

Minority Report: A dissention

The conclusions expressed in this dissenting minority report are based upon the information previously identified in this document, then supplemented by careful review of the published scholarly and professional practitioner literature. The conclusions expressed here result from a focused analysis on the effects of the structure of county government on government performance. The analysis intentionally excluded evaluation of policy issues or incumbent performance; as those factors are not germane to the charge of this study commission. Unlike the majority report, this dissent will note findings drawn from objective analysis, and forego subjective, undocumented allegations.

Attributes of the Commission form of Government

1. Accountability: The direct election of each commissioner is more accountable. The three-member Board of Commissioners, elected in at-large elections affords all county voters the opportunity to directly elect, and likewise hold accountable, each of their government leaders.
2. Transparency: The commission form is the more transparent. Under law, Commissioners are required to conduct the administration of county business openly, in regularly scheduled public meetings. The entire county budgeting process, from initial departmental request to final proposed budget allocation, is open to public review. Prison Board and commission proceedings are open.
3. Checks-and-balances: The commission form provides more safeguards. The elected row offices limit the breadth of authority of the Board of Commissioners. All major decision-makers, commissioners and row officers, answer directly to the voters. The Commission structure operating under open meeting laws, with three elected, visible, full-time commissioners accountable to all county voters is more resistant to capture by special interests.
4. Administration: The commission structure *per se* does not preclude administrative efficiency, accountability, or innovation. Pennsylvania's 67 counties vary widely in demographic and economic conditions. In 2007, sixty (60) Pennsylvania counties operate under the commission form of government. The commission form of government has proved to provide elected officials with the latitude to adapt to conditions for over 167 years. Creative leadership can succeed in the current commission structure.

The Proposed Home Rule form of Government

5. Accountability: The part-time legislature will be less accountable. Increased numbers of elected legislators increases politics and leads to both log-rolling and finger-pointing. A part-time legislature, with minimal resources, and few (if any) support services will be completely dependent on the permanent, full-time appointed "executive". There will likely be less information available on legislator's activities, as media tends to focus on readily accessible officials. The full-time appointed "executive" will become the most powerful and visible actor in government. The voters do not elect the leading decision-maker in government. The "executive" needs support from only three legislators to gain and retain the position. The people are provided with the initiative and referendum instruments, but the procedures necessary to accomplish either are so demanding as to make them unworkable. The proposed charter in fact reduces accountability.
6. Transparency: Only the two monthly meetings of the legislature are open to the public, compared to the eight open meetings of the commission form. All administrative decision-making, including personnel appointments and remuneration issues, is removed from public view

and no longer subject to open meeting laws. Only the final product of the budget process is made public, the entire sequence leading to budget proposal will be closed. The Prison Board, providing professional oversight of 23% (\$4.5 million) of the county budget, will be eliminated. The proposed charter reduces transparency.

7. Checks-and-balances: There is no veto power over any action of the legislature. Any duly concluded action of the legislature must be implemented by the appointed “executive”. The appointed “executive” has no power to resist bad legislative decisions. The appointed “executive” form proposed in this charter is more susceptible to lobbying pressures being brought to bear by special interests. As proposed in this charter, the Controller is not a check on legislative power. The Controller must allow approved legislative expenditures. Likewise, there is no check on the Controller. The Controller determines the number, frequency, and extent of audits to be accomplished. Professional qualifications for the position are not assured in the proposed charter.

8. Administration: The proposed appointed ‘executive’ form *per se* cannot guarantee either administrative efficiency, improved accountability, innovation, or cost savings. The government structure in this home rule proposal closely resembles the Keystone Central School District model, with the part-time elected board appointing a professional “executive” i.e., the superintendent. There are lessons to be drawn from that comparison.

Conclusion:

Which is the better form of government? Neither the scholarly literature nor professional practitioner publications identify a clearly superior form of government. The commission, council-elected executive, and council-appointed administrator forms each have unique attributes, and perform more or less effectively in various contexts and under differing conditions.

Which form of government costs more? Again, research has produced no clear answer. The form of government is less related to cost of government than are factors such as population growth, income, tax base, or currency of real property assessment. Within the scholarly literature, there have been findings that in rapidly growing counties, adoption of home rule did lead to increases in total spending for traditional services, and did facilitate the expansion of current and the addition of new services. (Benton, 2003) There are also findings that in comparing the commission structure with the legislative-appointed administrator model (as proposed for Clinton County), the appointed administrator “*per se* does not lead to either higher or lower county spending.” (Campbell & Turnbull, 2003)

Basically, there are no unambiguous or definitive conclusions that government administrative costs are associated with government structure. Nor are there definitive findings that costs to citizens are significantly lower under either form. There is no evidence that a change to home rule carries an assurance of cost savings or reduced taxes. It is not the structure of government that determines those outcomes.

There are however, factors that are associated with structure of government. Under the commission form, three elected officials work full-time on the people’s business as their primary occupation for which they receive appropriate compensation. The commissioners both represent the public, and implement their policies. When a decision is made, it is implemented. In the proposed form, five modestly paid elected legislators assemble twice a month. They represent the public, then turn over implementation to an appointed “executive”. A decision may be made, but implementation is not certain.

The commission form assures that elected officials directly representing the public are in liaison with the numerous boards, commissions, task-forces, authorities, etc.(approximately 29 currently) that also serve the public interest. Under home rule, who will perform these critical liaison functions? The actions of three full-time elected commissioners housed in a county courthouse are more visible to the public. The likelihood of government susceptibility to influence by special interests is thus lower under the commission structure.

The majority alleges many “faults” in the current government structure. One should examine their assumptions carefully. Upon doing so, one may find that they fail to provide a sound rationale or sufficient evidence. One should also examine their claims regarding improvements they offer. Instead of conclusions drawn from actual published studies of county government, one will find only conjecture and assurances, no guarantees. Where the majority concludes with the claim “our study indicates that new industry is generally more receptive to locating in a community whose governmental administration is professional in nature” one should be aware that neither materials examined by the Study Commission nor published literature supports such a claim. The majority has no basis upon which to make such an assertion and it is therefore misleading.

The Study Commission was provided with the opportunity to genuinely study Clinton County government and make recommendations that would serve to preserve the good, improve the flaws, and be acceptable to the citizens. Such improvements as redefining the position of Chief Clerk into Chief Clerk/Chief Financial Officer to improve fiscal operations of the county, or revising the procedure for adoption of ordinances, or expanding citizen oversight, etc. are all possible in this commission form of government. Yes, future elected officials could make revisions, they could continue procedures that worked, and abandon those that did not. They would have the flexibility to respond to changing circumstances, as they should. Unfortunately, the home rule charter proposed here fails to meet any of those expectations. Rather than take the conservative course of action and improve on a system whose workings are known. the majority chose to take the radical action of abandoning the current government with little regard to the unanticipated outcomes any new institutional arrangements will generate.

We do not support this course of action or proposed charter, and respectfully encourage you, after careful review, to reject it also.

Respectfully Submitted,

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