

The next time you hear or read innuendo or gossip look for evidence, ask for it, demand it. Look at what all the other long term department heads were able to supply the budget committee with when asked: Full performance measure budgets. The only other department lagging is rapidly coming up to speed.

The Facts

- This measure changes the charter, making a new law, that the District Attorney of Clatsop County is fiscally unaccountable to either the state or the county yet both will pay him a salary.
- This measure will force the County to pick up the tab for a state employee whether or not the state employee does any work for the county, with no local duties tied to the salary.
- This measure has no local input on what the salary will be set at. If **state** legislature decides to pay judges \$130,000 and district attorneys \$0 the county must pay the local district attorney's FULL SALARY w/o negotiations and solely for the district attorney to perform his **state** mandated duties as the **state's** representative in the local court system.
- 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 has already cost the county \$19,000 just to be put on the ballot!
- This measure is solely for the District Attorney, one person

This measure is not altruistic, it is not about drawing better competitive DA's to the area, it's not about the people being "allowed" to vote on the matter. It is about closing the people off from controlling their local budget through their commissioners and their budget committees. It is about raising the salary of ONE individual, a state

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employee, so he can operate with no fiscal accountability. Don't let this happen. Vote NO on 4-123.

What is 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.

The ballot measure ties a district attorney's salary to a judge's salary and says that whenever the state doesn't give DAs an equal salary that Clatsop County's general fund will pay the difference.

The state of Oregon does not agree that judges and district attorneys deserve the same salary and have set different salary schedules for each job. Even further, the state of Oregon pays district attorneys different salaries depending on how large of population they serve.

If this measure passes the district attorney of Clatsop County will be the highest salaried prosecuting attorney in the state of Oregon!

This means the current DA will be receiving a higher non-negotiable salary than the DA of Multnomah County, who is serving a population of 715,000 people. Compared to our county -with a population of 35,000- does that seem fair and just to you?

Independent DA = Unaccountable DA

The district attorney acting as a department head for the county, the ONLY county task required is cooperation with budget issues, will have no fiscal accountability to any governing body if Measure 4-123 passes. The passage of this measure will mean any and all district attorneys in Clatsop County can turn their noses up at our county budget process, as the current DA has. If the current DA leaves office tomorrow to take a state position offered to him and the governor appoints another to our county we will have to pay the new DA, that we didn't elect, a minimum of between \$18,000 and \$22,000 dollars each year -whether or not he CHOOSES to cooperate in providing the budget committee with the information they need to make decisions regarding the types of programs to fund in the DA's office!

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. Measure 4-123 breaks state laws, goes against the constitution and weakens the integrity of the County Charter, mandating a salary for a state employee at the whim of the state legislature.

What's working? Why is it working? How is it working? Without a process for accountability, if they don't want to cooperate or have something to hide, a department head wouldn't have to reply, as our current DA chooses not to.

The DA's Answer?

He wants you to vote on how his department's doing. Can you imagine if each department head decided to bypass the commissioners you elected as administrators and wanted to bring each budget item to you to vote on? Let the people vote! They have, they voted for home rule, for a charter, for commissioners to administer locally, set budgets, make plans, give salaries and bonuses for cooperative, fiscally responsible employees.

What is the DA's Job, who is his boss?

The district attorney works for the state of Oregon. He prosecutes crimes committed against the state of Oregon. He is the representative of the state in our local courts. He doesn't do his job for Clatsop County, nor for the citizens of Clatsop County. He is paid with your state taxes. Now he wants to be paid with your county taxes and timber revenue in addition to his state salary. In exchange, the county gets nothing. The DA will do the same thing he has always done: prosecuting crime committed against the state, and repeatedly ignoring the requests for proper budgeting, fiscal accountability.

What does measure 4-123 mean to me?

This measure means someone doesn't want your local government to control the budgetary process and would rather have the state handle it. It means that the commissioners you vote for every four years wouldn't have the right to represent you as the governing board for your county tax and timber revenue dollars overseeing the department heads of over 270 county employees, 500 services and 200 projects. It means someone would rather pay one state employee with local funds than see them used on local services, projects and county employees. It means someone thinks that county taxes should be used to balance state obligations without any input at the local level. Virtually, someone is getting rid of the reason for home rule.

Who wrote this measure?

The District Attorney has claimed that this proposal to link his salary to a judges' salary was his on an official county email correspondence system, provided for him by the county, perhaps on his County provided laptop, dated 18 MAY 2007. In June 2007 Commissioner Sam Patrick emailed DA

"Josh- Would you prepare the necessary verbiage for a petition to change the charter..."

6/4/07 email exchange between Commissioner Patrick and DA Marquis

"I don't intend to engage in any kind of negotiation with these people"

Marquis, 5/18/2007 email correspondence w/Mike Burton, professor PSU

"Mike, You are a psychic. The proposal to link DA pay to judges' has been mine..."

Marquis 5/14/2007 email correspondence w/former CEO of Metro Regional Gov.

Marquis asking his help to write the petition for the measure, which the DA replied he was happy to do. This was **BEFORE** the commissioners had heard any public testimony on the budget, **BEFORE** they had voted on the budget, and **BEFORE** the DA had lost his stipend! All official correspondence on the system passes through the county manager's office. Did the DA want the county to know he had no intention of cooperating despite what he was telling the public?

Grassroots: adj. of or pertaining to, common people making decisions

From District Attorney Josh Marquis' website on 10 July 2007

he writes: *A genuine grass roots coalition including the Chairs of the County Democratic and Republican Committees, along with former County Commission Vice Chair Don Haskell, gunsmith Sky Olson, Steve Phillips and Myrna Patrick have formed the Committee to Retain the Independence of the Office of the District Attorney.*

From email correspondence between Commissioner Sam Patrick w/wife

Myrna and DA Josh Marquis on 4 June 2007 the DA writes: *"We want to really lock down a bunch of community co-chairs like ... Ostermiller and Don Haskell who are both traveling until late June."*

"... lets discuss the core committee members ... maybe Steve Phillips from south county, Dr. Brad Pope, maybe even Edith Henningsgard Miller."

Before the matter of the DA's stipend went to the board to be voted on, before public testimony was heard by the commissioners the district attorney and one of the commissioners

were already planning to force this salary measure on the local citizens.

The Commissioners say the DA is uncooperative

In an email reply to a colleague who urged him to use diplomatic skills with the commissioners the DA replies that he has no intentions of working with either the budget committee or the commissioners. Without one shard of evidence the DA says the reason for the stipend cut is "political." The commissioners, on the other hand, prove that the DA has not been a cooperative department head. They want to pay for the ONE service he has been asked to provide the county, accountability for the way his office spends OUR county taxes and timber revenue. Instead, he gives them a poll of his

popularity and an opinion survey the STATE mandates his office provide from crime victims! He provides a list of violations w/o distinguishing between a traffic violation or a measure 11 crime. He refers to an old study that he admits has many faults and which tells nothing about his department's programs. The commissioners ask for performance measures that all the other departments are required to do and for three years the District Attorney has refused, saying they cannot be done for a district attorney's office. He was given a list of performance measures from a national prosecutor's association showing performance measures of a prosecutor's office and still he refused to cooperate, now saying there's no time to waste on this type of paperwork. But there's time for the DA to spend in the news and on the radio, doing book reviews for the New York Times, writing opinion pieces and traveling as the Media Chairperson for his district attorneys' association! He

says he's available 24/7 by phone but not to do paperwork. If you don't like how the Commissioners are protecting your tax dollars and timber revenue elect new ones. Don't change a charter for one person, don't give an elected official free reign with our money, with no accountability, with no fiscal oversight board.