

CHAPTER IX

RECENT CHARTER CHANGES

THE conditions described in the preceding chapter are changing very rapidly. The invisible government is passing and the actual is being merged with the nominal. Progress along these lines has been phenomenal, and to-day, in a large number of cities, the transition is nearly complete. Private interests are still active. They own or influence the press. They employ the leading members of the bar. And in many cities they are still in alliance with the underworld. But their power, too, is passing. They are no longer ascendant in municipal politics as they were a few years ago.

Municipal Progress.

The municipal advance of the past ten years has been largely brought about by charter changes of which the following are the most important:

(1) The substitution of the simple, direct primary, with nominations by petition, for the caucus and convention and the abandonment of party tickets and emblems in the election;

(2) The abolition of separate boards and commissions and the two-chambered council and the concentration of legislative power in a small single chamber sometimes elected by wards, sometimes at large;

(3) The short ballot; and

(4) The federal, commission, and manager form of administration.

All of these changes make for directness. They substitute simplicity for complexity and establish a direct line of responsibility between the people and their agents. This is the essence of democracy.

Three general types of charters have been evolved, which may be described as the mayor or federal plan, the commission plan, and the manager plan. The mayor plan has been generally adopted by the larger municipalities, the commission and manager plans by cities of less than a hundred thousand inhabitants. The mayor plan prevails in the East; the commission and manager plans in the West. The first concentrates power in the executive department, the others in a group or a manager responsible to the group.

The Federal or Mayor Plan.

Under the federal plan the legislative department is reduced to a single chamber elected by wards. All administrative authority is taken from the council or its committees, or independent boards, and is lodged in the mayor, who becomes the responsible administrative head of the city. He appoints and removes at will all departmental heads, who become his aids. The council is reduced in size and becomes a legislative body pure and simple.

Under some charters the mayor and heads of the departments are given a seat in the council with the right to speak but not to vote. The mayor has

a veto on all ordinances; in some cities he may veto appropriations in whole or in part, and in many instances he introduces the budget, which is prepared by the departments rather than by the council. As worked out in many cities, the mayor has become the virtual government while the council is little more than a registering or protesting body. Chicago is an exception, in which city the council is still an active agency in administration and contains many men of influence in the community.

The federal plan is a great advance over the board plan or the council plan which it superseded. The substitution of a single chamber for a two-chambered body reduces log-rolling, secrecy, and trading in legislation. Concentration of power in the hands of the mayor simplifies administration still further and makes it possible to locate responsibility. At the same time able men are attracted to city politics by the opportunity to achieve a career or to carry out a policy. Departments cannot now shift responsibility for their acts as they could under the old system. The achievements of Cleveland, Toledo, Detroit, Baltimore, and New York are largely traceable to the improved machinery of the federal plan, which is now the rule in the larger cities. This was the first great forward step in the administration of the American city.

The Cleveland, Ohio, Charter.

The charter of Cleveland, Ohio, adopted under a home-rule provision of the constitution in July, 1913, is in many ways the most advanced charter

of the mayor type yet adopted. Cleveland is a city of 700,000 people, with a large foreign population. For fifteen years, during ten of which Tom L. Johnson was mayor, its administration has been on a high plane of honesty and efficiency. People have been educated on public questions as in no city in America, and the charter adopted was the outcome of long study and seasoned convictions.

The charter was prepared by a special commission after six months' study of the subject. The commission was composed of men of experience and intelligence, interested only in securing the best possible form of municipal government. The essential features of the charter are the following:

(a) The mayor is elected by the people directly for a two-year term. His salary is fixed by the council. He is the responsible administrative head of the city.

(b) Six departments are provided for, the directors of which are appointed and may be removed by the mayor. These departments are law, public service, public welfare, public safety, finance, and public utilities. The duties of the directors of each department are closely defined, so that responsibility is easily located.

(c) In addition to the above departments, provision is made for a city planning commission, a bureau of information and publicity, a civil service commission, and other unsalaried advisory boards.

(d) The council consists of twenty-six members, elected from wards for a term of two years. The

mayor and heads of departments have seats in the council chamber, with the right to take part in discussions but without the right to vote.

Only two officials are to be elected by the voter, the mayor and the councilman from the ward. This reduces the ballot to the shortest possible compass. The merit system is applied to all city employees.

The charter provides that no exclusive grants to public service corporations shall be permitted; that all ordinances making grants or renewals shall reserve to the city the right of purchase and the power of regulation. The franchise department is charged with the enforcement of all city ordinances and regulations over utility corporations.

All council proceedings are to be printed in the *City Record*, a municipal publication, rather than in the local papers. The *Record* is to contain such other information as the council provides.

Popular control of officials and legislation is provided in a variety of ways.

(a) Party primaries are eliminated, candidates being nominated by petition only.

(b) There are no party designations on any ballot.

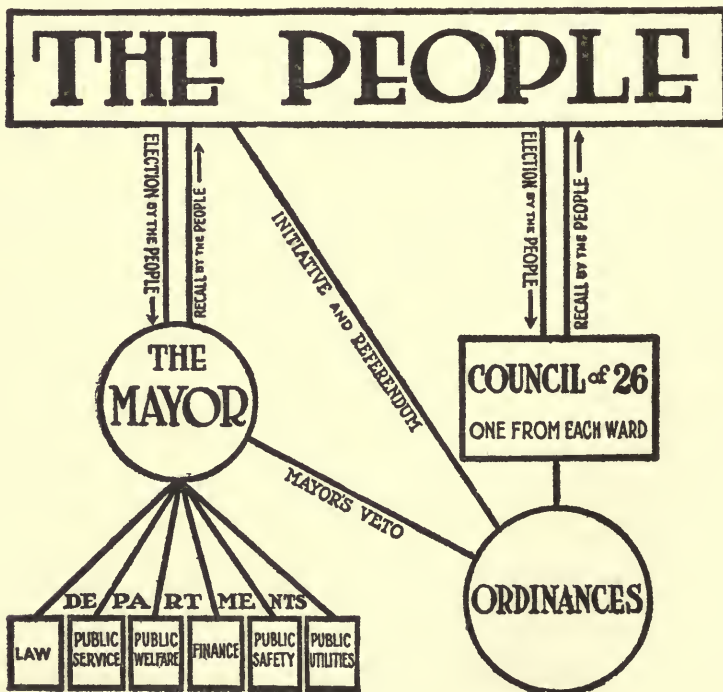
(c) The preferential system of voting provides that the elector shall express his first, second, and other choices of nominees. The object of preferential voting is to secure majority rather than minority rule.

(d) The recall is added, under which elective officials are subject to recall on the filing of a petition signed by 15,000 electors in the case of officials

elected at large and of 600 electors in the case of officials elected by wards.

(e) Through the initiative the people reserve the right to propose ordinances by filing a petition, signed by 5,000 electors, asking that a certain ordinance be passed. If the proposed measure is not passed by the council as presented to it, 5,000 additional electors, or approximately 10 per cent. of the voters in all, can compel its submission to a vote of the people. If a majority of those voting on the measure vote in favor of it, it becomes a city ordinance. On petition of 10 per cent. of the voters any ordinance passed by the council must be submitted to the people for their approval.

The following is a diagram of the Cleveland charter:



The Greater New York Charter.

The charter of New York, adopted in 1901, is a compromise between the commission plan on the one hand and the federal plan on the other. The board of aldermen consists of seventy-three members, elected by districts for a two-year term. The presidents of each of the five boroughs are members of the board *ex officio*. Most of the powers of the aldermen have been taken from that body and lodged with the board of estimate and apportionment, which is both an executive and legislative commission. The most substantial legislative powers remaining with the aldermen are those relating to police, fire, dock, park, and building departments. The budget is prepared by the board of estimate and apportionment; but the board of aldermen can reduce or eliminate any items in the budget but cannot increase them. The aldermen enjoy many other powers, but they are for the most part of a routine nature. The president of the board of aldermen is the vice-mayor.

The board of estimate and apportionment consists of the mayor, the president of the board of aldermen, the comptroller, and the presidents of the boroughs of Manhattan, Brooklyn, Bronx, Richmond, and Queens. In it are centred most of the legislative powers of the greater city. An attempt is made to adjust the voting strength of officials in this body to the population which they represent. The mayor, vice-mayor, and comptroller have three votes each; the presidents of the boroughs of Manhattan

and Brooklyn have two votes each; and the presidents of the other boroughs have one vote each. The total number of votes represented in the board of estimate and apportionment is sixteen. Each of the borough presidents is an administrative chief charged with the management of certain activities of the borough in which he is elected. The mayor, vice-mayor, and comptroller are elected from the city at large, while the borough presidents are elected in their respective boroughs.

The mayor has large power. He appoints and can remove at will the directors of all departments, such as police, fire, charities, street-cleaning, docks and ferries, as well as a number of other officials. He also appoints the board of education, which consists of forty-six members, distributed among the various boroughs.

Under this charter the administration of New York has been greatly improved. The circumlocution and indirection of the old methods have passed away, and through the concentration of responsibility in the mayor and the board of estimate and apportionment a higher degree of efficiency has been attained than in any previous period in the history of the city.

The Commission Plan.

The commission plan, which has been adopted by nearly three hundred cities and towns, with an aggregate population of nearly 8,000,000 people, is a wide departure from traditional forms of municipal government. It denies the necessity of distinct

legislative and executive departments; it abandons checks and balances of all kinds and creates a small executive committee to run the city. The plan bears no resemblance to the German plan, to the English council, or to any American system that preceded it. The only analogy is the commission of three men appointed by the President to administer the District of Columbia.

Following the flood in Galveston, the city found it necessary to repair and rebuild the destroyed districts with the least possible delay. To meet the emergency, five commissioners were elected at large. The commission performed its work so effectively that it attracted immediate attention, and nearly every city in Texas of any size adopted the new form. In 1906, a group of citizens in Des Moines, Iowa, draughted a permissive law for that State which, after a bitter contest, was adopted by the people at a referendum election. Since that time the commission idea has spread all over the country. Thus far it has been limited to cities under 200,000 inhabitants and for the most part to cities of from 5,000 to 100,000.

The original Galveston plan was opposed by many because it centred too great power in a small group elected at large and not responsible to local ward constituents. The Des Moines plan met this objection by the addition of three new provisions, to wit: (1) the recall, (2) the initiative, and (3) the referendum.

The Short Ballot.

The commission usually numbers five members, that being the number in most of the Texas, Iowa, and Dakota cities. Three is the next most popular number. In Kansas this is the number for cities of less than 15,000 and in Iowa for cities between 7,000 and 25,000 population. The original Wisconsin law made the number of commissioners three for all cities which accepted the plan. Fort Worth, Texas, has six commissioners, and several cities four, while individual commissions of seven and nine members have been provided for.

At one stroke the long ballot disappeared, for only such officials are elected as control the city's policy. The multitude of relatively unimportant officials who slip through under the straight party ballot and confuse the voter become appointees of the commission and are subject to removal by it.

Wards are abolished as election units, all the members of the commission being elected from the city at large. Thus the talent of the city, wherever it may be found, can be called upon just as in England, where members of the town council and of Parliament need not reside in the wards or the districts which they represent. The reduction in the number of officials adds dignity to the position and brings out a higher type of men. The boss, the ward machine, and the saloon, which are able to control individual wards, are weakened in their power by the direct appeal to the whole community. When elected, too, the commissioner has no local obliga-

tions to pay, no protection to offer to local interests which have supported him. Log-rolling and trading in legislation is reduced, as is the struggle to secure local appropriations or improvements, which is characteristic of councilmanic bodies. The commission represents the whole city and is able to adjust appropriations and expenditures with the interests of the city before it.

The reduction in the size of the commission also makes it possible to pay adequate salaries to men who will devote their whole time to city work. Most of the laws contain no provision as to the amount of time which shall be given to city work, although a number require whole-time service, while others provide for part time.

Term of Office.

The terms of office differ in different States. In Texas and Iowa the term is two years. In some cities in North Dakota, South Carolina, and West Virginia it is four years, while in South Dakota it is five years. In Berkeley, Cal., the mayor and auditor are elected for two years, while every second year two councilmen and two school directors are elected for a four-year term.

Most of the laws provide for the election of all commissioners at the same time, although there are many variations to this rule. Those who advocate simultaneous election insist that it is difficult for the community to organize for reform when terms expire at different times, while advocates of the other system say that this evil is safeguarded by the

power of the people to recall an official at any time, and that continuity of policy is of sufficient value to justify some sacrifices for it.

The Powers of the Commission.

The commission plan abandons all distinctions between legislative and executive powers. The Iowa law provides that the commission shall possess "All executive, legislative and judicial powers" now had, possessed, and exercised by the mayor, city council, solicitor, assessor, treasurer, auditor, and other executive and administrative officers, by the board of public works, park commissioners, the board of police and fire commissioners. Similar provisions are found in the Kansas and other laws. The commission makes the laws and then enforces them. It levies taxes, provides for schools, hospitals, libraries, and markets; it enacts building regulations, grants franchises, and acquires such utilities as it may decide to purchase. Unity as well as harmony in administration is thus secured. Each member of the board is responsible for a department, subject to supervision by the other members. This secures wisdom in counsel and efficiency in action.

The commission appoints and removes at will officials usually elected, such as treasurer, attorney, and tax officials, as well as all subordinate officers and employees. It can create new offices, fix salaries, and prescribe duties. Administration is very flexible, as it should be. It is not dissimilar from the private corporation.

In most of the Texas cities the mayor nominates

subordinates, subject to confirmation by the rest of the board. In other cities each commissioner appoints his own employees, subject to the board's approval.

All of the finances of the city fall under the control of the commission. It makes up the annual budget, although in some cities the mayor has power to veto separate items. The commission borrows money, issues bonds, and determines how the indebtedness of the city shall be paid.

The Position of the Mayor.

The mayor is a member of the commission and presides at its sessions with a right to vote on all questions. He is the chief executive of the city and has general supervision over its administration, in addition to the control of his own department. In many cities he has been deprived of the veto power and is merely a member of a governing council. The other commissioners are assigned to departments, either by the electors at the polls or by the commission itself.¹

Parallel to Private Corporations.

The commission plan has the simplicity of private business. Just as the corporation elects a board of directors, which in turn selects an executive committee, so the city elects a committee of citizens to manage its affairs. The commission meets in the open and citizens appear before it and present their re-

¹ For a discussion of the merits and demerits of election for specific office and election at random, see article by Lewis J. Johnson, *National Municipal Review*, October, 1913.

quests in a way that is direct and effective. There can be no evasion, no shifting of responsibility. The eye of the voter is on his representatives all the time. This creates a feeling of control on the one hand and of responsibility on the other. The commission plan may not and probably will not be the final form which city administration will adopt, but it is performing a great service by accustoming the people to a belief in the city and the possibility of honest politics. And it was necessary to secure this respect before we could enter on an enlarged programme of city service. We had to trust our officials before we would give them more power.

Democracy.

In place of the checks and balances between the legislative, executive, and judicial departments, the commission plan provides for new checks in the (a) recall; (b) initiative; (c) referendum; and (d) non-partisan primaries and elections. Not all of these checks are found in all of the States, but they generally prevail. There is no provision for non-partisan primaries in most of the Texas cities, or for a merit system. Some cities do not have the initiative, but almost all have the referendum.

Through the recall the voters maintain permanent control over officials. The Des Moines charter provides that the recall can be brought into use against any elective official by the filing of a petition signed by 25 per cent. of the voters. When filed, the council is required to call an election at which the official recalled may be a candidate. The percentage of

petitioners required differs in different cities, but provision for its use is to be found in almost all the charters outside of the Southern States. The recall has been but rarely used. It has been tried in Seattle, Los Angeles, and a number of other towns, as a protest against some flagrant conditions. Its mere existence is a powerful restraining influence upon the official.

The Initiative and Referendum.

Neither the initiative or referendum has been widely used by the cities. In some States all franchise grants must be referred to the electors, while, generally speaking, any ordinance must be submitted to the voters when a petition signed by a certain per cent. of the electors is presented to the council demanding that this be done. The initiative is a means for directly proposing some new measure for the amendment of the charter or for the undertaking of some new activity like the purchase of a water plant. The initiative has been effectively used in Denver and San Francisco to change the charter, the latter city having decided to own and operate a street-railway through its use, while Los Angeles enlarged the powers of the city so as to permit it to engage in almost every kind of municipal activity, including the ownership of street-railways, electric light and power plants, docks, harbors, telephone, and other services.

Electoral Provisions.

Radical departures have also been made in the method of nominating and electing officials. The

caucus and convention is abolished in all of them, while the direct primary is simplified as much as possible. Party emblems and columns have been generally abolished, the names of candidates being placed on the ballot with no reference to party affiliations. Candidates are nominated by petition, the primary and election being in effect two separate elections without reference to partisan considerations.

The Grand Junction, Col., plan provides for the preferential ballot, which has been later copied and modified in some details. Opposite the names of each candidate are three columns, in which the voter can register his first choice, second choice, and other choices for candidate. A vote against any candidate places him one vote behind all other candidates voted for. In order to vote for a candidate, a cross is made in the appropriate column opposite the name. The elector votes for his first choice in the first column, for his second choice in the second column, and for any other choice in the third column.

Election judges report to the city clerk the total number of votes cast, the number of first, second, and third choice votes which each person receives, no vote being counted for any candidate by the same voter more than once. If any candidate receives more than half of all the votes cast for first choice, then he is declared elected without further formality. If no candidate receives such a majority, the candidate receiving the lowest number of first-choice votes is dropped and the first and second choices of

each candidate are added together, and if any one of them receives a majority, then he is elected. If no one has a majority, then the next lowest candidate is dropped, and thus the process is continued until some candidate receives a majority.

Under this method majority rather than plurality elections are insured. It enables the elector to support minority candidates without throwing away his vote and makes machine control practically impossible and insures the ultimate majority will of the community.

Results of the Commission Form of Government.

“There seems to be scarcely a dissenting voice to the conclusion that cities adopting the commission plan find it a vast improvement over the government which it superseded,” is the testimony of Henry Bruère, city chamberlain of New York and formerly director of the bureau of municipal research of that city, after an exhaustive study of ten commission cities. Continuing, Mr. Bruère says:

“First-hand observation of commission-governed cities confirms the claim that it at least leads to official effort to give better service and on the whole to more exacting demands on government by the public. Unquestionably too, whether because of the impetus of change or because in the new scheme there is a greater capacity for getting things done, commission cities have experienced a period of official activity immediately following the adoption of the new plan.

“The commission plan starts with the assumption that the natural impulse of officials will be to sat-

isfy the requirements of their employers. It gives them full rein during good behaviour in the management of the city's business affairs. It provides practically an honor system of organization by placing office holders on their mettle, with sole responsibility to their constituents. It has up to date exhibited none of the evils which 'checks and balances' were assumed to prevent."¹

The City Manager Plan.

The city manager form is a modification of the commission idea. It was adopted in August, 1913, by Dayton, Ohio, the first municipality of any size to try this plan.² Under it power is vested in a non-partisan commission of five, elected at large, and subject to recall on petition of 25 per cent. of the voters. The commission has only legislative powers. It chooses the city manager (subject also to recall), who is the administrative head of the government. He appoints the departmental heads and their deputies and fixes their salaries and is personally responsible for the entire administration of the city. His relation to the commission is very much like that of the superintendent of schools to the

¹ *The New City Government*, by Henry Bruère, p. 72.

In an article in the *Municipal Review* for July, 1912, p. 372, by Mr. Ernest S. Bradford, is a study of the financial achievements of commission cities in the wiping out of floating indebtedness, living within their incomes, and the reduction in operating expenses. Cities, too, have adopted constructive policies. They have promoted municipal undertakings, engaged in municipal ownership, developed city planning and other comprehensive activities.

² See *National Municipal Review*, October, 1913. L. D. Upson. Prior to this adoption, Sumter, S. C., a city of 8,000 people, had adopted the manager plan, while in 1910, Lockport, N. Y., had proposed it.

school board or the manager of a business corporation to the directors.

The powers and duties of the manager under the Dayton charter comprise the following:

- (1) Supervision of departmental administration.
- (2) The execution of laws and ordinances.
- (3) Recommendation of legislative measures.
- (4) Appointment of officers and employees, subject to the provisions of the civil service sections.
- (5) Preparation of reports.
- (6) Preparation of the budget.

The mayor of the city is distinct from the manager. He is one of the members of the commission, and becomes mayor by virtue of having received the largest number of votes at an election in which three commissioners are chosen. His function is merely to perform duties incumbent upon him by State law and to serve as the ceremonial head of the city.

The departmental organization of the city is provided by charter, with a reservation, however, which permits the commission to create additional departments or discontinue or distribute functions. The appointment of a city-plan board is recommended, and of such other citizen advisory boards as the manager may deem expedient. Emphasis is laid in the charter upon administrative methods as a means of securing efficient government. Provision is also made for accounting and budgetary procedure, for the granting of franchises, for public improvements and a purchasing department. The administration

of the city is treated as a business, for which business methods and expert supervision are necessary.¹

Summary.

The municipal progress of the past twenty years has been largely identified with charter changes. It has been devoted to improving the machinery of administration and the freeing of the city from the many obstacles which surrounded the voter on the one hand and the official on the other. All of these changes have been in the direction of simplicity and responsibility. And democracy has been the prevailing note.

The city was the first of our governmental agencies to definitely abandon the traditions of American politics and reject the system of checks and balances and divided responsibility which has prevailed for over a century. And the newer and more advanced city charters are almost free from these limitations, which first found expression in the federal Constitution.

These changes have involved simple methods of nomination and election, the short ballot, and the abandonment of party emblems. Greater directness has been secured in the relation of the voter to the city, while similar changes have been made in the machinery of administration. The legislative body has become a single body and has been reduced in size, while many of its powers have been lodged with the mayor or the commission. We are now in a position to select our officials with the least possible

¹ Up to the end of 1913 twelve cities had adopted the manager plan, Dayton and Springfield, Ohio, being the largest. The other cities were in North Carolina, Oregon, Michigan, Texas, Minnesota, and Arizona.

confusion and to hold them to accountability after they have been elected.

Three forms of city charters have been evolved in this process: one in which the mayor is the responsible official, with a group of appointed directors to assist him; another in which power is lodged in a small elective commission; and a third in which the policy-making authority rests with an elected council while the administrative power is placed in the hands of a manager selected by duly elected representatives of the community.

Great improvement has everywhere followed these changes. A better class of men has been elected to office; there have been greater economy and efficiency in administration and a rapidly developing programme of municipal service which was difficult—in many cases impossible under the systems which formerly prevailed. As a consequence the boss is passing away, as is the machine system which supported the boss. Corruption and bribery are also passing, while an alert public opinion now finds it possible to express itself through the simplified methods of nomination and election. The initiative, referendum, and recall have carried democracy still further and made the city the most democratic instrument in America and in many ways the most democratic agency in the world. This was the first great step toward the redemption of the city. It was of necessity the first step in reform.