

Press release

Citizens for CC Charter Integrity pleased with BOCC's letter to Governor

For immediate release

The Citizens for Clatsop County Charter Integrity were pleased that the recent decision of the Board of County Commissioners to advocate for the District Attorneys across the state to be added to the state employees receiving an increase in the state's management package has already been adopted by the Governor.

Recently, Governor Kulongoski made an across the board three percent Cost of Living and Market Adjustment increases in a management package, retroactive to July, 2007. Glaringly absent from the first list of state employees who would benefit from the increase were District Attorneys. According to state statute ORS 8.852 the salary plan for District Attorneys is to include any salary adjustments awarded management service employees.

Acting promptly, the Board of County Commissioners decided (by an unanimous vote of all in attendance) to write to the Governor asking that the state's District Attorneys be added to the list of those receiving the management package.

Consistently, the Board of County Commissioners (BOCC) has shown a firm grasp of their role as the Clatsop County's administrative leader. As the recent events have proven, the BOCC understands the distinction between state duties and county authority, competently aware of the line separating the two. Consistently, the Board of County Commissioners has steered their County departments towards a fiscally responsible accounting of the tax dollars and timber revenue being spent on staff, materials, programs and services. Consistently, the Board of County Commissioners has evaluated the heads of County departments, suggesting trainings and guidance for department heads showing promise of cooperatively adapting to the performance based budgeting reporting system that the County has shifted to while releasing those department heads who felt they were unable to adapt to the new system.

The only act of open defiance to the performance based budgeting system has been displayed by a department head who is also a State employee, compounded by the problem of being an elected official. This elected official, and State employee, is the District Attorney, the very person the BOCC should be able to turn to should they need to consult about the matter they faced.

According to Oregon Statutes the District Attorney is to respond to budget requests as asked for them. Consistently the District Attorney has turned in what he felt was appropriate to explain the funds being used in the County department he was entrusted with on behalf of the BOCC.

In a final attempt to understand why the District Attorney insisted on performing the budget for the County's department his own way instead of in conformity to the way the BOCC was asking of all County departments one of the Commissioners asked the District Attorney what service he performed for the County. The District Attorney replied, "Nothing." It became apparent to the majority of the BOCC that the District Attorney did not consider himself acting as a department head for the BOCC but, rather, as a manager (per ORS 240.240) on behalf of the State.

Because he performed no service for the county the BOCC no longer felt obligated to ORS 8.830 which reads: *Whenever, in the judgment of any County court or Board of County Commissioners, the salaries paid by the State to the District Attorney, or to any deputy district attorney, are not **commensurate with the character of the service performed**, the County court or Board of County Commissioners may pay out of the funds of the county such additional amounts as will properly compensate said officers for the service performed.* One Commissioner said he felt that County should not be paying a stipend merely to make up the pay of the State, especially for someone who has stated they do nothing for the County.

A logical look at the sequence of events shows that something within three of the Commissioners clicked at the moment Commissioner Hazen made the recommendation that District Attorney Marquis' stipend not be continued for the 2007-08 fiscal year. The District Attorney had stated he performs no services for the County. He did not consider himself as accountable to the BOCC. As evidence by his consistent remarks since the stipend has been removed, District Attorney Marquis doesn't consider himself to be answerable to the BOCC in any role.

Since the Board of County Commissioners has never asked District Attorney Marquis to be answerable to them in the role of a state employee, or that of a duly elected district attorney, the indifferent attitude towards the performance based budget from District Attorney Marquis indicated he had no intention of being answerable to them as a Clatsop County department head, the one function they care about and the one function needed to be filled in that department. This is a Clatsop County department. It needs to conform to the budgetary requirements as set forth by the BOCC, as all the rest of the county departments do. If District Attorney Marquis does not wish to comply with Oregon State statutes regarding reporting to the County management, as requested, there are no services he is providing that are not already compensated for through his state salary.

Hearing the recording and reading the transcript of the public hearing regarding the budget this past June, 2007, individual after individual told the Clatsop County Board of County Commissioners that the District Attorney was a hard working prosecutor. None of those giving evidence in favor of returning District Attorney Marquis' stipend spoke of the one thing the BOCC had the right to judge, his abilities to manage a County Department per the guidelines set forth by the BOCC. It was apparent they listened and listened hard for some sign that what was being said was anything they had jurisdiction over. It wasn't. What was being articulated was a plea for someone to increase a state employee's salary for managing state cases with his staff's help, not a plea to a County to reinstate a County department head's supplement because of the way he was managing County staff, materials, services and County programs per County guidelines and fiscal accountability plan (performance based budgeting).

Those speaking against the stipend being restored spoke of how other district attorneys across the state were producing performance based budgets with smaller staffs and serving larger populations. Others spoke of past inconsistencies in District Attorney Marquis' budgets and inability to work with county managers and board of commissioners. This was consistent with the Board's own experience with District Attorney Marquis and their knowledge of what could be done in a prosecutor's office with performance based budgeting if given the opportunity of a cooperative department head.

A District Attorney should hold its office independent from the financial influences of the person holding the office, neither swayed by greed nor troubled by impoverishment. The state paying for the services of the District Attorney offers this office independency. A county department head running a county department is accountable to the county administration's manager and to the Clatsop County Board of County Commissioners. We know our County Commissioners understand the difference and we are glad they are here for all of us.

Citizens for Clatsop County Charter Integrity

www.charterintegrity.org

formed in opposition to Ballot Measure 4-123

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