

Looking at the facts of this measure show you it is a poorly worded measure, fraught with inconsistencies and legal problems. This measure chips away at the rights of the people to use the charter in administrative matters, allowing the state legislature to set salaries that will be paid with the county revenue, taking away from local projects, services and employees. VOTE NO on Measure 4-123!

The Facts

- This measure changes the charter, making a new law, setting a salary for a state employee to be paid by county tax dollars and timber revenue.
- This measure ties a job from the executive branch of government to a job from the judicial branch of government. It would have been more proper to compare a district attorney's salary to that of the governor at \$93,600, or attorney general at \$77,200, since all three are part of the executive branch, take relatively the same amount of education, skills, legal knowledge and diplomacy to perform.
- This measure is regarding an issue that is a matter for the state Legislature to fix, not the people of Clatsop County.
- This measure is against Oregon state laws (ORS 8.790) and the state of Oregon Constitution (Article VI sec 10). It will be challenged in court if it is passed.
- This measure, if passed, would make the District Attorney of Clatsop County the highest set salaried DA in the state of Oregon with a salary climbing well over \$100,000. Larger than the attorney general or the governor.
- This measure gives one person two salaries from two levels of government. Two bites, out of two of the taxes you pay, on both the state and county level, for doing one job. The measure does not obligate the District Attorney to any local duties, responsibilities, or oversight board. The DA will continue to do the one job he was elected to do, represent the State of Oregon in the local courts. We get nothing for the \$22,000+ we will be paying out.

Protect Your Tax Dollars and Timber Revenue

Local money used to pay a state employee to do his state functions which the state already pays him to do? That doesn't make sense.

Protect Your County Local revenue should stay local, for local services, local projects and local employees.

Protect Your Charter, your state laws, your state constitution.

Charter Integrity

OCT 2007

Volume 2 Issue 1

www.charterintegrity.org

info@charterintegrity.org

Citizens for Clatsop Co. Charter Integrity PO Box 578, Warrenton
Or 97146.

Why should I vote no on measure 4-123?

It is a ballot measure to change our county's charter so that one individual can benefit. It will force our county to provide a state employee with a salary that is directly tied to another state employee's salary, paid from two different budgets.

The ballot measure forces two levels of government to pay one person's salary. Your taxes that you pay on the local level and the state level will both be used to pay the same person to do his same job.

District Attorneys do not represent the people of the county where they reside. District Attorneys represent the State of Oregon in the local court system. They manage the cases for the State of Oregon in the local court system.

According to state law it is at the county's discretion whether or not to provide funds and deputy district attorneys to help the District Attorney with his obligation to the State of Oregon. It is at the county's discretion whether or not to provide a district attorney with support staff to help them meet their state obligation. They do not assess a DA's abilities as the state's prosecutor. This assessment is left to the voter to make at the polls.

Because a district attorney is not an officer for the county he is not obligated to the county, nor is the county obligated to the district attorney. His office is not answerable to the county, and the county has never asked for the District Attorney's office, in its duties to the state, to answer to the county.

Why should the DA be required to report a budget to County?

The state asks each county to provide its district attorneys with office space, facilities, supplies and stenographic assistance as is necessary to perform efficiently the duties of such office. When the county paid for the office space, and filled it with county paid for supplies, county paid for staff, county paid for services, county paid for programs it became a county department. For this reason our local county government, the Board of County Commissioners, felt legally responsible and fiscally compelled in asking the District Attorney, over three years ago, to comply with the request to begin performance based budgeting. The state asks that District Attorneys that receive county funding for deputies, staff, supplies, etc, comply with the budget requests of the county commission, court or manager.

The Clatsop County District Attorney's Idea of Compliance?

The current District Attorney has balked at the budget process through five county managers over the course of 14 years. Even with the county throwing full support behind his office, expanding his office until it is among the top in the state through providing his office with staff funding realizing one deputy district attorney per 6,000 people in the population when the state norm is one per 12,000. While the District Attorney compares his own staff's rate of growth to the sheriff's and complains of the disparity, he ignores that his staff grows as fast as or faster than the District Attorney's offices across the state. In his budget analysis he continually compared apples to oranges, without giving the commissioners a clear picture of how his staff's time was being spent, on what type of cases, what the forecast would be for the upcoming year and what steps his department was taking to keep costs down. His answer to keeping costs down was to overestimate the costs for the next year and then stay \$50,000 - \$70,000 below that estimate. Because the estimate wasn't tied to any measurable performances the county was unable to tell if his estimates were accurate and he was doing a good job being fiscally responsible or if he just made sure to guess high with little chance of going over his own set of numbers.

What is Performance Based Budgeting (PBB) ?

Performance Measurement is the process of developing and using meaningful, objective indicators that can be systematically tracked to assess progress made in achieving predetermined goals. To meet the goal the process requires ongoing data collection to determine if the programs in the departments are implementing activities and achieving objectives. It typically measures resources used, activities performed, and results over a specified time period. The data is used to identify the difference between what is expected from a department's programs and what the programs actually deliver.

A critical component of a budget is developing realistic goals backed with sound performance measures. To work best each department is encouraged to develop its own performance indicators as a part of what their programs offer. This information aids the Board of County Commissioners in their decisions on what to purchase, fund or implement. Purchase decisions, for example, are based on how well a program can or has contributed to the priority goals based on the County's long-term strategies as well as what these programs promise to deliver.

The DA says he does use PBB, doesn't he?

The DA's budget:

Compares what he has spent to what the indigent fund has spent. This comparison does not tell the commissioners what is being done with the funds in his department.

Advocates for increased staff. Yet does not justify the staff already in his office. Does not delineate time spent on tasks, court time, types of cases being handled by DA's offices. For example: violations – x amount of time spent processing xxx amount of violations. Misdemeanors – x amount of time processing xx amount of misdemeanors. Felonies – x amount of time processing x amount of felonies. He refuses to justify his staff's time and what it is being spent on. When you look at other DA's budgets throughout the state they show what time is being spent by the county paid staff on what types of crimes. They show if those crimes are projected to go up or down in the coming years and what kind of services have been implemented to stave off the amount of recidivism, which the National District Attorney Association (NDAA) says is an important factor in performance based budgeting.

Continue monitoring the results of the customer service survey that the state mandates all DA offices to conduct. This is a good thing to do, however it does not show the commissioners how county money is being spent. It is a part of a performance measure, as in educating the public about the DA's office, and can include any programs or services paid for by the county and is good for feedback.

And that was the DA's idea of a performance based budget. He then did a presentation for the budget review committee in which he flashed numbers which did not correlate to tangible outcomes. He avoided delineating crimes into categories, early resolutions, plea bargains saying it was virtually impossible to do. Recidivism is extremely important factor for the BOCC to understand. How much recidivism is happening? Why? Is there services and programs the county should be providing to combat recidivism so the public is safer as well as the individual? Recidivism, repeat offenders, is the number one problem in crime, why isn't the DA tracking it? Why doesn't his budget make recommendations to combat it? Why is he focused on increasing his staff and their pay and not the safety of the community?

If the DA's budget isn't approved the community suffers

This has been what the current DA has espoused over the years. His chief deputy DA, Ron Brown recently said, "... if you cut the DA's budget some victims just may never have their day in court. And even if they do, they may not get the kind of care and attention that crime victims need and deserve." Shortly after this remark the DA told the budget review committee that in 100% of the cases plea bargains are offered and 94% of the time accepted, even though the DA's budget has been approved repeatedly over the years. It doesn't appear like the DA gives many victims their "day in court" whether his budget is approved or not. It appears that the ones that make it into court are a mere 6% of the crimes charged. So what is the county paid staff doing the rest of the time? That's what the Board of County Commissioners have been asking, repeatedly, for the past three years. Repeatedly the District Attorney has dodged the question.

Whatever explanations he comes up with now, however he tries to explain it in the paper or on the radio, the fact is he didn't provide those answers in his budget. He did not explain how county funds were being spent, what his county paid for staff was doing with their time, where funding was coming from (most DA's throughout Oregon show the grants that have been provided for the various services provided such as Crime Victim Programs, Child Abuse Programs, Women's Crisis Programs and so forth and how their office works with these programs, what office staff time is spent with these programs, etc). If he had attended the county's performance based budgeting workshops he would know how to do PBB. He refused to comply with requests to attend. He refused to work with other county department heads for help on his PBB. He has refused to be fiscally accountable for county funds used for staff, services, programs and materials of his department. Whether or not he is a good prosecutor for the State of Oregon is not the Board of County Commissioner's job to evaluate. His office is

independent of the BOCC. His department is a county paid for department and should be held accountable to the BOCC, the commissioners we elect every four years.