

Pennsylvania Intergovernmental Cooperation Authority



A History We Can No Longer Afford: Consolidating Philadelphia's Row Offices

PICA Issues Report

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PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

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Introduction

Like many older Northeast cities, Philadelphia has a large number of independently elected officials. In addition to a Mayor and City Council, the citizens of Philadelphia elect a District Attorney, City Controller, Sheriff, Register of Wills, Clerk of Quarter Sessions, and three City Commissioners. While the District Attorney and City Controller have roles that require the autonomy conferred by being independently elected, the remaining “row office” functions are primarily administrative in nature. As such, there is no clear rationale for their being managed by elected officials.

The elimination of these elected offices and consolidation of functions could result in annual savings to the City General Fund of as much as \$13-15 million. The City simply can no longer afford to waste scarce resources. Additionally, in an environment of increasing transparency and open government, greater accountability is required. The independent status of the row offices adds a layer of bureaucratic expense, diminishes the Mayor’s ability to properly budget and oversee their administrative functions, allows circumvention of City hiring rules, and creates the potential for patronage and political favoritism.

Background

This report examines the potential for cost savings that could occur in Philadelphia if the City were to eliminate four agencies now headed by elected officials – the City Commissioners, the Sheriff’s Office, the Clerk of Quarter Sessions, and the Register of Wills – and absorb their functions into other City agencies or the City’s court system. The estimates of potential savings are based on comparisons of spending in other large Pennsylvania counties. These offices have been contacted over the past several years to discuss their budgets, and provided varying degrees of insight into their respective policies and practices. This report does not attempt to estimate the magnitude of any change in City revenues that would result from the recommendations below, but it is likely that consolidation of the row offices would increase the efficiency of the process of revenue collection by the court-related row offices and therefore increase City General Fund revenues.

The potential savings from row office restructuring would be a major benefit to Philadelphia at this time, given the City’s current financial challenges. Regardless of budgetary concerns, there is an ongoing need to increase the efficiency of government operations and enhance the economic competitiveness of the City and its long-term financial stability.

Concerns about the row offices result from questions about both high spending and low levels of service delivery. The ability of some of the row offices to effectively perform their duties has been questioned repeatedly. The City Commissioners Office has been often criticized for its inability to make election results available to the general public in as timely and cost-effective a manner as is common practice for elections boards in other jurisdictions. A recent audit of the City Commissioners Office by the City Controller found numerous administrative problems, including overpayments to election workers, reimbursement for ineligible expenses, and failure to maintain attendance and leave records for non-civil service employees. The audit further found that the City Commissioners Office does not adhere to City sick leave and overtime regulations.¹

Management problems at the Clerk of Quarter Sessions have been widely publicized. On January 23, 2009, Philadelphia Court of Common Pleas President Judge Pamela Pryor Dembe cited the Clerk of Quarter Sessions' problems in collecting and distributing fees, fines, costs, reparations, restitution and other remittances, and ordered the Court to take over the responsibility for the monetary component of Philadelphia's criminal justice system, including court assessments and cash bail bank accounts.² Although Judge Dembe's January order was put on hold by the state Supreme Court, the challenges for the Clerk of Quarter Sessions remain. At a meeting of the Criminal Justice Advisory Board on September 23, 2009, District Attorney Lynne Abraham highlighted the poor management of the office, and expressed concerns that the problems in the office resulted in a higher than necessary prison population.³

Concerns about financial oversight and accounting practices in the Office of the Sheriff have been raised in numerous City Controller audits, most recently in 2008.⁴ Oft-cited issues include monies being held improperly or not being properly accounted for, and a lack of internal controls on handling money and employee procedures.

In general, there have been few concerns raised by independent auditors regarding the performance of the Register of Wills. The main organizational issue with this office is that it operates outside the City's civil service system; not one current employee in the office was hired through that system. Civil service was created to professionalize government operations by establishing a system of merit-based hiring and advancement; the exemption of all Register of Wills employees from the system reinforces the stereotype of patronage and corruption.

¹ *City Commissioners Office Auditor's Report: Fiscal Years 2007 and 2006*, Office of the Controller, City of Philadelphia, July 29, 2009.

² First Judicial District of Pennsylvania, Court of Common Pleas of Philadelphia County, President Judge Administrative Order No. 2009-01. Available at <<http://fjd.phila.gov/regs>>.

³ "Abraham Supports Court Takeover of Clerk's Office," *The Legal Intelligencer*, September 23, 2009, p. 1.

⁴ City Controller Alan Butkovitz, *Office of the Sheriff, Auditor's Report, Fiscal 2006 and 2005*, Aug. 11, 2008.

Past studies have suggested that consolidating the administrative functions of the row offices would lead to better oversight, a reduction in unnecessary layers of management, and cost savings. In 2004, the report of the Philadelphia 21st Century Review Forum, created by Mayor John F. Street, recommended the formation of a task force to evaluate whether row offices should be “re-organized, abolished, or merged into city government.”⁵ In March 2009, the Committee of Seventy issued a report detailing numerous problems with the row offices and recommending their merger into other agencies of the City and First Judicial District.⁶

Proponents of maintaining the current system posit that, because these functions have a policy component and require interaction with other elected positions, only elected leadership can assure necessary independence. In truth, most public sector functions at the management level include some degree of administrative function and some degree of policy function. States vary significantly in terms of the number and variety of county row offices. A report by the National Association of Counties identified 19 separate county offices which can be either elected or appointed.⁷ The report notes the different approaches states take: “In Michigan a drain commissioner is elected. Kentucky elects county jailers while Vermont elects commissioners of jail delivery. Minnesota authorizes appointed civil defense directors.” Counties in ten states elect or appoint tax collectors. Overall, the report suggests there is considerable variation among states in the distribution of power and responsibility among elected and appointed county officials, and that the necessary level of independence can be achieved through either system.

As in most American jurisdictions, the City has developed its own checks and balances to provide oversight and ensure accountability, including institutions such as the City Controller, the Civil Service Commission, a Board of Ethics, and the Inspector General. City Council and State and federal agencies provide financial and programmatic oversight as well. Further, the media and various non-governmental “watchdog” organizations provide a high-level of scrutiny. For each of the row offices described here, the function is primarily administrative, and, as demonstrated in other jurisdictions across the Commonwealth and the country, can be performed competently by appointed management. Moreover, within Pennsylvania, Allegheny County has shown this can be accomplished while also realizing substantial budget savings.

⁵ Philadelphia 21st Century Review Forum, *Recommendations to the Mayor: Final Report*, March 11, 2004, p. 165.

⁶ *Needless Jobs: Why Six Elected City Positions Should Die*, Philadelphia, Committee of Seventy, March 16, 2009.

⁷ National Association of Counties, *Research Brief: Elected or Appointed County Officials? Who’s Really on the Row!* January 2004.

Restructuring Case Study – Allegheny County

Allegheny County, the second most populous county in Pennsylvania and arguably the most comparable to Philadelphia, provides an instructive example in terms of the potential to reduce costs and increase operating efficiency by restructuring Philadelphia's row office functions. A 2005 voter referendum in that county led to the elimination of six elective row offices and their conversion into appointive positions within county government that are accountable to the County Executive.⁸ The consolidation of these offices within county departments has led to an estimated savings of \$1.2 million annually and improvements in service delivery. The consolidation has led to a "substantial shift in the culture of records-keeping and the way things work behind the cash registers and filing counters..."⁹

As part of the implementation of the approved referendum, Allegheny County's Prothonotary, Clerk of Courts, Register of Wills, and Jury Commissioners were merged into a new Department of Court Records (DCR) in January 2008.¹⁰ DCR has responsibility for maintaining documents and records associated with all divisions of the Allegheny County Court of Common Pleas. The 2009 proposed budget for DCR is \$7.5 million, a reduction of \$0.6 million or 7.3 percent from the 2007 actual expenditure level for the predecessor offices. In 2009, DCR has 147 full-time employees, a reduction of 12 percent from the 167 employed in the previous offices in 2005.¹¹ Moreover, the savings and personnel reductions that have been achieved to date likely do not represent the full savings that will result from the merger; according to the county's 2009 *Comprehensive Fiscal Plan*, DCR will continue to eliminate duplication of services in 2009.¹²

Comparisons with Other Pennsylvania Counties

To assess the efficiency of the operations of Philadelphia's row offices, the tables below compare expenditures by Philadelphia's row offices to spending for equivalent functions in the other most populous counties of the state.

Philadelphia's spending for the Office of City Commissioners, Clerk of Quarter Sessions, Register of Wills, and the Sheriff's Office is compared to spending for comparable agencies in the other fourteen Pennsylvania counties with populations of 250,000 or more, with exceptions

⁸ The 2005 referendum eliminated the Prothonotary, Clerk of Courts, Register of Wills, Jury Commissioners, Coroner, and Recorder of Deeds. The first four officers were later merged into the county Department of Court Records. The latter two offices were merged into other county departments.

⁹ Karamagi Rujumba, "Merging County Offices Results in Large Savings," *Pittsburgh Post-Gazette*, March 16, 2009.

¹⁰ In addition, the county eliminated the Coroner as an elected office and merged the Recorder of Deeds and parts of the assessment division into a new Department of Real Estate. Allegheny County did not undertake any restructuring of its election administration function or the Sheriff's Office.

¹¹ Allegheny County *Comprehensive Fiscal Plan* for 2007 and 2009.

¹² *County of Allegheny, PA 2009 Comprehensive Fiscal Plan*, p. 37

noted in the footnotes.¹³ Expenditure figures represent the budgeted or estimated amount for fiscal or calendar year 2009 and do not include employee benefits.¹⁴ Comparing Philadelphia's row office spending to that in other Pennsylvania counties is appropriate to assess operational efficiency as the administration of the functions compared is generally similar across the state.

The functions examined are generally performed by separate offices headed by elected officials with comparable responsibilities determined by statewide laws governing the judicial system. Because of the similarities in governance across the comparison counties, discrepancies that exist between Philadelphia and the other counties are likely to reflect differences in operational efficiency, although some cost differentials could reflect the higher cost of living in Philadelphia. Economies of scale are not likely to be a significant factor affecting the comparisons, although the argument could be made that larger counties should have lower per capita costs because of scale economies.

City Commissioners. Philadelphia's three City Commissioners are elected every four years and are responsible for voter registration and election administration. Their modern function dates to the City-County consolidation of 1854, when the office was given oversight over most aspects of elections as well as property assessments; the Commissioners served as members of the Board of Revision of Taxes until 1867. Since 1867, the Commissioners have been primarily responsible for election administration. Their office became part of City government under the 1951 City-County Amendment to the State Constitution. A 1963 amendment to the First Class Cities Home Rule Act gave City Council the power to pass legislation with regard to operations of the City Commissioners' Office, subject to voter referendum.

Table 1 presents expenditures for election administration in Philadelphia and the comparison counties on a per capita and per registered voter basis.¹⁵ By either measure, Philadelphia's spending is twice as high as the median.¹⁶

¹³ Population is the U.S. Census Bureau's estimate of resident population of each county as of July 1, 2008. Allegheny and Lehigh counties are not included in the comparisons for Clerk of Courts and Register of Wills expenditures because these offices were merged into consolidated court records agencies in those counties prior to 2009, and a spending breakdown for each function was not available.

¹⁴ Expenditure figures are approved 2009 budget figures in all counties with the exception of Philadelphia. Expenditures for Philadelphia are fiscal year 2009 estimated actual expenditures. Employee benefits costs allocated to particular county offices were available for all counties except Chester and Northampton. For these counties, expenditures shown are the budget amounts, less estimated employee benefit costs based on county-wide employee benefits spending as a percentage of salaries. Fringe benefits expenditures for Berks and Bucks counties were based on data provided by county officials.

¹⁵ Registered voters are as of November 7, 2006, as presented in the *Pennsylvania Manual*, Volume 118, p. 7-15.

¹⁶ Philadelphia City Commissioners Office spending does not include Grants Revenue Fund spending. If Grants Revenue Fund expenditures were included in the comparison, Philadelphia's spending would be even higher in relation to the other counties.

Table 1: Elections Administration Spending in Pennsylvania Counties, 2009

County	Expenditure (\$)	Population	Expenditure Per Capita (\$)	Registered Voters	Expenditure Per Voter (\$)
Philadelphia	9,325,567	1,447,395	6.44	1,015,897	9.18
Chester	1,933,824	491,489	3.93	300,768	6.43
Berks	1,425,818	403,595	3.53	237,346	6.01
Dauphin	912,740	256,562	3.56	177,654	5.14
Allegheny	4,536,854	1,215,103	3.73	893,311	5.08
Lancaster	1,505,582	502,370	3.00	299,412	5.03
Luzerne	948,871	311,983	3.04	196,780	4.82
Delaware	1,784,000	553,619	3.22	381,312	4.68
Lehigh	909,331	339,989	2.67	205,703	4.42
Bucks	1,679,400	621,643	2.70	415,387	4.04
Northampton	748,787	294,787	2.54	187,456	3.99
Westmoreland	965,892	361,589	2.67	241,829	3.99
Erie	623,753	279,175	2.23	181,227	3.44
Montgomery	1,793,000	778,048	2.30	543,958	3.30
York	639,920	424,583	1.51	275,258	2.32
Median			3.00		4.68
Mean			3.14		4.79
Philadelphia as Percent of Median			215%		196%
Philadelphia as Percent of Mean			205%		192%

Philadelphia's system of election administration is an anomaly among major cities, as shown in Table 2.¹⁷ In the majority of cases, elections are run by a professional staff under the oversight of an appointed official. Elections are generally overseen as part of the job description of an appointed city or county official, or (as in Detroit) additional duties of an elected official for which no additional compensation is provided, or (as in New York) an oversight board for which no additional compensation is provided. The oversight of elections is usually viewed as an administrative function, with budget oversight provided by the executive and legislative branches of government.

¹⁷ The list of comparable cities is made up of the ten largest cities in the US excluding Philadelphia.

Table 2: Elections Administration in Major Cities

City	Entity Responsible for Elections Administration	Elected or Appointed
Chicago	Elections commissioner appointed by the County Board Chair. No commissioner may be an elected official or engage in partisan politics.	Appointed
Dallas	City Secretary appointed by the Mayor.	Appointed
Detroit	Three-member group made up of the City Clerk (elected), the City Council President (elected), and the Corporate Counsel (appointed by the Mayor and approved by City Council).	Both
Houston	City Secretary appointed by the Mayor.	Appointed
Los Angeles	County Recorder/Registrar appointed by the Board of Supervisors.	Appointed
New York	Board of 10 commissioners, 2 from each borough (one from each majority political party). Commissioners are appointed by borough leaders for four-year terms.	Appointed
Phoenix	City Clerk appointed by the Mayor and approved by City Council.	Appointed
San Antonio	City Clerk appointed by the City Council.	Appointed
San Jose	City Clerk appointed by the City Council.	Appointed
San Diego	Registrar of Voters appointed by City Administrators.	Appointed

Clerk of Quarter Sessions. As an administrative arm of Philadelphia’s local court system, the Clerk of Quarter Sessions has a long history. The Courts of Quarter Sessions and their Clerks were established in each county of Pennsylvania under William Penn's 1682 Frame of Government. The clerks became elective posts in 1838. Although the Quarter Sessions Court became part of the Court of Common Pleas in 1968, the Clerk of Quarter Sessions remained a separate office.

Today, the Clerk of Quarter Sessions serves the criminal divisions of the Court of Common Pleas and Municipal Court, and the juvenile division of Family Court. Its employees record and file bills of information and transcripts of Municipal Court. They post to dockets, take bail imposed by judges, enter judgments upon bail forfeitures, issue bench warrants, collect fees and fines imposed by the courts, record on bills of information or criminal transcripts the decisions of the courts, issue commitments or discharges for defendants, and answer inquiries from prisoners, attorneys, and judges. The office also expedites matters such as petitions for writs of habeas corpus, appeals from convictions, and issuance of private detective licenses.

In other counties in Pennsylvania, the equivalent functions are carried out by elected officials known as Clerks of Court.¹⁸ Table 3 presents per capita expenditures for Philadelphia’s Clerk of

¹⁸ Under Pennsylvania law governing the administration of local courts, prothonotaries, clerks of court, and clerks of orphans’ court perform similar administrative functions. Generally, the clerk of courts performs these functions for criminal cases in the Court of Common Pleas and Family Court juvenile cases, while the prothonotary is responsible for civil cases in the court of common pleas and non-juvenile

Quarter Sessions and for the Clerk of Courts in other counties.¹⁹ Because Clerks of Court outside of Philadelphia do not serve limited jurisdiction courts such as the Philadelphia Municipal Court, to promote an accurate cost comparison, Clerk of Quarter Sessions FY09 spending was reduced by the estimated cost of services it provided to the Municipal Court.²⁰ Table 3 also presents spending per case for each county. The caseload figures shown include Court of Common Pleas criminal cases and Family Court juvenile cases disposed of in 2007, the most recent year for which data are available.²¹

Table 3: Clerk of Courts Spending in Pennsylvania Counties, 2009

County	Expenditures (\$)	Population	Expenditures Per Capita (\$)	Caseload	Expenditures Per Case (\$)
Philadelphia	4,686,190	1,447,395	3.24	27,614	169.70
Berks	1,575,575	403,595	3.90	10,375	151.86
Chester	1,013,010	491,489	2.06	7,622	132.91
Lancaster	847,878	502,370	1.69	7,321	115.81
Montgomery	1,525,000	778,048	1.96	13,402	113.79
Northampton	698,279	294,787	2.37	6,221	112.25
York	1,216,702	424,583	2.87	11,062	109.99
Westmoreland	779,365	361,589	2.16	7,302	106.73
Dauphin	708,469	256,562	2.76	7,561	93.70
Luzerne	618,225	311,983	1.98	6,991	88.43
Erie	421,532	279,175	1.51	4,934	85.43
Bucks	1,192,400	621,643	1.92	14,980	79.60
Delaware	809,000	553,619	1.46	13,012	62.17
Median			2.06		109.99
Mean			2.30		109.41
Philadelphia as Percent of Median			157%		154%
Philadelphia as Percent of Mean			141%		155%

Philadelphia's expenditure for the Clerk of Quarter Sessions is 57 percent higher than the median spending per capita for similar functions in other major counties and 54 percent higher than the median spending per case.

cases in family court. The exact division of responsibility between the clerk of courts and prothonotary in each county is stipulated by local law. The Register of Wills, or clerk of the orphans' court, performs similar functions for cases under the jurisdiction of the orphans' court division of the court of common pleas. 42 Pa. C. S. A. §§ 2701, 2736-37, 2756-57, 2776.

¹⁹ These data do not include expenditures for the Clerk of Orphan's Court, which appears in Table 4.

²⁰ This estimate was based on unpublished data provided by the First Judicial District.

²¹ Caseload data are from *2007 Caseload Statistics of the Unified Judicial System of Pennsylvania*, Supreme Court of Pennsylvania, Administrative Office of Pennsylvania Courts, Department of Policy and Research.

Register of Wills. Philadelphia’s Register of Wills is elected every four years and is responsible for probating wills and granting letters of administration in cases where persons die without leaving a will. The Register’s office records all wills, accounts, inventories and appraisals of estates. The Register also serves as an agent for the Commonwealth for filing and payment of inheritance taxes. The Register of Wills also serves as clerk of the Orphans' Court Division of the Court of Common Pleas. As such, the Register supervises the Marriage License Bureau and performs administrative duties similar to those of the prothonotary in the Court of Common Pleas. Originally, the Provincial Registers were the Registers-General of Pennsylvania for the Probate of Wills and Granting Letters of Administration, established by the 22nd section of the Laws agreed upon in England (Colonial Records, vol. 1). The Act of 14 March 1777 abolished the office of Register-General and named the Registers of Wills in each county to succeed the Deputies of the Register-General. Under Article V, Section 22 of the Constitution of Pennsylvania in 1874, the Register of Wills became ex-officio the clerk of the orphans’ court.

Table 4 presents per capita expenditures for the Register of Wills/Clerk of Orphans’ Court in Philadelphia and the comparison counties. The table also presents expenditures per case, based on the number of case dispositions by the orphans’ court division of the Court of Common Pleas in each county. As shown in the table, Philadelphia’s expenditure for the Register of Wills is more than twice the median spending for similar functions in other major counties, on both a per capita and a per case basis.

Table 4: Register of Wills Spending in Pennsylvania Counties, 2009

County	Expenditures (\$)	Population	Expenditures Per Capita (\$)	Caseload	Expenditures Per Case (\$)
Chester	617,653	491,489	1.26	230	2,685
Bucks	1,142,600	621,643	1.84	475	2,405
Philadelphia	3,588,127	1,447,395	2.48	1,560	2,300
Northampton	306,662	294,787	1.04	229	1,339
Dauphin	552,615	256,562	2.15	451	1,225
Berks	685,141	403,595	1.70	572	1,198
Montgomery	837,600	778,048	1.08	808	1,037
Delaware	649,000	553,619	1.17	690	941
Luzerne	321,895	311,983	1.03	455	707
York	381,491	424,583	0.90	565	675
Lancaster	338,145	502,370	0.67	505	670
Westmoreland	490,871	361,589	1.36	735	668
Erie	277,762	279,175	0.99	562	494
Median			1.17		1,037
Mean			1.36		1,257
Philadelphia as Percent of Median			211%		222%
Philadelphia as Percent of Mean			182%		183%

Sheriff's Office. In Philadelphia, the Sheriff is elected every four years. The Sheriff's Office is responsible for transporting and escorting prisoners to and from courtrooms, providing courtroom security for Municipal and Common Pleas Court, conducting real and personal property sales and collecting and disbursing fees and funds relating to such activities, serving and executing writs and warrants, and enforcing injunctions. The office was established under William Penn's Frame of Government of 1682. Until 1717 it was filled by the Governor's appointment of one of two candidates chosen annually by the electors of each county. In that year it was made fully elective. In Philadelphia, in 1953 the Sheriff became a city, rather than a county, office.

Table 5 presents expenditures for the Sheriff's Office in Philadelphia and other counties. Philadelphia's spending is 23 percent higher than the median on a per capita basis.

Table 5: Sheriff's Office Spending in Pennsylvania Counties, 2009

County	Expenditures (\$)	Population	Expenditures Per Capita (\$)
Berks	5,157,964	403,595	12.78
Northampton	3,692,478	294,787	12.53
York	5,229,992	424,583	12.32
Dauphin	2,741,566	256,562	10.69
Philadelphia	15,220,138	1,447,395	10.52
Lehigh	3,431,448	339,989	10.09
Chester	4,277,154	491,489	8.70
Westmoreland	3,096,714	361,589	8.56
Allegheny	9,888,309	1,215,103	8.14
Erie	2,109,666	279,175	7.56
Montgomery	5,835,100	778,048	7.50
Delaware	3,812,000	553,619	6.89
Bucks	4,058,500	621,643	6.53
Lancaster	3,201,570	502,370	6.37
Luzerne	1,811,688	311,983	5.81
Median			8.56
Mean			9.00
Philadelphia as Percent of Median			123%
Philadelphia as Percent of Mean			117%

Summary of Comparative Data

Based on the comparisons shown in tables 1, 3, 4, and 5, Table 6 presents the overall savings that could result if the per capita cost of row office functions in Philadelphia were reduced to the mean or the median of other large Pennsylvania counties. Including the cost of employee benefits, the potential annual savings from reducing City spending to this level ranges from \$13 to \$15 million.

**Table 6: Estimated Savings from Row Office Consolidation in Philadelphia
Based on Comparisons with Other Counties in Pennsylvania²²**

	Reduction to Mean		Reduction to Median	
	With Employee Benefits (\$)	Without Employee Benefits (\$)	With Employee Benefits (\$)	Without Employee Benefits (\$)
Clerk of Quarter Sessions	1,895,921	1,360,238	2,373,611	1,702,959
Sheriff	3,028,801	2,196,171	3,895,188	2,824,384
Register of Wills	2,248,329	1,620,757	2,623,720	1,891,366
City Commissioners	5,982,529	4,781,139	6,235,591	4,983,382
Total	13,155,581	9,958,304	15,128,110	11,402,090

Some of the savings that would result from consolidation would likely occur as a result of reductions in the cost of management and oversight. If the row offices were absorbed into other City agencies or the First Judicial District, the management and oversight functions now performed by elected officials and their staff would be conducted by appointed officials within those agencies. It is likely that the personnel cost associated with management and oversight would be reduced. This expenditure reduction alone could be nearly \$1 million, as shown in Table 7, which presents the current cost of salary and benefits for elected officials in the City Commissioners Office, Register of Wills, Clerk of Quarter Sessions, and Sheriff’s Office.

**Table 7. Salary and Benefits Costs Associated With
Elected Officials in Row Offices, FY09 Budgeted²³**

Office	Salary (\$)	Benefits Cost (\$)	Total Cost (\$)
City Commissioners (3)	344,716	137,886	482,602
Register of Wills	105,800	42,320	148,120
Clerk of Quarter Sessions	110,498	44,199	154,697
Sheriff	110,498	44,199	154,697
Total	671,512	268,605	940,117

²² The estimated savings with employee benefits assume that benefit costs equal 40 percent of payroll for each agency. It is also assumed that payroll will remain the same proportion of the overall agency budget.

²³ City Commissioners is from the FY10 Budget. Employee benefits are estimated at 40 percent of salary.

Recommendations

The functions of government should be organized on the basis of efficiency and effectiveness, not on the basis of an inherited centuries-old structure. The Register of Wills and Clerk of Quarter Sessions perform functions similar to those now performed by the Prothonotary within the First Judicial District. Cost savings and improved coordination would be achieved by integrating the functions of these offices within the court system. Central management, administrative, personnel, legal, and information technology services that are now provided separately could be more efficiently provided through a centralized office of the First Judicial District. The primary argument for consolidation of the Philadelphia Clerk of Quarter Sessions and Register of Wills under the First Judicial District, as stated by the Allegheny County Controller Mark Patrick Flaherty in 2005 with respect to the row offices in that county, is that efficiencies will result from combining like functions into a single agency.²⁴ The expenditure data presented in this report, and the cost reduction that has occurred to date in Allegheny County as a result of consolidation, provide evidence supporting this argument.

The primary challenge facing the City relates to implementation. City Council has the power to legislate with respect to the powers and duties of the Clerk of Quarter Sessions and could abolish it and transfer its functions to the court without a voter referendum. However, the City's ability to eliminate the office of the Register of Wills is less clear. The City Charter and the City-County Consolidation Act do not address the ability of Council to legislate with respect to the powers and duties of that office. Under the Pennsylvania Constitution, Article V, Section 16:

The offices of prothonotary and register of wills in the City of Philadelphia shall no longer be considered constitutional offices under this article, but their powers and functions shall continue as at present until these offices are covered in the Home Rule Charter by a referendum in the manner provided by law.

Though consolidation of the Register of Wills is not described in the City/County Consolidation Act of 1953 as amended in 1963, the State Constitution clause seems to imply that changes to the Register of Wills in Philadelphia could be enabled by a referendum of City voters in accordance with the Home Rule Charter.

The argument for abolishing the City Commissioners Office and placing responsibility for elections administration with an agency under the direct jurisdiction of the Mayor is that this function is almost purely administrative and therefore does not require direct supervision by elected officials. The expenditure data presented above suggest that such a change would not only be appropriate as a matter of organization, but would also result in cost savings. If elections administration were the responsibility of an agency accountable to the Mayor, City election personnel would be subject to all City personnel policies, and the financial, legal, administrative,

²⁴ *Row Office Restructuring*, a report by Mark Patrick Flaherty, Allegheny County Controller, p. 8.

and technology needs of the agency could be provided by the City's central internal service agencies, eliminating duplication. Also, the cost associated with the management function now provided by three elected officials would be reduced or eliminated. Under the City-County Consolidation Act of 1953, as amended in 1963, City Council has the full power to legislate with respect to the organization, powers, and duties – including abolition – of the Office of City Commissioners. Thus, the Mayor and City Council could eliminate the Office and consolidate the elections administration function within a City agency through a local ordinance, subject to approval by a voter referendum.

The functions of the Sheriff's Office are partly court-related, and partly related to the revenue collection process. These functions should be assigned to an agency of the City or First Judicial District, as appropriate. As is the case with the City Commissioners, City Council has the full power to legislate with respect to the organization, powers, and duties of the Office of the Sheriff. Thus it is within the authority of the Mayor and City Council to assign the functions of the Office to appropriate City or court agencies. Again, a voter referendum would be required to implement the change.

Conclusion

Expenditure data from other Pennsylvania counties suggest that consolidation of Philadelphia's row offices under the City or First Judicial District would likely result in considerable cost savings through more effective use of personnel and information technology, use of centralized services, and greater coordination.

Reassignment of row office functions to agencies under the control of the Mayor or First Judicial District would also allow for better oversight of spending and performance. In Fiscal Year 2010, the Register of Wills and City Commissioners Office did not provide the City Administration with details on how budgeted funds are spent, making it difficult for the Administration to properly manage scarce resources and for taxpayers to understand how their resources are being utilized by government. While some data was provided to PICA Staff after a formal request, it continues to be withheld from the City administration and the public. The current economic challenges have provided a stark lesson in the necessity of providing maximum flexibility and administrative power across City agencies when budget cuts are necessary. Painful cuts in City services should not be made in a vacuum which excludes consideration of the tax dollars used to fund some offices.

It is a stated goal of City government to ensure as equitable and transparent a hiring system as possible. But many row office employees do not fall under the rules of the City civil service system, rules which are designed to ensure a transparent, merit-based hiring system. This is not meant to imply that these employees are unqualified, but rather that the goal of government should be to prevent the possibility of patronage and political favoritism through the

circumvention of generally agreed to personnel policies. Additionally, unlike most City offices, the offices of these independently elected officials are permitted by Charter to hire an unlimited number of deputies exempt from civil service rules. As a result, the opportunity for abuse exists.

The question for Philadelphia in the twenty-first century is whether the need to improve service delivery and achieve long-term fiscal stability outweighs a desire to maintain the organizational vestiges of previous centuries and their apparent inefficiencies.