measure. The incumbent Supervisors, their staff, the leadership and rank and file of County departments, leaders of public employee unions, independently elected officials, and many others have given freely of their time and considerable wisdom to be certain that the Commission's deliberations were informed by the best possible understanding of the realities of current policy and operations. The Commission is grateful for the immense help which this attitude has been to its work, but even more it admires the spirit of openness and receptivity to constructive criticism which it reflects.

The conclusions and recommendations that follow remain, of course, entirely the responsibility of the Commission. They are offered in the belief that a healthy democracy demands a continuous process of citizen examination of government processes. The Commission has focused its attention on the central decision making structure in the County, believing its functioning raises the broadest and most immediate issues. The Commission makes no pretense of having examined every important issue now facing the County. Many critical problems have been excluded because of limitations upon time and resources. In particular these include questions of making major changes in the County's current boundaries, regionalizing the provision of services in even larger administrative entities, or merging certain city governments or parts thereof, with the County. They also include the difficult issues emerging from increasing dissatisfaction in many quarters about the current workings of the civil service system (and the Civil Service Commission) in a context of collective bargaining. The Commission believes that all of these questions, and particularly the last one, are worthy of a comprehensive review that is beyond the scope of the Commission's effort.

However, the issues which are addressed are believed to be of greatest and most pressing concern. At the very least, they deserve broad public discussion and debate. The Commission's Legal Advisory Committee, under the Chairmanship of John R. McDonough, has advised that all of the changes recommended by the Commission can be effected through amendment or revision of the County Charter. If, after public debate, the Commission's conclusions are widely shared, action should be taken by a vote of the people. Matters of this gravity are worthy of the time and effort necessary to develop a reasoned point of view independent of the influence of any official authority or special interest. This is the objective toward which the Commission has worked. Whether it has succeeded can only be determined by the electorate to whom this Report is addressed.

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SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

THE CHALLENGE

Americans have learned in the turbulence of the last decade that the future of the nation will be determined as much by its capacity to bring just and effective government to its great metropolitan areas as by its ability to repel armed attack. For most of our citizens, local government is the first test by which our civilization is judged. If the local administration delivers the most fundamental protections and other services that we expect from government in an efficient, responsive, and equitable manner, the citizen's confidence in our entire social and political system is reaffirmed. If the local mechanism breaks down, few triumphs of national or foreign policy are likely to repair the damage to that confidence. In a time of deep cynicism and self-doubt, our national resourcefulness and the strength of our resolve will be sorely tried as we attempt to make both democratic and efficient the metropolitan jurisdictions in which three of every four Americans now live.

This is the challenge which now faces Los Angeles County. The nation's most populous county, and long an acknowledged leader in the provision of quality public services, it serves as a bellwether for sister jurisdictions in California and elsewhere. If good local government can be achieved here, it is widely thought, there is hope for the myriad of smaller, less complex governments struggling with the tide of urbanization. But Los Angeles' position of leadership will be more difficult to sustain in the future than in the past. Rapid growth in its population and tax base has slowed, and strong voices urge severe limits on further growth. The burgeoning cost of County services is under sharp attack. There is growing criticism of the failure to develop consistent and coordinated approaches to such problems as mass transit and air and water pollution. The growing tendency of the State and Federal governments to use the County as the point of coordination of financial aid to city administrations in such vital fields as manpower training and health services has provoked strong complaints from many municipalities. From many informed quarters come searching questions as to whether the County is structured to deal with the problems of the last quarter of the Twentieth Century: a more contentious struggle for scarcer resources, a taxpayer more demanding of efficiency and productivity, minorities more insistent upon fair representation, an economy

afflicted by chronic shortages and high unemployment, a work force made up almost entirely of unionized civil servants, and a capacity to provide local services that is more and more dependent upon effective relations with Sacramento and Washington.

THE CURRENT STRUCTURE

The object of all this concern is a governmental structure, fashioned 64 years ago, to work the will of the Sacramento Legislature upon a band of settlements which contained less than one-tenth of the seven million people who now depend upon it for vital services. Swollen to 84,000 employees, the County government is no longer a modest administrative arm of the State. It now spends more than \$3 billion each year to provide health, welfare, judicial, tax assessment, and other services to all County residents, as well as furnishing police, fire, road construction and other basic services to the one million people who live in unincorporated areas and the nearly 800,000 who live in cities which contract with the County for these services. County activities now cost almost nine times as much as they did twenty-five years ago (an average increase of more than 33% per year), and the County now employs one person for every 86 residents, compared to one employee for every 162 residents in 1950. This expansion, together with the aforementioned trend in the Federal and State governments to look to the County for authoritative mediation and presentation of the interests of the 78 municipalities within its borders, means that for an increasing number of purposes the County is the real seat of local government policy in the 4,000 square miles in which its writ runs.

The present County Charter, which establishes the governmental form traditional in America's rural counties, vests every aspect of this awesome power in five Supervisors. Each of them is elected from a district which now contains more than 1.4 million people. No other local official in the United States is assigned responsibilities of the breadth and scale of those afforded a Los Angeles County Supervisor. Every executive, legislative, and quasi-judicial action taken by the County administration finds its ultimate legitimacy in a majority vote of these five individuals. The time has long since come for citizens to inquire whether a government so constituted is feasible in the modern era, and, if so, whether it gives more promise of enlightened, efficient, and representative governance than do the available alternatives.

However, the issues at stake are too critical to address through change simply for the sake of change. The sheer longevity of the current system establishes a presumption in its favor. It should not be replaced unless and until a practical and compelling case is advanced for an alternative which promises to cure present maladies without introducing worse ones. On the other hand, our research leads us to reject the thesis that

organizational structure is of no significance because good people can make any organization work. Much of the historic strength of the County flows from the long line of dedicated individuals who have sought and achieved elective office here. The members of the current Board of Supervisors, along with the incumbent Sheriff, District Attorney, and Assessor, exemplify this tradition. No local government can hope regularly to select more able principals. If recurring problems persist, they result from the shape and arrangement of the bottles, not from the quality of the wine they contain. Of course, no shape or arrangement will guarantee good government; organization is a facilitating condition, not a decisive one. However, the signs of stress in the current structure and the prospect ahead make it prudent to examine whether the present County structure knits these individuals into a coherent and responsive government which returns maximum service for each tax dollar the people invest in it. This is the central question of the Commission's inquiry.

THE SYMPTOMS OF INFIRMITY

A year of intensive study has persuaded us that the current County structure encourages closed, narrowly constituted, short-sighted, fragmented and inefficient government.

The fact that structural weakness has not yet produced disastrous malfunction mainly reflects the commitment and ability of both elected leaders and career professionals. However, both are now steadily losing ground in the struggle to adapt the structural equivalent of a horse-drawn vehicle to the demands of the modern era. The following symptoms of growing distress are particularly worrisome:

1. *Public knowledge of and confidence in County Government are low.*

The County ranks substantially below its constituent city governments in popular approval and the perceived ability of citizens to affect its actions. Its remoteness and low visibility are important elements underlying the four major movements now working to secede from the County.

2. *The structure has never resulted in the election of a single Supervisor drawn from a racial minority, from several major ethnic groups, or from the female population.*

Every successful candidate has been a white male, as has every Sheriff, every District Attorney, and every Assessor. This is part of a tradition of static and largely invisible County politics which discourages serious challenge of incumbents and results in virtual lifetime tenure once a Supervisor has been elected.

3. *Citizens participate very little in decision-making, and the structure is not built to respond when citizen opinion is formed and presented.*

The Tuesday public sessions of the Board are largely incomprehensible and impenetrable for the average citizen, the Thursday "hearing day" sessions are too specialized to be of general interest, the frequency of public hearings sponsored by departments varies greatly from program to program, and many of the more than 100 advisory boards, commissions, and committees appear to be either non-functional or non-influential. Responsiveness does not appear to have been markedly improved by doubling of supervisorial staffs during the past five years.

4. *The real negotiating and decision-making within the central structure occur out of public view.*

The fact that the Board takes well over 99% of its actions unanimously and always ends up approving the recommendation of the Chief Administrative Officer (although his recommendation may have changed greatly between the first appearance of an item on the agenda and the time of Board action) betrays the real process of behind-the-scenes debate and decision. Put simply, controversial items are "held" until negotiation among the supervisorial staffs, the CAO and his staff, and the relevant department head achieve is a compromise which is then placed on the agenda and passed unanimously, usually without any meaningful discussion.

5. *The structure discourages the development of clear, rationally-based policies which can be consistently applied throughout the County.*

The Board seldom has occasion to address a question of broad policy, and the centrifugal forces created by the current organization are so strong that when it has tried—as in the General Plan for land use, the Master Plan for highways, County-wide affirmative action policy, overall budget planning—the results have not been reassuring. There is no recent, documented case in which the Board has confronted a policy problem head on, developed alternative courses of action to solve it together with estimates of their associated costs, debated the merits of each, selected one, and put the policy into County-wide effect.

6. *Arbitrary formulae are increasingly used to allocate County resources, but they may even be preferable to the "me too bargaining" which is encouraged by the present structure.*

Since the Charter provides Supervisors with no incentive to deny benefits to each other's districts, there is increasing resort to the principle of "divide by five" to decide how much County money should be spent where. A pool of "available funds" for each function in which the principle is used is equally divided among supervisorial districts without regard to their different levels of need. This principle now controls allocations for road construction, park development, health facility location and construction, and the distribution of Federal community development revenue sharing funds. The distortions of priorities which result are legion and the political identification of the effectiveness of each Supervisor's service to his district with the "divide by five" programs means that expenditures for these programs rise faster than the budget as a whole. However, the alternative to "divide by five" in the present structure would probably be "me too bargaining" in which Supervisors of equal weight and parochial district concerns, who have no occasion to deal with anyone who represents a County-wide perspective, settle each issue by adding an equivalent quantum of new services in each district. This would almost certainly be worse than the arbitrary principle now in growing use.

7. *The traditional method of dividing administrative responsibility among Supervisors has broken down.*

The practice of appointing each member of the Board the "departmental chairman" of about eleven of the 57 operating departments is no longer an effective means of dividing operational supervision among today's activist Supervisors. Thus, the Board now has no reliable or accepted method for parceling out its administrative functions and thereby avoiding duplication of effort or gaps in supervisorial coverage.

8. *The performance of executive functions is necessarily fitful, uneven, and crisis-prone.*

The Board's effectiveness as chief executive is hostage to the complementarity of the interests, expertise, and administrative ability of five individuals who happen to be elected Supervisors. The agenda process compounds difficulties by skewing the Board's attention and discouraging review of systems for budgeting, accounting, collective bargaining and other County-wide processes. The result is that there is no de facto chief executive who is actively involved in the day-to-day shaping of programs and projects or the review of regular management reports, nor is there any reliable guide for department heads with respect to what the mythical executive known as "the Board" really wants. The erratic

results which occur on the rare occasions when the Board does undertake to address policy matters lead the bureaucracy to place as little before the body as possible. The Board's executive role is also weakened by its susceptibility to preoccupation with crisis and to "solutions" to the issues dramatized by crisis which are more related to the need to satisfy the media than to genuine long-term effectiveness. The fact that several Supervisors have recognized these executive weaknesses and have moved as individuals to remedy them is laudable in theory but an administrative nightmare in practice. It is resulting in a bewildering and wasteful cross-current of management data flowing directly from departments to supervisory offices, blurring lines of authority, disrupting policy continuity, undermining the coordinating capacity of the CAO, and forcing departments to devote innumerable high-price man-years to duplicative efforts.

9. *The approach to financial management, cost reduction, and productivity improvement is disorganized.*

The problems of a plural executive are most evident where money management is concerned. The Board's predominant role in the budget process is to increase certain recommendations of the CAO, after a review which ignores the budget "base" and concentrates only on the "incremental" aspects of departmental requests. The saga of the current year's budget, in which the Board reversed itself twice and seems in the process of doing so again, illustrates the depth of the problem. The record with respect to financial management systems and the management information systems necessary to maintain them is also spotty at best. In general, the evidence indicates a chronic absence of the capacity to sustain the top management attention which is necessary if such systems are to be evolved and maintained. There is no reason, therefore, to expect that the rapid rise in County costs will be substantially abated as long as the current structure is in place.

10. *Some services are of suspect quality, and there are few vigorously monitored standards of quality and unit cost.*

Questions of quality or cost-competitiveness of most County services can be answered only by anecdotes or personal impressions. Although there have been some attempts to investigate cost differentials with private competitors, this is not a primary concern. It is not known, for example, why County taxpayers apparently pay \$8 per curb mile of street swept, whereas private contractors charge about \$5 and the City of Los Angeles claims to pay about \$4.25. Despite the fact that the County enjoys a solid reputation among professionals for the quality of the services it

delivers, neither the internal performance standards nor the relevant operational data exist which would allow us to confirm this view.

11. *Relations with cities within the County are deteriorating.*

The natural, and probably healthy tension between the County and its constituent cities appears to be degenerating into destructive bickering. The cities have many complaints, most of which reduce to the charge that the Supervisors are all-powerful, inaccessible, and dedicated to the maintenance of their own County empire. Many city officials trace these problems to the way that the County is organized, and particularly to the small number of Supervisors and the strictness of the rule that none can dabble in another's electoral fief.

12. *The County presents a weak and occasionally contradictory voice in Sacramento and Washington.*

The absence of a single authoritative spokesman is clearly a disadvantage—whatever the merits of the respective cases—in such debates as the current controversy with the Governor over changes in State aid policies which the Supervisors feel will result in large increases in County tax rates. Similarly in Washington, law-makers and bureaucrats alike are confused by the appearance of multiple County representatives of equal stature who tout diametrically opposed policies. The problem is compounded by the fact that Los Angeles County Supervisors are indistinguishable from officials with the same title from other urban jurisdictions (e.g., Philadelphia) who are in fact low-level functionaries because the county has long since been subordinated to the city. The result is less County participation in the decisions which more and more often determine its direction and capacities.

13. *There is relatively little capacity for self-analysis and correction.*

Beyond the respected but necessarily limited work of the Grand Jury and the Economy and Efficiency Commission, there is no independent institution or individual responsible for systematic review of County policies and operations. The vested interest in past administrative decisions grows with every year that a Supervisor has shared responsibility for those decisions. Since there is no separate legislative branch to ask the traditional adversary questions of the executive, little public controversy is inspired about County affairs, and there is only a limited sense of evolution and adjustment in response to changing conditions which is among the trademarks of a healthy organization. In short, there is no one

around the County administration with the information and the independence to say the hard and unwelcome things that every healthy organization must hear from time to time.

PRESCRIPTIONS

Although these symptoms amply support the case for structural change, they do not reflect a failed or bankrupt government. Taken as a whole, the County administration is a more proficient mechanism than its organizational outlines provide reason to expect. Therefore, restructuring can proceed in the calm and orderly fashion commensurate with the importance of the issues at stake. On the other hand, it is clear to us that a government constructed on the theory of the present Charter is not feasible in the modern era, nor does it provide for the checks and balances which are the most reliable protection of the public interest in most American governments. No measure short of renovation of the County Charter can deal with problems of this depth. We believe that the most urgently needed steps are the following:

1. *The Charter should establish a clear separation between the executive and legislative functions.*

Only this separation, traditional at all levels of sizeable American government, can insure that both roles will be efficiently performed and that the creative tension between them will keep the public informed and involved.

2. *The executive authority should be vested in a County Executive who should be elected at four-year intervals in a non-partisan election open to all voters in the County.*

After careful examination of the alternatives, we have concluded that no other course of action promises to provide the coherence and continuity of direction, the undivided attention to administrative problems (particularly those of a systemic or procedural nature), and the clear accountability to the people which the current structure lacks. In part this reflects our respect for the achievement of the present Chief Administrative Officer and his predecessors; we find it difficult to believe that significantly more could be accomplished working from an appointive base. Beyond this, however, we believe that the most dependable check on the executive powers is the necessity to maintain close and continuous relations with the electorate.

If the County Executive is to have the authority commensurate with the responsibilities of the office, the Charter should vest the incumbent with the following powers:

- (i) Appointment, subject to legislative confirmation, of a deputy Executive (see below), department heads other than the independently elected officials, County representatives on regional authorities, members of administrative commissions, and holders of certain other senior posts. The Executive should be empowered to remove any official so appointed, except that any deposed department head would retain all rights to pensions and other benefits and employment rights acquired in civil service.
 - (ii) Direct line authority over all departments except those headed by independently elected officials, along with the obligation to make regular reports to the County Legislature and the public with respect to the quality of services and the productivity of programs.
 - (iii) Responsibility for management of all key government-wide processes, particularly budget, personnel, and collective bargaining. However, the Executive should not be empowered finally to conclude a collectively-bargained contract until the terms have been recommended to the County Legislature, together with a five-year projection of their cost implications, and the Legislature has been afforded the opportunity to reject the pact.
 - (iv) Veto power, subject to legislative override, over any ordinance passed by the Legislature.
 - (v) The right to review but not to control the amount or publication of budget requests from the independently elected department heads (the Sheriff, the District Attorney, and the Assessor).
3. *The post of Principal Deputy Executive should be established, with the proviso that it can be filled only by a person with at least ten years of senior administrative experience in a government of substantial size and complexity.*

To safeguard the strong professional tradition which is among the County's great assets, the Charter should further provide that formal delegation of the Executive's administrative powers could only be made to this Deputy or to heads of operating departments, all of whom would be subject to legislative confirmation.

4. *The Board of Supervisors should be converted to a County Legislature of nine members elected from newly-drawn districts of equal population.*

Freed of administrative detail, the members of this body can attend to the neglected legislative role: representation and media-

tion of local interests; drafting and enactment of ordinances; debate and decision on County-wide policies, standards, and criteria of need; establishment of priorities among competing claims on resources; and review and criticism of executive actions. To assure impartiality, the new district lines should be drawn by a seven member commission specially constituted for the purpose, in which five members are appointed by the present Supervisors and the others selected by the five appointees. *Special Note:* The expansion of the Board is recommended only if the executive and legislative powers are separated as we suggest. Expansion would serve no useful purpose without this separation.

The responsibilities assigned the County Legislature suggest that it be vested with the following powers:

- (i) All law-making functions granted the County under State law, including the power to initiate amendment of the Charter, to put questions to referendum, and to petition the State Legislature on behalf of the County.
- (ii) The authority to constitute itself as an appellate body to hear and decide appeals on matters of zoning, licensing, and tax assessments.
- (iii) The authority to confirm or refuse to confirm all major appointments of the Executive and to investigate and monitor all County operations.
- (iv) Complete authority over the appropriation of all County funds and the setting of all tax rates.
- (v) Authority to preclude the Executive from final conclusion of a collectively bargained contract, according to procedures outlined in the body of this Report.
- (vi) Complete authority to establish internal organization and procedures.

5. *The present position of Auditor-Controller should be placed under the Legislature, the Charter should provide that appointees to this position have ten-year terms of office, and they should be required to have at least ten years of senior level experience in financial management, preferably in the public sector.*

So insulated from political reprisal, this official should be in a position to conduct regular audits of transactions and to launch any special probes of financial activities as he/she may decide to undertake.

THE ISSUE OF COST

There is no prospect of substantial reduction in the rapid growth of the County budget as long as the current structure endures. Dollar savings measured in the tens and hundreds of millions can only be achieved by an Executive, stimulated and overseen by a Legislature, who can look closely at the 95-98 percent of expenditures that the Board does not now reach, correct misallocations which have resulted from the "divide by five" principle, determine what makes some County services so much more expensive than those of private providers, reform budget and accounting systems, measure and improve productivity, unite collective bargaining with budget policy, and represent the County effectively in Sacramento and Washington.

Our analysis of the current costs of the central executive superstructure in the County suggests that the changes we prescribe can be made with no substantial additional direct administrative cost if the transition is carefully monitored. This will be a demanding task, since the costs of the present structure are rising very rapidly. However, if prudently managed, there are sufficient resources (e.g., 380 staff positions in the CAO's office, the Supervisorial staffs and the Executive Office) to support an adequate staff for the new Executive and Legislature.

THE URGENCY OF ACTION

Some will see conflict between our conclusion that County government is not yet in desperate straits and our recommendation that its structure be fundamentally altered. We do not agree. Indeed, we regard it as regrettable that so many major renovations of local governments occur in the aftermath of great crisis or scandal, or because of the prospect of imminent collapse. Such conditions must distort both diagnosis and prescription, as well as public debate of longer-term issues. The true test of a polity is not whether it can reform itself under such threatening circumstances, but whether it is capable of self-assessment and reform before the situation becomes desperate.

We believe that the evidence of the need for reform is clear to any objective eye. The question now is whether citizens are ready to exercise their right and responsibility to shape a government which can best understand and express their will. We very much hope that the Supervisors will stimulate the necessary debate and then provide the electorate with the opportunity to decide the issue of Charter amendment at the polls. In a democracy, citizens receive the quality of government that they deserve. Whether Los Angeles County can return to its position of leadership among local governments will be determined in the next few months. The verdict lies with the people.

PART I-DIAGNOSIS

INTRODUCTION

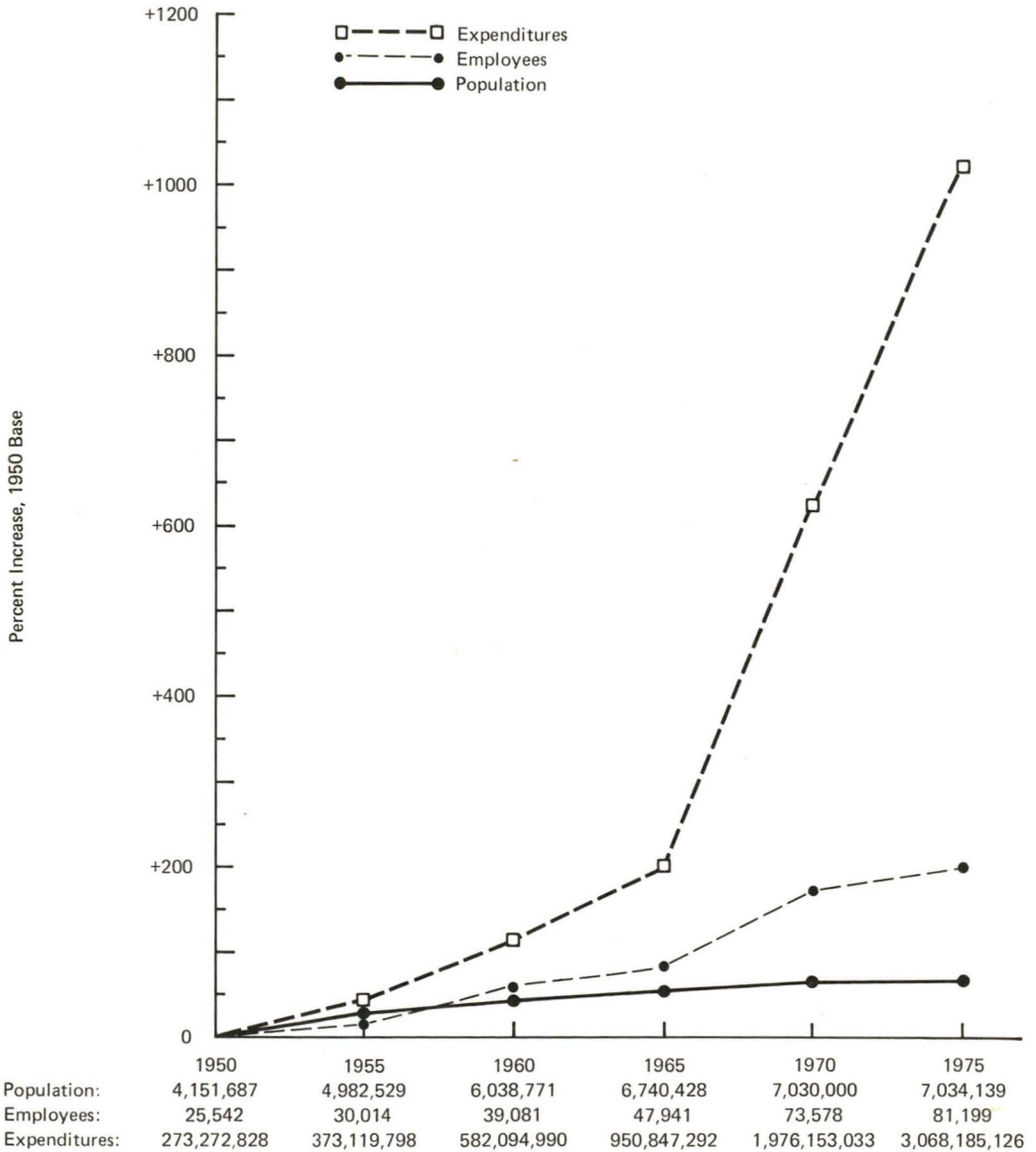
1. Why Bother to Study the County?

Los Angeles County is one of the largest and most diverse local jurisdictions in the world. A population in excess of 7 million makes it far and away the most populous of the nation's counties. A geographic expanse of more than 4,000 square miles ranks it among the top five in area. A unique history of providing contract services to many of the smaller incorporated localities within its borders, and of absorbing major functions from the larger incorporated jurisdictions, have made the County government the largest provider of municipal-type services in the country except for the City of New York. A budget of more than \$3 billion and a work force of 84,000 employees attest to the scale and complexity of its operations. The County provides health, welfare, tax assessment, judicial and other services to all County residents, and fire, police, road construction and other basic city services to the one million people in the unincorporated areas and the nearly 800,000 more in 30 contract cities.

So broad is the County's sweep that it is increasingly looked to as a point of focus for the regional and metropolitan planning of environmental protection, orderly land development, transportation services and a variety of other activities too broad in their impact to be effectively dealt with by the government of a smaller area. County-level coordination is also more and more often a condition for receipt of Federal and State financial aid. It is now fair to say that the County government is, for a growing number of purposes, the most critical single determinant of the quantity and quality of the vital local services upon which its citizens depend. These facts in themselves are ample justification for periodic citizen review of County structure and processes.

Yet there are other compelling reasons as well. First, there is the fact that the County's governing structure has not been fundamentally changed since 1912, despite a tenfold increase in population and a steady trend in other major urban counties away from the governmental forms traditional to rural counties. Second, there is the burgeoning cost of County government, a load on the taxpayer which has increased by almost 900 % in the past twenty-five years—an average of more than

CHART 1 GROWTH OF COUNTY POPULATION, EMPLOYEES AND EXPENDITURES 1950-75



Sources: The Regional Planning Department, the Personnel Department, and the Office of the Chief Administrator; Los Angeles County

33% per year. These cost increases are the financial footprints of rapid growth in County employment, to the point that the County now employs one person for every 86 citizens, rather than the ratio of one employee to each 162 citizens which prevailed in 1950. (Chart I presents the growth in County population, expenditures and employment during the past quarter century.) Third, there is the growing indication of dissatisfaction with County policies and processes, evidenced by increasing friction with city administrations and by the number and seriousness of movements in a variety of areas to secede and form separate counties. It is a fair measure of the intensity of this dissatisfaction that a majority of the incumbent County Supervisors have called for basic structural change in County government.

Perhaps most important, however, are the pervasive signals that conditions in the County will present local government with new and severe challenges in the future. The rapid growth of County population and tax base, which has eased some of the financial pangs of urban growth, is at least temporarily slowed. The area's vulnerability to scarcities in key resources is now apparent. Equally compelling is the need for consistent, coordinated approaches to such regional problems as mass transit and air and water pollution. Even if one believed that the record of past County performance were perfect, it would be prudent to inquire into whether the current structure is equipped to deal with a more contentious struggle for scarcer resources, a taxpayer more demanding of efficiency and productivity, an economy of chronic shortage and higher unemployment, a work force made up almost entirely of unionized civil servants, and a local service capacity more and more dependent upon relations with Sacramento and Washington. It is no indictment of past performance to conclude that such sweeping changes in circumstances require alterations in governmental architecture. Indeed, conditions are changing so fast that the suspect position should be the happy faith that past forms will suffice.

2. Does Formal Structure Make Any Difference?

Some argue that, even granting the case for citizen review, the proper focus is the substance of County policy on the one hand or the configuration of leading personalities on the other. Organizational change, it is pointed out, can never guarantee the solution of any problem. First-class people can make any organization work, and people of inferior quality or dedication can make a shambles of the most carefully designed structure.

We heartily applaud any and all citizens' efforts to examine the substance of any County policy, and we have been pleased to find that in some areas (e.g., health policy) there is a good deal of such activity. However, we believe that our own inquiries point up the fallacy in the view that the overall organizational form is not significant. We will

demonstrate below that the form affects the product. Moreover, experienced observers agree that Los Angeles County has, over the years, produced as competent an array of elected officials and professional administrators as has appeared anywhere in the country. To explain the government's recurring problems as the result of personality quirks or an inability to attract talented people is to contradict the evidence. If there are problems, they are not likely to be solved by a systematic increase in the quality of our public servants, for that quality is already very high. If we believe that our problems can be solved, then it is reasonable to examine whether the way County government is organized is now hindering, or threatens in the future to hinder our capacity to solve them.

The proper test of government organization is not whether it guarantees good government. Organization is a facilitating condition, not a decisive one. The valid standard is whether the organizational structure encourages or discourages enlightened policy, efficient administration, and effective representation of the governed. This is the standard we have tried to apply.

3. Where Does the Burden of Proof Lie?

Our work has been guided by a strong presumption that the burden of proof should rest upon those proposing structural change, not on the defenders of the status quo. Whatever its problems, Los Angeles County has survived the stresses of urbanization better than many other metropolitan areas. The present structure has earned the right to continue in force unless and until it is convincingly demonstrated that other approaches offer a high probability of substantial new benefits without major new costs, either in dollars or in disruption of services.

It follows that the proposer of change must take particular care to trace the *practical* effects of the way that government is organized. We should not be disturbed, for example, if it were discovered that the structure was less tidy than an administrative theorist might prefer, but that it produced consistent policy, good administration, and adequate representation. Nor would it be sensible to undertake structural remedies if our research determined that no change in overall County organization was likely to make any difference at the point where services are actually delivered to citizens. Because of these concerns, we have focused our work upon the ways that the workings of the central managerial organs of the County affect key operating agencies. The test of responsible criticism is not just whether it identifies genuine problems, but whether it leads to proposed remedies of more than theoretical promise.

4. What are the Basic Outlines of the Current Central Structure?

In order to understand all that follows in this Report, one must be familiar with the central institutions, offices, and procedures that the County now utilizes. One of the principal products of our inquiry, which is discussed at length in the following section, is that most County residents seem unaware of even the broadest contours of this structure, despite the fact that it has been in continuous use for more than six decades and provides many of the most vital services that government can supply. The entire mechanism is analyzed in great detail in our Staff Working Papers, but the following brief synopsis may provide a sufficient basis for understanding our findings and recommendations.

The current County Charter, enacted in 1912 and put into effect in 1913, vests all policy-making functions in the five-member Board of Supervisors, except that the three independently elected officials (the Sheriff, the District Attorney, and the Assessor) have considerable autonomy in directing and deploying the resources provided to them by vote of the Board. Each Supervisor is elected for a four-year term from a district which now contains some 1.4 million people. The Board is the source of all executive authority, it is the County's only legislative body, and it sits in a quasi-judicial capacity as final arbiter in zoning matters and in other regulatory contexts.

The Board takes almost all of its formal action in public session, meeting each Tuesday to consider an agenda which averages 180 items, the great bulk of which are administrative rather than legislative in character. It also meets on Thursdays to conduct public hearings required by State or Federal law, to hear zoning appeals, and for other such purposes. As a matter of practice, at least in recent years, the individual Supervisors have not met or communicated directly with each other outside of these public sessions except at social occasions. The Board has established no system of committees or other groupings smaller than the full membership. The Charter provides that all valid actions require the positive vote of at least three Supervisors. Although individual Supervisors are free to inquire into any program or process, they are not empowered to act for the full Board without a majority vote. Where the County is empowered to appoint officials of regional bodies or authorities (e.g., the Coastal Commission, the Southern California Rapid Transit District), the Board designate does not have authority, either by the enabling law governing the regional body or by the County Charter, to speak formally for the County or the Board.

The County operates through 57 operating departments, commissions, and special districts. It has been a long-standing practice of the Board to divide the supervision of County agencies among its members by appointing each Supervisor the "departmental chairman" of approxi-

mately eleven of these departments. Although the pattern of these appointments was virtually static for the 20 years preceding 1972 (i.e., the Supervisor from a given district retained the same chairmanships), it has been completely revised several times since then, and the current Board has voted to review the assignments every year. The right to make this review and any resulting reassignments is one of the few prerogatives of the Chairman of the Board, a largely ceremonial position which is traditionally rotated to a different Supervisor each year. The duties of the departmental chairman are described in the Board's Rules in only the most general terms, but tradition holds that the Supervisor assigned will maintain general surveillance over the department's activities, introduce and explain the need for any Board actions affecting the department, and serve as the first line of approach to the Board in the event of crisis or emergency.

Overlain upon the departmental chairmanships, however, is a complex mosaic of supervisory responsibility for certain County facilities (e.g., hospitals) in which the tradition is that the Supervisor from the local district has the preeminent role. Similarly, in certain areas of decision-making (e.g., formulation of project budgets for road construction) it is understood that the influential Supervisor will be the one representing the district in which the projects are located, not the departmental chairman. The Board has no formal or traditional process for assigning functional specialities (e.g., in health, transportation, law enforcement), and neither present nor past groupings of departmental chairmanship assignments reflect any attempt to cluster departments along these lines.

The Board's executive authority over departments is expressed in its power to appoint department heads. Once appointed, however, they become subject to civil service protections which have made their removal impossible in practice, except through voluntary departure or conviction of a criminal offense. (The one recent case of dismissal for alleged incompetence is now in litigation in the courts.) Personnel management, including responsibility for collective bargaining, is also the exclusive function of the Board, but is largely exercised through an independent Personnel Director who does not report through the Chief Administrative Officer. Questions of job classification and other personnel issues deemed to be non-bargainable are governed by a Civil Service Commission, which is appointed by the Board but designed to operate independently. This body is one of only three authoritative commissions in the County; there is no tradition similar to that of the City of Los Angeles under which departments are required to work with citizen commissions which have more than advisory powers. Nevertheless, there are now more than 100 advisory boards, committees and commissions with a combined membership of almost 1,200 people. The membership of most such groups is some multiple of five, and the appointive powers are equally divided among Board members.

Although no central executive office is provided for in the Charter, the Board has by its own action created the office of Chief Administrative Officer (CAO) to assist it in its administrative role. The CAO has been delegated substantial procedural powers (e.g., initial formulation of budget recommendations) and at least theoretical authority to "supervise" departmental operations, but neither he nor any other official below the Board has been delegated a formal policy-making role. The CAO serves at the Board's pleasure, both as the body's chief administrative staff officer and as the principal point of central coordination of the County's far-flung operations. The office has no fixed term or contract, and the incumbent can be removed by a simple majority vote at any time. Indeed, his entire office can be abolished, modified, or excluded from any subject area during any meeting of the Board.

In summary, the current Charter is constructed upon the theory that every executive, legislative and regulatory policy should be traceable to an affirmative vote of at least three Supervisors. The questions at issue are whether in practice a government which genuinely reflects this theory is feasible under modern conditions, and whether it provides the checks and balances necessary to protect against arbitrary action. If the answers to these questions are positive, one can proceed to inquire whether this system presents more promise of enlightened, efficient, and representational governance than available alternatives.

SYMPTOMS OF INFIRMITY

Judging the health of a leviathan the size of Los Angeles County is a formidable task. Complaints arise about all forms of government and the larger the jurisdiction the greater is likely to be their number. Also, no analytic effort is afforded the time or the resources to probe equally deeply into all facets of operations. Reality demands the selection of a representative group of functions for primary treatment followed by careful tests of the findings derived. These tests can be accomplished through less detailed reviews of other functions. The objective throughout is to distill from both complaints and analysis those indications of malaise which seem to be significant, widespread, and susceptible to structural therapy.

The problems discussed below are the results of this analytic process. Most of them have been publicly documented in our Staff Working Papers. Since the focus is upon difficulties rather than accomplishments, the list omits mention of the strengths of the government, many of which are also documented in the work of our staff. These strengths are considerable, even though they seem to have developed despite the organizational structure rather than because of it. Their omission has been necessary in order to keep our Report of manageable length.

We do want especially to note, however, that the fact that a large number of our illustrations are drawn from the fields of transportation, health, and law enforcement does not imply that the problems are more severe in the corresponding departments than elsewhere in the system. The prominence of these departments in our discussion reflects the fact that they, along with the central management and decision-making processes, are the areas in which we have done our most detailed work. We have been careful, however, to satisfy ourselves that each finding is sufficiently relevant and valid with respect to other agencies and programs to be worthy of citation in debating the merits of overall organizational change. Our conclusions are as follows:

1. *The level of public knowledge of and confidence in County Government are low.*

Chart II presents the results of an opinion survey of a scientifically designed sample of residents of the County. Each respondent was asked to judge the way that County government is run, and then to make the same judgment for the local city administration. Each was then asked about his/her perceptions of his/her own capacity to affect the actions of each type of government. The results confirm the opinions of an overwhelming majority of public witnesses and interviewees with whom we have spoken during our study. In fact, if there has been any change in the weight of opinion since the poll was taken in the fall of 1973, the views presented to us suggest that it has further reinforced the same pattern.

First, only in the case of the County did no more than a minority (40%) of citizens indicate general approval of the way that government is run; the cities averaged 55%-60% majorities. Second, more than one-third of the respondents had no opinion with respect to the County, a rate more than twice as high as recorded for the City of Los Angeles and more than a third higher than Long Beach. Combining the non-favorable responses, a full 60% of County residents sampled either did not state a view, or disapproved of County operations. Third, citizens showed a significantly lower level of confidence in their ability to affect County actions as compared with their perceptions of their influence over cities.

These figures lend credibility to the very widespread contention among citizens and local officials that County government is remote and invisible to the general public. More impressionistic evidence abounds. One Supervisor reported to us that he must regularly identify himself to his constituents as a former city councilman in order to be recognized. A councilman (and former mayor) from the San Gabriel Valley testified that his council had not been in direct contact with the Supervisor from that district for at least five years. City managers from Claremont to Rolling Hills Estates told of their frustrations in seeking

CHART II

CITIZEN EVALUATION OF COUNTY GOVERNMENT

"In general do you think your city/the County government is run the way it should be, not run the way it should be, or don't you happen to have an opinion on that?"

	LA County	LA City	Long Beach	Other Cities
Run the way it should be	40%	55%	60%	57%
Not run the way it should be	26%	30%	19%	14%
No opinion	34%	15%	21%	29%

"Some people tell us that there is nothing they can do to affect what the city/County government does. Other people say they can influence what gets decided here in . . . if they want to. How about you? Do you feel that you can affect what your city/the County government does or not?"

	LA County	LA City	Long Beach	Other Cities
Yes, can affect	57%	70%	65%	72%
No, cannot affect	43%	30%	35%	28%

SOURCE: Los Angeles Metropolitan Area Survey #7 U.C.L.A. Social Science Research Institute (Fall 1973).

points of access and authoritative sources of guidance in the County structure. A leader of the downtown Los Angeles business community detailed his unsuccessful attempts to get a hearing with County authorities on what he regarded as the wasteful practice of building rather than renting office space. An environmental activist from Santa Monica reported that her ultimate recourse, after years of attempts to get a hearing from County officials, was to the State Legislature, which she found significantly more accessible despite the intervening 500 miles. Though presented here in random fashion in order to show the dispersion and diversity of the complainants, our research indicates that these experiences are valid indicators of public perceptions. Analysis of the causes should take into account the fact that this invisibility persists despite strenuous attempts on the part of the Supervisors to draw attention to County government and their roles in it.

However, to know the County is not necessarily to love it, as evidenced by the movements to secede from its jurisdiction which seem to be growing in strength. It is reasonable to ascribe such sentiment to physical remoteness in places like the Santa Clarita Valley, where a visit to one's local government may require a 100-mile round trip. But it is much more difficult to explain away the fact that the City of Los Angeles, with a close physical proximity to the County administration and much to gain from the breadth and diversity of the County tax base, established a committee of the City Council in June 1975 to examine ways to secede. The seriousness of this action was reinforced by a subsequent letter from the Mayor seeking Federal funds to support the work. We have been told by a prominent citizen of Long Beach that opinion in his city runs along similar lines. Other secession movements have appeared in the South Bay area, in the San Fernando Valley, and in the San Gabriel Valley. The fact that secession is very difficult to achieve under current State law is not the point. The significance of the movements lies in the fact that they exist as serious protests against County structure and policy, and in some cases even when it is difficult to see that any fiscal or other material advantages would reward their success.

This kind of dissatisfaction has also emerged each time during the last 20 years that an objective study has been conducted of the current County structure. Each major analysis—the 1958 Charter Commission study, the inquiries conducted by the League of Women Voters in 1958, 1967, and 1975, and those of the County's own Commission on Economy and Efficiency in 1970 and 1974—has concluded that these and other problems are so serious that they demand fundamental renovation of the Charter. No study during these two decades has found that the system permits adequate access for the public to their government, nor that its soundness provides good reason for public confidence even though access is limited. Quite the contrary, each has concluded that public understanding and confidence are severely impaired by the way that the government is now organized. Our own study has had the benefit, therefore, of a wealth of prior research which, together with our own, adds up to a continuous and growing trend toward greater estrangement of citizens, diminished perceptions of their capacity to affect policies or practices, and general frustrations with opaque County decision-making processes.

2. *The structure has never resulted in the election of a single Supervisor drawn from a racial minority, from several major ethnic groups, or from the female population.*

The narrow band of citizens from which all Supervisors have been drawn is a proper cause for grave concern. Every successful candidate in the history of the County has been a white male, as has every Sheriff, every Assessor and every District Attorney. During the first quarter of

the century, this may have been defensible, at least with respect to racial and ethnic minorities. However, the County has absorbed larger and larger numbers of minority citizens, to the point that its residents are now more than 18% Spanish-American and 11% black. When sustained over decades, the failure of the structure to result in the election of a single member of these communities is, in itself, a powerful critical comment. The failure to elect a woman is beyond effective defense.

These failures are related to the static tradition of County politics, which in turn seems to be rooted in the low visibility of County officials. The longevity of service among Supervisors is dramatic and probably unique among major urban jurisdictions in the country. During the two decades ending in 1972, the *average* length of service for each Supervisor—in one of the most eventful periods of urban growth and unrest in our history—was about eighteen years (4.4 four-year terms). Indeed, there was no change at all in Board membership during the crucial years 1958-1972. Although four of the five members were replaced during the years 1972-1974, only one left office for reasons other than death or voluntary retirement. In this era of worry about the implications of excessively long executive tenure, and of the two-term limits which are increasingly the practice in both national and local government, it is anomalous that a structure which produces such virtual lifetime tenure in positions of great executive power has continued for so long.

Although there are virtues which flow from continuity in office, this stasis, while so much was transpiring in the society, suggests that genuine opportunity to be elected to the office of Supervisor is very limited, and that for a woman or a member of the minority group it may be closed off entirely, as a practical matter. Each district is so large and diverse that the cost of serious challenge to the incumbent can be prohibitive. Our review of campaign expenditure reports indicates that, unless a candidate has the pre-existing advantage of frequent appearance in the news media, the expenses involved in successful primary and general election campaigns are likely to exceed \$500,000. The enormity of this sum, in pursuit of an office without the visibility and other contribution-attracting features of a governorship or a mayoralty, simply excludes many candidates of modest means who have not had the incumbent's advantages in building support in the County. It is not unusual to find in campaign expenditure reports that a challenger to an incumbent has been able to raise only \$1,000 or \$2,000 to finance his campaign.

There is also a human dimension to the problems of representation which cannot be stated in numbers or percentages. We have been repeatedly impressed in our conversations with citizens to find how many of them *feel* unrepresented, whether or not they can define and explain this feeling with precision. This sense has been heightened by the fact

that we have heard no one outside County government express satisfaction with the fact that each Supervisor represents 1.4 million people or with the boundaries of the present supervisorial districts. On the other hand, we have received many complaints that substantiate the Economy and Efficiency Commission's view that the district lines divide communities, protect the political interests of incumbents, and splinter the influence of major interest groups and minority blocs. Once again, there is something to be said for curbing the divisive and factional elements in a society, but it appears that the County has carried it to the point that much of the healthy tension between separate and legitimate interests has been suppressed.

The representation ratio of 1.4 million to one necessarily means that access to the office-holder will be closed to all except a few. It is often charged that these will usually represent the largest and most powerful interests in the district. No staff arrangements can compensate for this from the standpoint of the citizen, who rarely knows the name of anyone below the elected official (if the name of even the officeholder is familiar). The chances appear to be so slim that any citizen or community can affect the behavior of the representative that the inevitable result seems to be apathy, a widespread sense of futility, and, ultimately deep resentment.

When combined with the Supervisor's executive responsibilities, the ratio means that the legislative role will recede in his priorities to the point of disappearance. Administrative decisions have a compelling quality which cannot be denied. They must be made or the engine of government will grind to a halt. Much of the legislative role—public interpretation and advocacy, establishment of broad policy, debate and passage of legislation—can be ignored if the politics permit. One of the most important features of the legislative function, criticism of executive practices, is minimized. In districts of 1.4 million people, most Supervisors, protected by the anonymity which always attends the members of a plural executive, have had very little to worry about. The casualty has been their legislative role.

3. Citizens participate very little in decision-making and the structure is not built to respond when citizen opinion is formed and presented.

The widespread impression that it is futile to try to get one's point of view represented in County deliberations is only one element in a pattern of very limited citizen involvement. This is symbolized by low attendance at the Tuesday Board meetings, where the 725-seat public gallery contains, according to our monitoring of attendance, an average of fewer than 50 people. (One of the minor consequences of this is to raise questions about the current plan to build an elaborate and costly electronic scoreboard in order to flash the agenda numbers to Board members and to a handful of spectators.) Only five groups in the

County receive the voluminous "Board papers" prepared for each meeting, which explain each agenda item to be discussed. Without these documents it is often impossible to understand the significance of anything that is said. Even if a citizen acquires an agenda, studies it for items of interest, and appears at the meeting to comment, he finds that there is no time schedule for consideration of each item (unless an individual Supervisor has arranged to have an item adopted at a particular time for the benefit of a group of constituents whom he has invited to watch the action). Thus, the citizen must wait for the item through the entire agenda in the hope that it will eventually be reached (which not all items are), and that when reached it will not simply be continued without discussion, a signal that there is negotiation going on behind the scenes. If the citizen wishes to speak, there is a very restrictive limitation on the allowed length of the comment (reflecting the fact that the six hours of meeting time permits the Board to spend an average of only two minutes for each of its 180 items). The Board also retains the right, which it occasionally exercises, to prevent a citizen from commenting.

The Board's Thursday hearings do not offer a much more inviting arena for citizens. Except for zoning appeals, most such hearings are held because State or Federal law requires a public hearing before the County can make use of financial aid. The topics open for comment are quite narrow and specialized, and citizen statements are limited to five minutes at a maximum. Notification of zoning hearings is provided only to property owners who hold land 500 feet or less from the affected site, and the hearings themselves are held only in the daytime, which effectively limits the attendance particularly of blue collar workers. Therefore, the hearings are often somewhat ritualistic in nature.

These characteristics are not effectively offset by public forums created by operating agencies, and only unevenly by the aforementioned total of more than 100 advisory boards, commissions, and committees. Some major agencies, such as the Road Department, hold virtually no public hearings and refer all citizen communications except requests for technical information to the office of the Supervisor who represents the district from which the inquiry emanates. Others follow the policy of the Sheriff's Department and keep no central record of citizen complaints or protests. Although some departments have many advisory bodies associated with them (e.g., the Department of Health Services has 12), others are more like Roads, which has only one, or the Sheriff's Department, which has none. Professionals in various departments often share the complaint of one senior official that some of the Supervisors' appointees to such bodies apparently make up in political loyalty what they lack in substantive qualifications. This may help to explain the recurring problems experienced by the temporary groups set up to hear assessment appeals. Citizens who serve on advisory panels, on the other

hand, have often had an experience similar to that of the group appointed to develop recommendations for affirmative action to hire and promote more minorities and women. The group spent two years producing a report and then watched it filed and forgotten without even the courtesy of an explanation of the reasons for which it was being ignored.

Even greater problems await the citizen, not intimately acquainted with County procedures, who attempts to trace the workings of the Board of Supervisors or of many County departments by studying the documentation of their decisions. The Board agendas are disposed of after the meeting for which they are prepared. No transcript is printed of the Board's Tuesday proceedings which is easily comprehensible without a copy of the agenda. Although the proceedings are taped and the tape is available to those who want to come to the Hall of Administration to listen, the tapes are not conveniently indexed. Unless the citizen knows the date of discussion and the number of the agenda item, there is no means readily available through public sources to obtain a transcript of Board discussion. Thus, it may be necessary to listen to several hours of tapes before the item at issue is discovered. There is no standard procedure for notifying even the relevant local officials (e.g., mayors, city managers) of actions which may affect them and their constituents. The same shortage of available information occurs at the departmental level.

The size of supervisorial districts and the lack of time for public hearings and other legislative-type activities means that the County is often ill-equipped to avoid being surprised by the nature and intensity of public reaction to a policy or project. The Board often finds itself in the position of halting an action in midstream in order to deal with unexpected local outcry, as when it discovered that the Road Department was enraging environmentalists by installing experimental plastic trees and shrubs in the medians of County roads. It should be noted that the problem is not the existence of the outcry; disagreement is to be expected from some quarter on any proposed action. The worrisome phenomenon is that the County government is so often unaware of much public sentiment, which means that it could not have taken it into account in the process of making the initial decision.

Since the structure so clearly discourages citizen knowledge and participation, there should be a particular premium on listening posts in the districts and on their connections with operating departments. Although some steps of this kind have been taken (e.g., the elaborate telephone hookups used to shift callers directly from the Supervisors' offices to the Department of Public Social Services), the volume of complaints about access suggests that much remains to be done. Although each Supervisor now has an average of 34 people on his personal staff (up from an average of 15 only five years ago), those serving as field representatives are far outnumbered by those who serve downtown per-

forming functions which are often, as will be discussed below, in apparent duplication of the duties of the CAO's staff. Where there are field offices in some districts, they are open for very limited hours each day, and callers are often referred to the local city hall even if the problem is one controlled by the County.

It is also often alleged that the County's responsiveness to general public desires is limited by the narrow perspectives of some appointees. Our resources have not permitted a definitive investigation of these allegations, but those who make such charges cite as evidence such actions as the recent decision of a Superior court to throw out the proposed General (land use) Plan of the County. The court said that the plan conflicted with the County's Environmental Development Guide and that it had been shaped to protect the interests of owners and developers of land, not to protect other values.

4. The real negotiating and decision-making within the central structure occur out of public view.

Beyond these barriers to effective citizen participation, however, there remains the fact that even if one is able to penetrate them it is impossible to observe the negotiation and compromise of issues upon which Supervisors disagree. This debate and resolution goes on behind the scenes in continuous bargaining between supervisorial staffs, the CAO and his staff, and the top management of the department involved. The citizen is left to try to decipher the real state of affairs by observing the formal treatment of relevant agenda items at the Tuesday meetings.

It is clear that these formal actions in public session are reflections of non-public negotiations. To believe otherwise one must assume that virtually all of the lively controversies which erupt among Supervisors are transformed into unanimous actions through a process composed solely of delay and lonely meditation. Chart III, compiled by our staff, analyzes the actions taken by the Board over a series of 24 Tuesday meetings during the period April-September, 1975. It shows that of the 4,319 items considered, the Board acted on 85%. Of these actions, only 29 (or less than 1%) were non-unanimous, and almost half of the few splits were on the small "special items" which members can introduce during a meeting without warning to their colleagues and without their prior appearance on the agenda. (These "special items," which are not eligible for immediate passage unless they involve a fiscal impact of less than \$10,000, also consume a great share of the Board's debating time, since each must be explained without the benefit of prior distribution of supporting documents.) Where an item provoked initial disagreement on the Board, it was continued for later action, a course which was followed in about 15% of the cases. After varying periods of time, held items were again taken up in a subsequent meeting and in

CHART III
AGENDA ANALYSIS: VOTES BY BOARD OF SUPERVISORS, 4/15/75-9/23/75

Items	Passed en masse		Held	%	Total		4-1 split		3-2 split		3-1 split		Unanimous	
		%				%	#	%	#	%	#	%	#	%
Regular Agenda	3453	80	320	7	3773	87	4	less than 1	4	less than 1	9	less than 1	3756	87
Special Item (proposed without notice by individ- ual Supervisors)	199	5	277	6	476	11	1		3	less than 1	7	less than 1	465	11
Set time (vote held at specific hour at request of Supervisor)	17	less than 1	53	1	70	1					1		69	1
TOTALS	3669	85%	650	14%	4319	99%	5		7		17		4290	99%

well over 99% of the cases the same or a compromise version of the original item was unanimously approved. In *all* cases this unanimous action had the effect of approving the recommendation of the CAO, although his position had frequently changed between the first time the issue had been posed to the Board and the point of action. Thus, in a series of more than 4,000 separate recommendations to the Board, the CAO was not formally overruled even once.

These are the public signs of a non-public bargaining process. Controversy does not become unanimity without negotiation. No experienced observer can believe that the strong-minded individuals in the offices of Supervisor and CAO unilaterally arrive at identical positions in every one of 4,000 cases without intensive bargaining. Yet, this give and take almost never occurs in public session except where the item at issue is a crisis which cannot wait. In fact, since the Supervisors do not see or communicate with each other in any business context between public sessions, the bargaining does not even occur directly between them. It is apparently carried on entirely by their staffs, working with their counterparts in the CAO's office and with the relevant department heads.

There is nothing inherently wrong in this bargaining except that it is secret and that the structure encourages all of the parties to make certain that it stays secret. Since all participants must eventually be collectively responsible for the implementation of the decision, there is little if any incentive to carry on the public debate characteristic of organizations in which the legislative and executive powers are separate. Also, the limbo status of a continued item provides convenient protection from the pressures exerted by the few citizens and interest groups who understand the process well enough to inquire about a pending decision. Such is the case, for example, with the failure of the Board to approve revisions in the boundaries of the Health Services Department's administrative regions, a matter of intense concern to a number of local organizations.

In such instances the CAO and other career professionals can insist that the matter is "before the Board," and therefore out of their hands. The Supervisors and their staffs can maintain that it has been remanded to the CAO, the departments, or a commission for further study. The citizen can only wait until some Wednesday morning newspaper reports—if the item of interest is important enough to be reported—that the Board has come to a unanimous decision to support the CAO's new recommendation. The factors considered in the decision, the identities of advocates of various alternatives, the elements of the eventual compromise, and even the closeness of the issue are among the innumerable things which the citizen cannot learn by observing any public aspect of the process or by studying any public record.

5. *The structure discourages the development of clear, rationally-based policies that can be consistently applied throughout the County.*

Concern about absence of responsiveness to citizens might be reduced if it could be shown that the structure provides opportunities for central County authorities to evolve policies of uniform cogency and consistency. In practice, however, the Board almost never addresses a question of overall policy, whether programmatic (e.g., the proper balance between the use of Federal revenue-sharing funds for capital projects and for service programs) or procedural (e.g., whether to move from a line budget to a program budget which transcends departmental boundaries). Each Supervisor has the right to place on the agenda any item he proposes for discussion. As a body, however, the Board's attention is primarily controlled by the endless parade of administrative minutiae which are inevitable in a \$3 billion enterprise. Very few agenda items offer the appropriate "handle" on which to base a proposal for a new overall policy, so that a Supervisor who decides to attempt such an initiative may well have to put a hold on some uncontroversial detail as a means of attracting the Board's attention. Since this blocking action is not by itself tenable for an extended period, chances are good that the resulting attention span of the full body will be short.

As a result, the limited number of instances in which the Board has attempted to establish a County-wide policy with teeth in it do not present a very reassuring picture. The Superior court's rejection of the General Plan for land use has already been mentioned. The Master Plan for Highways, which supposedly determines which roads will be built, has become an outdated "wish list" in an era of high gasoline prices, grave concern about pollution, and dramatic declines in the purchasing power of gas tax revenues. With respect to affirmative action policy, the new Staff for the Commission on the Status of Women can find no convenient tally of the number of minority women now employed or the salaries which women are paid, and the CAO and the Sheriff differ by a margin of 50% on how many professional women now work in the Sheriff's Department. The budget policy for the current year, first announced as living within last year's tax rate, was later reversed and the rate increased. The Parks Department's attempt to substitute criteria of need for the practice of dividing funds equally among supervisorial districts has apparently failed, although ostensibly adopted. (The actual decision was to use the need criteria to allocate a small amount of the money designated for local parks, but not for regional parks, without disturbing the allocation of the bulk of park funds.) We have been able to find no recent, documented case of clear significance in which the Board confronted a policy problem head on, developed alternative courses of action together with their associated costs, debated the merits of each, selected one, and put the policy into County-wide effect.

6. *Arbitrary formulae are increasingly being used to allocate County resources, but they may even be preferable to the "me too bargaining" which is encouraged by the present structure.*

There is ample evidence that the present organization encourages movement toward political horse-trading to compensate for the absence of rational policy. The clearest evidence of this trend is the advance of the "divide by five" principle. This principle is quite simple. It is that, since the populations of the supervisorial districts are equal, the proper way to apportion money is to divide the total of "available funds" into fifths and provide each district (i.e., each Supervisor) with one share. This ignores the very different needs for services and facilities which arise in different places, and avoids the hard business of setting priorities and putting the money where the needs are.

The "divide by five" principle is by no means restricted to the parks budget. Indeed, its clearest use is in the allocation of funds for road construction, which are now divided precisely to the dollar and spent according to a project budget devised by each Supervisor without any de facto reference to or check by the full Board. The principle controls spending for health facilities to the point that the Board has insisted that the Health Services Department create five administrative regions which roughly correspond to supervisorial districts, rather than the seven regions which were originally suggested by health professionals. It has also become clear that the Board will approve no plan for establishment of ambulatory care centers which does not provide for a multiple of five such centers, so that the present plan is for two in each supervisorial district. The ultimate may have been achieved in this field when the Board recently "moved" (on paper) the Rancho Los Amigos Hospital to the administrative control of the Supervisor who represents the San Gabriel Valley, so that every supervisorial district would "have" a hospital. This logic is typical of the way that the rule grows in significance. Its recent application to the distribution of Federal community development revenue sharing funds adds another ominous note, for it means that the more that Federal aid is shifted from categorical grants (i.e., grants for specific purposes and programs) to grants without strings, the more that this help is likely to be shifted from concentration upon need to distribution throughout the population regardless of need.

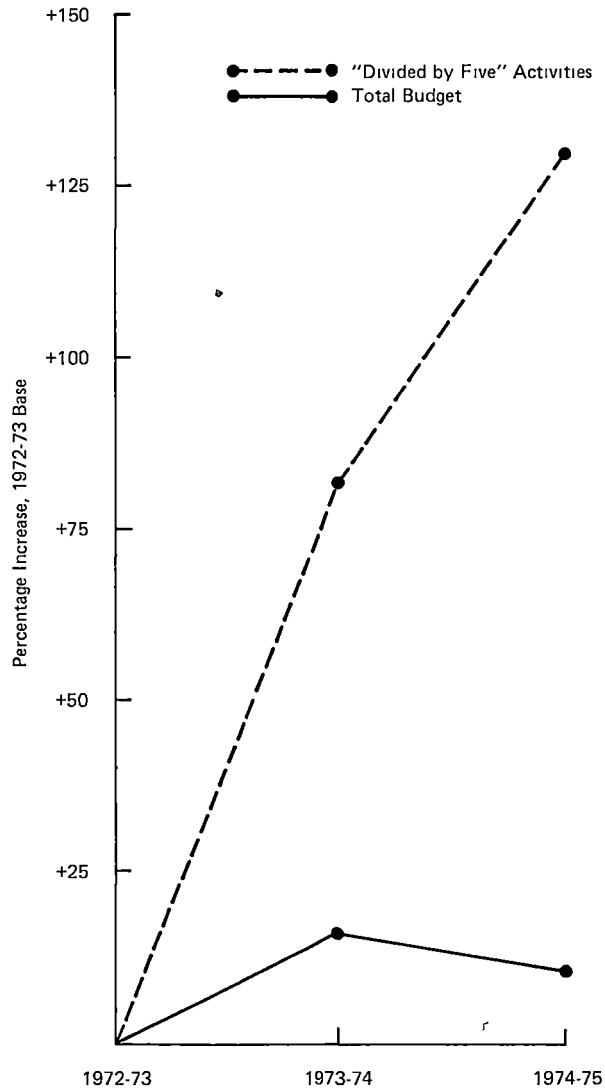
It should also be noted that the politics of the "divide by five" rule are self-reinforcing. If constituents are conditioned to judge the professional achievement of Supervisors by whether each is able to secure for his district an equal share of whatever funds are available for every purpose, it becomes progressively less possible for incumbents or their successors to apply any other standards of need regardless of their personal views. This is not to say that no arguments are advanced in defense of the principle. It is pointed out that it can reduce controversy, avoid the

intricate technical issues inherent in other measures of need, and increase equal opportunity to receive County services. What it actually does, in our judgment, is to shield the County system from the rigors of developing, debating, and adopting standards of need and then defending those standards before the public. And it does all of this while preserving flexibility to control allocations of these funds according to different criteria within each district.

In addition to its other unfortunate qualities, the use of this principle almost certainly raises County costs. The precise dimensions of the increase are difficult to establish because some of the largest activities in which the principle is used (e.g., road construction, flood control activities) are financed from special taxes and the CAO makes no separable recommendation with respect to them. Thus, there is no comprehensive fiscal basis for contrasting the effects of a County-wide perspective with those of the members of the Board. Chart IV compares the growth of the other program areas in which this rule is used with the growth of the total County budget over the past three years. (The creation of the Facilities Department in 1973 made a meaningful comparison possible only for that and succeeding years.) The "divide by five" programs have grown by over 100% more. Moreover, our review of County finances shows that in each of the last three years the Board has *always* increased the CAO's recommended appropriations for the Road Department and for most other operations in which the rule is important. In the current year alone, these increases total \$19 million.

These facts reflect the district-oriented attitude that the current structure rewards. Most disturbing are the incentives it creates toward a "me too" style of resource allocation. The temptation to adopt this style results from the fact that the pressures of a combined (legislative/executive) structure are all centrifugal. A plural executive authority with no collective identity in the eyes of the citizenry or the bureaucracy (i.e., with no common program, no stable majority, no committee chairmen or other acknowledged leaders, no spokesman who remains long enough to be recognized as such, and no dependable alliance on major policies) means that the personal and political success of its members will principally be measured by their individual activities, not by their association with the Board's collective actions. There is little if any incentive to invest time and effort in County-wide policies or in the drawing of tight legislation designed to hold the executive to a planned and measurable course. The legislators have no reason to wish to restrict their actions as executives. On the contrary, the incentive is for the Supervisor to concern himself mainly with issues which do *not* have to be taken before the full Board, and to fight to maintain maximum flexibility to interpret Board actions in his own district according to his own priorities. For activist Supervisors, this also leads to the trend toward separate, central, executive-type command centers and information gathering in each supervisorial office.

CHART IV
GROWTH RATE COMPARISON: TOTAL COUNTY
BUDGET AND ACTIVITIES AFFECTED BY
"DIVIDE BY FIVE" PRINCIPLE
1972-73 to 1974-75



Source County Budget

Since each Supervisor represents a particular district and no one represents the County as a whole, the natural temptation when one is asked to approve an outlay in another's district is not to deny his colleague the benefit but to bargain for an equivalent new service for his own area. (The fact that some Supervisors clearly resist this temptation is admirable, but not a sound basis for designing the structure of government.) The "divide by five" rule, whatever its defects, is a way of short-circuiting this tendency toward mutual nest feathering by establishing an arbitrary mathematical allocation rule which leaves each member relatively free to apportion benefits within his district. The sole redeeming grace of the rule is that any other principle employed by activist Supervisors operating in the current structure—which would probably be some form of "me too" bargaining—would almost certainly be worse.

7. The traditional method of dividing administrative responsibility among Supervisors has broken down.

The 1975 clustering of departmental chairmanships reveals no underlying programmatic or geographic logic. (See Chart V) Related functions are not grouped (e.g., agencies involved in criminal justice are split among four Supervisors), nor is there any valid case that each grouping has some unique significance to the chairman's district. As vehicles for insuring effective executive direction and coordination of programs, the groupings make very little sense.

However, it is far from clear that better groupings would produce any positive result because the nature of the chairmanship function is so vague and self-contradictory. The role of the departmental chairman is only vaguely defined because it cannot be more precisely defined without either making the position largely ceremonial (which it now seems to be), or making the supervisory chairman the actual head of the department, which neither the other pressures on his time nor the concerns of his colleagues would permit. Moreover, some of the activist Supervisors produced by today's politics are unwilling to accept chairmanships assigned to them as valid restrictions on their own fields of concentration, or as justification for greater traffic in information between a department and its chairman than between the department and other Supervisors. For practical purposes, therefore, the chairmanships seem to be virtually useless for any function other than determining which Board member initiates discussion of emergency departmental agenda items.

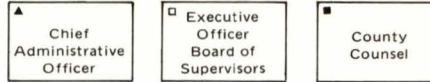
8. The performance of executive functions is necessarily fitful, uneven, and crisis-prone

When the departmental chairmanship ceases to be an effective way of dividing the executive function among Board members, it is critical

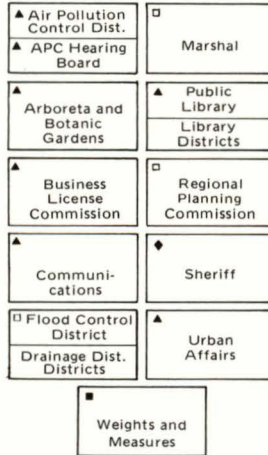
CHART V

DEPARTMENTAL ASSIGNMENTS OF BOARD OF SUPERVISORS, DECEMBER 1975

COMMITTEE OF THE WHOLE - JAMES A. HAYES, CHAIRMAN



FIRST DISTRICT Peter F. Schabarum, Chairman



- Rancho Los Amigos Hospital

SECOND DISTRICT Kenneth Hahn, Chairman



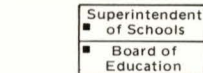
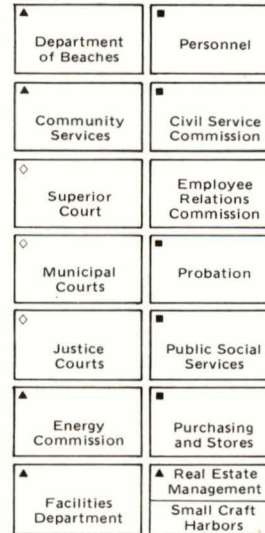
- John Wesley Hospital
- Harbor General Hospital
- Martin Luther King Hospital

THIRD DISTRICT Edmund D. Edelman, Chairman



- Los Angeles County-USC Medical Center

FOURTH DISTRICT James A. Hayes, Chairman



- Long Beach El Cerrito Hospital
- Long Beach General Hospital

FIFTH DISTRICT Baxter Ward, Chairman



- Mira Loma Hospital
- Olive View Hospital
- Antelope Valley, Rehabilitation Centers (Acton, Warm Springs, Mira Loma)

Coliseum Commissioners:

Kenneth Hahn
Peter F. Schabarum
James A. Hayes
Edmund D. Edelman (alternate)

Legend

- Appointive**
- Required by County charter
 - Required or authorized by State Law
 - ▲ Established by ordinance of Board of Supervisors

- Elective**
- ◆ Required by County Charter
 - Required by State Law

For general administrative purposes, other than budget making, the several institutions of the Health Services Department are assigned to individual Supervisors on a geographical basis

to the workings of the present structure that another method be developed. Effective discharge of the executive role demands a clear line of authority and responsibility, continuity of attention, facilities for central monitoring of performance, and the capability and willingness to follow up on earlier decisions to be certain that they are being carried out. Looked at from a County-wide perspective, the government's central capacity to perform these functions is certainly not improving and is probably declining. The fact that some district-oriented capabilities of this kind are growing within the offices of individual Supervisors is small comfort if, as it appears, they are uncoordinated and duplicative of each other.

These problems are not traceable to shortcomings in the current Supervisors, nor should they surprise us. Each Supervisor now represents more people than any one of 56 United States Senators. Each presides over an area which contains almost as many people as the City of Philadelphia, spread out over a much larger land area. Yet, the Charter contemplates that a single individual will perform the representational and lawmaking duties involved in constituencies of this size while also serving as co-chief executive of an enterprise that spends \$3 billion per year and employs 84,000 people. In this executive role, in addition to direct supervision of some share of the departments, the Supervisor is expected to serve as mayor of large unincorporated areas, supervise the operations of health facilities in his district, represent the County on various regional bodies and before the State and Federal governments, and join with his colleagues to rule on appeals of regulatory actions. No other local official in the United States is given such a range of formal responsibility—or so much unbridled power. It is simply unrealistic to expect that any Supervisor, no matter how able, will perform each of these roles with equal vigor and accomplishment.

In fact, therefore, the Supervisor is forced to pick and choose among competing fields of emphasis. Some concentrate on programmatic administration, other select investigative or representational work, still others focus largely on completion of projects in their own districts. The effectiveness of the Board as a whole, therefore, depends upon how complementary the personal preferences and fields of expertise of individual members may be. Nothing in the Charter guarantees that this pattern of complementarity will result in a sensible division of executive labor through which all of the myriad facets of the Board's responsibilities will be covered, particularly those concerned with the executive role.

The problem is compounded by the agenda process. Departments vary extremely widely—and not in any rational order of importance—in the number of times per year that they generate an item for consideration by the Board. The Facilities Department, for example, must receive ten separate Board approvals in the process of completing a building, its current work load of 300 projects therefore implies 3,000

such appearances over the construction cycle. The Data Processing Department, on the other hand, had occasion to appear only five times during the six months in 1975 that our staff monitored Board meetings closely. The Department of the Public Administrator/Public Guardian never appeared at all during that period. These different frequencies inevitably affect the pattern of emphasis and implied priority which the Board exerts and the bureaucracy interprets as the hierarchy of preoccupations of top management. Operating as a body, therefore, the Board necessarily suffers from a skewed distribution of its time and attention and these imbalances ripple through the governmental establishment. Since the CAO is the head administrative staff person to the body (and not to Supervisors as individuals), this imbalance also affects his attention and makes it difficult to spend time on departments and issues which do not often come before the Board.

Beyond this unevenness of attention, however, government by agenda item is a dubious framework for exercise of executive direction and supervision. Each item is a discrete, usually uncontroversial request for Board ratification of a plan or action which has been evolved, debated, prepared for, and in a few cases even implemented by the bureaucracy before it reaches the Board. The options open to the Supervisors are very limited. In general, they reduce to sending the matter back to the drawing board, with all the attendant costs in delay and waste of the time spent before the item reached the Board, or to negotiating some slight modification. The process does not permit the chief executive authority to be actively involved in the day-to-day shaping of programs and projects at a point where alternatives can be weighed without the overhang of large prior investments and the disruption involved in stopping a process already in midstream. The little debate that occurs in Board meetings with respect to departmental agenda items rarely provides the department head or the CAO with clear guidance or comment on the administrative coherence of his operation.

Indeed, "the Board" does not exist as an identifiable collective executive. What exists from the standpoint of the department heads are five very different individuals with correspondingly different ideas about everything from policy to execution. Since the departmental chairmanships do not determine which Supervisor has preeminence and can represent the Board in any subject area, it is up to each department head, in consultation with the CAO, to divine what vector emerges from these conflicting ideas which can reasonably be taken to represent the Board's collective will. Not surprisingly, we have been told repeatedly by careerists who must work within this system that it encourages them to keep the number of items that they must bring to the Board to an absolute minimum. (In the idiom of the County, appearing before the Board is known as being "in the barrel.") When required to appear, department heads usually avoid any voluntary observation which

might expand the discussion beyond the narrow confines of the approval being requested. Like Dostoyevsky's Grand Inquisitor, the department head feels that the last thing he needs is more Gospel. The result seems often to be that the career service is not moved to make it easy for the Board to make any substantial change in administrative course, an attitude that is privately justified on the basis that it is necessary to protect against the capriciousness inherent in a five-way balance.

We must also note in this connection the substantial costs of a plural executive body as expressed in the time of department heads. Our research indicates that the heads of major departments spend 30%-40% of their time attending Board meetings and dealing with the requests of individual Supervisors. Much of this time is spent sitting outside the Boardroom waiting for agenda items to come up, or repeating the same message to a number of Supervisors in successive telephone conversations. The head of the Road Department, for example, spends nearly every Monday afternoon going from one Supervisor's office to another conducting essentially the same briefing on the departmental items likely to arise on the following day. He then attends nearly every Tuesday meeting. The former head of the Regional Planning Department waited outside the Boardroom for 80 hours so that he could make a short presentation on a zoning matter. This is a natural and inevitable consequence of placing the executive function in a plural body, which must be weighed against the alleged benefits of that plurality in judging the current structure.

Agenda items are particularly deficient as ways of focussing on the overarching systems and processes by which governments are managed. No regular departmental item presents a proper and compelling context to review systems for budgeting, accounting, personnel evaluation and transfer, collective bargaining, computer applications, or the like. "The Board" does not receive and review regular management reports and respond with comments and suggestions, so it has little occasion to examine the processes by which such data are collected and analyzed. The testing and improvement of such systems are, of course, among the most fruitful functions of central management, for they are the links between the operating appendages of an organization and its policy-making "brain." The CAO's energetic attempts to act as systems analyst for the Board, while not without some success, have suffered visibly from his inability to get the Supervisors' sustained attention on such matters and the fact that the agenda process controls the bulk of his time as well as theirs.

When the Board is moved to act on systemic matters, there is often an erratic quality to its attention and the strength of its resolve. This was exemplified in the experience of the Road Commissioner who, after pressure from contract cities who objected to the high price of County road services, was authorized to develop a management infor-

mation system which would give him the capacity to make regular and quantitatively-expressed reports on the operating effectiveness of his department. After having voted the department \$1.5 million for the consultant services necessary to develop the system, and after most of this money had been spent, the program was stopped at the point of implementation because the Data Processing Department, which had not previously been consulted by any central coordinating office, found that the operating cost would be triple the amount originally estimated. A similar experience occurred in the County's ambulance program, where the Board demanded an independent study of the relative merits of public and private operators and then stalled the effort for eight months before approving the department's competitive selection of a consultant because one Supervisor had, in the meantime, launched a campaign against the use of consultants.

Board attention is also commanded by crisis, particularly a crisis which attracts the attention of the news media. The evidence suggests that there is nothing that Supervisors cannot put aside if an issue of this kind arises. Aside from the doubtful effect that this can have on executive priorities, it has often produced rhetoric so unrelated to subsequent performance that the credibility of the Board within the bureaucracy has been severely strained. The aftermath of the crisis involving the interns and residents at Martin Luther King Hospital during 1975, for example, included much foreboding talk about breaking up the Health Services Department, which had been painstakingly assembled through a series of three large-scale mergers over the previous ten years. It was even publicly suggested that the breakup would be voted immediately if one Supervisor were not out of the country at the time. The CAO was ordered to develop a "plan of divestiture" which would relieve the Department of what was made to sound like a large number of non-health-related services. In fact, after the dust had settled, the resulting plan involved the transfer of about 250 of some 24,000 employees, most of whom were telephone operators. Repeated instances of this gap between word and deed have, we are told, encouraged the view in the career service that the Board is interested in an issue only as long as it is newsworthy, whereupon the Supervisors can be satisfied with a response that is more form than substance. Nothing could be more corrosive to effective exercise of executive authority.

Perhaps the most worrisome thing about these trends is that most of the incumbent Supervisors, who are an activist and conscientious group, have recognized these weaknesses of the Board as a whole and moved as individuals to fill the gap. Increasingly, therefore, each Supervisor's office resembles a separate governmental central command. Each is focused on some combination of district-oriented, programmatic, and systemic concerns which reflects the Supervisor's personal priorities and interests. Operational data are being supplied to each by the departments in a bewildering cross-traffic which often bypasses the CAO.

The more than doubling of supervisorial staff in the past five years has created a network of direct lines of de facto authority from the Supervisors to the departments which has no basis in any formal delegation, which frequently overlap, and which do not pass through the CAO and therefore have no point of central coordination. Department heads are more and more often required to weigh the benefits of building a special relationship with one Supervisor against the fact that other Supervisors may object—as they frequently do—on the ground that there is no basis in law or policy for such relationships. This fragmentation of the Board is among the principal reasons for such frustrations as those of the city manager who discovered one County agency discouraging the heating of swimming pools to conserve energy, while another insisted that cities desiring County aid install energy-consuming illuminated street signs, and yet a third was opposed to installation of the more efficient sodium vapor streetlights.

This example points up another administrative consequence of a plural executive—it discourages the creation of a cabinet or other such forum in which agency heads can meet regularly with the chief executive authority in a context in which policy can be explained, implementation can be synchronized, and disputes can be arbitrated. Although the CAO could theoretically convene such a group, this would apparently be regarded by both the Supervisors and the department heads as a threatening extension of his role. Moreover, the catalyst which makes such groups effective is the presence of the chief executive. Without that presence there is no coherent source of guidance and dispute settlement. The result is 57 separate administrative compartments headed by individuals who in some cases have not had occasion to see each other for months.

The CAO cannot be expected to serve at the pleasure of the Board and at the same time to balance these and other structurally-induced factional tendencies. His office is not provided the powers necessary to present a County-wide perspective of comparable weight or force. When he tries (e.g., by refusing to supply a breakdown of proposed expenditures by supervisorial district), the Supervisors simply bypass him and go directly to the agency, which the Charter gives them every right to do. The undermining of the CAO's position which results, together with the evidence in such experiences that he cannot meet the Board's perceived needs, leads to the multiplication of personal staffs to Supervisors which increasingly poach on the theoretical prerogatives of the CAO as chief staff officer to the Board. The CAO cannot be both a staff person and surrogate chief executive if the Board is activist-minded.

9 *The approach to financial management, cost reduction and productivity improvement is disorganized.*

The problems of a plural executive are particularly evident where money management is concerned. The process of shaping and approv-

ing a budget is the Board's most important single activity in this regard, and this year's sequence is especially revealing of the difficulties created by the current County structure

Chart VI compares the departmental requests, the CAO's recommendations and the Board's actions on major budget items over the past five years. It shows that except for some activities financed by earmarked revenues the effect of the Board's action is usually to add money beyond the CAO's recommendation. What it does not show is that these additions are normally made without any systematic Board examination of the budget "base," that is, the 95-98% of the proposed controllable appropriations which are to be spent to finance programs and projects approved in earlier years. In technical jargon, the Board practices "incremental" budgeting, focusing solely on the proposed changes from the last year's pattern. Moreover, it does so in the context of an old-fashioned "line item" budget which is adequate for determining how much money is being invested in clerical help, but not useful if the question is what is being spent on crime prevention, business inspection, or any other category of programs, particularly if they are lodged in more than one department. Although the CAO performs a much deeper analysis and has evolved some capacity to group expenditures according to program categories, the departments are aware that this is not the basis upon which the Board as a whole operates (as distinguished from some Supervisors as individuals). Therefore, the degree to which the more systematic analytic approaches which underlie the new techniques have taken hold in the bureaucracy is quite limited.

In the case of the budget for the current fiscal year, the Board began by ordering the CAO, and through him the departments, to propose only those expenditures which would avoid the need for any increase in the property tax rate in force during the previous year. This lowering of the guillotine before one has checked to see what will be severed thereby is all too typical of a legislative authority's approach to budgeting, but it is even more worrisome in a body which also wields the executive powers. The CAO, recognizing that the Board might not understand the implications of the order, was able to persuade the Supervisors to assign members of their personal staffs to join in the review of departmental requests. After several months of this, the Board received a recommended budget from the CAO which, although it outlined ways to meet the original objective, did involve a recommended increase in the tax rate. After increasing a number of preferred appropriations (e.g., health services after the strike of interns), the Board adopted an even larger budget in contravention of the original policy.

To finance the readjustments, the Supervisors again wheeled in the guillotine and ordered a 3.5% "across the board" cut in all controllable general fund appropriations. (Many large appropriations, such as welfare, are controlled by Federal and State statutes beyond the County's

CHART VI
DEPARTMENTAL REQUESTS, CAO RECOMMENDATIONS AND BOARD ALLOWANCES:
NINE SELECTED DEPARTMENTS AND ALL DEPARTMENTS, 1971-72 TO 1975-76

	Departmental Request	CAO Recommendation	Percent Difference: Dept. and CAO	Board Allowance ¹	Percent Difference: CAO and Board
<i>Auditor-Controller</i>					
1971-1972	7,888,000	7,656,000	— 2.9	8,074,000	+ 5.5
1972-1973	9,314,000	8,289,000	—11.0	8,450,000	+ 1.9
1973-1974	8,973,000	9,164,000	+ 2.1	9,672,000	+ 5.5
1974-1975	9,620,000	10,021,000	+ 4.2	10,195,000	+ 1.7
1975-1976	11,405,000	10,706,000	— 6.1	11,301,000*	+ 5.5
* Includes \$556,000 for salary increases.					
<i>Treasurer-Tax Collector</i>					
1971-1972	4,218,000	4,073,000	— 3.4	4,270,000	+ 4.8
1972-1973	4,367,000	4,316,000	— 1.2	4,209,000	— 2.4
1973-1974	4,364,000	4,309,000	— 1.3	4,475,000	+ 3.8
1974-1975	4,768,000	4,706,000	— 1.3	4,731,000	+ .5
1975-1976	5,288,000	5,081,000	— 3.9	5,337,000*	+ 5.0
* Includes \$236,000 for salary increases.					
<i>Museum of Art</i>					
1971-1972	2,810,000	2,336,000	—16.9	2,412,000	+ 3.2
1972-1973	2,533,000	2,483,000	— 2.0	2,520,000	+ 1.5
1973-1974	2,975,000	2,551,000	—14.2	2,650,000	+ 3.9
1974-1975	2,861,000	2,678,000	— 6.4	2,763,000	+ 3.1
1975-1976	3,312,000	2,957,000	—10.7	3,017,000*	+ 2.0
* Includes \$162,000 for salary increases					

CHART VI (continued)

	Departmental Request	CAO Recommendation	Percent Difference: Dept. and CAO	Board Allowance ¹	Percent Difference: CAO and Board
<i>Health Services</i>					
1971-1972	360,801,000	288,294,000	-20.1	312,347,000	+ 8.3
1972-1973	381,963,000	342,820,000	-10.2	356,724,000	+ 4.1
1973-1974	405,643,000	378,095,000	- 6.8	499,521,000	+32.1
1974-1975	571,192,000	523,594,000	- 8.3	533,223,000	+ 1.8
1975-1976	613,753,000	578,719,000	- 5.7	594,537,000*	+ 2.7
* Includes \$17,420,000 for salary increases.					
<i>Data Processing</i>					
1971-1972	3,161,000	2,457,000	-22.2	2,200,000	-10.4
1972-1973	6,572,000	4,151,000	-36.8	4,156,000	+ .1
1973-1974	2,723,000	2,515,000	- 7.6	2,515,000	0
1974-1975	2,467,000	2,162,000	-12.3	1,652,000	-23.6
1975-1976	2,760,000	1,709,000	-38.1	1,665,000*	- 2.6
* Includes \$19,000 for salary increases.					
<i>Parks & Recreation</i>					
1971-1972	17,180,000	14,660,000	-14.7	15,339,000	+ 4.6
1972-1973	18,232,000	16,083,000	-11.8	16,732,000	+ 7.6
1973-1974	19,352,000	16,806,000	-13.2	18,014,000	+ 7.5
1974-1975	20,374,000	18,702,000	- 8.2	19,302,000	+ 3.2
1975-1976	21,889,000	21,111,000	- 3.6	21,302,000*	+ .9
* Includes \$1,254,000 for salary increases.					

CHART VI (continued)

	Departmental Request	CAO Recommendation	Percent Difference: Dept. and CAO	Board Allowance ¹	Percent Difference: CAO and Board
<i>Sheriff</i>					
1971-1972	119,920,000	92,401,000	-22.9	104,072,000	+12.6
1972-1973	126,824,000	112,088,000	-11.6	112,789,000	+ .6
1973-1974	151,720,000	122,735,000	-21.7	122,558,000	- .1
1974-1975	155,943,000	130,713,000	-16.2	144,118,000	+10.3
1975-1976	153,338,000	145,271,000	- 5.3	149,021,000*	+ 2.6
*Includes \$8,937,000 for salary increases					
<i>Registrar-Recorder</i>					
1971-1972	10,243,000	8,954,000	-12.6	9,585,000	+ 7.0
1972-1973	9,534,000	9,542,000	- .1	10,730,000	+12.4
1973-1974	12,498,000	10,951,000	-12.4	12,673,000	+18.0
1974-1975	12,705,000	12,001,000	- 5.5	11,649,000	- 2.9
1975-1976	16,378,000	12,785,000	-21.9	13,458,000*	+ 6.2
*Includes \$470,000 for salary increases					
<i>Road Department</i>					
1971-1972	84,592,000	84,592,000	0	106,071,000	+25.4
1972-1973	82,928,000	82,928,000	0	110,635,000	+33.4
1973-1974	103,397,000	103,397,000	0	123,235,000	+19.2
1974-1975	133,246,000	133,246,000	0	139,737,000	+ 4.9
1975-1976	87,306,000	87,306,000	0	126,053,000*	+44.4
*Includes \$3,279,000 for salary increases					

CHART VI (continued)

	Departmental Request	CAO Recommendation	Percent Difference: Dept. and CAO	Board Allowance ¹	Percent Difference: CAO and Board
<i>All Departments</i>					
1971-1972	3,013,025,284	2,637,056,396	-12.5	2,752,407,318	+ 4.4
1972-1973	2,858,076,586	2,572,605,821	-10.0	2,639,592,763	+ 2.6
1973-1974	2,838,924,103	2,496,559,270	-12.0	2,946,500,522 ²	+18.0
1974-1975	3,448,059,786	2,764,407,413	-19.8	2,888,212,067	+ 4.5
1975-1976	3,954,767,659	2,996,066,166	-24.2	3,068,185,126	+ 2.4

SOURCE County Budgets and the CAO's office

- 1 Includes supplemental requests not contained in the CAO's April recommendations. The fact that the June Board Allowances are greater than CAO recommendations does not, therefore, in all cases indicate a refusal to go along with the CAO
- 2 Includes at least \$300 million in accounting offsets \$100 million was appropriated for medical care and \$200 million for welfare and then "offset" by State and Federal revenues in the same amounts

control.) Such cuts are the bane of the experienced manager because they treat all operations—efficient or wasteful, vital or peripheral, volatile or stable—as though they were equal, and thereby weaken incentives for program directors to be efficient or innovative. The Board made a brief attempt to distribute the cut itself, but this is peculiarly difficult for a plural body in which each member has his own pattern of interests and constituencies. It, therefore, returned the problem to the CAO with instructions to make the cut without deleting programs, and to report back on departments in need of supplemental funding. The CAO's attempts were met by a storm of protest from the departments, many of whom appealed to the Board, either directly or through individual Supervisors. The Board then began hearing the appeals and steadily reversing its earlier action by restoring the proposed reductions. As of this writing, it has fully restored those made in the Sheriff's Department, and largely restored those in the Fire Protection District, the District Attorney's Office, the Department of the Public Defender and the Department of Health Services. It has also partially restored the reductions made in four other departments. What is happening to the aggregate balance of the budget in all this backing and filling is unclear.

This sequence illustrates the difficulty that any plural and political body has in charting and holding to a course in rough financial waters. No matter how accomplished the individual members, the pressure is irresistible to take the simple option (e.g., ignore the budget base, resort to across the board cuts) or to palm the problem off on a subordinate. When the inequity of arbitrary action creates a protest, however, no subordinate is an acceptable surrogate and the politics of the body will often not permit it to issue a definitive "no." When it then reverses itself, it simultaneously undermines its own credibility, confuses (again) the financial planning base upon which each department's operations are based, and diminishes the stature of the subordinate originally delegated as its surrogate. And in the process it invariably spends more money.

The same weaknesses come into play when the Board seeks to effect better financial management and cost consciousness in the departments. There are some instances of penny-wise, pound-foolish actions, such as the case in the Fire Protection District in which operating funds (which are largely financed by user charges upon those protected) have been allowed to increase rapidly, while administrative appropriations (which come from the County's general fund) have been suppressed. The result is predictable: a large quantity of men and equipment, but a shortage of dispatchers (who are supported from County funds) and little expertise in financial planning or budgeting. The same phenomenon is evident in most major health facilities, where, in an attempt to instill discipline, the Board has systematically appropriated less every year than they, the CAO, and the department head know will in fact be required. The result has been that every year for at least the past five the Board has

been forced to adopt a special appropriation at the end of the fiscal year to make up these deficiencies. This annual charade does anything but instill financial discipline.

Unfortunately, the record is also less than perfect where the Board has provided resources to install computer-assisted management information systems which can provide the cost and productivity data necessary to hold operations to some quasi-objective standard so that the taxpayer can get some idea of what he is receiving in return for his investment in government. Some years ago, the Sheriff's Department contracted to spend more than \$8 million on an information retrieval system which turned out to be of no practical use and has been abandoned. The Road Department, in a predecessor to the system mentioned in the previous section, spent some \$650,000 to design and install a performance monitoring system which recorded more than 2,300 separate work products. Although the resulting data were acknowledged to be faulty and were never used in any decision process (in part because it took more than a year, on average, to get the compilations back from the computer), the Department collected, analyzed and stored it for a full five years. Having voted the funds for this system, there is, nevertheless, no record of the Board's ever having asked the Road Commissioner for an accounting of his attempts to monitor performance and/or for one of the system's reports.

It is this lack of sustained pressure for such improvements from the central executive authority which is the cause for concern, not the fact that some systems do not prove useful. This is a frontier area in public administration, and it is to be expected that there will be failures. But both initiation and execution of such projects suffer markedly when there is no sense in the department that somebody up there is watching and expecting a report on the outcome. It is not pleasant for a department to develop a system that shows that its productivity is lagging, for example, any more than it will be enjoyable for the Health Services Department if the installation of its new "Master Project" information system establishes that it is losing more than the \$1 million per year it now estimates through failure to bill insurers for hospital services. (Other estimates are much higher.) Systems capable of collecting and delivering such bad news normally occur only if top management insists upon them, monitors their results, and links the results to the rewards it controls, in this case the salaries of agency heads. At present these salaries are set by the Board in executive session according to criteria which either do not exist or are not announced. In the final analysis, of course, this top management role depends upon the willingness of the chief executive authority to have such data systematically reported and, in turn, to report it to the people in regular accountings.

There is no reason to believe, therefore, that the coming years will see any dramatic change in the upward trend of County costs as long as the current structure is maintained. If savings are to be made, they will

be made largely in the budget base of previously approved programs which the Board never reaches and has not the time to reach. They are most likely to be identified by the installation of systematic performance monitoring and accounting processes which are not likely to emerge without steady and continuous urging from the top, which the Board is unlikely to provide.

10. *Some services are of suspect quality and there are few vigorously monitored standards of quality and unit cost.*

It is a fair commentary on the central management of the County that questions of the quality and/or the cost competitiveness of most of its services can be answered only with personal impressions or anecdotes. Occasionally there has been a self-stimulated attempt by one department to develop some comparative standards, as in the case of the Road Department after 16 contract cities had shifted from the County to private contractors to maintain their traffic signals. A Departmental study of why the private contractors could charge less than half the County price per signal was undertaken and the elements of the cost differential, some of which were traceable to the County's special requirements and some of which were simply due to County inefficiency, were identified. This is a rare case, however. Even in the same Department, for example, there is no effort currently underway to find out why it is that when the County sweeps streets it costs the taxpayers nearly \$8 per curb mile, while private contractors charge \$5 or less. Nor is there an attempt to reconcile the different accounting and operating concepts used by the County and the City of Los Angeles to ascertain whether it is true, as claimed, that the City does the sweeping job at a per-mile cost just over half that of the County.

It is the absence of such studies and the measuring rods that they would provide that makes us less willing than most commentators on the County to cite it as an acknowledged leader in the provision of quality services. It is true that this is the view of many professionals from other jurisdictions, and that the County is held in high regard in national circles of public administrators. However, even in production-type operations where it should be possible to develop comparative data, the information either has not been collected or has not been analyzed so that the County's relative performance could be determined. Where there are standards for work measurement, they are often antiquated, as in the Health Services Department where many of them are 25 years old. Where standards do not exist, we find no sense of urgency about developing them. No one seems particularly interested, for example, in why it takes an average of 3½ months for the County to prepare a conditional building use permit.

For the most part, therefore, it is simply impossible to tell whether County services are of the quality they should be or whether they are

being provided at the lowest possible cost. As individuals, we would conclude that they are highly competitive in quality with those of surrounding jurisdictions and of other urban areas with which we are familiar. But we cannot prove it and, more importantly, neither can the County.

11. *Relations with cities within the County are deteriorating.*

County-city relations will never be entirely smooth. There is a natural competition for resources, authority, and political recognition between the jurisdictions that may in the long run even be healthy. It now appears, however, that this competition is less creative than bitter and destructive, a dangerous trend in view of the fact that the County is being looked to more and more by the Federal government as the umbrella jurisdiction which can integrate the planning of diverse localities with respect to several vital services. The strength of the cities' objection to the placing of the County in this role is signified by their current opposition to the proposed Federal designation of the County as the unit to receive and distribute Community Development aid, and the similar role suggested in health planning. These struggles are helping to bring to a head a series of feuds which have been simmering for years.

The basic charge of the disgruntled city officials is that the Supervisors are all-powerful but inaccessible. The variations on this theme are legion. Cities complain that they have no voice in the distribution of County Highway Through Cities (HTC) funds, which are divided by five by the Board and then apportioned by the local Supervisor according to criteria which are at least in part frankly political. They allege that the County drives up city costs in a spectrum of ways which ranges from the negotiation of generous wages and salaries which then become de facto standards for all public employees in the area, to the maintenance of lower amenity requirements for unincorporated land, so that the city must upgrade the amenities (e.g., sewers, lights) to conform to its own code if it decides to annex the land. The cities charge that County contract services are too costly and of declining quality, and there has in fact been a decline during the last five years in the number of cities which contract with the County in most categories of service except law enforcement. Those which do not contract argue that the County shows favoritism toward those which do, and to unincorporated areas over incorporated ones. The City of Los Angeles has filed two major lawsuits alleging that this favoritism results in an unfair tax burden on its citizens. The cities particularly resent what they see as an implacable County opposition to extension of their tax bases through annexation and to incorporation of new cities. They cite a number of ways in which the Supervisors allegedly express this opposition, beginning with the fact that two members of the Board sit on the Local Area Formation Commission.

The important point for our discussion is that many city officials trace the bulk of these problems to the way the County is organized, and more particularly to the fact that there are so few Supervisors. They maintain that it is difficult and politically dangerous for cities to organize to protect their interests because they dare not arouse the opposition of the "home" Supervisor while the Board follows strict rules against any member's mixing in affairs in another member's district. They feel forced, therefore, to work solely through the local Supervisor—if they can reach him—regardless of what they may think of his views or his commitments to the city.

12. *The County presents a weak and occasionally contradictory voice in Washington and in Sacramento.*

The chronic financial problem of urban areas across the country has been that the local tax base cannot expand quickly enough (if it is expanding at all) to deal with the mandatory increases in public service costs involved in serving a population of declining average income and increasing average need. This has meant that the State and Federal governments have increasingly become the residual financiers, with their contributions to urban budgets growing yearly. Los Angeles County, because of its breadth, diversity, and rapid growth in tax base, has suffered less from this problem in the past. A recent study by the Southern California Association of Governments shows that Southern California, including the County, has done less well than most urban areas in acquiring a share of Federal support. In the future, this is likely to grow from a minor annoyance to a major determinant of the County's ability to maintain its service capacity.

The current disarray in transportation policy is a case in point. Federal officials have reported their frustration when one Supervisor appears to advance fixed guideway mass transit systems, whereupon another, coequal Supervisor pleads for dependence upon the highway system to meet mass transit needs. It is significant that no one misunderstands who the Mayor of the City of Los Angeles is or for whom he speaks. This is particularly significant in light of the fact that the Supervisors wield far more formal power in the mass transit field than does the Mayor.

The problem for members of a plural executive in this respect is that they are fully as invisible in Washington as they are at home. It is hard enough for Federal lawmakers and bureaucrats to keep track of individual executives. We are told that they are confused and wary when they encounter a plural body for which, except for the rare issues upon which the Board takes a position by vote, no one is authorized to speak or negotiate. Supervisors of the importance of those from Los Angeles County are difficult for Washingtonians to distinguish from Supervisors from urban jurisdictions (e.g., Philadelphia) where the

position has been reduced to minimal stature. It is not impossible to invite a representative of such a body to hearings or to participate in a skull session prior to drafting a bill, but such invitations seem to be much less frequent than in the case of mayors, governors, and elected county executives. Neither does the plural form lend itself to cooperation in lobbying with other local executives around the country. It simply does not provide the single figure of stature and newsworthiness who can attract and hold the national attention necessary to focus on local problems with which the Federal government could be helpful.

The problem in Sacramento is less intense, in part because of the prior service in the State Legislature of some incumbent Supervisors. However, the growing controversy over the Governor's proposed changes in State aid to counties (changes which one Supervisor alleged could increase the County property tax rate by 45¢) illustrates the relative weakness of the County in arguing its position. Even in the minority of issues where the Board establishes a County position by majority vote, there is no acknowledged, widely-known, authoritative spokesman for that position who can do effective battle with the Governor. The merits of the case aside, a plural executive simply cannot muster the force of argument and the magnetism for galvanizing support which make for maximally effective work in opposition to (or cooperation with) executive action by the State or in lobbying the State Legislature.

13. The County's capacity for self-analysis and correction is weak.

It may be that the County government is nowhere more invisible than to itself. Other than the respected but necessarily limited work of the Grand Jury and the Commission on Economy and Efficiency, the County government has no independent institution or individual responsible for systematic review of policies and operations. There is no auditor or controller who is independent of the Board. The vested interest in past administrative decisions, which grows with every year a Supervisor is in office, inevitably limits the interest of members of the Board in inquiries which could prove embarrassing. Since there is no legislative branch to ask the traditional adversary questions of the executive, little public controversy is inspired about County affairs and there is only a limited sense of the evolution and adjustment in response to changing conditions which is one of the trademarks of a healthy organization.

This problem is exemplified in the present plight of the Department of Health Services. Our Staff Working Paper traced the 10-year process by which four long-established departments were, at least in theory, merged to form a huge new entity which could coordinate intake procedures, take advantage of economies of scale to reduce costs, and coordinate the County's needs for health care with the services provided by creating a single focal point of control with authority over

them all. Because of the County's difficulties in designing such innovations, the process took an abnormally long time. Indeed, as our Paper showed, it is far from de facto completion even today. Yet, there seems to be neither the time nor the central capability to examine the progress of the reorganization, to adduce lessons which may be useful in considering a similar approach in other subject areas, or to analyze the ways in which the new structure has helped or hindered the County's central authority to make its policy and supervise its operations. In a structure which calls for 57 operating agencies to report to one plural executive authority with no intervening level of line delegation, such lessons might be of great use.

Put in simplest terms, the essence of this point is that there is nobody around the County administration with the information and independence to say the hard and unwelcome things that every healthy organization must hear from time-to-time. We believe that this is not good either for the County government or for the public which supposedly controls it.

PART II—PRESCRIPTION

THE CONTEXT OF CHANGE

Despite all of the problems we describe, Los Angeles County is not in the desperate straits characteristic of some other urban jurisdictions. Consideration of structural reform can proceed here in calm and orderly fashion. This is not a failed or bankrupt government. Taken as a whole, it is a far more proficient mechanism than its structural outlines provide reason to expect.

In our judgment, however, the prospect of imminent breakdown is neither the necessary nor the desirable backdrop for structural decisions. A sound polity must sustain a process of continuous and objective self-assessment which permits accurate diagnosis and correction of problems before they become critical. There are regrettably few examples in this country of serious approaches to the central questions of government organization in any atmosphere other than dire crisis. The long California tradition of lively public interest in clean and modern government may encourage Los Angeles to provide a welcome model of spontaneous inquiry and effective action at the local level.

The pattern of symptoms and causes we have identified does not lead inexorably to a single structural solution or set of solutions. Whatever the weight of fact and analysis, prescription remains partially dependent upon subjective considerations. The remainder of this Report presents necessarily brief statements both of the options we have considered and discarded, and of those we have decided to recommend. The suggested changes add up, in our view, to a coherent approach to the most pressing and immediate deficiencies we have identified. While enthusiasms for particular remedies may vary, we hope that the debate inspired by our suggestions will confirm our most important conclusion—that there is a great and growing need for structural change in the very near future.

SUMMARY RECOMMENDATIONS

We believe that the symptoms discussed in Part I reflect the inescapable fact that it is not feasible to govern an area of the size and complexity of Los Angeles County with a mechanism which vests all policy and

administrative powers in a single body comprised of five individuals. No amount of minor adjusting or amendment of this structure will result in a satisfactory level of performance of the legislative, executive, and quasi-judicial functions. Despite the best efforts of incumbents, the scale of the County simply does not and will not permit the theoretical role of the Board of Supervisors to be fulfilled in practice.

Yet, in some ways we would be even more concerned if this role were to be played as it is outlined in the present Charter. For the Charter contemplates an administration almost entirely without the checks and balances which are the most general and reliable protectors of the public interest in most American governments. The Board's power is absolute, it is broad in scope, and the procedures through which it is exercised are largely invisible to the public. If no other problems could be shown, this absence of internal restraints and opportunities for public access would, in our judgment, sustain the case for basic change.

However, our analysis demonstrates that there are numerous other problems, some of which flow from the absence of checks and balances. We believe that the roster of difficulties proves conclusively that the current structure impedes the formation of enlightened County policy, discourages efficient administration, and results in unacceptably large gaps in the representation of the governed. For reasons to be discussed below, we suggest that the following reforms promise to provide the most effective remedies for these ills:

1. A clear separation between the executive and legislative functions of government.
2. Establishment of an elected County Executive with the formal status and powers necessary to operate as a coequal with the legislative branch.
3. Safeguards which make certain that professional administrative skills and values are preserved and enhanced in the new executive structure by the establishment of an appointed principal deputy to the Executive who is required to have demonstrable professional qualifications.
4. Establishment of an expanded County Legislature elected by district, and structured to provide fuller representation, a forum for policy debate and decision, and a system of checks on the executive.
5. An independent Controller, appointed for lengthy and fixed term after certification of his/her qualifications, and empowered to audit all financial and other transactions in which County resources are involved.

Our deliberations have persuaded us that no structural change of lesser magnitude can promise significant improvements in the accessibility, responsiveness, operating effectiveness or distributional equity of County Government. On the other hand, we believe that adoption of the changes that we recommend would contribute significantly in all

these respects. We further believe that these measures can be carried out with only minor disruption and at minimal dollar cost.

THE EXECUTIVE AUTHORITY

Dissatisfaction with the workings of traditional plural and combined (legislative/executive) forms of county government in an urban context is by no means unique to Los Angeles County. Indeed, of the 23 counties with populations of more than one million, 16 have already abandoned this traditional form in favor of merger with the central city (as in San Francisco, Honolulu, Philadelphia, Nashville and the five counties within New York City); or establishment of an appointed County Manager (as in Dade County, Florida); or establishment of a strong, elected County Executive (as in King County, Washington; Multnomah County, Oregon; Montgomery and Prince Georges County, Maryland; and Nassau, Westchester, and Suffolk Counties in New York). Among the 71 charter counties there are now 41 charters which establish the office of elected Executive and 26 which provided for an appointed Manager. Counties with large urban populations present a different order of administrative problem than do those in a predominantly rural setting which operate in the more traditional role of local arm of the state. Several of these changes, including many of the county-city mergers, occurred early in this century. Thus, the proper occasion for surprise is not that the traditional system used in Los Angeles is showing signs of wear, but that it has survived urban stresses for so long.

However, the recent history of American governance has provided good cause for concern about the possibility of abuse of the major alternative to the plural form—the establishment of strong executive powers. These concerns are so important, in our view, that the first focus of our attention was on possible means of curing the weaknesses of the current system without placing substantially greater powers in a single individual, whether elected or appointed.

It has been argued, for example, that executive lines could be clarified and consistency enhanced by abolishing the current “competitor” to the Board as a center of executive direction: the Office of the Chief Administrative Officer. This would make explicit the now partially disguised fact that some *de facto* lines of executive control (e.g., those of the Road Department) now run from the department directly to the Board without meaningful participation by the CAO. It would also resolve tensions between the staff role of the CAO and those of supervisory staff.

However, this is a cure likely to be far worse than the disease. The existence of the CAO’s office is a recognition of the need for some central focus of internal order and consistency. In the day-to-day operation of government such a focus is not a matter of choice, to be selected

or rejected, it is a practical requirement of routine decision-making in a context in which resources are not boundless and rampant inconsistency is not politically tolerable. Accordingly, if the CAO's office did not exist, the likely alternative would be five separate "mini-CAO's" engaged in a perpetual tug-of-war to divide resources and to set and adjust County-wide policy. This would be much too high a price to pay to achieve clearer executive accountability.

Alternatively, we considered the strengthening of the departmental chairmanship roles, and a variant of this approach which would create subcommittees of the Board among which departmental supervision could be divided. Each would have broad delegations of power to act for the full Board with respect to most administrative issues. Either approach would seek to fix clear responsibility in one or more elected officials; increase the substantive expertise (and, thereby, presumably the quality of decision-making) of the Supervisors; reduce the load of relative trivia now carried by the full Board, and possibly reduce the tendency to preoccupation with geographic distributional equity (and thereby the tendency to "divide by five"). Again, however, we are unpersuaded that the benefits of either step would outweigh its costs.

First, the virtual eclipse of the chairmanships as real allocators of decision roles is no accident. It reflects the political fact that few if any Supervisors in the modern era can sensibly restrict themselves to some arbitrarily-set collection of fiefdoms, or acquiesce in a system which grants exclusive day-to-day administrative authority for a vital service to one or more of their colleagues. The personal interests, the previously acquired expertise, and the individual perceptions of the priorities of each Supervisor's constituency militate decisively against the staying power of such functional apportionments. An attempt to legislate against these forces is, in our view, quite likely to fail in practice.

Second, past experience here and elsewhere suggests that neither step would be an effective means to increase de facto accountability. Despite the fact that the allocation of chairmanships has been public knowledge for decades—and that it changed very little during the 30 years before 1972—the level of public awareness of which Supervisor was "responsible" for which departments remained low to nonexistent. The same phenomenon has been observed in other systems which have tried the operating committee approach (e.g., Atlanta, prior to the recent charter amendments which abolished this system). Indeed, the committee system seems to produce many of the opposite results from those sought by providing a convenient way to bottle up issues which might otherwise get at least some public airing in the full Board. The very plurality of the Board and of any subgroup makes it difficult to achieve any substantial increase in genuine accountability to the public.

Third, the profile of the job of Supervisor demonstrates conclusively that, even if all other factors were favorable, it is not physically possible for each member to carefully supervise the day-to-day operations of

eleven departments. Practical politics insure that each member must and will monitor certain kinds of operations in his district (e.g., construction of roads and physical facilities, operation of major health facilities) regardless of his chairmanship assignments. When added to even minimal discharge of his representational responsibilities, this makes certain that some of his administrative wards would go effectively unsupervised. Finally, there would be grave danger of an erosion in the professionalism of County management if each department head were forced to report to a single elected official from a narrow geographic area, or to a small committee of such officials. Much risk attends to any system in which such representatives interpose themselves before decisions are filtered through officials with a systemwide perspective. This is a particular danger in the budget process, but considerable with respect to all significant decisions.

Moving to another approach, we considered the vesting of special executive powers and responsibilities in the Chairman of the Board. This would presumably involve electing him at large and providing him with an individual administrative rôle, special voting weight as against his colleagues, or both. Of all the possible means to address chronic problems while continuing the merger of legislative and executive roles, this would seem to have the most to recommend it in that it might offer the parliamentary system's advantage of simultaneous clarity of executive responsibility and accountability to (because of membership in) the legislative authority. In the context of the County, however, we do not believe that these assets would outweigh the likely liabilities of such an approach.

First, there is the danger that this combined arrangement might actually increase the current tendency toward closed and invisible government. If the executive were actually a member of the legislative body, and a member of greater power than the others, the public might be deprived of even those occasional glimpses of the processes of negotiation and compromise which it now gets. Second, the line between enough power to play the strong executive role and so much as to deliver the government into the executive's hands would be a difficult one to identify and respect. One of the strengths of the current Board is that the strict equality among members makes it very difficult for anyone, including the Chairman, to gain lasting control. To disturb this equality, by putting one member in a position to cause any of the others great programmatic and political hardship, would create significant risk that the checks on the executive would be ineffective.

Finally, this approach ignores the values of the public adversary proceedings traditionally created by a strict separation of powers, which extend well beyond the question of secrecy. Proposals designed by an executive who is not a member of the legislature, while never totally insensitive to legislative concerns and priorities, would, we believe, tend to be more distinguishable from the legislator's point of view than those

offered by one serving in a dual role. As unambiguous executor and chief of the administrative service, a non-legislator should offer clearer-cut alternatives than if his institutional allegiance were divided. Not being expected to "manage" the legislative process from the inside, he would probably also be less inclined to present pre-compromised positions than one being judged by his capacity to straddle both institutional horses. The absence of processes which present clear-cut alternatives for public debate is among the most serious weaknesses of the present system. Thus, the loss of this important advantage of a classic separation of powers is to us a crucial factor.

Many of the same liabilities attach to the further alternative of at-large election of a majority of the members of the present or an enlarged Board. In addition to the fact that this would not in itself do anything to focus executive responsibility or accountability, we do not find the case compelling that even a complete shift to at-large elections (with its attendant multiplication of campaign costs) effectively solves the problem of introducing a County-wide perspective into the decision process. Although an admixture of at-large members might result in the introduction of different points of view, we very much doubt that it would be of great use in producing more systematic attention to the formulation of County-wide plans, programs, and priorities. The experience of such jurisdictions as San Francisco (where all Supervisors are elected at large, but from a jurisdiction less than half as populous as *each* Los Angeles County supervisorial district), suggests that such theoretically at-large elections reduce in practice to a choice between slates of candidates.

Having considered these and other options in detail, we have concluded that the only practical course is the vesting of the traditional executive powers in a single individual. Nothing else promises to provide the coherence and continuity of direction, the undivided attention to administrative problems (particularly those of a systemic or procedural nature), and the clear accountability which the current system so obviously lacks. This executive can only be effective if entirely separated from the legislative authority and equipped with sufficient formal powers to counterbalance the inevitable tendency of legislators to dabble in administrative detail. However, the use of executive authority must also be checked and audited. The precise ways in which this should be accomplished depend upon subsequent decisions, the first of which is how the executive should be chosen.

Method of Selection

The executive we recommend fits into the category that is usually preceded by the adjective "strong" in the technical literature of government reorganization. However, it is important to recognize that the actual capacity of an executive to influence policies, events, and operations

depends upon many factors other than his formal powers. No statutory division of authority and responsibility can guarantee the pattern of relative impact among any particular set of officeholders. Some of the local executives in the nation who are, in fact, the most powerful individual influences on the current scene are also, in theory, "weak" as measured by their formal powers. Conversely, there is substantial experience with theoretically "strong" local executives who are rendered virtually helpless by their inability to influence the local legislature's utilization of its own still considerable powers. Thus, the best laid structural plans may be foiled at any given time by a particular configuration of personalities, issues, events, political interests, or institutional tensions. To repeat our earlier point, structure is a facilitating condition, not a decisive one. The highest aspiration of the structural reformer is to provide a framework in which good government can be improved and bad government discouraged and corrected.

We strongly believe that there is no legitimate purpose in any attempt to disguise the level of influence intended for each party to the governmental process. Supposedly "weak" executives who actually wield "strong" powers represent, in our view, a form of structural failure. The factor which invariably suffers when there is a gap between real and apparent powers is accountability to the public; if the citizen does not know who the real decision-maker is, there is no effective way to hold him accountable. Disillusion on this score eventually undermines the credibility of government in general and the officials in question in particular. Although the County has fared relatively well in this regard compared to many other governments, no jurisdiction is today in a position to endanger its precious store of public trust.

We have already stated that we believe that the County needs an executive with strong and separate standing. However, this decision does not in itself determine whether the executive should be elected or appointed. Strong executives of both kinds have been established in a wide variety of urban counties. With the exception of the right to veto legislation and a very few other powers, there is precedent for providing strong appointed executives (often called County Managers) with all of the prerogatives which might be provided to an elected executive. There is also precedent for a combined system in which one official (either "strong" or "weak" in administrative powers) is elected County-wide and then appoints, with or without legislative consent, another official with a subordinate or independent day-to-day administrative function, his role being the reciprocal of that of the elected official. (In Dade County, Florida, for example, the elected County "Mayor" has no administrative authority, whereas the appointed County Manager appoints the Sheriff and other department heads, has all executive budget powers, and in general has the usual attributes of the strong executive. In King County, Washington, the distribution of powers between the elected Executive and the appointed County Administrative

Officer is almost precisely the reverse) It is up to each jurisdiction to determine what distribution of functions makes the most sense in the special circumstances that each presents.

A form of this question was posed to the voters of Los Angeles County in 1970, when a recommendation of the Economy and Efficiency Commission (EEC) resulted in a referendum on a proposal which included, among other significant changes, establishment of a reasonably strong appointed executive. The proposal was defeated by a narrow margin (54%-46%). Experienced observers differ as to whether this aspect of the complex proposal caused its defeat, or whether it failed primarily because of opposition to other aspects. However, it is significant that the EEC, while it apparently agreed upon the need for a strong executive, could not reach internal consensus on the question of election versus appointment. (The Commission printed the arguments in support of both in its Report) The Board of Supervisors, also split on the issue, approved the appointive approach for the ballot without resolving the difference of opinion among its members. Several of the County's most influential media also found it impossible to come to a settled view.

This uncertainty among highly informed and responsible people reflects the difficulty of choice between two quite formidable sets of arguments. So close is the issue to most knowledgeable observers of this and other local governments that it is reasonable to say that if one is not in doubt the chances are he does not understand the question.

We are persuaded, however, that a chief executive officer of whom so much is expected should be chosen directly by the people of Los Angeles County in non-partisan elections held at four-year intervals. In part this reflects our respect for the role achieved by the present incumbent in the Office of Chief Administrative Officer, as well as that of his predecessors. We find it difficult to believe that significantly more could be achieved working from the base of an appointive executive office. Beyond this, however, is our conviction that the most dependable check on the powers of a strong executive in a democracy is the necessity to maintain close and continuous relations with an electorate which periodically determines the executive's professional future. Although from time-to-time shown to be imperfect, over the longer term this remains the most effective means of meshing popular will with government actions.

Only an elected executive offers a substantial probability that the improvements sought through structural change will in fact be achieved. The present Chief Administrative Officer already has the Board-established power to supervise departmental operations. The barrier to effective discharge of this function has not been lack of skill or professionalism on the part of the appointees to that office, but the absence of a political base which would make it possible for them to "stand up" to the Board. No set of prerogatives which could be pro-

vided to an appointive officer would produce a real separation of powers between roughly equivalent branches of government without venturing so far from the traditions of California local government that chances of popular approval become minimal (We find it highly doubtful, for example, that Californians would permit the discretion in an appointed official provided to the County Manager by the Dade County system) Without this general relationship of equality there is slight reason to believe that real improvements in central management and sensitivity to County-wide perspectives and priorities would result.

Even if it were possible to equip an appointed executive with such powers, we would be deeply concerned about the potential for abuse. As some jurisdictions have discovered to their sorrow, there are no real external checks on an appointed official who is relatively secure from legislative removal. Restraints are limited to the incumbent's fidelity to professional standards and whatever personal code he/she may follow. Although the level of personal and professional probity characteristic of Los Angeles County employees gives reason for more than average confidence in these factors for the foreseeable future, it is questionable whether this is a proper organic principle to underlie the next six decades of County administration.

Of course, there is also cause for concern about the by-products of making the administrative head of the County a political office. These concerns extend from the additional campaign costs involved to worry that the coincidence in a single individual of outstanding professional competence and superior capacity to get elected is too rare to be depended upon. These legitimate concerns must be dealt with straightforwardly in the Charter.

The Establishment of an Appointed Principal Deputy

We believe that there is a means by which to insure that the rich tradition of professional administration in the County is maintained and protected from any excesses which could be induced by the elective status of the Executive. In suggesting it, we want to emphasize that the individual quality of successful candidates for County Supervisor in recent years provides a basis for confidence that the voters would be presented with candidates for the new post who combine administrative and political talents. Nevertheless, prudence dictates explicit provision that the Executive shall appoint, with the consent of a majority of the legislative body, a Principal Deputy for Administration of established professional qualifications and experience. The same provision should also specify that formal delegation of the Executive's administrative powers could *only* be made to this Deputy or to the heads of operating agencies (the appointment of which, we will later suggest, should be subject to legislative confirmation). No unconfirmed "assist-

ant” or other faceless functionary should be permitted to wield these powers. The Charter should define the experiential qualifications in terms which permit only those of established credentials to qualify, and said credentials should refer to service in governments of a scale relevant to the size and complexity of the County.

We are aware, in making this recommendation, that it is difficult to establish in Charter and statute the way that a political executive should organize his office. It is conceivable that the intent of this provision, like that of all others, could be circumvented. However, such circumvention in the face of demonstrable malfeasance (as distinguished from controversial but defensible policy) would require the compliance of the Deputy, who must always face his professional constituency inside and outside the County, and of the legislators, who would be accountable to the voters. It is difficult to conceive of a less negotiable check, particularly in the light of the natural adversary relationship likely to arise between branches, together with the strong and vigilant “good government” tradition in this area. We believe that this office, together with other checks contained in the allocation of executive and legislative powers outlined below, and would provide as much protection against abuse of the Executive’s powers as is consistent with the discretion necessary to fulfill the functions which prompt the creation of the office. With this balance established, we can proceed to the question of the specific powers which should be vested in the County Executive.

Powers of the Executive

We have examined the categories of powers vested in local executives elsewhere in our own State and in other principal jurisdictions. The number of powers is large and the range of variations, conditions, and sharing arrangements in use is nearly infinite. Space does not permit, nor does the structural issue require, a detailed discussion of each alternative considered. It will suffice for our task—and for the first stage of structural reform, subject to later perfection on the basis of experience with the new structure—to outline the combination of powers, with the appropriate checks, which we believe to be the minimum required for the new Executive to perform effectively.

In considering this or any other list, we would urge careful attention to the fact that the character of the entire combination is at least as important as that of any of its parts. Deletion or addition of any specific prerogative should be weighed both on its own individual merits and from the standpoint of the impact of the change on the total package of powers provided to the Executive. The likely impact of the office depends as much upon the balance among authorities as it does upon what they are.

We believe that the powers most vital to the Executive's effectiveness are the following:

1. *Appointment and Removal*

- A. The Executive should have power to nominate and, with a positive vote of a simple majority of the legislative body, to appoint the following senior officials:
 - i. One Principal Deputy for Administration whose special eligibility qualifications should include at least ten years of senior administrative experience in a government of at least 25,000 employees.
 - ii. One other Deputy, to be assigned to such duties as may be specified by the Executive at the time of nomination.
 - iii. Heads of all County departments, together with the most senior assistant in each department, except that the Sheriff, the District Attorney, and the Assessor should continue to be independently elected.
 - iv. The Director of Personnel and the County Counsel, both of whom should henceforth be under the Executive's supervision.
 - v. Members of all County administrative and advisory commissions and committees.
 - vi. County representatives on all regional authorities, boards of directors, coordinating groups and other such bodies, to the degree that appointment procedures specified in State or Federal law permit.
 - vii. Interim designates to fill vacancies in any of the three independently elected offices, pending a special election if more than one year remains in the term of office at the time of the vacancy, or pending the next regular election if less than one year remains.
- B. The Executive should have power to remove any official that he appoints. In order to avoid unreasonable elimination of protections against dismissal for current department heads and their top aides, the application of this provision should be restricted to appointments made after the establishment of the Office of the County Executive. Any department head removed by the Executive would retain all rights to pension and other benefits

acquired during prior service in a regular civil service position and could return to a position other than that of department head under regular civil service protection

2. *Line Authorities*

- A. The Executive should inherit all supervising and coordinating authorities previously provided to the Chief Administrative Officer
- B. In addition, the Executive should be formally designated in the Charter as the independent head of the County's executive branch, with the following powers
 - i. Direct line authority over all County departments except those headed by the independently elected officials.
 - ii. Acting within local, State, and Federal law, the right to prescribe administrative policies, procedures and practices necessary to carry out the letter and the spirit of the law.
 - iii. The right and the duty to make such regular management reports on the quality of County services and the productivity of County programs as may be required by the County Legislature

3. *Overhead Functions*

- A. The Executive should inherit all of the financial and budget-related functions now performed by the Chief Administrative Office. In particular
 - i. The Legislature should in the future (as the Board does now) address and adopt a budget as a whole (as opposed to a series of separate appropriations unrelated to available revenues). This process should begin upon receipt of the Executive's comprehensive budget proposals, and the integrity of the executive budget formulation process should be respected by the legislature until the full budget is transmitted to them.
 - ii. The Charter should further require that the legislature complete its deliberations within a reasonable and specified date comfortably in advance of the start of the new fiscal year.
 - iii. The Executive should have reasonable flexibility to transfer minor amounts between related appropriations, to re-obligate deobligated funds in the course of a fiscal year,

and to develop expenditure schedules and criteria for the use of any lump sums appropriated by the legislative body.

- B. All executive branch personnel functions except those of the Civil Service Commission should be moved under the direct supervision of the Executive.
- C. All responsibility for collective bargaining and for the management role in supervision of the administration of existing contracts should be vested in the Executive. However, final conclusion of a contract should require the following procedure:
 - i. A draft contract should be negotiated to the point at which the Executive is prepared to sign and the union leadership is prepared to recommend that members ratify.
 - ii. The text of this draft contract and an attached schedule of its cost implications (both immediate and over the succeeding five fiscal years) should be made public and communicated to the County legislative body.
 - iii. The Charter should permit a maximum of three working days in which the legislative body could, by vote of a simple majority of its membership, instruct the Executive to cease all further action on the draft pending further legislative review and action. (If such an instruction were not voted by the legislative body, the Executive would be automatically empowered to sign the contract and the union would proceed with its ratification processes.)
 - iv. If the legislative body voted to instruct the Executive to delay, the Charter should permit a maximum of ten more working days in which to take definitive action on the draft contract. This should take the form of a vote to accept or reject the full draft of the contract. If no such vote occurs within these ten days, or if a motion to reject is defeated, the Executive should be empowered to sign and the union should proceed with its ratification processes.
 - v. If a simple majority of the legislative body voted to reject the contract, its vote should only be binding if accompanied by a public report, endorsed by a majority, which specifies at least one way in which the contract could be made acceptable. (This report should not bind the Executive to propose only the amendments stipulated, nor should it bar the legislative body from later acceptance of a different package. It should simply require the legislative body to state at least one way in which its objections could be satisfied).

vi. In the event of a legislative vote to reject the draft contract, the Executive should be authorized to resume negotiations. Any new draft contract subsequently developed should be subjected to this same approval process when it has reached the point of agreement between the Executive and the union leadership.

D. The present offices and staffs of the Chief Administrative Officer, the County Counsel, and the Board services section of the Executive Office should come under the direct supervision of the Executive.

E. The Executive should have the power to convene the legislative body in emergency meeting to consider such items and topics as he sees fit to put before it.

4. *Veto*

A. The Executive should have the power to veto any ordinance passed by the legislative body within ten working days of its passage.

B. He should also be empowered to veto any item (addition or deletion) in the annual budget passed by the legislative body which differs from his own budget proposals.

C. Each such veto should be subject to legislative override by vote of a two-thirds majority.

5. *Relation to Independently Elected Officials*

A. The budget requests of the Sheriff, the District Attorney and the Assessor should receive central review and result in an independent recommendation to the legislative body by the Executive.

B. These officials should continue to enjoy autonomy in deploying the resources provided them, subject only to such reasonable reporting requirements as the legislative body may establish.

C. The Executive should be given the right to institute regular and ad hoc management audits of these Departments unless, upon petition of the relevant elected official, the legislative body shall, by vote of a simple majority, place a moratorium on such audits. Such moratoria should be valid only if enacted for a designated period of time and with respect to specifically designated sections of the affected department.

6. *Removal*

The Executive should be subject to the same recall procedures which now apply to independently elected officials. (A petition must be filed with the Registrar of Voters containing the signatures of at least 15% of the number of people within the County who voted for all candidates for Governor in the preceding election.)

In the event of death or resignation of the Executive, the Principal Deputy should be empowered to serve in an Acting Capacity until a special election can be held to fill the office for the remainder of the term. The election should be held a minimum of 45 and a maximum of 60 days following the vacancy.

THE LEGISLATIVE ROLE

The executive structure that we recommend can function satisfactorily only if the Board of Supervisors is reconstituted into a strong and independent County Legislature. This body should be larger than the present Board in order to provide more adequate representation for an increasingly diverse citizenry. The new body should inherit from the Board all powers to enact local ordinances, it should retain a decisive role in the budget process, it should be empowered to exert other appropriate checks on action by the Executive, and it should become the County's principal forum for debate and decision on issues of broad policy. Our staff's analysis indicates that this enlargement can be accomplished with no increase in total cost to the County.

The analysis of present Board operations presented in Part I makes it clear that legislative functions have been the chronic losers of Supervisors' time and attention as the County has mushroomed and the process of executive action has become more demanding. A legislative body would normally be the place in which local interests are represented and mediated. It would be the forum in which County-wide policies are debated and criteria for distributing resources are discussed and established. However, in Los Angeles County at present, given the combination of executive with legislative functions, these roles are underplayed. The 180 items now on the Board's weekly agenda cannot be put aside while the Supervisors debate underlying policies and principles. Conscientious preparation and action on these items absorb great quantities of members' time, yet few present an appropriate occasion for thorough study followed by full-scale debate of County policy. We get "divide-by-five" as the usual replacement for discussion of more complex criteria for expending County funds. The Supervisor's other executive roles crowd out much of the frequent interaction with community groups and constituents which makes most local governments so much more visible and responsive than the County.

Finally, despite periodic investigative campaigns by particular Supervisors, the fact that the present Board is ultimately responsible for executive action as well as legislation has precluded much of the systematic, hard-nosed review and criticisms of County operations which may normally be expected of a legislature. This absence is particularly striking with respect to intra-district allocations (e.g., road construction funds) which are the traditional preserve of each Supervisor.

This subordination of the legislative role is firmly rooted in the present structure, which in turn finds its origin in the 19th Century conception of the county as essentially an administrative subdivision of state government. As such, the county was assumed to have little discretion to consider alternative policies. Legislative decisions were to be made at the state level except for those powers traditionally left in the hands of city administrations, which were provided with their own legislative machinery. The county leadership, as the titles of the present Board members imply, existed primarily to "supervise" the delivery of a limited number of services in unincorporated areas. The combination of executive and legislative functions in the Board implicitly accepts a value hierarchy which places the involvement of elected district representatives in the executive process above their performance of the traditional legislative functions: representation and mediation of local interests, drafting and enactment of ordinances, debate and decision on Countywide policies, standards, and criteria of need for public services; establishment of priorities among legitimate but competing claims on resources, and review and constructive criticism of executive operations.

We believe that this hierarchy is no longer appropriate. The Los Angeles County of 1976 bears no resemblance to its 19th Century forbearer. Although the County does serve as an administrative arm of the State for some purposes, it is never totally without discretion and frequently has the freedom to act (or not to act) within the broadest State or Federal guidelines. Its takeover of services previously provided by the City of Los Angeles (health in particular), together with its responsibility for other services often provided by cities, and its large program of contract services for smaller cities, have made it a prime service delivery mechanism. Federal action is steadily adding to this significance by basing the distribution of many forms of Federal aid upon the plans and priorities of regional and sub-regional general-purpose government, such as the County, rather than those of municipal or special-purpose authorities. In short, the discretionary actions of Los Angeles County represent the most powerful single factor in the complex process by which vital public services in this area are provided and financed.

The object of a legislature is to make certain that the discretionary actions of government express the will of the governed. Given the County's now enormous role in service provision, the case for a strong legislative branch in the County is as powerful as that supporting the State Legislature or any city council. Only by enhancing the legislative

role will citizens find a way to open County government operations to public review, scrutiny and discussion. Without this function policy-making will continue to be internal and invisible.

We think that the case becomes even more powerful with the concentration of the executive powers in the hands of a new official elected County-wide. Precisely because this Executive will be elected from such a broad constituency, there will be a constant need to balance the County-wide perspective with sensitivity to the special requirements and concerns of individual communities. Ordinances governing operations will need to be more tightly and carefully drawn than they have traditionally been in a system in which each Supervisor has his own fief and can interpret ordinances as he sees fit within it. The only circumstance under which the need for creating a full legislative role would not be compelling is if the County were to return to its very early role as a limited service provider. If all municipal functions were returned to the cities, and all unincorporated areas separately incorporated or annexed to nearby municipalities, local councils would become the forum for representation and debate. But as we have noted, the press of events now seems to be increasing, not decreasing, the County's role. It is time to adjust County institutions to these facts of life.

The Executive's capacity and political incentive to produce innovative programmatic proposals will require an equal legislative ability to respond and to suggest alternatives—as well as the expertise to understand and debate the financial arrangements proposed to support any new departures. Legislative scrutiny of operations becomes even more important when those operations are controlled by a single official; indeed, the entire issue of improving the openness of County government is largely a question of the strength and knowledge of the new legislative branch. Democracies are heavily dependent on a creative tension between legislative and executive authorities. It is fully as important to establish a legislative arm that meets this test as it is to establish an executive arm.

The Question of Size

We believe that the reconstituted County Legislature should be comprised of nine members, who should be elected from geographical districts of equal population. It is also critical that, unlike the present Supervisorial districts, these lines be drawn with scrupulous regard for the criteria established in State law, especially cohesiveness, contiguity, integrity, compactness, and community of interest. Legislators should be elected for four year terms, and the terms of incumbents should be staggered so that at least 4 seats come open every two years. Vacancies should be filled by special election no more than 60 days following the demise or resignation of an incumbent. We want to emphasize that expansion of the current Board is integrally related to adoption of the

elected Executive and separation of the legislative function; were the Board to retain its current functions, we would recommend against any enlargement.

These suggestions are designed to deal with perhaps the most frequently-noted defect of County government: that each of its elected officials now represents 1.4 million people. The scale of these districts has too often led to under representation, particularly in the case of racial and ethnic minorities. Separation of the legislative role offers the opportunity to remedy this weakness, but it does not dictate the proper prescription. We have examined a variety of patterns and ratios in use in comparable jurisdictions elsewhere in the country, but we find that they vary so greatly that they provide very little useful guidance beyond the basic observation that by all standards the citizen of Los Angeles is grossly underrepresented. The standards in use by other representative bodies in this area also provide a variety of quite different options. If one used the population ratio represented by the City Council of the City of Los Angeles, the County Legislature would have about 45 members. The ratio used in neighboring Orange County would yield 21. Our County contains the bulk of 15 Congressional districts, 27 State Assembly districts, and 13 State Senatorial districts. Any of these boundaries could be used for the selection of County legislators as well, but there is no guarantee that results would be superior to those of another districting arrangement.

Amid these uncertainties, we believe that there are cogent reasons for proposing a Legislature of relatively modest size. First, reform should not present an excuse for the cost of County government to rise. Second, the proliferation of committees and their associated bureaucracies which characterize large legislatures do not always contribute to the representational ideals we seek to serve. Third, as a matter of practical politics, it is likely to be easier in the future to increase than to decrease the size of the body according to the lessons of experience.

We believe a body of nine members best satisfies these conflicting concerns. This would cut the present Supervisorial constituencies by almost half, to about 780,000 people per district. Yet each district would still contain the population of a city larger than San Francisco, so that the danger that a seat could be captured by a splinter minority would be minimized. Judicious distribution of the 134 staff positions now assigned to the Supervisors, together with the funds which support them, should make it possible to budget for the new legislators and the smaller personal staffs appropriate to their function with virtually no increase in overall cost. Perhaps most important, the drawing of new lines would permit correction of the many anomalies in the current pattern of districts, problems which have moved the County Economy and Efficiency Commission to observe that the present lines "violate the principles of cohesiveness, compactness, and community of interests." To assure impartiality, we would propose that the new lines be

drawn by a seven member Commission, five appointed by the existing Board of Supervisors and two additional members selected by the five Commissioners themselves.

In developing this recommendation, we have considered at some length the possibility of suggesting that some members of the Legislature be elected at-large. This pattern has been adopted in many jurisdictions in order to provide incentive for at least some members to adopt a system-wide perspective as a balance to the narrower frames of reference of their colleagues. It is our view, however, that the proposed elected Executive should provide enough influence for the County-wide view to make it unnecessary for that perspective to be explicitly represented in the Legislature. We are also concerned that the great cost involved in running County-wide would, as a practical matter, exclude many worthy candidates of modest means. (This concern is less pressing in the case of the Executive because such positions have shown substantially greater power to attract large numbers of small contributions.) Finally, our review of experience elsewhere gives us reason to doubt the efficacy of at-large election as a way of producing a system-wide view. Very often, we find, holders of such seats are fully as oriented as district representatives to specific factions in the electorate, and have achieved office primarily because they represented specific constituencies or points of view on a ticket or slate of candidates. Such balancing is not in itself objectionable, but it does reduce the probability that a less specialized view will be represented in legislative deliberations by the person elected at-large. For all these reasons, we believe that the Legislature should be entirely comprised of representatives elected in equal single-member districts.

Expansion of the Board Without an Executive

We have also considered whether enlargement or other change in the legislative role of the present Board would be sensible if the recommended shift to a separation of powers and creation of a strong executive were not accepted. We have concluded that a simple enlargement of the present Board with no change in its functions would be a mistake. Such an enlargement was rejected by 60% of the electorate in 1962, and we believe that if proposed it should be rejected again.

As long as the Board's functions are dominated by its role in the executive process, only greater parochialism and delay are likely to result from its expansion. Put another way, there is no reason to believe that seven or nine fiefdoms would be better than five. It is only when the executive function is vested in a single accountable official and the legislative function is expanded to its rightful scale that a reconstituted and expanded body is appropriate.

Legislative Powers

The powers that we believe are most critical to an effective County Legislature are the following:

1 *Lawmaking*

- A The Legislature should inherit all of the powers of the present Board to initiate amendments of the County Charter, to put questions to referendum, and to petition the State Legislature on behalf of the County
- B. The Legislature should have all powers to enact ordinances, resolutions, and other such measures which are granted to the County under State law.
- C The Legislature should be authorized to conduct public hearings on matters relating to pending ordinances or investigations

2. *Supervision of the Executive*

- A A positive vote of a simple majority of the full membership of the Legislature should be required in order to make effective the Executive's appointment of any of the executive branch officials listed on page 63 of this Report.
- B Appropriation by the Legislature should be the sole basis for the expenditure of any and all funds—including those from State, Federal, or private sources—available to the County. These appropriations should be made in the course of a budget process in which the Legislature has the decisive role, both in setting tax rates and in regulating expenditures, subject to the procedural limitations suggested on page 64
- C. The Legislature should have the power to prevent the conclusion of a collective bargaining contract, subject to the requirement that a majority state its reasons for disapproval and at least one way in which those objections could be overcome (See the procedure outlined on page 65.)
- D. The Legislature should be empowered to request and receive from the Executive regular reports on the quality of County services and the productivity of programs.
- E. By a positive vote of a simple majority of the full membership, the Legislature should be empowered to launch investigations or

inquiries into County operations. In this connection, it should be able to require the sworn testimony of any County official, to subpoena any document except those relating to a current collective bargaining negotiation or court action, and to bring an action for contempt against any official who fails to comply with proper exercise of powers.

3. *Internal Organization and Procedures*

- A. The County Legislature should be empowered to establish committees and rules of procedure and to delegate the exercise of any power for which the Charter does not require a separate action by the full membership.
- B. The County Legislature should have complete authority to regulate expenditures for its own operations except that such expenditures should be subject to the same audit procedures established for all County operations.
- C. The functions now in the Executive Office of the Board, except those concerned with the agenda process, should continue to reside in the legislative branch.
- D. Vacancies in the Legislature should be filled by special election for the remainder of the affected term within no less than 45 and no more than 60 days of the occurrence of the vacancy.

THE AUDITING ROLE

Separation of the executive and legislative powers poses the question of the proper location of the financial audit functions now performed by the Auditor-Controller, who is appointed by the Board of Supervisors as the head of a Department which is equal in status to all other County departments. We believe that in a new structure this office should report to the legislative authority and that the Charter should provide that it be filled for a fixed and prolonged term by a professional with demonstrable fiscal experience. The establishment of this office should not, however, preclude the Executive from maintaining the management audit function and staff which now serve the CAO. The focus of the Auditor-Controller should continue to be on detailed, financially-oriented audits.

The absence of an auditor independent of the executive is yet another respect in which Los Angeles County differs from most large governments. It has been generally regarded as prudent elsewhere to select an informed and authoritative officer with a clear right to conduct regular

audits of transactions and to launch any special probes of such activities as he may decide to undertake. This officer need not depend upon the executive authority for appointment, for duty assignments, for decisions on his personal compensation, or for permission to publish critical findings. In practice, because of the personal strength and integrity of appointees to the post of Auditor-Controller, it appears that the County has not yet suffered noticeably from the fact that the office is now subject to the authority of the very executive whose activities it must review. This history is encouraging, but, in the increasingly contentious times which lie ahead, we do not believe that this relation should be maintained. The Federal government model, in which the Comptroller General reports to the congress, seems to us to offer the proper insulation from the subject under review and to provide the capacity that the Legislature should have to delve into financial detail where necessary.

The appropriate method of selection of this officer is subject to reasonable controversy. We have considered the possibility that the office could be made elective, a system in use in a wide variety of jurisdictions. This would assure the independence of the incumbent, bolster his/her stature and attention-getting capacity, and place the choice directly in the hands of the people. However, we are concerned that these very advantages may entail factors which would frustrate the qualities we seek. Elective status might encourage the office to be seen as a stepping stone for politicians intent upon discrediting other officials so as to forward their own careers. The result could be audit reports more sensational than accurate. Alternatively, it could become a consolation prize for political aspirants who have, at least temporarily, failed in their attempts to be elected to another post. In either case, there would be very limited incentive for the incumbent to concentrate on building the staff expertise and continuity of attention which can make an auditing agency both a vigilant force to root out financial incompetence and irregularities, and a constructive source of innovation in improving financial management.

Thus, we have concluded that the position should be filled by appointment through a majority vote of the County Legislature. In order to protect against political pressures and encourage continuity, the appointment should be for terms of ten years each. Removal should be possible only by a 2/3 vote of the Legislature, and only for proven incompetence, conviction of a felony, physical incapacitation, or attainment of a statutorily-set retirement age. To qualify, the prospective appointee should be required to have at least 10 years of senior-level experience in financial management, preferably in the public sector.

PART III—THE ISSUE OF COST

Our proposals raise two very different levels of questions about the balance between costs and savings to be expected from a new central structure. The first is whether the new arrangements offer a reasonable prospect of slowing the mushrooming growth of the County budget as a whole, growth which has averaged 33% per year for the past quarter century. At this level, potential savings are measured in tens and hundreds of millions of dollars. However, there is a second level which concerns the direct costs of the new and expanded central offices that we recommend. Although the amounts of money involved here can disappear in the rounding process within a \$3 billion budget, it is still important to examine these effects as well.

PROSPECTS FOR MAJOR BUDGET SAVINGS

The diagnostic section of this Report states our view that there is no reason to expect the current central structure of the County to produce any marked reduction in the growth of expenditures or tax rate. This, then, is the proper standard against which to measure the financial effects of an alternative structure. The question is not whether absolute reductions can be made in current spending levels, but whether future growth can be sharply reduced.

We believe that it can, but only if the central County authorities are given the mandate, the managerial tools, and the political imperatives to make the necessary savings. It is impossible in advance to specify the size of the burden which the new structure can avoid putting on the taxpayer, but we suspect that it can be very substantial. This reflects our confidence that an Executive with clear line authority and accountability, stimulated and overseen by an active Legislature, could extract major savings through such steps as the following:

- A. Detailed examination of the 95 to 98 percent of the budget which is in the "base" of programs approved in previous years.

- B. Review of the current program structure to see where the "divide by five" principle has added unneeded expenditures in some districts to balance genuine needs in others.
- C. Dissection of the major elements in County cost which, as in the case of street sweeping and signal maintenance, have kept them much higher than those of private providers of the same services
- D. Reform of budget and accounting systems so as to relate expenditures to performance of tasks, rather than to line items or other less useful points of reference.
- E. Introduction of a strong, durable, top management commitment to measure and improve the productivity of both employees and equipment.
- F. Unification of the responsibility for collective bargaining, which determines the bulk of the County payroll, with the responsibility for administering the budget.
- G. Identification of a County spokesperson and advocate who can present a coherent position in Sacramento and Washington, where the real decisions on the fate of the local taxpayer are more and more often made, and who will be accountable and visible if the cost of government rises.

It is not inevitable that these and other necessary actions will be taken within the structure we propose. But we believe that the politics of a separated and more representative system will encourage them. And we do not believe that such steps will emerge from the current organization. The taxpayers' only real hope for the quality and coherence of management that can retard the growth of their burden is to create central County offices and a balance of tension between them that are likely to yield this kind of management. Where the resources at stake are measured in the tens and hundreds of millions, nothing less promises to make a real difference.

DIRECT COSTS OF THE NEW OFFICES

There is also justifiable concern about the much smaller, but not negligible cost implications of the recommended offices themselves. In this respect, our recommendations ought to be evaluated in light of two considerations. The first is that the costs of the existing central decision making institutions, structured through the plural executive, are rising very rapidly. The second is that we believe there is no reason to expect

any substantial increase in expenses incurred through the proposed separation of powers structure if care is taken to place appropriate limits on the staffing patterns used in the new form and monitoring devices are available to see that these limits are conscientiously observed.

The Rising Cost of the Current Structure

There is general awareness that the County has not grown in population in the last five years, but that the expenditures of its government have risen. What is less widely recognized is that the direct costs of the central executive structure have risen at an even more rapid rate than comparable expenditures Countywide. To be specific, expenditures by the Board of Supervisors have increased over 100% in the last five years, as compared with a 38% increase in costs Countywide. (Chart VII compares growth rates for the Board, the Chief Administrative Office and the County government as a whole since 1970-71.)

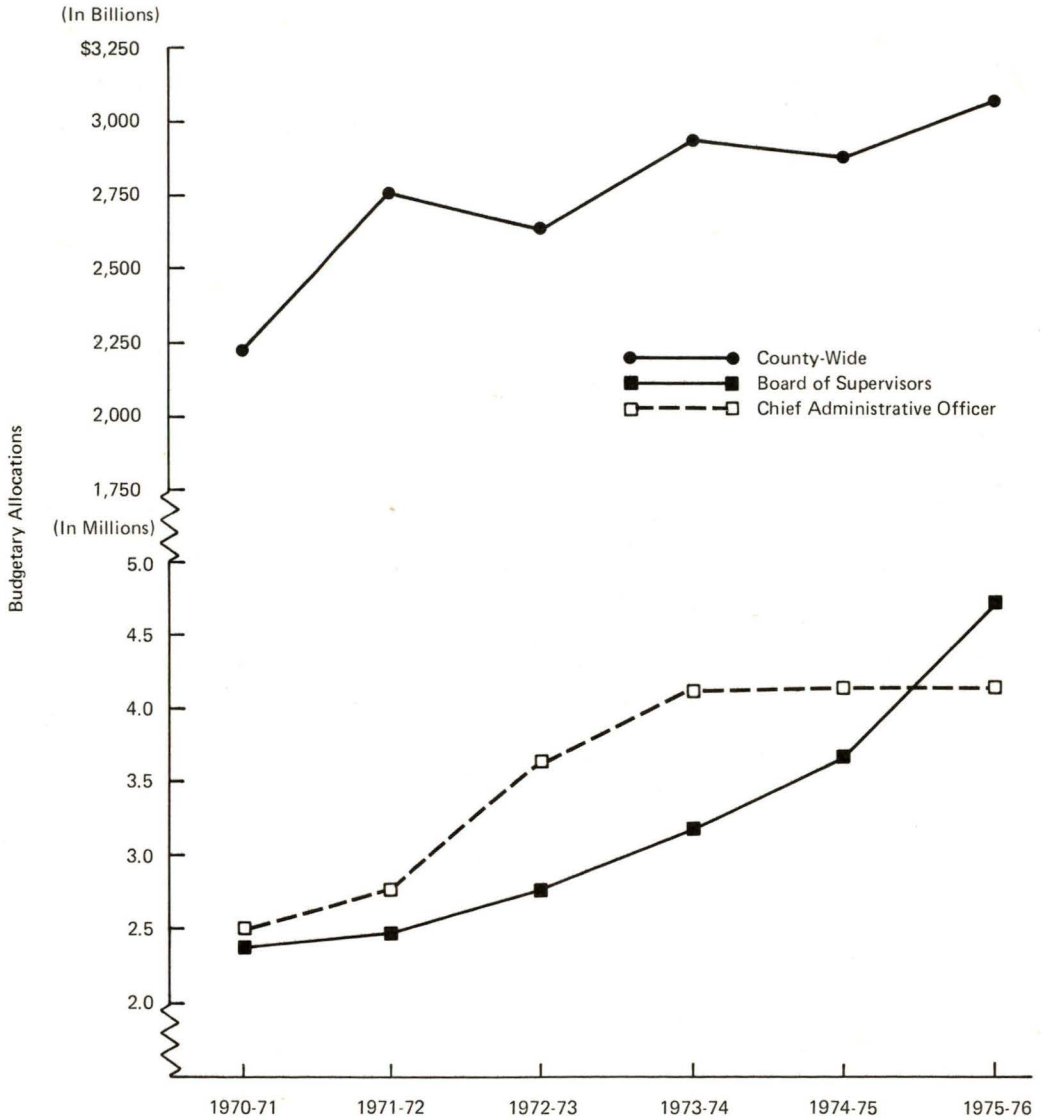
The most striking increase has been in the staffing of the Board of Supervisors. There are now no limits imposed upon the size of supervisorial staffs, except as established by the Supervisors as a group in the budget process. The personnel budgets of the five offices now total \$2.6 million, more than double the \$1.2 million in 1970-71. There are 134 personal staff people serving the Supervisors, almost double the number employed in 1970. This is in addition to the 71 members of the Executive Office of the Board, which serves the Board as a whole. Chart VIII shows the growth in salary expenditures for staff in each Board office by supervisorial district over the last five years.

The County's personnel procedures result in translation of any increase in the staffs of the elected officials into an increase in the permanent bureaucracy because the staffs of the Supervisors are appointed into the civil service system. When a Supervisor leaves office, staff members either remain as staff to the new incumbent or are transferred to other County departments. They do not serve only for the length of the term of the elected official himself.

It is impossible to compute precisely the magnitude of the extra indirect costs imposed by the current central executive structure. However, our Staff Reports have indicated that very substantial amounts of time are spent by the heads of County operating departments in dealing with the Board. The Road Commissioner spends about 30% of his time on Board related business during an average week; the Director of Health Services estimates that he spends well over 50% of his time responding to Board inquiries, and he has an Administrative Assistant whose sole responsibility is liaison with supervisorial offices. The regional directors of the health service regions spend 25-30% of their time on such activity. This is in addition to time spent on budget matters with the CAO.

CHART VII

BUDGETARY ALLOCATION GROWTH RATE COMPARISON BETWEEN COUNTY-WIDE AND CENTRAL-EXECUTIVE STRUCTURE ALLOWANCES*, 1970-71 to 1975-76



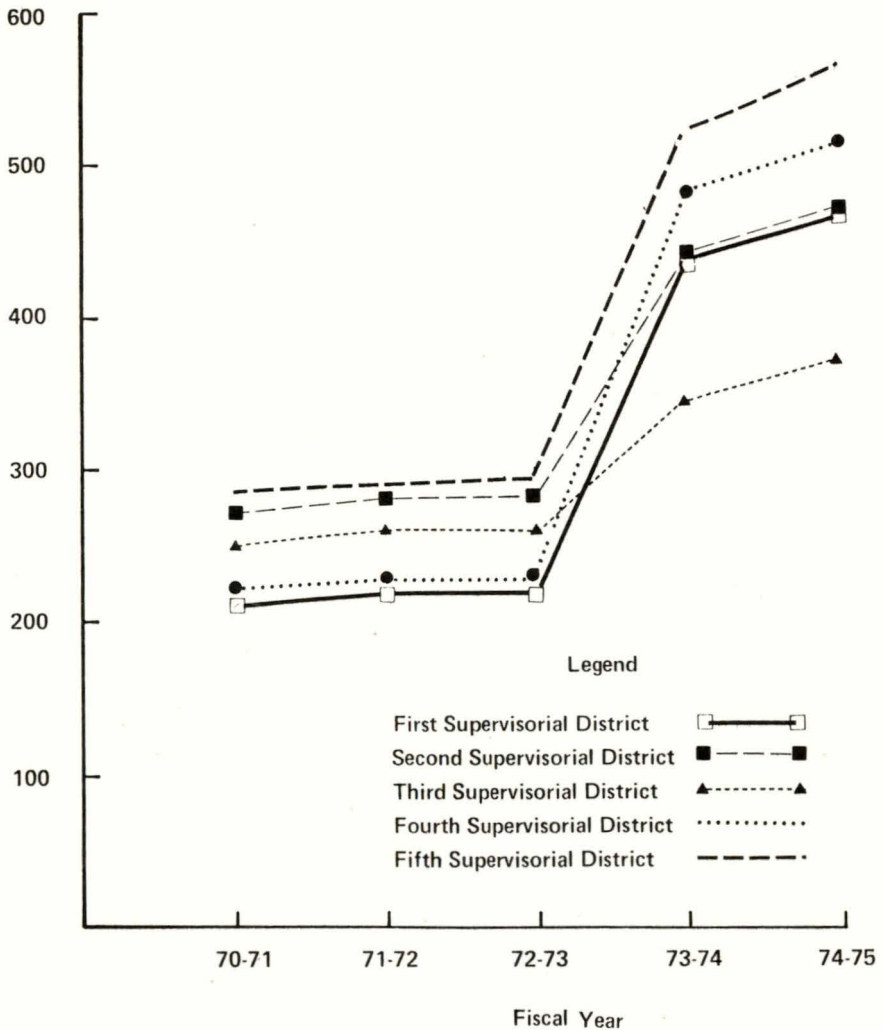
Source: County Budget

*Expenditures Used are the Sum of:

- Salaries and Employee Benefits
- Services and Supplies
- Fixed Assets

CHART VIII **BOARD OF SUPERVISORS SALARY** **EXPENDITURES FOR BOARD OFFICE STAFF***

EXPENDITURES
(In Thousands of Dollars)



*Figures given are annual expenditure rates as of the last day of the fiscal year.

Source: Board of Supervisors

While it is clearly desirable that the heads of major operating agencies stay in contact with the central executive, this heavy commitment arises because each department head must see each Supervisor individually on issues of importance to him. In addition, department heads spend a substantial amount of time each Tuesday when the Board meets waiting to appear on whatever item for their department is on the agenda. Because the agenda is not timed, they must often wait several hours to oversee the approval of an agenda item which may occupy only a minute or less of the Board's attention. Since the average salary of appointed County department heads is \$37,000, if we assume that each spends approximately 25-30% of his time on Board matters, the cost to the taxpayers is approximately \$500,000 per year, before counting the time spent by staff aides and other employees. While the time spent by operating agency heads reporting to a single Executive would not fall to zero, some time saving is likely to result from the shift.

THE COST OF THE PROPOSED STRUCTURE

The new structure we have proposed involves the establishment of a new County Executive, and the expansion of the County Legislature from the current five to nine members. We believe that these changes can be accomplished with no increase in direct costs to the County, except for approximately \$225,000 in salaries for the Executive and four new Legislators, because the costs of central management today are already heavily related to executive functions. They provide a pool of labor for the new Executive and Legislators. The veritable explosion in supervisorial staffs arises from the disjunction between the district-oriented focus of the Board members and the Countywide perspective of their principal formal staff aid, the CAO. This gap increasingly implies to each Supervisor that he must have his own staff to perform the executive roles for which he is responsible—preparing to vote on each agenda item and informing himself about the departments in which he is most interested. With the creation of a strong Executive these functions would be reassigned. Thus the Board could operate with staff assigned only to perform representational and policy making, but not managerial, functions.

The proposed central Executive would have available to him within the existing structure a quite adequate pool of staff resources. These can be provided from the reorganization of three offices. The first is the absorption of the 175 employees of the Chief Administrative Office, which now prepares the budget, provides for the supervision of operations, and produces management audits. The second is from the absorption of staff and functions of a portion of what is now the Executive Office of the Board. The Executive Office currently acts as the secretariat of the Board as a whole. About 1/3 of its 71 positions are assigned

to Board services, such as the preparation of the agenda. Since these functions would cease to exist, the staff could be used to provide executive support services. Another 1/3 of the Executive Office now provides administrative services, such as the keeping of Board information and records. These might suitably remain as core staff for the legislative body. The remaining 1/3 of the Executive Office provides special services to the quasi-judicial bodies, such as the Assessment Appeals Board, and services joint power agreements. This staff might also be transferred to the Legislature.

The third staff resource available would arise from the shift of executive functions from the Board to the new Executive. The average Supervisor is now served by 26 staff people. Were each of the new Legislators to be served by a 14-person staff in the future, as is the average for the Los Angeles City Council, the nine members of the new legislative body would require 126 personal staff members. This would free eight of the current total of 134 supervisorial staff for transfer to the Executive.

Thus with no additional positions budgeted, a central Executive staff of approximately 207 persons and a legislative staff of about 174 persons could be created. This compares with a current central executive staff of 201 in the City of Los Angeles, and a legislative staff of 257 persons serving the larger (15 person) City Council.

It is important to emphasize that the cost-saving shifts of personnel would not be likely to take place unless considerable attention were given to monitoring them. There is now no formal organization chart for supervisorial offices, no limit on the size of staff, and no mandatory budget which cannot be exceeded. Moreover, the Board staff has never been audited by an outside agency, and inventory control on office equipment will be introduced for the first time in February 1976. Under a system with so few controls it is not likely that the costs of reorganizing the central executive structure would be spontaneously so closely controlled as to produce the indicated ceiling on additional costs. But, given the sensitivity of both the government and the citizens of the County to the rising cost of public services, there is reason to believe that an attitude of careful attention to the control of the cost of government could be instituted along with the proposed improvements in structure.

PART IV—THE URGENCY OF ACTION

Some will see conflict between our conclusion that County government is not yet in desperate straits and our recommendation that its structure be fundamentally altered. We do not agree. Indeed, as we have said, we regard it as regrettable that so many major renovations of local governments occur in the aftermath of great crisis or scandal, or because of the prospect of imminent collapse. Such conditions must distort both diagnosis and prescription, as well as public debate of longer-term issues. The true test of a polity is not whether it can reform itself under such threatening circumstances, but whether it is capable of self-assessment and reform before the situation becomes desperate.

We believe that the evidence of the need for reform is clear to any objective eye. The question now is whether citizens are ready to exercise their right and responsibility to shape a government which can best understand and express their will. Under California State law, these changes must be put before the voters in the form of proposed Charter amendments. This process can be initiated either by the Board of Supervisors or through a petition process. We very much hope that the Supervisors will stimulate the necessary debate and then provide the electorate with the opportunity to decide the issue at the polls.

In a democracy, citizens receive the quality of government that they deserve. Whether Los Angeles County can return to its position of leadership among local governments will be determined in the next few months. The verdict lies with the people.

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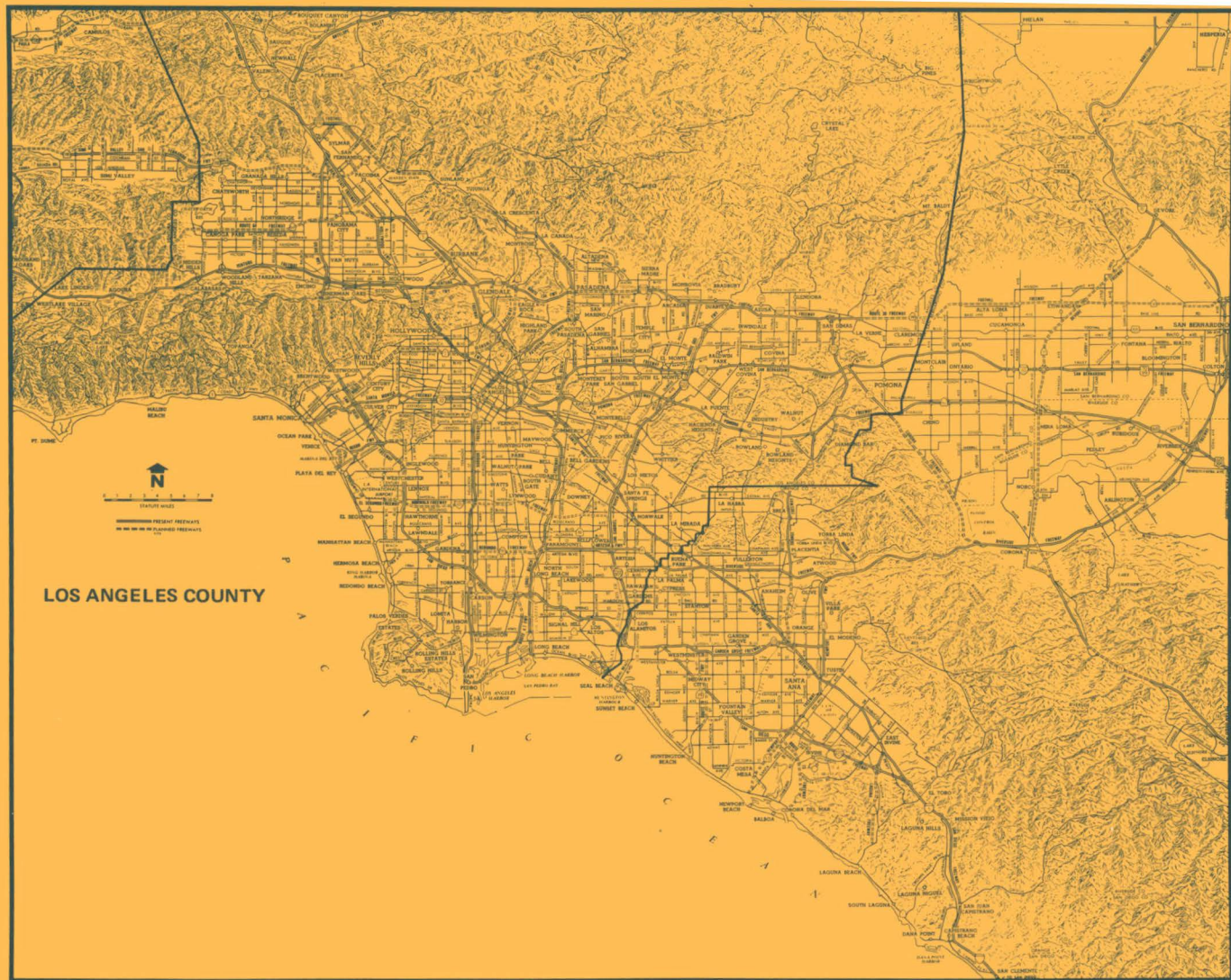
*The staff directors were the only staff to the Public Commission who served for the duration of its work. All other staff persons worked on an intermittent basis.

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LOS ANGELES COUNTY

The Public Commission on County Government is composed entirely of private citizens serving in their individual rather than their professional capacities. The Commission has no connection with the government of Los Angeles County nor with any other public or private body.

The membership is as follows:

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Willie Davis	Dorothy W. Nelson
Richard C. Gilman	Joseph R. Rensch
Evon Gotlieb	William Robertson
Seth M. Hufstedler	Armando Rodriguez
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