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EXTENSION DIVISION,  
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Bloomington, Indiana.

# The City Manager Plan of Municipal Government

*(Reprinted from Beard's Loose-Leaf Digest of Short Ballot Charters)*

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PRICE, 25 CENTS

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THE NATIONAL SHORT BALLOT ORGANIZATION  
383 Fourth Ave., New York, N. Y.

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# The City Manager Plan

(Cities in italics have voted favorably.)

City	Population	Date of Vote	No. Councilmen	Election District	Annual Salaries Councilmen	Term Councilmen	Elections Held
Lockport, N. Y.	17,970	June 12, 1912	5	at large		4 years	Quadriennially
Sumter, S. C.	8,109	March 14, 1913	3	at large	\$200	5 years	One commissioner to be elected each year.
Whittier, Cal.	4,550		5	at large	120		Annually
Hickory, N. C.	3,716	April, 1913	5	at large	60†	2 years	
Morganton, N. C.	2,712	April, 1913					
Ohio Statute		*May 6, 1913	5-7-9		Council fixes none		
Elyria, O.	14,825	July 15, 1913					
Youngstown, O.	79,066	July 22, 1913	9	by wards	250	4 years	Biennially
Dayton, O.	116,577	Aug. 12, 1913	5	at large	1,200	4 years	Biennially { Mayor salary \$1,800.
Springfield, O.	46,921	Aug. 26, 1913	5	at large	500	4 years	Biennially
**Sandusky, O.	19,989						
**Little Falls, Minn.	6,078	Oct. 28, 1913	5	at large	100	4 years	Quadriennially
**Brainerd, Minn.	8,526						
Phoenix, Ariz.	11,134	Oct. 10, 1913	5	at large	300*	2 years	Annually
Douglas, Ariz.	6,437						
			5	at large	120	4 years	Biennially { Mayor salary \$20 per month.
La Grande, Ore.	4,843	Oct. 1, 1913	3	at large	260	3 years	Triennially
Waycross, Ga.	14,485	Oct. 4, 1913	12	by wards		2 years	Biennially
**Amarillo, Tex.	9,957						

\*\*Pending (Oct., 1913).

\*Date of Governor's Approval.

†Maximum.

# Definition of The "City Manager Plan"

## 1. *Unification of Powers:*

All corporate powers to be vested in a single group of elective officers, constituting a Council or Commission.

[The unification of powers is essential in order to avoid confusion of responsibility. There should be no other elected officers in the city government. Every power of the city should be possessed by the council. This makes it impossible for the council to lay the blame on any other officer if things go wrong. If there is no one who can hinder the council in its work the council is robbed of every possible excuse and is obliged to "face the music" in times of public criticism.

Unification of powers is a basic merit of the commission plan and must not be departed from in the city manager plan.]

## 2. *The Short Ballot:*

The Council to be elected in one of the following ways:

- (a) at large (if the number of members to be chosen at any one time is five or less).
- (b) by wards.
- (c) by proportional representation.

[The need for the Short Ballot is based on the familiar psychological difficulty which the average voter will have in remembering more than a short list of candidates. Experience with non-partisan ballots and party primary elections has demonstrated that when the number of offices is five or less, each voter will pick out his own ticket to suit himself and thus express a genuine personal opinion with every mark of his pencil. On the other hand, if the number to be chosen exceeds five, the average voter will accept some ready made ticket devised for him by a civic club or a party machine, which has been promoted and advertised *en bloc*. The real selection and control of public officers then shifts from the voters to the makers of the tickets, who thus acquire an influence that is capable of great abuse.

In a large city of upwards of 150,000, the mere size of the electoral unit acts as a discouragement to independent candidates of moderate means and gives advantage to organized standing political organizations, inasmuch as the task of improvising an equally effective impromptu vote-getting organization is too much for the resources of the individual candidate. In large cities, therefore, ward election or proportional representation is advised, as a genuinely free and open competition for office is more likely to ensue.

Ward elections have a bad name in this country, yet they are highly successful in England, the difference being that ward offices in this country have been characteristically unimportant and obscure. In the city manager plan, however, a member of council elected from the ward will be an exceedingly important officer, one of the supreme directors of the city, in fact, and not overshadowed by a mayor or any other city officer in the campaign. A ward election under these circumstances will be a different matter than in the past.

Proportional representation on the so-called Hare plan is in successful operation abroad, although it is as yet unfamiliar to Americans. It is undoubtedly the most scientific method for electing a truly representative board. A city which under the ordinary system might elect a board of nine Republicans would, under proportional

representation, elect a board of four Republicans, two Democrats, two Progressives and one Socialist, each party securing the election of its favorite candidates in the order of their strength with their party voters, each party having just the proportion of members that it is entitled to.

The advantage of proportional representation is its fairness to all hands and the stability which it gives to the city government by preventing sharp changes in control due to mere fluctuating majorities. Proportional representation is impracticable in the commission plan, but the city manager plan which makes the council a representative body opens the way for it in America. It is a favorite proposal of the Socialists, who see that under this system they would poll their fullest strength without losing the support of those sympathizers who now hate to waste their vote on a party that now has no immediate chance of victory.]

### 3. *Executive Organization:*

**Non-political** executive functions delegated to an official appointed by the Commission to serve during their pleasure, to be known as the "City Manager" or by other appropriate title; position of city manager to be open to non-residents; salary of city manager to be determined by the Council and variable from time to time; the city manager's executive powers to include appointment and removal and general control of all subordinates, subject to such restrictions (*e.g.*, civil service regulation and audit) as may be necessary to prevent abuses of power without diffusing responsibility.

[The general advantages of creating the new office of city manager are treated at length elsewhere in this pamphlet.

The city manager must be strictly the servant of the council, with no independence. The council must have absolute control of him and not be able to say "it is the city manager's fault and we can't overrule him." The city manager must not have any fixed tenure or any protection against swift removal, save possibly the right to an explanation of the reasons for his discharge and an opportunity to present his defense.

While the manager will be expected to make all the subordinate appointments, there is no safe way of preventing the council from having and exercising an opinion regarding appointments. On the other hand, in the hope of keeping questions of patronage away from the council, it would be advisable not to require confirmation of appointments by the council, or in fact demand in the charter any specific action by the council in such matters. The feature of the Dayton plan which provides that the manager may be recalled by the people is of dubious value, since it interferes with the accountability of the council and gives opportunity for public hostility to be directed at the manager rather than at the elected board. The council should not be given this opportunity to let the manager be the scapegoat. Neither should the council be given this opportunity to justify their retention of an unsatisfactory manager by saying that the people must have approved this attitude, since they did not recall the manager.]

R. S. C.

## The City Manager Plan to Date\*

BY H. S. GILBERTSON, EXECUTIVE SECRETARY, THE NATIONAL SHORT BALLOT ORGANIZATION.

In December, 1910, the Board of Trade at Lockport, N. Y., began to grow weary of the way municipal affairs had been run in their town under the familiar and complicated mayor and council plan of organization. Like hundreds of other such bodies, they turned instinctively to commission government. But there was no optional law on the statute books which they could adopt, as is now the case in many states, by which the only proceeding necessary to put the law into effect is to secure a local referendum.

Unexpectedly there was presented to the board a bill whose purpose was to put a form of commission government within the reach of every third-class city in the state. The Board of Trade accepted this as their own and had it introduced in the legislature of 1911; hence the term "the Lockport bill."

The form of government set forth in this measure has now come to be widely known as the "city manager plan." It is built upon certain conspicuous essentials of the simple type now in use in Galveston, Des Moines and nearly three hundred American cities: the unification of all the local powers of government in the hands of a single elective body, and the Short Ballot. But here the similarity ends. It is true that in most of the applications of the city manager plan thus far, other features of commission government have been borrowed—election at large, non-partisan elections and the Initiative, Referendum and Recall. But none of these things is in itself essential to the definition of this new form of city government.

It is on the administrative and executive side that the city manager plan introduces a radical change. The more familiar type of commission government makes each member of the council (usually five in all) the head of an operating department, either in an active or a supervisory capacity. Every member of the council or commission is expected to devote all, or at least a large part, of his time to the service of the city, and is paid a substantial salary. No single member of the commission, under most of the charters, could be called its executive head. The Mayor is such, in theory, but the other commissioners, as a rule, do not take him seriously as their superior, as well might be inferred from the fact that

they stand with him on an equal basis of popular election.

Commission government in the old sense, then, is a five-headed affair. It is not always intended to be such, but it is so regarded by the average citizen, and so it works out so in practice.

### A SINGLE-HEADED ADMINISTRATION.

The city manager plan does away with this five-headedness of municipal administration and substitutes a single head, not with advisory powers merely, but, with certain safeguards, with the powers of administrative "life and death," through actual control of appointments and removals.

The chief executive or city manager is not an elective officer, but is appointed by the council; he therefore does not divide responsibility with the council, but is subordinate to it; he need not be, at the time of his appointment, a resident of the city, but may be chosen from anywhere in the country; he is not chosen for a definite term, but holds office so long as he gives satisfaction to his superiors.

There are, however, certain exceptions to the executive powers to be exercised by the city manager. A city is not altogether a business affair; it is, in certain respects, a political agency, and there are some occasions on which it has been thought suitable that the official head of the city should be an elective one. There come in the history of many cities times of great public danger, when it is necessary that the ordinary machinery of government be set aside in favor of a single person who can get quickly on his own initiative—occasions, for example, such as those which beset the Ohio cities in the floods of March, 1913.

To meet such contingencies the Lockport bill, and most of its successors, have provided that the Mayor should be the head of the city for the purposes of the military law, under which he has power, when necessity arises, to govern the city by proclamation. Also, it was thought fitting that on ceremonial occasions, as when the President is to be welcomed to the town, that the "head of the city" should be its first citizen. And so for such purposes and for the service of legal process in civil actions to which the city is a party, the Lockport bill provided that the Mayor should be the head of the city; not that

\*October 15, 1913.

he should be elected as such, but should be "that member of the city council who at the regular election of city officers shall have received the highest number of votes cast." By not diverting the attention to the Mayor, the bill aimed to focus the whole scrutiny of the voters on the council, to the end that the highest possible type of citizens would be chosen for that body.

#### SUMTER, S. C.

Lockport never came under the influence of such a charter, much as the people of that city are desirous of coming out from under boss rule and putting their public affairs on the business basis. The legislature of 1911 did not see Lockport conditions in quite the same light. It remained for the little city of Sumter, S. C. (population 8,109), to pick up the general idea, influenced partly by the example of Staunton, Va., which had a general manager with functions somewhat different from those of the proposed city manager of Lockport. Sumter voted, on June 12, 1912, on an option between an old-line commission form and a new city manager plan, which carried out the Lockport idea in every essential. The latter was adopted by a majority of three to one. Early in the fall the first commission was elected, and there appeared at once one of the advantages of the new system over the old: The commission of three men which was elected was, according to all reports, composed of the strongest and ablest of men that could be brought together. They were not attracted to public office by the salary, which was only \$200 a year. Nor, on the other hand, were they deterred from seeking the office by the prospect of having to perform detailed administrative duties, which, under the regular commission plan, would have been imposed upon them. They accepted the responsibility of running the government as a Board of Directors, knowing that under the charter it was not only possible, but required of them, to delegate the details of administration to a competent, trained man who would spend all his time on the job. They set out to secure such a man by sending this advertisement broadcast throughout the country:

"October 14, 1912.

"The City of Sumter hereby announces that applications will be received from now till December the first for the office of City Manager of Sumter.

"This is a rapidly growing manufacturing city of 10,000 population, and the applicant should be competent to oversee public works, such as paving, lighting, water supply, etc.

"An engineer of standing and ability would be preferred.

"State salary desired and previous experience in municipal work.

"The City Manager will hold office as long as he gives satisfaction to the commission. He will have complete administrative control of the city, subject to the approval of the board of three elected commissioners.

"There will be no politics in the job; the work will be purely that of an expert.

"Local citizenship is not necessary, although a knowledge of local conditions and traditions will of course be taken into consideration.

"A splendid opportunity for the right man to make a record in a new and coming profession, as this is the first time that a permanent charter position of this sort has been created in the United States.

"At the request of the City Commissioners these applications will be filed with the Chamber of Commerce of Sumter, A. V. Snell, Secretary."

This attracted nation-wide attention. Every engineering journal of any prominence published it as news. Replies to the number of 150 came in, nearly all from trained civil engineers, the greater proportion of whom had had municipal experience.

Thus did Sumter emulate the practice of German cities, which never select their Burgomasters for political reasons, but solely for ability—a practice which has resulted in the growth of a distinct profession of municipal administration. In January, 1913, the first city manager was selected—Mr. M. M. Worthington, a former civil engineer, a resident of Virginia, in the employ of the Southern Railway. Mr. Worthington immediately showed the advantages of his training by putting into effect a cost system by which he saved more than half his first year's salary on one or two items of expenditure. By keeping proper account of the cart service in the public works department, he will save the city nearly \$5,000 a year.

#### SPREAD OF THE MOVEMENT.

Sumter had not been operating long under the system when the town of Hickory, N. C. (population 3,716), became interested in a new city charter. One of her leading citizens discovered the Lockport law and proceeded to adapt it to his town. A charter was drawn up which followed the Lockport provisions *verbatim*, except that the city manager was charged with certain specific engineering duties, and that the council, instead of being chosen at large, was to be selected by wards

The people accepted the charter in April, 1913, and, as in the case of Sumter, the city manager was chosen from the outside.

The Hickory charter was picked up by the commission in Morganton, N. C. (population 2,713). Making a few very slight changes in the Hickory charter, the citizens of this town took it up to the Capitol and had it enacted as their basic local law.

At this point the city manager plan ceases to be an exclusive Southern institution. In September, 1912, the cities of Ohio were emancipated from the state legislature by constitutional amendment. They were henceforth no longer required to go down to Columbus whenever they wanted to issue a bond for street improvement or to hire a new clerk. They could now do what Anglo-Saxon towns could do a thousand years ago: run their own local affairs as their local consciences and good sense dictated, instead of having to appeal to the wisdom of the up-state farmers.

#### DAYTON, O.

Immediately after the adoption of the home-rule movement, the Ohio cities began to talk of the charter revision, and if any one of them was more eager for self-government than another, it was Dayton (population 116,577). This city has a large number of civic and improvement societies which are constantly on the lookout for the "best things going" for their city. Sumter had recently adopted the new plan and the Chamber of Commerce was sending out pamphlets broadcast. Some of these fell into good hands in Dayton, and it was but a very short time before the Chamber of Commerce and the Bureau of Municipal Research and a variety of organizations had decided to insist upon the city manager idea as the starting point for a new charter. After an interruption on account of the flood, the local campaign was brought to its conclusion. By this time the city manager sentiment was so overwhelming that the ticket of charter freeholders nominated by the Citizens' Committee and committed to the new plan was elected on May 20, 1913, by a more than two to one majority. The commission fulfilled its obligations and produced what is perhaps the most advanced city charter ever drawn for a large American city. The original Lockport law was followed closely, with the single incidental variation that the city manager may be recalled by popular election in the same manner as an elective officer.

At about the same time as the Dayton movement, there sprung up a very strong interest in the plan in Youngstown and Elyria. In both these cities, before the charter

revision commissioners had proceeded far with their deliberations, they became convinced of the virtues of the city manager plan, and both of them drafted charters along this line, again sticking close to the Lockport law. The Youngstown charter, however, provided that the members of the council should be nine in number, and that they should be nominated from wards but elected at large, thus emphasizing the fact that the Short Ballot does not require the abolition of local representation. Another and more serious deviation from the model charter was the provision that the city manager, at the time of his appointment, must be a resident of Youngstown for a period of five years. The reason for this was not a scientific one, but had its genesis in a certain local prejudice against giving such an important public office to a non-resident.

The only deviation in the Elyria charter was the provision which made the solicitor, city clerk, auditor and treasurer direct employees of the commission instead of the city manager, as the Lockport law provided. In the case of the solicitor and the clerk, it was pointed out that these officers had a very intimate and direct relationship to the council or commission in the shaping of its policies and the keeping of its records. The auditor and treasurer, so it was thought, should act as administrative checks upon the city manager.

Both the Youngstown and Elyria charters were defeated by the people. This was due on the one hand to the very vigorous opposition of the politicians, and on the other to the insufficient publicity given to the charter provisions.

#### OTHER OHIO CITIES

Success, however, again met the city manager plan in Springfield (population 46,921), which adopted its new charter on August 26, 1913. The Springfield charter follows closely the one drawn up in Dayton, except that, like the Elyria charter, it takes certain of the general officers out of the control of the city manager and puts them under the commission.

The next Ohio city to be influenced was Sandusky, where at the present writing a charter commission is in session, which is committed to the city manager plan.

It is also possible in Ohio still to amend the municipal code so as to permit the cities, without the somewhat troublesome procedure of electing a charter convention and framing a charter, to adopt ready-made forms of city government. Accordingly, there was passed in the session of 1913 a law which permits any city to come under one of three forms of government—the federal, the com-

mission and the city manager plans. It was a distinct gain for this radically new type of city government to get recognition like this in a large state like Ohio.

### THE MOVEMENT IN THE WEST.

Going back to March, 1913, we find that the city manager idea took root in a small city in California—Whittier (population 4,550). The charter framers in this town, which enjoys home rule privileges like the Ohio cities, got hold of the Lockport law and proceeded to draft a charter with that as a basis. As in some other communities, a considerable opposition was developed on the part of the politicians and the ill-informed, and owing to these facts and to certain incidental features of the charter, it went down to defeat.

La Grande, Ore. (population 4,843), adopted the plan on October 1.

In Arizona three towns have become actively interested in the city manager plan, Douglas, Phoenix and Bisbee.

In Douglas (population 6,437) a city manager charter of what may now be referred to as the conventional type was drawn up, but for reasons not unlike those operative in Whittier, was defeated. This result, however, did not deter the charter forces in Phoenix (population 11,134), for they drew up a charter on very much the same lines which was adopted by a three to one majority on October 11, 1913. The Phoenix charter departed from its precedent in fixing a definite salary for the city manager, and stipulating that he must be a resident of Phoenix at the time of his appointment. Most of the advocates of the plan regard both these provisions as serious departures from the type. As to the salary stipulation, the charter commissioners felt that the figure they set was high enough so as not to interfere with the responsibility of the governing body. The residence requirement, however, was put in on account of certain provisions of the state constitution.

Another very active field of operation is Minnesota. At the last session of the legislature one of the representatives dropped into the legislative hopper a copy of the original Lockport bill with practically no changes. This bill passed the lower house, but in the rush of business was not reported out of the Senate. Later on, several cities in the state (which is in the home rule class) were introduced to the city manager idea; Little Falls (population 6,078) votes on Oct. 28, 1913, Brainerd (population 8,526) has a city manager charter ready and a vote will soon be taken upon it.

Another southern city which voted on the plan during October was Waycross, Ga. (population 14,485). The election here was adverse.

### POTENTIAL PROGRESS.

Such is the obvious progress of the movement, but its real growth is not measured by these limits. The Clark act, providing for commission government for all third class cities in Pennsylvania, was drawn in such a way that it will be possible after the terms of the first commission expire, to reduce the salaries of the commissioners. The president of the Allied Civic Bodies, who is largely responsible for the adoption of this act, makes no secret of the fact that the bill was so drawn that the second commission in any of these cities might elect to cut their own salaries down to a nominal figure and devote the amount thus saved to the salary of a city manager. Already there is a great deal of talk in favor of such a step in several of the Pennsylvania cities.

The adoption of the new plan by Dayton has attracted more attention than the Galveston or Des Moines charters.

As this article is written a most significant event has just taken place. Tacoma, Wash., has for four years been under a charter of the Des Moines type. It has not fulfilled expectations. To quote the Mayor: "In my opinion, the commission form of government as adopted in Tacoma has not been a success. There is too much log-rolling and trading. Instead of one government we have five, each one objecting to the control of the council itself." The Mayor definitely comes out in favor of a change to the city manager plan, and the Public Advancement League in the same city supports him in his stand.

Dallas is revising her charter, and there is a body of citizens there who are urgently advising a change to the Lockport system.

There is a great likelihood that in the near future the National Socialist party, the members of which in their localities have usually been opposed to commission government, will endorse the city manager plan as the most democratic and best suited to carry out the objects which their large social program involves. They will insist, however, on a more representative form of council than is provided in the Lockport plan. By the terms of the model charter, which has been prepared by Mr. Carl H. Thompson, head of the National Information Bureau of the party, the members of the council would be chosen by the Hare plan of proportional representation, which insures a voice for minorities and preserves the principle of the Short Ballot.

## The Theory of the New Controlled Executive Plan\*

BY RICHARD S. CHILDS, SECRETARY, THE NATIONAL SHORT BALLOT ORGANIZATION.

The recent adoption by Sumter, S. C., of a new type of commission plan of government with the appointive city manager, is important. It is the first time in the United States that a municipal chief executive has been made appointive and put under continuous control instead of independent and under intermittent control.

Pending the appearance in America of this principle, the short ballot movement was headed for a stone wall. For in demanding the reduction of the mischievous multiplicity of elective offices, we are met by the question "what offices would you make appointive and who would appoint them?" The natural and easy answer is to follow the tendency of the times and advocate casting all appointive power on the nearest chief executive. In New York state, for example, the New York Short Ballot Organization has presented constitutional amendments to the legislature, the effect of which is to give the governor control by appointment over the rest of the state ticket, namely, the secretary of state, state treasurer, attorney general, comptroller and state engineer and surveyor. It is easy to point to the parallel of the United States government for justification, or to the state of New Jersey.

The matter of safeguards on the appointing power is brought up. The politician takes it for granted that the state senate will have power to confirm or reject the appointments of the governor. The New York amendment, however, recognized the fact that the senate habitually utilizes the power of confirmation to accomplish a theft of the whole power of appointment. Forthwith, the responsibility of the governor for the appointments becomes something of a myth, and public control is baffled by the inability of the people to know whether it was the governor who made a given appointment, or some senator. For while the number of rejections by a senate may apparently not be large, the real number of rejections is very large indeed. The governor may not even informally ask the senators, or the boss who rules them, if this or that nomination will be acceptable, knowing well the limitations which the politicians will set upon him.

The history of the president's appointive power and its constriction by "senatorial courtesy" shows evils similar to those in New York state.

Likewise, in cities where the council must confirm the

appointments of the mayor, an interchange of authority occurs and the council soon controls the patronage without the corresponding responsibility.

With such cases in mind, the New York Short Ballot Organization drafted its amendment so as to give the governor power to appoint these minor state officers, without confirmation, and with power to dismiss at pleasure. The amendment, consistent with this principle, went beyond the offices which are now elective and made the governor's power of unconfirmed appointment complete throughout the whole administration, so far as the constitution was concerned.

The mayor of New York City has similar power over all the department heads. He may appoint and remove without oversight by anybody, and this is considered one of the most modern and progressive features of the charter.

The National Municipal League's model charter conferred this absolute power on the mayor.

This is the present orthodox principle among reformers. The purpose is to clear the lines of responsibility from all entanglements; to make it impossible for an official charged with neglect to say "It wasn't my fault;" to get single-headed government instead of many-headed.

The opposition promptly complains that this is over-concentration of power. The politicians, fearful of the appearance of any machine except their own, argue that the chief executive would use his enlarged patronage to build up a new machine. Of course, we answer that a new machine once in a while by way of variety, might be a good thing and that we would have the boss of the new machine right where we could hit him full and square.

Nevertheless, it is my belief that there is a measure of soundness in the opposition to uncontrolled appointive power and that we must eventually give to the opponents of it a better answer than to say that it is at least better and safer than the confirmation plan.

In no other democratic country do the people subject themselves so to the mercies of individual caprice as we already do. And, as I have shown, reformers are ready to carry it still further. In many of our cities it may fairly be said that the mayor holds half the city power within his personal grasp. Certainly if we take into account his ability to misuse patronage and veto like chessmen, the mayor comes pretty near being a majority in

\*Reprinted from the "National Municipal Review," January, 1913.

many of our city governments. In this matter we are unique among the nations, and it is curious that a country which appears most afraid of a strong government, and in which the Jeffersonian idea appears dominant, should be the one in which single individuals are entrusted with greater uncontrolled power than anywhere else in Christendom.

An instance of the dangers involved is New York City, where the mayor recently had it within his power to upset the subway situation whenever he pleased, and frequently it seemed to the people of the town that he was likely to do so. He expressed opposition to what he called "corn-field routes" for subways and wanted the new tubes built where there was already the greatest number of passengers. If that one man had happened to be impervious to argument, future generations in New York City might have been condemned to live upon an insignificant fraction of the land which lay within a few miles of city hall, with congestion piled on congestion, instead of congestion being relieved by the opening up of new spaces.

Similarly, the mayor of New York was charged with responsibility for an epidemic of crime, by reason of his causing sharp punishment of policemen who ventured to use their clubs. Matters reached a point where a gang of toughs could successfully forbid policemen to pass beyond the corner of a certain car barn.

After the terrible Asch factory fire in New York, two important bills, aiming at fire prevention, came before the mayor for acceptance. One represented the best thought of the public-spirited citizens of the town and the most careful draftsmanship. The mayor, without giving anybody a chance to explain, rejected it because he thought his pet enemy, Hearst, had prepared it, and proceeded to sign the inferior measure.

Whether my statements are just to the mayor or not, it is obvious that things fully as serious as this are easily conceivable, and a plan of government which permits the whims or failings of a single man to swing such vast interests, even temporarily, is not thoroughly sound.

The chief ground for complaint against the uncontrolled-executive plan is, however, not its perilous strength, but the fact that the presence of these obvious perils compels us to withhold from our administrators the powers they need. They need not only complete undivided appointive power, but power to use their own discretion, power to make new rules, as they go along, to fit new situations, power to be agents instead of dummies of the law's minutiae.

Our municipal, state and national legislatures now must undertake to control by continuous and detailed

legislation a multitude of highly technical matters which ought to be left to empowered administrative experts. The legislatures cannot safely delegate their powers to administrators because they cannot hold the administrators answerable for results and subject to punishment.

The New York City government undertakes to prevent such holocausts as the Asch fire. There is a new fire prevention bureau, placed according to current orthodox theories, under the mayor's single control. The fact that the mayor is independent and uncontrolled makes it impossible to confer the vast necessary powers upon the fire prevention bureau without running the risk that those vast powers may be used improperly under a weak or opinionated executive, in which case there would be no appeal and all hope of reform must be hazarded upon the personality of the next mayor.

Another great and vital feature of local legislation in New York City is the building code. At present the aldermen make it and the mayor approves and administers it. The present method has developed great scandals and the code is chronically out of date and unfair to business and costly to the people. The right method would be to have an appointive administrative building code board, served by an expert bureau and empowered to enact the code and keep it up to date and enforce it. If we attempt this at present we have three unhappy alternatives: (1) To let the mayor have the whole responsibility for the building code board with right to dismiss the members and appoint new ones at pleasure. This overstrains our willingness to depend on the wisdom of one man. (2) To let the mayor appoint, subject to confirmation by the council. This forks the line of responsibility and the principle has proven mischievous in practice. (3) To let the mayor appoint the building code board, but give the members long terms in rotation so that no one may or can alter a majority of the board in his term. This puts power beyond prompt popular control, prevents the retrieving of mistakes in appointment, and delays and baffles attempts at improvements as well as attempts at corruption. Thus Governor Wilson has been almost impotent in certain important matters which he was elected to carry through in New Jersey, because certain of his so-called subordinates have protected tenures and silently defy his efforts to install new methods. The people cannot be expected to analyze his excuses and duly hold him blameless. He has no redress and neither have the people, and there is nothing to do but wait for the years to roll round before reform can be effected. Power ought not thus to be delegated beyond control of responsible representatives of the people.

The recall puts a touch of flexibility into the plan of electing independent chief executives. So far as the recall goes, I favor it. But it is at best, clumsy, unwieldy and expensive. The horse needs a hand on the rein. It is not always wise to give him his head and then unhitch him and buy another horse if he turns off the road to nibble the grass.

Upon a state legislature or a city legislature, i. e., a group of men who act in group, we willingly confer greater powers than we dare give *one* man, and all these large powers can, without diminution, be boldly and flexibly administered through a *controlled* chief executive.

Such is the new office which has just been created in Sumter, S. C. The new charter of this little city (10,000 population) modifies the commission plan by making the commissioners act as a board, never singly, and perform all executive work through an appointive city manager, who holds office subject to their pleasure. The city manager may be hired from out of town and is simply the expert servant of the commission.

Suppose New York adopted this plan by enlarging its present board of estimate and making it a supreme board of directors with no other elective officers to detract from its authority. That board of directors could hire a chief executive to carry out all its orders in proper co-ordination. There could be under this continuously controlled executive a building code board and a fire prevention board, for instance, to which could be safely sublet all the powers necessary to the proper regulation of buildings and the prevention of conflagrations. Then the public would have the right to disregard all details and simply hold the directors responsible for results.

After the Asch fire nobody suffered politically except George McAneny, the borough president, and he was not responsible at all. But if a building burned and people died in it the public could with perfect justice demand of our proposed board of directors—"What did you let this happen for? You had plenty of power to prevent it!" And the directors, apologizing, would turn privately to their city manager and repeat, "What is the reason? Did you appoint real experts or amateurs on that fire prevention board? Didn't you have inspectors enough? Or money enough? What do you need to prevent another fire?" And the manager, fearing lest he lose his job for having thus gotten his superiors into trouble, will tear things loose in the fire board to locate and punish the cause of the inefficiency and see that proper new provisions are made to prevent forever the repetition of any such disaster.

We cannot secure such a condition now because we dare not give to an uncontrolled executive such vast administrative discretion.

The controlled-executive plan filters everything through a group. It reduces the personal equation. Without loss of administrative unity, it abolishes one-man power. A single man may have his ups and downs, his freaks and fancies, his militant points and his passive ones, his natural bents and moods, his pet departments and projects. A board, or commission, or council, or parliament, has none of these things—to a group such excesses are relatively impossible. Even if all the members were cranks, their combined judgment would be reliable—they would neutralize each other.

This plan corresponds to the general manager under the board of directors in a business corporation. It gives the stability of the combined judgment of many men on matters of policy, but leaves execution to a single-headed controlled executive establishment.

The controlled-executive plan goes far beyond the recall of the mayor. Its executive can be bounced out of office in less time than it takes to print the blanks for a recall petition.

There are many other weaknesses of the independent-executive plan of government, all of which are corrected by the controlled-executive idea. I will simply name them.

1. The independence of the executive destroys continuity of the administrative policy. One mayor is a crank on finance and taxes, and devotes his attention to improving those matters, to the neglect of other departments which do not interest him. His successor leaves the financial reforms uncompleted and follows his own hobby of parks and schools.

2. Election of administrators is unsound in principle, for the choice of an administrator is no more a natural popular function than the choice of an engineer or a landscape architect. Administration of modern cities is an expert's job and the best experts are not necessarily good vote-getters.

3. The independent executive constitutes a separate city government and the attempt to compel him to work in harmony with the other "city governments" creates a costly and cumbersome mass of red tape. The council, for instance, in appropriating funds for the mayor to spend, will try to regulate the details of the expenditure, thus perhaps compelling what later in the course of the expenditure may be found to be extravagance or unwise economies or misdirected work.

4. The independence of the executive destroys unity

in the government. A city ought to have one government, not several. Pulling and hauling, deadlocks, friction and delays, trading of influence and the need of a boss to hold the ramshackle together and make it progress—all result from two-headed government.

Putting a chief executive under continuous control of a responsible group of men abolishes these evils. A moment's reflection will show that it is the universal plan in corporations and in all associations employing paid servants. It is likewise a standard plan in governments outside of the United States.

In foreign countries the parliament elects and controls the prime minister, who in turn controls the administration. The *magistrat* of a German city, with general power of appointment over the whole administration, is hired by the council and subject to continuous control by it.

I believe the best way to go about getting this idea into practice is by giving encouragement to the widespread adoption of the Sumter plan. This plan, if successful in cities, will in time, spread to counties and even to states.

## The City Manager Plan with Proportional Representation

Otherwise Called

### The Representative Council Plan

By C. G. HOAG, SECRETARY FOR THE U. S. AMERICAN PROPORTIONAL REPRESENTATION LEAGUE

The City Manager Plan itself and its advantages over the ordinary Commission Plan have been set forth by Mr. Childs and Mr. Gilbertson. Proportional representation has been briefly explained by Mr. Tyson. What I have to say is on the combination of the two into what, in my work for the P. R. League, I have been calling, for short, the Representative Council Plan.

It will help, perhaps, to clear up the confusion in many people's minds to admit at the outset that under the Commission Plan in its original form, that is, where the commissioners are the actual heads of administrative departments, instead of the responsible supervisors of a manager to whom all purely administrative work is delegated, the "block vote"—that is, the present system, under which every voter votes for all the commissioners—is actually preferable to the proportional system. For under the Commission Plan the administrative functions of the commissioners are more important than their deliberative functions; and to make five *administrative* officials representative of the various interests and opinions of the community would be an absurdity. Under the City Manager Plan, however, which provides for the delegation of administrative work by the commission or council to the city manager, there is not only no objection to electing the council so as to make it reflect truly the community's various interests and opinions but every advantage in doing so. The City Manager Plan with proportional representation, then, seems to be just what we have been looking for so long in this country, the plan that combines with the highest efficiency genuine democracy.

For the highest efficiency we must put the chief administrative official, as well as subordinate officials of the same sort, on a professional basis, which means simply that we must leave his selection and his indefinite retention to some person or body that is in a position to examine his work closely and therefore judge of it intelligently, and that we must also take the matter out of politics not by incessantly harping on the desirability of doing so but by *relieving him of all except purely administrative duties*. That is not saying, you

will notice, or even implying, that "the people cannot be trusted to choose" the chief administrator: it is implying merely that they are *not in a position* to do so to advantage, and that if the official in question is given the veto and other policy-determining functions, neither the people nor anybody else can be expected, no matter how well they realize the advantage of experience in administrative work, to do anything but oust him as often as his *opinions* are not in conformity with those of the majority. We can have the highest efficiency in city government as soon as we are ready to take the steps obviously necessary to get it.

It may be asked why, if the city manager is to be appointed, he should not be appointed by the mayor? Well, if what is meant by the term "mayor" here is a chief official having both deliberative and executive powers, and elected at the polls, it may be answered that he should not exist. In so far as such a mayor is a mere administrator, he should be supplanted, as Mr. Childs has shown, by the city manager himself. And in so far as he is a deliberative or policy-determining official, he should be supplanted by the council as soon as that body has been made, by the application of proportional representation to its election, truly representative of all the voters.

Moreover, quite aside from the fact that there should be no mayor of the old-fashioned sort to whom the appointment of the city manager could be entrusted, there is every advantage in giving the responsibility for his appointment and his retention to the council. Instead of changing completely with the turn-over of a few votes at any election, as would frequently happen in the case of a mayor elected at the polls, the council will change in complexion only as fast as, and to the degree that, the whole body of voters changes. Thus the council is the most stable basis for the managership to rest on. Moreover, if the manager is not to be elected by all the voters, and if he is to be kept in office indefinitely so long as he is satisfactory to those who appoint him, as is required in the interest of efficiency, it is obviously important, in the interest of democracy, to entrust his appointment and his retention to the one

body in the government that can be made truly representative of the whole electorate.

Efficiency and democracy, then—the two fundamental requirements of the ideal city government—are satisfied by the City Manager Plan with proportional representation, provided only that proportional representation itself can accomplish all that its advocates maintain. In undertaking now to settle that question I shall assume that the particular system of proportional representation in question is the Hare. That is the system successfully in use for the election of the Parliament of Tasmania and the Senate of South Africa; it has recently been approved by the British Parliament for the Senate and the House proposed for Ireland; and it is now receiving powerful support for the election of the councils of British municipalities. I shall assume also that in our cities that system would be carried out under the provisions recommended in the publications of the American P. R. League, which are printed in full at the end of this article.

That the Hare system focuses the voters of a community into a representative body almost as perfectly as a burning-glass focuses the rays of a sunbeam into a point is pretty clear to anybody who fully grasps the fundamental difference between the Hare or any other proportional system and our present one. That difference concerns simply the nature of a "constituency." Under our present system a member's constituency is defined arbitrarily as all the voters who happen to live within a certain district—in spite of the fact that from thirty to seventy per cent. of them may actually have voted against him either in the final election or in the primaries. Under a proportional system a member's constituency is defined as *enough voters, unanimous in his support, to deserve to send him in*. This fundamental difference is like the difference between the two sides of a barn the ridge-pole of which happens to form the continental divide. Turn a pailful of water down one side of the barn, and it flows into the Pacific; turn it down the other, and it flows into the Gulf of México. Define the constituency of a member of a deliberative body as all the voters who happen to live inside of a certain line, and you have no choice but to give the entire representation of the district to one person in spite of the fact that he may, and often does, more or less flagrantly misrepresent from thirty to seventy per cent. of the voters in the constituency thus defined; and

the aggregate of such misrepresentation in all the districts may well be sufficient, in the absence of unusual good luck, to confound the very basis of the government. Define a constituency, on the other hand, in terms of *unanimity of will* instead of in those of mere *proximity of home*, and the result, provided only that the means of attaining it are adequate, is the elimination of misrepresentation and the consequent establishment of a basis of government that inspired John Stuart Mill "with new and more sanguine hopes respecting the future of human society."\*

The Hare system—or any other good system of proportional representation—is nothing but a form of ballot, and a set of rules for counting ballots, that make it easy for the voters to build up at a single election—without any primaries whatever—approximately equal constituencies each of which is unanimous, under the actual circumstances existing, in the desire to support a certain candidate. The specific means employed—under the Hare system—are covered by the provisions following this article. How effectively they work out can be realized best by seeing an actual election carried out and the ballots counted. It is interesting, when the results of such an election have been reached, to take up and go over, one by one, the pile of ballots that elects any member. Such an examination shows that every ballot in the pile is that of a voter who preferred, under the actual circumstances existing, and considering how all the other electors had voted, to have his vote go to the support of the member it has actually helped to elect.

This is "effective voting" as applied to the election of representative bodies, and it is utterly different from our present system of voting for such bodies by arbitrarily defined single-member districts. It provides a basis for government as scientific, stable, and democratic as our present representative system—so called—is crude, unstable, and conducive to political trickery and corruption. To make a specific comparison, at the municipal election of 1909 in Cape Town, South Africa, where our present system was used, only 42 per cent. of the votes cast were effective in electing members of the council, whereas at the elections of the same year in Johannesburg and Pretoria, where the Hare system was used, 96 per cent. and 99 per cent. respectively of the ballots cast were effective in electing members.

\*Autobiography, London, 1873. A more extended passage on the Hare system will be found in Mill's book on "Representative Government."

### CORRUPTION\*

To elect a councilman corruptly under the single-member district or ward system it is necessary to corrupt only the few voters necessary to turn the scale in a close ward. To elect one corruptly under the Hare system it is necessary to corrupt approximately as many voters as there would be in a whole ward.

### JUSTICE

The ward system may be very unjust, for under it the seats in the council are often won not by force of voting power but by the tricks of politics: experienced politicians can often make of no avail thousands of votes cast by their opponents simply by pitting faction against faction in close wards and then swinging the small vote necessary to control each. It is only under a system by which each voter's ballot is insured its full weight of one when marked in accordance with the real will of the voter that we can expect the council to reflect the will of the voters truly. Under the ward system a small minority of the voters of the city may control a majority of the council. Under the Hare system a majority of the people is sure to elect a majority of the council, and yet at the same time every minority group large enough to deserve representation gets it.

### CONTINUITY OF POLICY

Under the ward system the personnel of the council may be changed considerably by the change of a few voters in a few close wards. Under that system, therefore, there is no assurance that the complexion of the council will not change abruptly when there is no marked change of opinion on the part of the voters of the city generally. Under the Hare system each councilman is sure of his seat so long as he remains the candidate really preferred by one of the full constituencies of the city. If a councilman is not re-elected, it is only because those who elected him formerly now really prefer some one else. The complexion of the council changes, in other words, only as fast as the interests and opinions of the community change, or as fast as councilmen are found to be other than they were thought to be when formerly elected. The Hare system makes possible, therefore, that continuity of policy which is absolutely essential to consistent and orderly progress, for it insures the retention in the council of experienced leaders until leaders more truly representative of the community are discovered.

\*The next few paragraphs are reproduced, slightly changed, from an article by the present writer which appeared in "The American City" for April, 1913.

### POLITICAL APATHY

Under the ward system political apathy is fostered in a ward where one party or fraction is almost sure to win with many votes to spare. For in such a ward a voter of the leading party knows that his vote will probably have no effect on the result; and a voter of any other party knows in respect to his vote the same thing. A system that causes thousands of votes to be thus "thrown away" at every election is sure to breed apathy among large classes of voters. The cure for political apathy is not continual exhortation to "do your duty as a citizen and go to the polls," but *making each ballot count one towards the make-up of the council, even when the voter has dared to record on it his real will.*

### CRANKS

It may be asked whether the Hare system would not permit any crank who could muster more than a tenth of the voters to his support to get a seat in council of nine? Certainly. But that means neither more nor less than that it is fair. The implication of those who ask this question, namely that the system would fill the council with cranks, is absurd. Clearly the number of cranks in the council would correspond to the number of crank-supporters in the city. It is only in a city full of crank-supporters, therefore, that the council would be full of cranks. Moreover, the thing works both ways: besides insuring a seat to any candidate having the necessary support whom you might consider a crank or "undesirable," it would insure a seat there also to any person of exceptional intelligence, education, or equipment who could get the same support.

### PARTY LINES

Would the Hare system divide the voters into solid factions and interests? It would do just the opposite. The ward system has kept the voters divided into factions and parties meaningless in municipal elections. The Hare system would set the voter free to cross all factional lines, including national party lines, if he wanted to; but it would make him free also to vote according to any lines, whether those of the most temporary sort or those of national party divisions, which he wanted to follow at the particular election in question. It is the cramping restrictions of the present plan of electing representatives by plurality (or majority) vote in single geographical constituencies that maintain parties and factions rigidly where they would disappear at once or change as municipal issues changed under a

system that allowed the voters to form their groups freely by means of the ballots themselves, *each one of which would be insured full effectiveness under whatever circumstances of grouping might arise.* Under the Hare system national party lines would not persist in city elections except in so far as the voters really wanted them to.

#### DISTRICT REPRESENTATION

Have not geographical districts a right to representation as such? Certainly—to *precisely the extent that the voters want such representation.* Any system of election, therefore, that prevented a voter from giving as much weight to the geographical proximity of a candidate as he wanted to would be unreasonable. But the Hare system does not do that, and it has the advantage also of not forcing voters by the thousand to be “represented” by men they are utterly opposed to simply because a constituency has been defined as all the voters, no matter how diverse in interests and opinions, who happen to live within a certain line.

#### SUPPOSED DIFFICULTY IN VOTING

Is it hard for uneducated voters to vote a Hare ballot? It is not. On this point there is conclusive evidence in official documents, notably the testimony of the Agent General of Tasmania in the Blue Book of the British Government designated “Miscellaneous No. 3, 1907.”

#### THE TITLE OF MAYOR

Is a city to have no mayor if it adopts the City Manager Plan with proportional representation? By all means let it have a mayor—if there is no danger that the retention of the title will mean the retention of the official we now call by that name. Give the title of mayor, if you wish, to the person selected by the council as its president or chairman, for that is the person who should represent the dignity and the hospitality of the city. And let that person also, as the Lockport bill puts it, “be recognized as the official head of the city by the courts for the purpose of the advice of civil process and by the Governor for the purposes of the military law.”

#### THE RECALL

Should the Recall be made applicable to the city manager under this plan of government? Preferably not, for there is nothing to be gained by giving the council the least loophole for excuses in case the manager whom it is keeping in office is inefficient or otherwise unsatisfactory. There is no objection, however, to making the Recall applicable to the council itself. It must not be

made applicable to members of the council *separately*, of course, for that would be utterly inconsistent with the principle on which the body is made up—the principle that any man deserves a seat who has a whole constituency behind him, even if every other voter in the city is against him: it must be made applicable to the council *as a whole*. There need be no fear that any member who ought to remain in the council will lose his seat at such a recall election: the system of election itself will take care of that: the only members dropped will be those who ought to be dropped because they no longer have the support of constituency of voters. In this connection it may be added that as there is no objection, under the Hare system, to frequent elections—that system itself assuring stability to the council—a simple solution of the problem of the Recall in respect to a council elected by that system is to provide that the regular elections for the council shall be at intervals as short as one would think of making the interval required between a regular election and a recall election. With regular elections for the council annually, say, provisions for recall elections applying to that body might be considered unnecessary. If longer intervals between the regular elections were preferred, provisions for recall elections applying to all the seats at once should be included in the city’s charter.

#### A SLIGHT PRACTICAL OBJECTION

Under the Hare system is it not necessary to have all the ballots, after the counting of first choices at the precincts, brought together to a central place for the completion of the count? It is, and one must admit that this is a slight practical objection to the system. Wherever the system is thoroughly understood, of course, an appreciation of its advantages will make this slight objection seem not worth considering. Wherever, however, the public cannot be educated sufficiently, and the objection mentioned seems an insuperable obstacle to the introduction of the Hare system, a simple list system of proportional representation, such as that explained on pages 14-17 of the American P. R. League’s Pamphlet No. 3, is to be recommended.

#### “PREFERENTIAL VOTING” AND PROPORTIONAL REPRESENTATION

Just what is the advantage of proportional representation for the election of the council over what is usually called “preferential voting?” Preferential voting, as the term is commonly used, means preferential *majority* voting, that is, the use of a ballot on which the

voter can express his will fully instead of very limitedly in an election intended to range the majority against the minority. As the use of a ballot that allows such a full expression of the voter's will, that is, of a "preferential ballot," for such an object does all that both primary and final election do under the old system, and does it better, there can be no question but that the preferential ballot is an essential feature of any rational or effective voting having that object in view. But when the object of voting is not that at all, but the building up of unanimous constituencies, as it unquestionably should be when a *representative* body is being elected, the mere use of the preferential ballot *in connection with single-member districts that make unanimous constituencies impossible* is very far from being rational or effective voting. When this is the object in view, the preferential ballot itself should be used, but the rules for counting it should be unanimous-constituency or "proportional" rules instead of majority rules.

Fifty years hence it will be obvious to everybody that the preferential or adequate ballot should be used in all voting whatsoever, and that when it is used, officially supervised primary elections are useless; but it will be equally obvious that there are two objects of voting,

quite distinct from each other, the making of decisions, in which majority voting is in order, and the making up of a body fit to make them on behalf of all the people, in which majority voting is quite out of order.

## COMPARISON WITH THE ORDINARY COMMISSION PLAN

This brings us back to the comparison of the ordinary Commission Plan with the City Manager Plan with proportional representation. Under the former, since the commissioners are primarily administrators—being a sort of executive committee of the majority—they should be elected at large by the majority system of voting, as in fact they are. But when they are elected thus, the city is left without the services of any body that even pretends to be representative of all the voters. The ordinary Commission Plan, therefore, is weaker than the City Manager Plan with proportional representation not only in having its chief administrators on a non-professional basis, which must make the highest efficiency in administration impossible, but in depriving the city altogether of the services of a truly representative body composed of more or less experienced leaders of public opinion.

## HARE PLAN OF PROPORTIONAL REPRESENTATION, NOMINATION AND ELECTION PROVISIONS

Revised July, 1913.

Section 1. Nominations of candidates for the council shall be by petition, signed by electors (who have signed no other petition to nominate a candidate for the council at the same election) to the number, in municipalities of not more than ten thousand inhabitants, of three per cent of the number of electors who voted at the last preceding regular municipal election; to the number, in municipalities of more than ten thousand but not more than twenty-five thousand inhabitants of two per cent of the number of electors who voted at the last preceding regular municipal election; and to the number, in municipalities of more than twenty-five thousand inhabitants, of one and a half per cent of the number of electors who voted at the last preceding regular municipal election; provided, however, that in no case shall the number required be more than two hundred.

Each such petition shall be signed, filed, and verified in the manner prescribed by general law, shall contain the signed consent of the candidate, and shall be filed with the election authorities at least thirty days prior to the election.

Section 2. The ballots used in all elections provided for in this act shall be without party marks or designations. The names of candidates on such ballots shall be printed in rotation\* as follows:

The ballots shall be printed in as many series as there are candidates for the council. The whole number of ballots to be printed shall be divided by the number of series and the quotient so obtained shall be the number of ballots in each series.

\* Of course these provisions for rotation of the names on the ballots are not an essential part of the plan. If rotation is not desired, put the words "alphabetical order" instead of the word "rotation" here and omit the passage that follows as far as the words "The ballots shall in all other respects."

In printing the first series of ballots the names of candidates for the council shall be arranged in alphabetical order. After printing the first series the first name in the list of candidates shall be placed last in such list and the next series printed, and the process shall be so repeated until each name in the list of candidates shall have been printed first an equal number of times. The ballots so printed shall then be combined in tablets, so as to have the fewest possible ballots having the same order of names printed thereon together in the same tablet. The ballots shall in all other respects conform as nearly as may be to the ballots prescribed by the general election laws of the state.

The form of the ballot shall be as follows:

[See next page]

Section 3. The numerals thus marked on the ballot shall be understood to mean that the voter wishes his vote to be effective in the election of his highest preference possible under the rules, a candidate whose name is marked with a lower number being always preferred to one whose name is marked with a higher number and the latter to one whose name is not marked at all, and that he desires his ballot, in case it appears on any count that it is not needed by, or cannot under the rules be effective in the election of, that candidate for whom it has been or would be counted, to be transferred to another candidate in accordance with his preferences marked thereon.

Section 4. The ballots shall first be sorted and counted at the several voting precincts according to the first choices of the voters. The valid ballots so cast for each candidate shall be sorted into two groups, that of valid ballots on which the voter's second choice is clearly indicated and that of valid ballots on which his second choice is not clearly indicated. Each such group shall be tied up by itself and properly

marked on the outside, and the two for each candidate shall then be tied up in one bundle which shall also be properly marked on the outside. All the bundles thus made up at a precinct, together with the invalid ballots and a record of all the ballots cast at the precinct, showing the number of invalid ballots, the number of valid ballots, the total number of first-choice ballots for each candidate, and the number of ballots in each of the two groups of first-choice ballots received by each candidate, shall be forwarded to the Board of Deputy State Supervisors of Elections or the Board of Deputy State Supervisors and Inspectors of Elections,\* as directed by that Board, and the counting of the ballots shall proceed under its direction.

Section 5. First-choice votes for all candidates shall be added and tabulated as the first count.

Section 6. The whole number of valid ballots shall then be divided by a number greater by one than the number of seats to be filled. The next whole number larger than the quotient thus obtained shall be the quota or constituency.

Section 7. All candidates the number of whose votes on the first count is equal to or greater than the quota shall then be declared elected.

Section 8. All votes obtained by any candidate in excess of the quota shall be termed the surplus of that candidate.

Section 9. The surpluses of those candidates who have a surplus shall be successively transferred, beginning with the largest surplus and proceeding to the smallest, each ballot of the surplus being transferred to and added to the votes of that continuing candidate for whom a preference is indicated on the ballot.

Section 10. "Ballots capable of transfer" means ballots from which the preference of the voter for some continuing candidate can be clearly ascertained. "Continuing candidates" means candidates who have not been declared elected or defeated.

Section 11. The particular ballots to be transferred as the surplus of any candidate shall be taken as they happen to come, without selection, from such of his ballots as are capable of transfer, and the order in which those ballots shall be transferred shall be that in which they happen to come, without selection. All the ballots not so transferred as surplus shall be set aside as effective in the election of such candidate.

Section 12. After the transfer of all surpluses, the votes standing to the credit of all the candidates shall be counted and tabulated as the second count.

Section 13. After the tabulation of the second count (or after that of the first count if no candidate received a surplus on the first) the candidate lowest on the poll as it then stands shall be declared defeated and all his ballots capable of transfer shall be transferred to the continuing candidates, each ballot being transferred to and added to the votes of that continuing candidate preferred by the voter. After the transfer of these ballots a fresh count and tabulation shall be made. In this manner candidates shall be successively declared defeated and their ballots capable of transfer transferred to continuing candidates and a fresh count and tabulation made. Each time the candidate to be declared defeated shall be the one lowest on the poll at the last preceding count.

Section 14. Whenever in the transfer of a surplus or of the ballots of a defeated candidate the votes of any candidate shall equal the quota, he shall immediately be declared elected and no further transfer to him shall be made.

Section 15. When candidates to the number of the seats to be filled have been declared elected, all other candidates shall be declared defeated and the count shall be at an end; and when the number of continuing candidates shall be reduced to the number of seats to be filled, those candidates

shall be declared elected and the count shall be at an end; and in this case the ballots of the last candidate defeated need not be transferred.

Section 16. If at any count two or more candidates at the bottom of the poll have the same number of votes, that candidate shall first be declared defeated who was lowest at the next preceding count at which their votes were different. Should it happen that the votes of these candidates are equal to each other on all counts, they shall be declared defeated successively from the younger to the older.\*\*

Section 17. No ballot shall be counted in such a way as to make it effective in the election of more than one candidate.

Section 18. Upon each tabulation a count shall be kept of those ballots which have not been used in the election of some candidate and which are not capable of transfer, under the designation "Non-Transferable Ballots."

Section 19. Upon each tabulation a count shall be kept of the invalid ballots; but no ballot shall be declared invalid except one on which the first choice of the voter cannot be clearly ascertained. A ballot marked with a cross opposite one name but with no other mark shall be treated exactly as if it had been marked with the figure 1 opposite the same name but with no other mark.

Section 20. So far as may be consistent with good order and with convenience in the counting and transferring of the ballots, the public, representatives of the press, and especially the candidates themselves, shall be afforded every facility for being present and witnessing these operations.

\*\* For the last twelve words may be substituted the following, if they are preferred: "lots shall be drawn to decide which candidate shall next be declared defeated."

[Form of Ballot]\*

#### FOR REPRESENTATIVES IN THE COUNCIL.

Directions to Voters: Put the figure 1 opposite the name of your first choice for the council. If you want to express also second, third, and other preferences, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. You may express thus as many preferences as you please. A ballot is spoilt if the figure 1 is put opposite more than one name.

If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots, and get another from him.

#### CANDIDATES FOR THE COUNCIL

	A	(Domicile Address.)
	B	
	C	
	D	
	E	
	F	
	G	
	H	
	I	
	J	
	K	
	L	

\* In some states the proper officials would have some other title. The alternative title given is intended to be correct for all municipalities in Ohio.

\* The squares for the voter's marks should be at the right of the names instead of at the left in states where custom would require such a change.

# THE LOCKPORT PLAN

*(Replacing original pages of same number)*

[The so-called "Lockport plan" was embodied in a bill introduced in the New York legislature in 1911, but never passed. In form it is a general enabling act applicable to any city of the third class (that is, one having a population of less than 50,000) upon adoption by local referendum, and would have supplemented the special city charter. Many of the sections of the measure have to do with conditions local to New York state and, hence, are only included here by number and title. As the sections dealing with elections and general corporate powers of the city do not belong distinctively to the city manager plan, they are also omitted. This bill has been used as a model for practically all the subsequent city manager charters.—Ed.]

*The people of the State of New York, represented in Senate and Assembly, do enact as follows:*

## ARTICLE I.

### GENERAL PROVISIONS.

**Sec. 1. Short Title.** This act shall be known as "The Optional Third Class Cities Law."

**Sec. 2. The Term City.** The term city as used in this act shall apply only to such cities of the third class as shall adopt or shall seek to adopt this act.

**Sec. 3. Corporate Powers.** The corporate powers of the city as defined in the charter are hereby confirmed.

**Sec. 4. Application of This Act.** The provisions of this act shall apply to all cities of the third class which shall adopt the same, as a whole, and shall file such notices of the adoption of the same as are herein provided, with the County Clerk of the county in which the city is situated.

## ARTICLE II.

### ADOPTION OF THIS ACT.

**Secs. 5 to 9, Inclusive.** [Provisions for submission of the question of adoption by the city to popular vote, record of result of vote, etc.]

## ARTICLE III.

### REORGANIZATION UNDER THIS ACT.

**Sec. 10. First Election under this Act.**

**Sec. 11. Term of First City Council.**

**Sec. 12. The Period of Reorganization.**

**Sec. 13. Redistribution of Corporate Functions.**

**Sec. 14. Restrictions on Such Redistributions.**

**Sec. 15. Succession of Functions.**

**Sec. 16. No New Corporate Power.**

**Sec. 17. Organization within Departments.**

**Sec. 18. Special Authority to Borrow.**

## ARTICLE IV.

### ELECTIONS AND RECALL OF OFFICERS.

[The text of Secs. 19 to 23, inclusive, follow closely the charter of Berkeley, California (q. v.).]

**Sec. 24. Nomination by Deposit.** (1) In lieu of a petition of nomination a deposit of fifty dollars in legal tender may be made by any candidate for the office of alderman and his name shall be entered upon the official ballot in all respects as if a petition had been filed and accepted. The city clerk shall give to such candidate a receipt for such deposit, which shall, in every case, be sufficient evidence of the payment therein mentioned.

(2) The sum so deposited by any candidate shall be returned to him in the event of his obtaining a number of

votes at least equal to fifteen per centum of the number of votes cast for any candidate elected. Otherwise such sum shall belong to the city for its public uses.

(3) The sum so deposited shall, in the case of the death of any candidate after being nominated and before the election, be returned to the legal representative of such candidate.

## ARTICLE V.

### THE CITY COUNCIL.

**Sec. 25. Legislative Power Vested.** The legislative and general regulative powers of the city shall be vested in a city council which shall consist of five aldermen elected at large. There shall be no other elective officers of the city.

**Sec. 26. Term of Aldermen.** The term of alderman shall be four years, subject to recall by the voters of the city, as hereinbefore provided by this act.

**Sec. 27. Resignations.** Any alderman may resign at any time and his office shall be filled by the remaining members.

**Sec. 28. Qualifications.** The qualifications of alderman shall be the highest non-professional or non-technical qualifications specified for any officer under the charter.

**Sec. 29. Compensation.** Aldermen shall receive such salary, if any, as is granted by the charter. But the city council may determine upon an amount which they may consider a just and adequate compensation for their public services and may submit a proposition to the qualified electors of the city, at any regular or special election, to fix their compensation in that amount. Such proposition shall be submitted in the following form: "Shall the compensation of aldermen be fixed at (insert amount)?" If a majority of the electors voting shall vote affirmatively on such proposition, the salaries shall be fixed accordingly, to take effect on the first day of the calendar month next succeeding the official canvass of the vote and shall not be refixed except by the same process.

**Sec. 30. Eligibility for Other Offices.** No aldermen shall be eligible for any other municipal office during the term for which he shall have been elected, except in such ex-officio capacities as are provided for in this act, for which he shall receive no additional compensation. The acceptance of any other public office shall operate to vacate his membership in the city council.

**Sec. 31. Meetings of City Council.** (1) The city council shall meet for special purposes at all such times as are fixed therefor by the charter.

(2) An ordinance shall be passed, before this act shall be declared to be in full operation, providing a schedule of regular sessions to occur not less frequently than is fixed by the charter, and for the special sessions at which the city council shall act in the capacity of Board of Estimate and Apportionment and as the ex-officio governing board of any

corporate bodies within the municipality as hereinafter provided.

- (3) Any two members may call a meeting.
- (4) All meetings shall be public.
- (5) Any citizen may have access to the minutes upon application to the city clerk.

#### CITIZEN'S MOTION.

(6) Any citizen may appear before the city council at any of its regular meetings and may present a printed motion. Said motion shall be acted upon by the city council, in the regular course of business, within fifteen days.

**Sec. 32. Quorum.** Three members shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members.

**Sec. 33. Passage of Measures.** Three votes shall be required to pass any measure involving the expenditure of money, confirming appointments or removals, granting a franchise, or authorizing a bond issue. A simple majority shall suffice for the passage of any other measure. The signature of the mayor shall not be required in any case.

**Sec. 34. No Member Excused.** No member shall be excused from voting except on matters involving the consideration of his own official conduct. In all other cases a failure to vote shall be entered on the minutes as a negative vote.

**Sec. 35. Mayor to Preside.** The mayor shall preside at all sessions and shall have two votes in case of a tie.

**Sec. 36. Succession of Functions.** The city council shall succeed, severally and collectively, to all such powers, duties and penalties for non-performance or malfeasance, as are conferred, imposed or inflicted upon common councils and aldermen and councilmen in cities of the third class by the general laws of the state and the charter, and are not inconsistent with the provisions of this act. They shall likewise succeed to all the powers heretofore exercised by the several officers and boards of the city government, except as specifically granted to other bodies by the provisions of this act. But, in the case of such succession, the powers exercised shall not be executive or administrative except as hereinafter specified. And it is further provided that the limitations laid down in the charter and in the general laws of the state with regard to the exercise of powers and duties by the several administrative officers and boards, shall be applicable to the exercise of the said powers and duties by the city council, when said city council shall succeed to the said powers and duties, in so far as said limitations are not in conflict with the provisions of this act.

**Sec. 37. Powers and Duties of City Council; enumerated.**

**Sec. 38. Control Over Administrative Departments.** (1) The city council shall have power and it shall be their duty to issue general and special orders, by resolution, to the city manager, giving him authority to carry out, in accordance with law, the administrative powers and duties conferred and imposed upon the city.

(2) They shall require the city manager to present, once a year, a complete report, financial and otherwise, of the activities of the several departments of the city government, and special reports at any time.

(3) In cities where the charter provides for a Board of Estimate and Apportionment, that body shall consist of the city council meeting in special session, public notice whereof shall have been given as provided by Sec. 31 of this article. At such special session the city council may compel the attendance of all heads of administrative departments, and shall exercise the functions designated to the Board of Estimate and Apportionment by the charter.

(4) The city council may provide for a board of audit, or a special auditor, to be directly subject to their control, and independent of the city manager. Such board or officer shall have access to all vouchers and other public records within the several administrative departments at all times and shall have such powers consistent with the law as the city council

may confer. But all claims arising from injury to person or property shall be audited and disposed of by the city council.

(5) The city council shall have power to validate any lawful act performed by any administrative officer of the city without its previous authority.

(6) In cities which are independent highway districts the city council shall be ex-officio commissioners of highways.

**Sec. 39. Agents of the State Government.** Whenever the city council shall, in pursuance of the provisions of this act, assume the functions of boards which are essentially the local agents of the state administration, they shall be amenable to the central administrative officer or body to the full extent of the powers granted and the duties imposed by the operation of this act.

**Sec. 40. Effect of Enumeration.** The enumeration of any power or powers herein granted the city council shall not be construed so as to exclude any others which may be granted by any other law applicable to the city and not inconsistent with this act. The exercise of powers by the city council shall be subject to the provisions of Article XI.

#### ARTICLE VI.

##### THE MAYOR.

**Sec. 41. How Chosen.** The mayor shall be that member of the city council who, at the regular election of officers, shall have received the highest number of votes. In case two candidates receive the same number of votes, one of them shall be chosen mayor by the remaining three members elected to the city council. In the event of the mayor's resignation or recall, the remaining members of the city council shall choose his successor for the unexpired term, from their own number.

**Sec. 42. General Powers and Duties.** The powers and duties of the mayor shall be such as are conferred upon him by this act, together with such others as are conferred by the city council in pursuance of the provisions of this act; and no others.

**Sec. 43. President of City Council.** He shall be president of the city council and shall exercise all the powers conferred and perform all the duties imposed upon the presiding officer of the common council by the charter which are not inconsistent with this act. He shall appoint all standing and special committees of the city council. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes, by the Governor for the purposes of the military law, and for all ceremonial purposes.

**Sec. 44. Police and Military Powers.** His power to take command of the police and to govern the city by proclamation during times of great public danger shall not be abridged or abrogated.

**Sec. 45. Designation to Judicial Vacancies.** During the disability of any municipal judge or justice of the peace the mayor shall designate some properly qualified person to act during such disability.

**Sec. 46. Magisterial Powers.** He shall have power to administer oaths and take affidavits.

**Sec. 47. Commissioner of Charities in Certain Cities.** In cities where the mayor is authorized by charter to sit with the supervisors as a commissioner of charities, he shall continue so to act.

**Sec. 48. Removal by Governor.** The power of the Governor to remove the mayor shall not be abridged.

**Sec. 49. No Judicial Powers; Mayor's Courts Abolished.** The mayor shall have no judicial power. The mayor's Court of Special Sessions and all other mayor's courts are hereby abolished. The jurisdiction of the same shall be conferred by the city council upon some other municipal court.

**Sec. 50. Non-enumerated Functions.** Such functions, not enumerated in this act, as are conferred upon the mayor of the city by charter or by the general laws of the state shall be exercised by the city manager unless some other provision shall be made by the city council.

**Sec. 51. Salary.**...The salary of the mayor shall be twice the salary, if any, received by any other member of the city council.

**Sec. 52. Acting Mayor.** During the disability of the mayor, the functions of his office shall devolve upon some member of the city council designated by that body, who shall receive during such incumbency a pro rata of the excess over the alderman's salary which is allowed to the mayor under this act.

## ARTICLE VII.

### THE CITY MANAGER.

**Sec. 53. Administrative Head of Government.** There shall be chosen by the city council an officer to be known as the city manager, who shall be the administrative head of the city government.

**Sec. 54. Official Oath and Bond.** Before entering upon the duties of his office the city manager shall take the official oath required by law and shall execute a bond in favor of the city for the faithful performance of his duties in such sum as shall be determined upon by the city council.

**Sec. 55. Tenure of Office.** The tenure of the city manager shall be at the pleasure of the city council.

**Sec. 56. Not to Be Interested.** The city manager shall not be personally interested in any contracts to which the city is a party, for supplying the city with materials of any kind.

**Sec. 57. Duties; General.** It shall be the duty of the city manager to see that within the city the laws of this state and the ordinances, resolutions and by-laws of the city council shall be faithfully executed. In addition to such functions as are enumerated in this act he shall exercise all other powers and perform all other duties conferred and imposed upon mayors of cities, unless other designation shall be made by this act or by act of the city council.

**Sec. 58. Recommendations and Reports.** It shall be his duty to attend all meetings of, and to recommend to, the city council, from time to time, such measures as he shall deem necessary or expedient for it to adopt. He shall prepare business, and draw up resolutions and ordinances for adoption by the city council, and furnish them with any necessary information respecting any of the departments under his control.

He shall, at such times as the city council shall so require, present reports from the several departments, and shall draw up an annual report which shall consolidate the special reports of the several departments. He shall be a member of the Board of Estimate and Apportionment and shall present to that body, annually, an itemized estimate of the financial needs of the several departments for the ensuing year.

**Sec. 59. Appointments.** He shall appoint persons to fill all offices for which no other mode of appointment is provided. And no such appointment to or removal from such office shall be made without his consent.

**Sec. 60. Relation to Department Heads.** He shall transmit to the heads of the several departments written notice of

all acts of the city council relating to the duties of their departments, and he shall make designations of officers to perform duties ordered to be performed by the city council.

**Sec. 61. Signs Certain Documents.** He shall sign such contracts, licenses and other public documents, on behalf of the city, as the city council may authorize and require.

**Sec. 62. Access to Public Records.** He shall have access at all times to the books, vouchers and papers of any officer or employee of the city and shall have power to examine, under oath, any person connected therewith. It shall be his duty, either in person or by the aid of a competent expert, to know the manner in which the accounts of the city and the various boards are kept.

**Sec. 63. Signs Warrants of Arrest.** He shall have power to sign warrants of arrest and to cause arrests for infraction, within the city, of the laws of the state and ordinances and other regulations of the city. He shall have general power to administer oaths and take affidavits.

**Sec. 64. May Revoke Licenses.** He shall have power to revoke licenses pending the action of the city council.

**Sec. 65. Office Consolidated with City Clerk's in Certain Cities.** In cities having a population of less than twenty thousand, according to the last preceding state enumeration, the office of city manager may be consolidated with that of city clerk, or other officer of similar functions.

**Sec. 66. Disability.** During the disability of the city manager the city council shall designate some properly qualified person to execute the functions of the office.

## ARTICLE VIII.

[Secs. 67 to 74 contain special provisions to obviate possible conflicts of the act with provisions of the special city charters.]

## ARTICLE IX.

[Secs. 75 to 82 relate to certain special matters of local significance in regard to appointments.]

## ARTICLE X.

### THE DEPARTMENT OF EDUCATION.

[By Secs. 83 to 94 the board of education is divested of its corporate character, and, so far as conditions permit, made a department of the general administration of the city. The board is appointed by the council.]

## ARTICLE XI.

### THE INITIATIVE AND REFERENDUM.

[The provisions of this article Secs. 95 to 99 are adapted from the charter of Berkeley, California (q. v.).]

## ARTICLE XII.

[Miscellaneous provisions (Secs. 100 to 106)].

## SUMTER, S. C.

(SPECIAL CHARTER, AN ACT OF THE LEGISLATURE, LAWS OF SOUTH CAROLINA, CHAPTER 453, PORTION OF SEC. 30.)

If a majority of the ballots cast at the election provided for herein shall be in favor of having a manager (city manager), then, in that event, the mayor and councilmen when elected shall not distribute the powers of said council among the members of the same; but shall employ a male

person of sound discretion and of good moral character not of their number of such salary and upon such terms as they may decide, who shall be subject to such rules and regulations as may be provided by said councilmen.

[In the following pages are given the text of certain charters which have been defeated by the voters. It is felt, however, that they are quite as valuable at the present time for purposes of comparison as to the details of form, as those charters which have been adopted.—Ed.]

## WHITTIER, CAL.

(HOME RULE CHARTER.)

*(Not Adopted.)*

### ARTICLE —.

#### THE MAYOR.

Sec. 5. At the first meeting of the board of commissioners in the month of July of each year, they shall elect one of their number as president of the board of commissioners whose title shall be mayor of Whittier.

Sec. 6. The mayor shall hold office for the term of one year from and after his election and until his successor is elected and qualified.

Sec. 7. The mayor shall be the presiding officer at all meetings of the board of commissioners, provided, however, that in case of his absence, the commissioners shall appoint one of their number to fill the chair. He shall have a vote on all matters and shall sign all ordinances, resolutions and such contracts as require the approval of the board of commissioners. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance.

### ARTICLE VII.

#### GENERAL MANAGER.

Sec. 1. The office of general manager of the city of Whittier is hereby created.

Sec. 2. The general manager shall be the executive head of the city government and shall be the head of the following departments, to-wit: Police, fire, health, sewer, water, fights, streets, parks and such other departments as may be assigned to him by ordinance.

Sec. 3. The general manager shall be appointed, and shall hold his office at the pleasure of the board and his compensation shall be fixed by the board of commissioners.

Sec. 4. He shall exercise the powers and perform the duties herein enumerated, to-wit:

(1) Superintend the construction, maintenance and operation of all necessary works for the supplying of the city and its inhabitants with water, light, heat, power, telegraphic and telephonic communication.

(2) Superintend the construction and maintenance of all parks, play grounds and public buildings other than school buildings.

(3) He shall have the immediate supervision and control over all construction and improvement of public streets, highways, alleys and other public places and shall provide for the repair, cleaning and sprinkling of the same.

(4) He shall have the power and it shall be his duty to enforce all police and sanitary ordinances and regulations.

(5) He shall superintend the construction and maintenance

of all works necessary for the disposition of sewage, garbage and waste.

(6) He shall have supervision over the public pound.

(7) He shall appoint such subordinates and employees in his department not otherwise provided for in this charter; shall determine their duties and fix their compensation, subject to the approval of the board of commissioners.

(8) He shall have power to discharge any appointee in his department, and no discharge shall be made without his consent.

(9) He shall purchase all supplies and material used in the several departments over which he is given supervision, subject to the limitations prescribed by this charter and the general laws of the state of California.

(10) He shall sign such contracts, licenses and other public documents on behalf of the city as the board of commissioners may authorize, and it shall be his duty to exercise and make reports and recommendations to the board of commissioners upon all matters relating to the advertising for and the inviting of proposals or bids for doing any work ordered by the board of commissioners, and he shall approve and fix the amount of all bonds required to be given by contractors prior to or at the time of executing contracts for such work.

(11) In addition to such powers and duties as are enumerated in this act, he shall exercise all other powers and all other duties conferred and imposed upon him by the board of commissioners and shall be the ex-officio street superintendent and is hereby empowered to perform all duties required by any or all acts of the state legislature or ordinances or resolutions of the city of Whittier, relative to the duties of street superintendent.

(12) It shall be his duty to attend all meetings of the board of commissioners, and recommend from time to time such measures as he shall deem for the best interests of the city of Whittier and shall furnish them with any necessary information respecting any of the departments under his control.

(13) He shall, at such times as the board of commissioners require, present reports from the several departments.

(14) He shall exercise such other powers and perform such other duties as are necessary for the proper conduct of the several departments over which he is given supervision.

(15) Before entering upon the duties of his office he shall take the official oath required by law and execute a bond in favor of the city of Whittier for the faithful performance of his duties in such sum as shall be determined upon by the board of commissioners.

**HICKORY***(Replacing original page of same number)*

(SPECIAL CHARTER, AN ACT OF THE LEGISLATURE, RATIFIED BY POPULAR VOTE MAR. 17, 1913.)

**Governing Body:****Title:** City Council.**Number:** Five, including four aldermen and the Mayor.**Term:** Two years.**Removal:** Recall.**Salary:** One dollar per meeting, but not over sixty dollars in any year (the City Council meets weekly), except the member who may be designed City Treasurer.**Mayor:****ARTICLE V.**

Sec. 1. The power and duties of the mayor shall be such as are conferred upon him by this charter, together with such others as are conferred by the city council in pursuance of the provisions of this act, and no others.

Sec. 2. He shall preside at all meetings of the city council and shall have the right to vote upon all questions. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes, and by the public for all ceremonial purposes. He shall have power to administer oaths.

Sec. 3. Such functions not enumerated in this charter as are conferred upon the mayor by the general laws of the state shall be exercised by the city manager, unless the city council designate some other person to exercise same.

Sec. 4. During the disability of the mayor, the functions of his office shall devolve upon some member of the city council designated by that body at its first meeting in May of each and every year.

**The City Manager:****ARTICLE VI.**

Sec. 1. There shall be chosen by the city council an officer to be known as the city manager, who shall be the administrative head of the city government.

Sec. 2. Before entering upon the duties of his office, the city manager shall take and subscribe an oath that he will faithfully perform the duties of his office and shall execute a bond, with an incorporated bonding company or companies as surety or sureties, in favor of the city for the faithful performance of his duties. The amount of the bond shall not be less than seven thousand five hundred dollars, and may be increased or a new bond required by the city council whenever it may deem it advisable.

Sec. 3. The term of the city manager shall be at the pleasure of the city council.

Sec. 4. The city manager shall not be personally interested in any contracts to which the city is a party, for the supplying the city materials of any kind.

Sec. 5. It shall be his duty to attend all meetings of and to recommend to the city council, from time to time, such measures as he shall deem necessary or expedient for it to adopt, and to furnish it with any necessary information re-

specting any of the departments under his control. He shall accurately keep the minutes of the city council.

Sec. 6. He shall transmit to the hands of the several departments written notice of all acts of the city council relating to the duties of their departments, and he shall make designation to officers to perform duties ordered to be performed by the city council.

Sec. 7. He shall sign all contracts, licenses and other public documents on behalf of the city, as the city council may authorize and require.

Sec. 8. He shall have access at all times to the books, vouchers and papers of any officer or employee of the city, excepting the city treasurer's books, and shall have power to examine, under oath, any person connected therewith.

Sec. 9. He shall have power to revoke licenses pending the action of the city council.

Sec. 10. He shall have authority and charge over all public works, the erection of buildings for the city, the making and construction of all improvements, paving, curbing, sidewalks, streets, bridges, viaducts, and the repair thereof; he shall approve all estimates of the cost of public works, and recommend to the city council the acceptance or rejection of the work done or improvements made; he shall have control, management and direction of all public grounds, bridges, viaducts and public buildings; he shall have control of the location of street car tracks, telephone and telegraph poles and wires; he shall have charge of the water sheds from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water for the city; and shall secure all rights of way and easements connected with the water works or sewerage systems or the extension of the streets, etc.

All the powers enumerated, however, shall be exercised subject to the supervision and control of the city council.

Sec. 11. He shall have power to suspend, fine and dismiss any member of the police, fire, water works and sewerage and street departments in the interest of discipline. But any officer, appointed or elected by the City Council to a position in said department, who has been suspended, fined or dismissed, may appeal to the City Council at any of its regular meetings, and it shall review his case, affirm, or modify or reverse the order of the manager and make any restitution within the law which it may deem advisable. The City Manager shall promptly report all suspensions, fines and dismissals as hereinafter provided in the article in reference to the police powers of the City of Hickory.

Sec. 12. The officers and other employees of the police department, fire department, street department, and the water works and sewerage department shall be elected for a term of one year, from a list submitted to the City Council by the City Manager, and if the City Council is unable or refuses to elect from the list so furnished, it shall call on the City Manager from time to time for other lists, which it shall be his duty to furnish.

**Appointments:**

**Enumeration:** City Manager, City Attorney, City Treasurer, City Physician, the Board of School Visitors, Superintendent of Schools, the Judge of the Municipal Court.

## NORTH CAROLINA

**Manner:** Enumerated officers elected by the City Council. Officers and employees in the police, fire, street and waterworks and sewerage departments elected by the Council from lists supplied by the City Manager for a term of one year.

Subordinate positions in the Health Department are filled in like manner from lists supplied by the City Physician, and in the school department from lists supplied by the Superintendent of Schools. (The Board of School Visitors has only inquisitorial functions.)

**Civil Service Provisions:** None.

**Election Provisions:**

Names placed upon primary ballot on petition of twenty-five voters. The names of candidates equal

to twice the number of offices to be filled are the candidates at the general election. Party designations (by implication) are prohibited. Aldermen are nominated by wards, but both mayor and aldermen are elected at large.

**Initiative:**

Twenty-five per centum petition (special or general election).

**Referendum:**

Twenty-five per centum petition (special or general election).

**Recall:**

Twenty-five per centum petition.

## OHIO STATUTE

(LAWS OF 1913, P. 767, *et seq.* APPLICABLE TO ANY CITY IN OHIO BY REFERENDUM.)

### ARTICLE IV.

**Sec. 8. City Manager.** The council shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the council and who shall hold office at the pleasure of the council.

**Sec. 9. Duties City Manager.** The duties of the city manager shall be: (a) to see that the laws and ordinances are faithfully executed; (b) to attend all meetings of the council at which his attendance may be required by that body; (c) to recommend for adoption to the council such measures as he may deem necessary or expedient; (d) to appoint all officers and employees in the classified service of the municipality, subject to the provisions of this act,\* and of

the civil service law; (e) to prepare and submit to the council such reports as may be required by that body, or as he may deem advisable to submit; (f) to keep the council fully advised of the financial condition of the municipality and its future needs; (g) to prepare and submit to the council a tentative budget for the next fiscal year; (h) and to perform such other duties as the council may determine by ordinance or resolution.

**Sec. 10. Salary of City Manager.** The city manager shall receive such salary as may be fixed by the council; and before entering upon the duties of this office he shall take the official oath required by this act and shall execute a bond in favor of the municipality for the faithful performance of his duties in such sum as may be fixed by the council.

\*The council appoints the auditor, clerk, treasurer and solicitor.

## DAYTON

(HOME RULE CHARTER, DRAFTED BY A BOARD OF FIFTEEN ELECTED FREEHOLDERS. ADOPTED BY THE PEOPLE AUG. 12, 1913.)

### Governing Body:

*Title:* Commission.

*Number:* Five.

*Term:* Four years. Partial renewal biennially.

*Removal:* Recall.

*Salary:* Twelve hundred dollars (Mayor, \$1,800).

### Mayor:

Sec. 36. The mayor shall be that member of the commission who, at the regular municipal election at which the three commissioners were elected, received the highest number of votes, except that at the first regular municipal election held under this charter the mayor shall be the commissioner receiving the highest number of votes. In case two candidates receive the same number of votes, one of them shall be chosen mayor by the remaining members of the commission. In event of a vacancy in the office of mayor, the remaining members of the commission shall choose his successor for the unexpired term from their own number. The mayor shall be the presiding officer, except that in his absence a president pro tempore may be chosen. The mayor shall exercise such powers conferred and perform all duties imposed upon him by this charter, the ordinances of the city and the laws of the state. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes, by the Governor for the purposes of the military law, and for all ceremonial purposes.

Sec. 37. In the event the commissioner who is acting as mayor shall be recalled, the remaining members of the commission shall select one of their number to serve as mayor for the unexpired term. In the event of the recall of all of the commissioners, the person receiving the highest number of votes at the election held to determine their successors shall serve as the Mayor.

### City Manager:

Sec. 47. The commission shall appoint a city manager who shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all departments. He shall be appointed without regard to his political beliefs and may or may not be a resident of the city of Dayton when appointed. He shall hold office at the will of the commission and shall be subject to recall as herein provided.

Sec. 48. Powers and Duties of the City Manager. The powers and duties of the city manager shall be

(a) To see that the laws and ordinances are enforced.

(b) To appoint and, except as herein provided, remove all directors of departments and all subordinate officers and employees in the departments in both the classified and unclassified service; all appointments to be upon merit and fitness alone, and in the classified service all appointments and removals to be subject to the civil service provisions of this charter;

(c) To exercise control over all departments and divisions created herein or that may be hereafter created by the commission;

(d) To attend all meetings of the commission, with the right to take part in the discussion but having no vote;

(e) To recommend to the commission for adoption such measures as he may deem necessary or expedient;

(f) To keep the commission fully advised as to the financial condition and needs of the city; and

(g) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the commission.

Sec. 49. Salary. The city manager shall receive such salary as may be fixed by ordinance of the commission.

Sec. 50. Investigations by the City Manager. The city manager may without notice cause the affairs of any department or the conduct of any officer or employee to be examined. Any person or persons appointed by the city manager to examine the affairs of any department or the conduct of any officer or employee shall have the same power to compel the attendance of witnesses and the production of books and papers and other evidence, and to cause witnesses to be punished for contempt, as is conferred upon the commission by this charter.

### Appointments:

*Enumeration:* (1) City Manager, Civil Service Board, Clerk of the Commission. (2) City Attorney, Director of Public Service, Director of Public Welfare, Director of Public Safety, Director of Finance. (3) The following subordinate officers: Health Officer, Chief of Police, Fire Chief, City Accountant, City Treasurer, City Purchasing Agent.

*Manner:* Group (1) by the Commission. Groups (2) and (3) by the City Manager.

*Civil Service Provisions:* The following officers are in the unclassified service: Those elected by the people, the City Manager, the heads of departments and divisions of departments, members of appointive boards, the Clerk of the Commission, and the deputies and secretaries of the City Manager, and one assistant or deputy and one secretary for each department.

All other positions are in the classified service in the competitive, non-competitive or labor divisions, and are under the regulations of the Civil Service Board.

### Election Provisions:

Non-partisan nominations and elections. Names are placed on the ballot at the primary election by petition of two per centum of the registered voters.

Candidates to twice the number of offices to be filled, receiving the highest number of votes at the primary are the candidates at the second election.

*Initiative:*

Ten per centum petition\* to bring the ordinance to the attention of the council; additional fifteen\* per centum petition after thirty days to have it submitted to the people (special election).

*Referendum:*

Twenty-five per centum petition\* (special election).

*Recall:*

Twenty-five per centum petition.\*

No recall petition may be filed within the first six months of office. The question of removal is separated from that of the choice of a successor, and the name of the officer sought to be recalled does not appear as a candidate to succeed himself. The recall may be applied to the City Manager.

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\*Registered vote.

## SPRINGFIELD

(HOME RULE CHARTER, DRAFTED BY A BOARD OF FIFTEEN ELECTED FREEHOLDERS. ADOPTED BY THE POPULAR VOTE  
Aug. 26, 1913.)

### *Governing Body:*

*Title:* City Commission.

*Number:* Five.

*Term:* Four years. Partial renewal biennially.

*Removal:* Recall.

*Salary:* Five hundred dollars.

### *Mayor:*

**Sec. 6. President.** The city commission shall at the time of organizing elect one of its members as president and another as vice-president for terms of two years. In case the members of the city commission, within five days after the time herein fixed for their organization meeting, are unable to agree upon a president or a vice-president of such commission, then a president, or a vice-president, or both, as the occasion may require, shall be selected from all the members of such commission by lot conducted by the city solicitor; who shall certify the result of such lot upon the journal of the commission.

The president shall preside at all meetings of the commission and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice and vote in its proceedings, but no veto. He may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general law of the state so requires; but this shall not be construed as conferring upon him the administrative or judicial functions of a mayor under the general laws of the state.

The president of the city commission shall be recognized as the official head of the city by the courts for the purpose of serving civil process, by the governor for the purpose of military law, and for all ceremonial purposes. He may take command of the police and govern the city by proclamation during times of public danger or emergency, and he shall himself be the judge of what constitutes such public danger or emergency. The powers and duties of the president shall be such as are conferred upon him by this charter, together with such others as are conferred by the city commission in pursuance of the provisions of this charter, and no others.

If the president be temporarily absent from the city, or become temporarily disabled from any cause, his duties shall be performed during such absence or disability by the vice-president. In the absence of both president and vice-president the other members of the city commission shall select one of their number to perform the duties of president.

### *City Manager:*

**Sec. 15. Appointment.** The city commission shall appoint a city manager, who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and who shall hold office at the pleasure of the city commission. He shall be appointed without regard to his political beliefs and need not be a resident of the city at the time of his appointment. During the absence or disability of the city manager, the city commission may designate some properly qualified person to execute the functions of the office.

**Sec. 16. Powers and Duties.** The powers and duties of the city manager shall be:

(a) To see that the laws and ordinances are enforced.

(b) Except as herein provided, to appoint and remove all heads of departments, and all subordinate officers and employees of the city; all appointments to be upon merit and fitness alone, and in the classified service all appointments and removals to be subject to the civil service provisions of this charter.

(c) To exercise control over all departments and divisions created herein or that hereafter may be created by the commission.

(d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchises are faithfully kept and performed; and upon knowledge of any violation thereof to call the same to the attention of the city solicitor, who is hereby required to take such steps as are necessary to enforce the same.

(e) To attend all meetings of the commission, with the right to take part in the discussions, but having no vote.

(f) To recommend to the commission for adoption such measures as he may deem necessary or expedient.

(g) To act as budget commissioner and to keep the city commission fully advised as to the financial condition and needs of the city; and

(h) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the commission.

**Sec. 17. Head of Departments.** Excepting the departments of city solicitor, auditor, treasurer, sinking fund and civil service, and until otherwise provided by the city commission, any existing department now under the control of a special board, such as library, hospital and park, the city manager shall be the acting head of each and every department of the city until otherwise directed by the commission; but with the consent and approval of the commission, he may appoint a deputy or chief clerk to represent him in any department of which he is the acting head. No member of the city commission shall directly interfere with the conduct of any department, except at the express direction of the commission.

**Sec. 18. Platting Commissioner.** The city manager shall also be the platting commissioner of the city, and he shall exercise the authority and discharge the duties of that office under the provisions of the general law of the state applicable thereto, except as the same may be modified by the city commission.

### *Appointments:*

**Enumeration:** City Manager, City Solicitor, City Auditor, City Treasurer, Purchasing Agent, Sinking Fund Commissioner, Civil Service Commission.

**Manner:** Enumerated officers by the City Commission; all others by the City Manager, subject to Civil Service provisions.

**Civil Service Provisions:** The general laws of the state apply.

*Election Provisions:*

Non-partisan primaries and general elections. Designations on the primary ballot are made by petition of not less than two (2) per centum of the registered voters in the city. Each signer of such petition must pledge himself to vote for the person named as a candidate in such petition, and the candidate must accept the designation before his name may appear on the ballot.

Candidates equal to twice the number of vacancies to be filled, receiving the highest number of votes at the primary, are the candidates at the general election.

*Initiative:*

Five per centum petition for submission to the City Commission. An additional five per centum petition is required for submission of the ordinance to the voters at a general election, in the event of its rejection by the City Commission or its passage in a different form from the original. But before any ordinance is so submitted to the voters it must

have been approved as to its legal form by the City Solicitor.

If the number of petitioners in the two petitions amount in the aggregate to twenty-five per centum of the registered voters, the ordinance may be submitted at an election held for that purpose.

*Referendum:*

Fifteen per centum petition\* (general election).

Twenty-five per centum petition\* (special election).

*Recall:*

Fifteen per centum petition.

The question of recall is separated on the ballot from that of the election of a successor to the officer or officers sought to be removed.

Candidates to succeed such officers are to be nominated by petition of five per centum of the registered voters without resort to a primary.

No petition for the recall of any officer may be filed within six months after the beginning of his term of office.

\*Registered voters.

## LA GRANDE

(HOME RULE CHARTER; DRAFTED BY A BOARD OF FIFTEEN ELECTED FREEHOLDERS; ADOPTED BY POPULAR VOTE, OCTOBER 1, 1913.)

### *Governing Body:*

*Title:* Commission.

*Number:* Three.

*Term:* One year.

*Removal:* Recall.

*Salary:* Five dollars per meeting.

### *General Powers of Commission:*

#### CHAPTER V.

Sec. 10. It shall be the duty of the Commission to enact ordinances, and they may repeal ordinances, as shall be required by the public good, take care that the business character and ability of the General Manager is sufficient to enforce the municipal law, perform his duties and services for the best interests and welfare of the municipal government, and in a careful, prudent and business-like manner, and the Commissioners shall be responsible to the city for the strict and efficient performance of his duties. They shall at each regular meeting investigate all matters of importance to the city coming to their attention, either by observation or by report; listen to petitions and grievances and suggestions which may properly be presented to them; obtain from the General Manager weekly reports and act upon them; take and approve all official undertakings which this Charter or the ordinances of the city may require; require any officer to give security for the faithful performance of his duties; and the Recorder shall endorse the approval of the Commission upon such undertaking, together with a reference to the book and page of the minutes where the approval is found, and attach his signature thereto; and the said Commission shall by ordinance limit and fix the salaries and compensation of all officers provided for by this Charter; provided, the salary of the General Manager shall not exceed thirty-six hundred dollars (\$3600.00) per annum; and the Commission shall perform such other duties, and in the manner as may be prescribed hereafter by this charter.

### *Mayor:*

#### CHAPTER V.

Sec. 3. The commissioners shall elect one of their number Chairman, at their first meeting in January, who shall be designated and known as the President of the City of La Grande. In case of vacancy as Chairman, such vacancy may be filled at any time by them. He shall preside at all meetings of the Commission, provided, that in his absence or inability to act then the Commission shall choose a Chairman pro tem. from among their number. The Chairman as such President of the City of La Grande shall approve and sign all rules, resolutions and ordinances adopted by the Commission in the manner hereinafter described. The term of such Chairman shall end with the year in which he is elected.

### *City Manager:*

#### CHAPTER VIII.

Sec. 4. The General Manager shall have absolute control and supervision over all offices and employees of the City except the Commissioners and Municipal Judge, and shall have power to appoint all officers prescribed by this Charter, except the Commissioners and Municipal Judge, to employ such additional help as may be necessary to carry on and perform the business affairs and departmental work of the City. He shall have power to discharge, with or without cause, any person appointed or employed by him; he shall see that the business affairs of the municipal corporation are transacted in a modern, scientific and business-like manner and the services performed and the records kept shall be as nearly as may be like those of an efficient and successful private corporation; he shall be accountable to the Commission for his actions, conduct and management of the business and may be discharged at the will of the Commission, with or without cause; he shall perform such duties as may be required by the Charter or ordinances of the City or specially required of him by the Commission.

### *Appointments:*

*Enumeration:* (1) General Manager, Municipal Judge, (2) City Recorder, Treasurer, City Attorney, Chief of Police, Chief of Fire Department, City Engineer, Superintendent of the Water System, City Health Officer, Street Superintendent.

*Manner:* Group (1) by the Commission, Group (2) By the General Manager, subject to removal by him, with or without cause.

*Civil Service Provisions:* None.

### *Election Provisions:*

Preferential Voting with first, second and third choices.

### *Initiative:*

The general statutes of Oregon are made applicable.

### *Referendum:*

See "Initiative."

### *Recall:*

Twenty-five per centum petition.

## PHOENIX, ARIZ.

(HOME RULE CHARTER, DRAFTED BY A BOARD OF FREEHOLDERS; ADOPTED BY POPULAR VOTE OCT. 11, 1913.)

### *Governing Body:*

*Title:* Commission.

*Number:* Five, including mayor.

*Term:* Two years. Partial renewal annually.

*Removal:* Recall.

*Salary:* Five dollars per meeting, but not to exceed three hundred dollars per year.

### *Mayor:*

#### CHAPTER V.

**Sec. 1. The Mayor.** The mayor shall be the chief executive of the city, and ex-officio chairman of the commission, and shall see that the ordinances thereof are enforced.

**Sec. 2.** The mayor shall annually and from time to time give the commission information relative to the affairs of the city, and recommend for its consideration such matters as he may deem expedient.

**Sec. 3.** The mayor shall be recognized as the official head of the city by the courts for the purpose of service of civil process upon the city and instituting any action or proceeding at law or equity for and in behalf of the city, and appearing in any manner before the courts on behalf of the city; he shall be recognized by the governor and other State officials as the chief and official head of the city.

**Sec. 4.** The mayor shall take command of the police and govern the city by proclamation during times of great danger.

### *City Manager:*

#### CHAPTER VI.

**Sec. 1. The Manager.** The manager shall have the general supervision and direction of the administrative operation of the city government; he shall supervise and direct the official conduct of all appointive city officers, except the auditor and city magistrate; he shall supervise the performance of all contracts made by any person for work done for the city, and in that behalf represent the city, except as it may be otherwise provided in this Charter; he shall make all purchases of materials or supplies for the city and see that the same are received as contracted for; he shall employ and discharge from time to time as occasion requires all employes of the city; he shall appoint all officers of the city, the appointment or election of whom are not otherwise provided for in this Charter, and may remove them when the interests of the city require; he shall make a written report to the Commission at its first meeting in each month of the state of the condition and business affairs of the city, and he shall whenever required by the Commission make a written or verbal report as may be indicated by the Commission, in detail, of any particular matter relating to the affairs of the city within his supervision; he shall require monthly reports, or may require them oftener, from each of the officers of the city appointed by him, of the business and condition of such office, and shall submit the same to the Commission upon its request therefor. All reports required by the Charter or by ordinance shall be in writing, except that the Commission in the case of reports other than the monthly reports herein required may direct them to be verbal; and

likewise the manager may direct reports other than the monthly reports herein provided for to be made verbally. All written reports shall be safely kept by the proper officers as a part of the records of the city and be open to the inspection of the electors of the city during office hours.

**Sec. 2.** It shall be his duty, as well as that of the mayor, to see that all of the ordinances of the city are enforced.

#### CHAPTER X.

**Sec. 3.** The city manager shall receive a salary at the rate of five thousand (5,000) dollars per year.

### *Appointments:*

*Enumeration:* (1) City Manager, City Magistrate, City Auditor, (2) City Clerk, City Treasurer, City Assessor, City Collector, City Attorney, City Engineer, Chief of Police, Fire Chief, Superintendent of Streets.

*Manner:* Group (1) by the Commission, Group (2) by the City Manager.

*Civil Service Provisions:* None.

### *Election Provisions:*

Names placed on the ballot at the primary on petition of three per centum of the total vote cast for mayor at the last preceding general municipal election.

Ballots at primaries and regular elections are without party designations.

Candidates receiving, at the primary, a majority of all votes cast for any office are thereupon elected.

A second election is held if necessary to secure a majority vote to fill one or more vacancies.

### *Initiative:*

Fifteen per centum petition (special election).

### *Referendum:*

Ten per centum petition (special election).

### *Recall:*

Twenty-five per centum petition.

No recall petition may be filed during the first six months of any officer's term.

# DOUGLAS, ARIZ.

(HOME RULE CHARTER.)

(Not Adopted.)

## ARTICLE VI.

**Sec. 2. The Mayor.** The mayor shall be the chief executive officer of the city.

(a) He shall see that the laws of the state, the provisions of this charter and the ordinances of the city are duly enforced. He may remit fines, costs, forfeitures and penalties imposed for the violation of any ordinance, but shall make a report of such remission to the municipal commission at the next meeting thereafter with his reasons therefor. He shall have the power to administer oaths.

(b) He shall sign all contracts, bonds and other instruments requiring the assent of the city, and take care that same are duly performed. All legal processes against the city shall be served upon the mayor, or the mayor pro tem in the absence of the mayor.

(c) He shall be charged with the general oversight of all departments, boards and commissions of the city.

(d) He shall appoint all standing and special committees of the municipal commission.

(e) He shall have the right to one vote on all questions coming before the commission, and any such functions not enumerated in this charter as are enumerated in the general laws of the state of Arizona can be exercised by the mayor and the municipal commission.

(f) He shall have such other rights and powers as may be provided by ordinance not in conflict with this charter.

(g) The mayor shall have power to take command of the police and to govern the city by proclamation during times of great public danger, which power shall not be abridged or abrogated.

(h) It shall be the duty of the mayor, and no other person, to transmit the regulations, directions and orders of the municipal commission to the city superintendent and to such other city employees as may be necessary.

(i) The mayor shall have no veto power.

## ARTICLE VIII.

### CITY SUPERINTENDENT:

**Sec. 1. Duty and Term of Service.** There shall be employed by the municipal commission an employe to be known as the city superintendent. The term of service of the city superintendent shall be at the pleasure of the municipal commission.

**Sec. 2. Authority and Power.** It shall be the duty of the city superintendent to see that within the city the consti-

tution and laws of the state of Arizona, the provisions of this charter and the ordinances and resolutions of this city be faithfully executed.

(a) In additions to such functions as are enumerated in this charter, he shall exercise all other powers and perform all other duties that are conferred and imposed upon him by the commission through the mayor of the city.

(b) The city superintendent shall not be directly or indirectly interested in any contracts to which the city is a party for supplying the city with materials or labor of any kind.

(c) It shall be the duty of the city superintendent to attend all meetings of, and to recommend to, the municipal commission from time to time such measures as he shall deem necessary or expedient for it to adopt. He shall prepare business and draw up ordinances and resolutions for adoption by the commission with the aid and assistance of the city attorney, and furnish the commission with necessary information regarding any of the departments under his control.

(d) He shall at such times as the commission shall so require present reports from any and all departments of the city and shall draw up an annual report which shall consolidate the special reports of any and all departments.

(e) He shall appoint, by and with the aid and consent of the commission, persons to fill all positions for which there is no other mode of appointment provided, and no such appointment or removal from office shall be made without his consent.

(f) He shall transmit to the heads of all departments written notices of all acts of the commission relating to the duties of their departments, and shall make designations of employes to perform duties ordered to be performed by the commission.

(g) He shall sign such contracts, licenses and other public documents, on behalf of the city, as the commission may authorize and require.

(h) He shall have access at all times to the books, vouchers and papers of any employe of the city, and shall have power to examine, under oath, any person connected therewith. It shall be his duty, either in person or by the aid of a competent expert, to know the manner in which the books of the city or the various boards are kept.

(j) During the disability of the city superintendent the municipal commission shall designate some properly qualified person to execute the functions of the position.

# YOUNGSTOWN, OHIO

(HOME RULE CHARTER.)

(Not Adopted)

## *The Mayor:*

**Sec. 44. How Chosen.** At the first meeting in January following each regular municipal election, the council shall elect one of its members mayor, and another vice-mayor, for terms of two years. The mayor, by virtue of his office, shall be president of the council. He shall preside at all meetings of the council and perform such duties as presiding officer as may be imposed upon him by the council. He shall have a voice and vote in the council, but no veto, and shall have two votes in case of a tie. He shall appoint all standing and special committees of the council.

**Sec. 45. Official Head of City.** The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil process, by the governor for the purpose of the military law, and for all ceremonial purposes. He shall take command of the police and may govern the city by proclamation during times of public danger or emergency, and he shall himself be the judge of what constitutes such public danger or emergency. He shall have power to administer oaths and take affidavits. The power of the governor to remove the mayor shall not be abridged.

**Sec. 46. General Powers and Duties.** The powers and duties of the mayor shall be such as are conferred upon him by this charter, together with such others as are conferred by the council in pursuance of the provisions of this charter, and no others. Such duties, not enumerated in this charter, as are conferred upon mayors of cities by general law shall be exercised by the general director, unless some other provision is made by the council.

**Sec. 47. Acting Mayor.** If the mayor be temporarily absent from the city, or become temporarily disabled from any cause, his duties shall be performed during such absence or disability by the vice-mayor, under the title of acting mayor.

In the absence of both mayor and vice-mayor the other members of the council shall select one of their number to perform the duties of president of the council and mayor.

**Sec. 56. Administrative Head.** The council shall appoint a general director, who shall be the administrative head of the city government under the direction and supervision of the council. He shall have been a resident elector of the city of Youngstown for not less than five (5) years previous to his appointment. He shall not hold any other public office or employment except that of notary public or member of the state militia, and shall not be interested in the profits or emoluments of any contract, job, work or service for the city.

**Sec. 66. Term, Oath and Bond.** The term of the general director shall be at the pleasure of the council. Before entering upon the duties of his office he shall take the official oath and shall execute a bond in favor of the city for the faithful performance of his duties in such sum as shall be fixed by the council.

**Sec. 67. Appointing Power.** The general director shall have power to appoint and remove directors of all departments and officers and members of all boards and commissions not included within regular departments. Officers appointed by the general director shall serve until removed by him or until their successors are appointed and have qualified.

**Sec. 68. General Powers and Duties.** It shall be the duty of the general director, except as otherwise specifically provided in this charter:

(a) To act as the chief conservator of the peace within the city.

(b) To see that within the city the laws of the state and the ordinances, resolutions and by-laws of the council are enforced and faithfully executed.

(c) To supervise, under the direction of the council, the administration of the affairs of the city.

(d) To attend all meetings of, and to recommend to, the council from time to time, such measures as he shall deem necessary or expedient for it to adopt.

(e) To draw up resolutions and ordinances for adoption by the council, and furnish them with any necessary information respecting any of the departments under his control.

(f) To keep the council advised of the financial condition and future needs of the city.

(g) To prepare and submit to the council such reports as may be required by that body, and to draw up an annual report which shall consolidate the special reports of the several departments.

(h) To revoke licenses pending the action of the council.

(i) To sign warrants of arrest and to cause arrests for infraction within the city of the laws of the state and ordinances and other regulations of the city.

(j) To administer oaths and take affidavits.

(k) To appoint persons to fill all offices for which no other mode of appointment is provided.

(l) To transmit to the heads of the several departments written notice of all acts of the council relating to the duties of their departments, and to make designations of officers to perform duties ordered by the council to be performed.

(m) To sign such contracts, deeds and other public documents, on behalf of the city, as the council may authorize and require.

(n) To exercise and perform all other executive and administrative functions and duties unless other designation shall be made by this charter or by the act of the council.

(o) To perform such other duties, not in conflict with this charter, as the council may determine by ordinance or resolution.

**Sec. 69. Investigation.** The general director may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. Any person or persons appointed by the general director to examine the affairs of any department or the conduct of any officer or employee, shall have the same power to compel the attendance of witnesses, and the production of books and papers and other evidence and to punish for contempt, as is conferred upon the council or a committee thereof by this charter.

**Sec. 70. General Director's Right in Council.** The general director and the directors of all departments established by this charter, or that may hereafter be established by ordinance, shall each be entitled to seats in the council. Neither the general director nor the director of any department shall have a vote in the council, but the general director shall have the right to introduce ordinances and resolutions and to take part in the discussion of all matters coming before the council; and the directors of departments shall be entitled to take part in all discussions in the council relating to their respective departments.

**Sec. 71. Disability.** During the disability of the general director the council shall designate some properly qualified person to execute the function of the office.

# LITTLE FALLS, MINN.

(HOME RULE CHARTER.)

*(Not Adopted.)*

Sec. 21. At its first regular meeting in 1914, to-wit: the first Monday in April of said year, and at the first regular meeting in April of each year thereafter, the city council shall elect by a majority vote, from among the five commissioners, a president, who shall be president of the city council. He shall sign all bonds and contracts, and all other obligations required to be signed by the city. He shall, upon service of notice, summons or process upon him in any action or proceeding against the city, forthwith inform the council thereof, in writing, and the council, shall thereupon notify the city attorney. In the absence or disability of the president, the other members of the city council shall select one of their members to perform the duties of president. The president may be given the title of mayor by ordinance. The city council shall determine its own procedure.

## CHAPTER 6.

### CITY MANAGER.

Sec. 50. The city council, at the first regular meeting in 1914, to-wit: the first Monday in April of said year, and at the first regular meeting in April of each year thereafter, or as soon thereafter as conveniently may be, shall appoint a city manager, who shall be a man well qualified in municipal affairs, to take active charge of the administrative and executive work of the city, and who shall be under the supervision and control of the city council.

The city manager shall be the chief administrative and executive officer of the city and shall have such authority and duties as are granted to him in this charter and by the city council.

(a) He shall see that the laws and ordinances are faithfully executed, and for that purpose may appoint a chief of police and as many other policemen and special policemen as may be fixed by the council:

(b) He shall attend all the meetings of the council and keep their minutes.

(c) He shall recommend to the council for adoption such measures as he may deem necessary or expedient.

(d) He shall appoint persons to fill all offices for which no other mode of appointment is provided; and may remove them at pleasure; the number of such employees and their compensation shall be fixed by the council.

(e) He shall prepare and submit to the council, and to individual members thereof, when required, such reports as may be required, or as he may deem advisable to submit.

(f) He shall keep the council fully advised of the city's financial condition and its future needs and prepare and submit to the council a tentative budget for the next fiscal year.

(g) He shall not be personally interested in any contracts to which the city is a party.

(h) He shall have power to sign warrants of arrest and to cause arrests for infraction, within the city, of the laws of the state and ordinances and other regulations of the city. He shall have general power to administer oaths and take affidavits.

(i) He shall have access, at all times, to the books and vouchers and papers of any officer or employe of the city

except the books of the city treasurer and shall have power to examine any person under oath in connection therewith, and make report thereof to the council when required which shall be not oftener than once each year, and assist the examiner in making the annual report to the council.

(j) He shall have power to suspend licenses pending action of the council and may sign such contracts, licenses and other public documents on behalf of the city as the council may authorize.

(k) The office of the city clerk under the old charter is hereby consolidated with that of the city manager. He shall either personally, or by some office employe, act as clerk of the council.

(l) He shall receive such salary as may be fixed by the council and before entering upon his duties he shall take the official oath required by this charter and shall execute a bond in favor of the city for the faithful performance of his duties in such sum as shall be determined by the council.

(m) In case of absence or disability of the city manager the council shall designate some properly qualified person to perform the duties of his office.

(n) The city manager shall also be the assessor of the city, and either personally or through his employes, shall assess all taxable property within the city. It shall be his duty to establish a system of scientific appraisal of property subject to taxation, and for that purpose shall keep a permanent set of books in his office which shall at all reasonable times be open for inspection on part of any city taxpayer or his attorney. He shall be a permanent city tax adjuster, and as such shall accept and file complaints on part of any taxpayer and correct irregularities and adjust inequalities in taxation as far as is within his power so to do; such matters of taxation as he cannot personally adjust he shall bring before the board of equalization at its next meeting. Should the manager refuse or neglect to accept and file such complaints or to give the matter any attention, the complainant may bring the matter before the board of equalization at its next meeting, and the right of any taxpayer to appeal from the decision of the manager to the board of equalization shall not be abridged by any provision of this charter.

(o) He shall also be the chief building inspector of said city and no permit for the construction or alteration of any building shall be granted without his approval.

(p) He shall have authority and charge over all public work, the erection of buildings for the city, the making and construction of all improvements, paving, curbing, sidewalks, streets, bridges, viaducts, and the repair thereof; he shall approve all estimates of the cost of public works, and recommend to the city council the acceptance or rejection of the work done or improvements made; he shall have control, management and direction of all public grounds, bridges and public buildings; he shall have control of the location of street car tracks, telephone and telegraph poles and wires, he shall have charge of the water sheds from which the city takes its supply of water for the city, if the city owns the waterworks; and shall secure all rights of way and easements connected with the waterworks or sewerage system or the extension of the streets.

## WAYCROSS, GA.

(AN ACT OF THE LEGISLATURE, APPROVED AUG. 20, 1913.)

*(Not Adopted.)*

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Sec. 5b. That an officer to be known as city manager is hereby created, who is hereby clothed with the power and duty of looking after the management and administration of the affairs and business of the city, and who shall be the administrative and executive head of the city government, under the immediate direction and supervision of the mayor, but in accordance with the ordinances, resolutions, regulations and line of policy determined upon by the city council and the provisions of the city charter as hereby amended. The city manager shall be appointed by the mayor at the first meeting the city council each year, subject to confirmation by the aldermanic board, and shall receive a salary of from \$1,800.00 to \$2,400.00 per annum, to be fixed by the city council, and his salary shall not be increased or diminished during his term of office. He shall be a man of good judgment and discretion and shall not hold any other office or employment and shall not be interested in any contract, job or work for the city or in the profits or emoluments thereof. He shall hold office for the term of one year and until his successor is appointed and qualified, provided, however, that he may be removed at any time for incompetency, inefficiency or cause satisfactory to themselves by the mayor and a majority of the aldermanic body, acting concurrently, or else by a two-thirds vote of the aldermanic body acting alone, in which event it shall be the duty of the mayor to at once appoint a new manager, subject to confirmation by the aldermanic board as aforesaid to fill the unexpired term. Before entering upon the discharge of his duty, he shall give bond in the sum of \$5,000.00 with good security, to be approved by the city council and filed with the clerk of council, conditioned for the faithful performance of the duties of his office and for the faithful accounting of all moneys and property belonging to the city that may come into his hands, and shall also take the following oath: "I do solemnly swear that I will well, faithfully and impartially discharge the duties of my office as city manager of the city of Waycross to the best of my skill, knowledge and ability, in accordance with the constitution and laws of the state of Georgia and the charter, ordinances, resolutions and regulations of the city of Waycross, so help me God." The city manager shall devote his entire time and attention to the duties of his office and shall have entire charge and control of all the executive and administrative work of the city in its various departments, and of the heads of the several departments of the city. He shall see that the ordinances, resolutions, regulations and policies of the city council are enforced and faithfully executed and carried out. He shall appoint the heads of the different departments of the city, subject to confirmation by the city council, and shall have the right to remove them at any time for incompetency, inefficiency or other satisfactory cause. Sub-

ordinates of these departments shall be under civil service rules and shall be appointed by the heads of the several departments, subject to approval by the city manager, except employees receiving wages of not exceeding \$45.00 per month, who shall be hired by the heads of the different departments. The heads of the various departments of the city shall under the direction and supervision of the city manager, as aforesaid, look after the administrative and executive work in their several departments, respectively. The city manager shall be also ex-officio head or chief of the department of public works of the city, as hereinbefore provided for; provided however, that with the concurrence of the mayor and two-thirds of the aldermanic board, some other competent person may be appointed as the head of this department, but such appointment shall not be good for longer than the calendar year for which the appointment is made. The mayor of the city is hereby especially charged with the duty of supervising and directing the city manager in accordance with the provisions of the city charter as hereby amended, and in accordance with the ordinances, resolutions and regulations and the line of policy adopted and determined upon by the city council, and the city manager shall take his orders and directions from the mayor in accordance therewith. The city manager shall attend all meetings of the city council and shall be entitled to a seat in the city council and to take part in its discussions, but shall have no right to vote at its meetings. He shall recommend to the city council from time to time such measures as he may deem expedient for the city and shall keep the city council advised as to the financial conditions and needs of the city. He shall transmit to the heads of the several departments written notices of all acts, ordinances, regulations and resolutions of the city council relating to such departments, respectively, or to the duties or work of same. He shall prepare and submit to the city council such reports as may be required by that body and also an annual report which shall consolidate the special reports of the several departments of the city. He shall also perform such other duties not in conflict with the charter of the city or this act, as the city council may determine by ordinance or resolution. He shall have an office at or near the city hall, where he can be found by the public or any person having business with the city, at a certain stated hour each day. During the absence, sickness, or other disability of the city manager, so that he cannot perform the duties of his office, the mayor of the city shall perform his duties during such time, or at his option, the mayor may designate some properly qualified person to exercise the duties of the office during such time, who shall receive the salary coming to the city manager for such period, which amount shall be deducted from the salary of the city manager unless otherwise determined by the city council.

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