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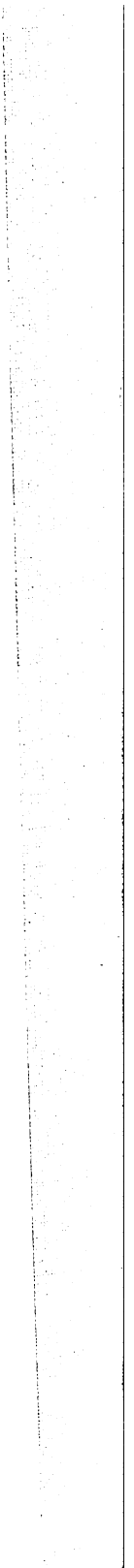
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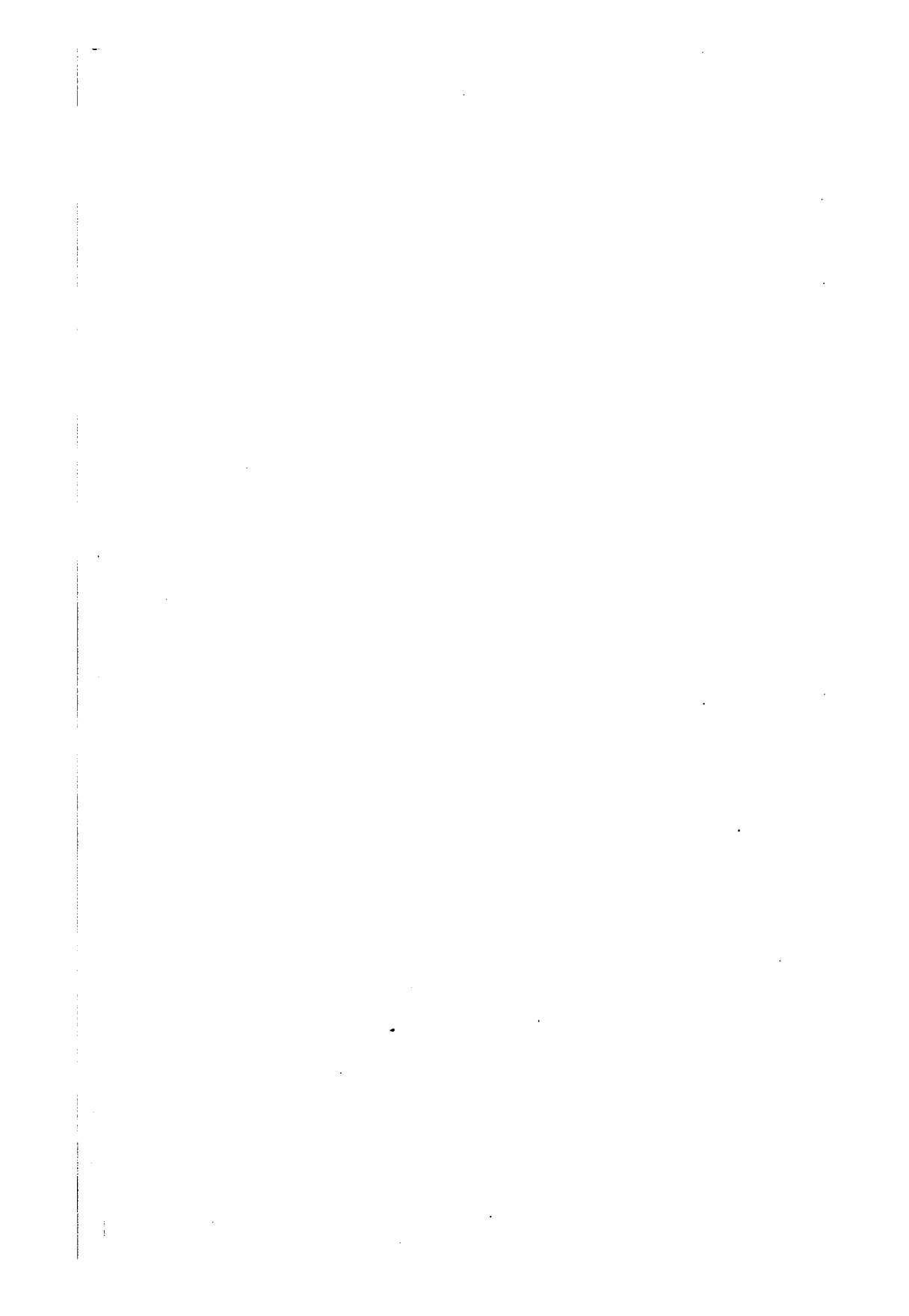
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**A Model City Charter**  
and  
**Municipal Home Rule**

as prepared by the  
**Committee on Municipal Program**  
of the  
**National Municipal League**

*H. B. Room 229*

**Final Edition**  
**March 15, 1916**

National

1916

1916



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**A MODEL CITY CHARTER**

AND

**MUNICIPAL HOME RULE**

AS PREPARED BY THE

COMMITTEE ON MUNICIPAL PROGRAM

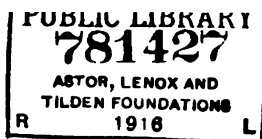
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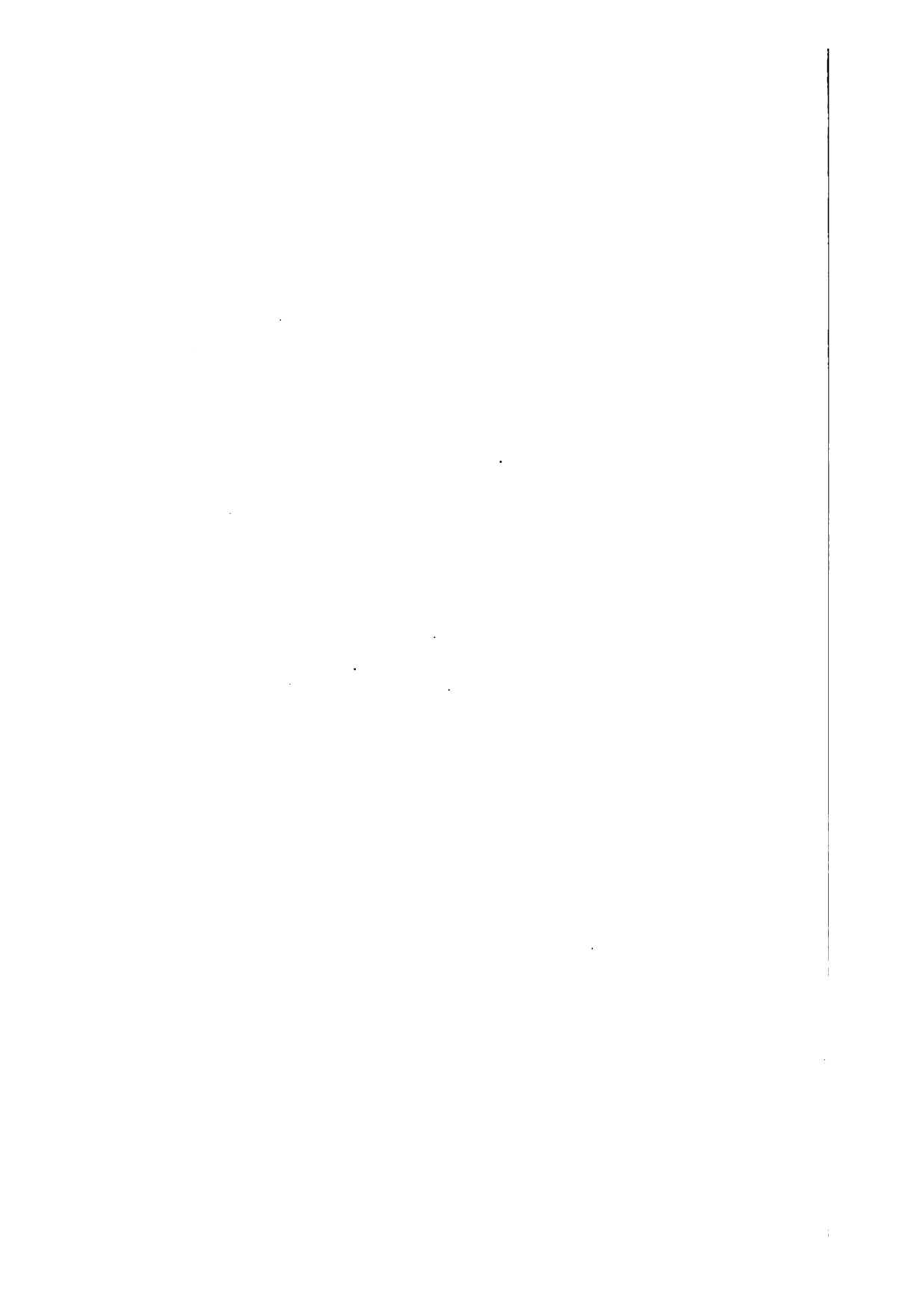
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## THE COMMITTEE ON MUNICIPAL PROGRAM

Was appointed in 1913 to consider the original "Municipal Program" adopted in 1900 and if desirable to draft a new model charter and home rule constitutional amendments embodying the result of subsequent study and developments. This committee presented a partial report to the meeting of the League in Baltimore, in November, 1914, in the form of sections dealing with the council, the city manager and the civil service board. The committee held two day sessions in New York, April 8 and 9, 1915, at which time these sections were carefully revised and sections dealing with the initiative, referendum, recall and other electoral provisions were considered and added, and a partial draft of the constitutional provisions, which had been presented at the Baltimore meeting was completed. Another meeting of the committee was held in New York September 14, 1915, at which further revisions were made, and the financial provisions added as well as the two appendices treating of proportional representation and franchise provisions, all of which were included in the tentative draft. The Program was again submitted to the League at its annual meeting in Dayton on November 19, 1915, and the sections were approved by the members there present. The document was referred back to the Committee on Municipal Program for further amendments, and these amendments as adopted at a meeting of the Committee in Philadelphia, December 27 and 28, 1915, are also contained in the following Program.

The Committee on Municipal Program consists of:

WILLIAM DUDLEY FOULKE, *Chairman*, Richmond, Ind.  
M. N. BAKER, of the *Engineering News*,  
RICHARD S. CHILDS, New York City,  
JOHN A. FAIRLIE, University of Illinois.  
MAYO FESLER, *Civic League*, Cleveland,  
A. R. HATTON, *Western Reserve University*, Cleveland,  
HERMAN G. JAMES, *University of Texas*,  
A. LAWRENCE LOWELL, *Harvard University*,  
WILLIAM BENNETT MUNRO, *Harvard University*,  
ROBERT TREAT PAINE, Boston,  
DELOS F. WILCOX, New York City,  
CLINTON ROGERS WOODRUFF, Philadelphia,



## **Municipal Home Rule Constitutional Provisions**

(To be adopted and incorporated in the state constitution)

1       **SECTION 1. *Incorporation and Organization.*** Pro-  
2 vision shall be made by a general law for the incorporation  
3 of cities and villages; and by a general law for the organiza-  
4 tion and government of cities and villages which do not  
5 adopt laws or charters in accordance with the provisions of  
6 sections 2 and 3 of this article.

7       **SEC. 2. *Optional Laws.*** Laws may be enacted affect-  
8 ing the organization and government of cities and villages,  
9 which shall become effective in any city or village only when  
10 submitted to the electors thereof and approved by a ma-  
11 jority of those voting thereon.

12       **SEC. 3. *City Charters.*** Any city may frame and adopt  
13 a charter for its own government in the following manner:  
14 The legislative authority of the city may by a two-thirds  
15 vote of its members, and, upon the petition of ten per cent  
16 of the qualified electors, shall forthwith provide by ordi-  
17 nance for the submission to the electors of the question:  
18 "Shall a commission be chosen to frame a charter?" The  
19 ordinance shall require that the question be submitted to the  
20 electors at the next regular municipal election, if one shall  
21 occur not less than sixty nor more than one hundred and  
22 twenty days after its passage, otherwise, at a special elec-  
23 tion to be called and held within the time aforesaid; the ballot  
24 containing such question shall also contain the names of  
25 candidates for members of the proposed commission, but  
26 without party designation.

27       Such candidates shall be nominated by petition which  
28 shall be signed by not less than two per cent of the qualified  
29 electors, and be filed with the election authorities at least  
30 thirty days before such election; provided, that in no case  
31 shall the signatures of more than one thousand (1000) quali-  
32 fied electors be required for the nomination of any candidate.  
33 If a majority of the electors voting on the question of choos-  
34 ing a commission shall vote in the affirmative, then the fifteen



1 candidates receiving the highest number of votes (or if the  
2 legislative authority of the state provides by general law for  
3 the election of such commissioners by means of a preferential  
4 ballot or proportional representation or both, then the  
5 fifteen chosen in the manner required by such general law)  
6 shall constitute the charter commission and shall proceed to  
7 frame a charter.

8 Any charter so framed shall be submitted to the qualified  
9 electors of the city at an election to be held at a time to be  
10 determined by the charter commission, which shall be at least  
11 thirty days subsequent to its completion and distribution  
12 among the electors and not more than one year from the  
13 date of the election of the charter commission. Alternative  
14 provisions may also be submitted to be voted upon sepa-  
15 rately. The commission shall make provision for the dis-  
16 tribution of copies of the proposed charter and of any alter-  
17 native provisions to the qualified electors of the city not  
18 less than thirty days before the election at which it is voted  
19 upon. Such proposed charter and such alternative pro-  
20 visions as are approved by a majority of the electors voting  
21 thereon shall become the organic law of such city at such  
22 time as may be fixed therein, and shall supersede any existing  
23 charter and all laws affecting the organization and govern-  
24 ment of such city which are in conflict therewith. Within  
25 thirty days after its approval the election authorities shall  
26 certify a copy of such charter to the secretary of state, who  
27 shall file the same as a public record in his office, and the  
28 same shall be published as an appendix to the session laws  
29 enacted by the legislature.

30 **SEC. 4. Amendments.** Amendments to any such char-  
31 ter may be framed and submitted by a charter commission  
32 in the same manner as provided in section 3 for framing and  
33 adopting a charter. Amendments may also be proposed by  
34 two-thirds of the legislative authority of the city, or by pe-  
35 tition of ten per cent of the electors; and any such amend-  
36 ment, after due public hearing before such legislative  
37 authority, shall be submitted at a regular or special election  
38 as is provided for the submission of the question of choosing

1 a charter commission. Copies of all proposed amendments  
2 shall be sent to the qualified electors. Any such amendment  
3 approved by a majority of the electors voting thereon shall  
4 become a part of the charter of the city at the time fixed in  
5 the amendment and shall be certified to and filed and pub-  
6 lished by the secretary of state as in the case of a charter.

7       **SEC. 5. Powers.** Each city shall have and is hereby  
8 granted the authority to exercise all powers relating to  
9 municipal affairs; and no enumeration of powers in this con-  
10 stitution or any law shall be deemed to limit or restrict the  
11 general grant of authority hereby conferred; but this grant  
12 of authority shall not be deemed to limit or restrict the  
13 power of the legislature, in matters relating to state affairs,  
14 to enact general laws applicable alike to all cities of the  
15 state.

16       The following shall be deemed to be a part of the powers  
17 conferred upon cities by this section:

18       (a) To levy, assess and collect taxes and to borrow  
19 money, within the limits prescribed by general law; and to  
20 levy and collect special assessments for benefits conferred;

21       (b) To furnish all local public services; to purchase,  
22 hire, construct, own, maintain, and operate or lease local  
23 public utilities; to acquire, by condemnation or otherwise,  
24 within or without the corporate limits, property necessary  
25 for any such purposes, subject to restrictions imposed by  
26 general law for the protection of other communities; and to  
27 grant local public utility franchises and regulate the exer-  
28 cise thereof;

29       (c) To make local public improvements and to acquire,  
30 by condemnation or otherwise, property within its corporate  
31 limits necessary for such improvements; and also to acquire  
32 an excess over that needed for any such improvement, and  
33 to sell or lease such excess property with restrictions, in  
34 order to protect and preserve the improvement;

35       (d) To issue and sell bonds on the security of any such  
36 excess property, or of any public utility owned by the city,  
37 or of the revenues thereof, or of both, including in the case

1 of a public utility, if deemed desirable by the city, a fran-  
2 chise stating the terms upon which, in case of foreclosure,  
3 the purchaser may operate such utility;

4 (e) To organize and administer public schools and  
5 libraries, subject to the general laws establishing a standard  
6 of education for the state;

7 (f) To adopt and enforce within its limits local police,  
8 sanitary and other similar regulations not in conflict with  
9 general laws.

10 SEC. 6. *Reports.* General laws may be passed requir-  
11 ing reports from cities as to their transactions and financial  
12 condition, and providing for the examination of the vouchers  
13 by state officials, books and accounts of all municipal au-  
14 thorities, or of public undertakings conducted by such  
15 authorities.

16 SEC. 7. *Elections.* All elections and submissions of  
17 questions provided for in this article or in any charter or law  
18 adopted in accordance herewith shall be conducted by the  
19 election authorities provided by general law.

20 SEC. 8. *Consolidation of City and County.* Any city  
21 of 100,000 population or over,<sup>1</sup> upon vote of the electors  
22 taken in the manner provided by general law, may be organ-  
23 ized as a distinct county; and any such city and county  
24 may in its municipal charter provide for the consolidation  
25 of the county, city and all other local authorities in one sys-  
26 tem of municipal government, in which provision shall be  
27 made for the exercise of all powers and duties vested in the  
28 several local authorities. Any such consolidated city and  
29 county government shall also have the same powers to levy  
30 taxes and to borrow money as were vested in the several local  
31 authorities before consolidation.

NOTE 1. This number may be varied to suit local conditions in the  
several states.

# The Model Charter<sup>1</sup>

## THE COUNCIL.

1 SECTION 1. *Creation of Council.* There is hereby  
2 created a council which shall have full power and authority,  
3 except as herein otherwise provided, to exercise all the  
4 powers conferred upon the city.

NOTE 1. This model is assumed to be a home rule charter based upon some such provisions for constitutional municipal home rule as those suggested in this report. When this or a similar charter is made available for cities by statute it is desirable that a comprehensive grant of powers be included in the act itself. Otherwise cities securing such a charter will have only the powers enumerated in the general law of the state and be subject to all the restrictions and inconveniences arising from that method of granting powers. It is suggested, therefore, that the following grant of powers be included in any such special statutory charter or optional charter law. The changes of language necessary to adapt it to a special statutory charter readily suggest themselves:

SECTION —. Cities organized under this act shall have and are hereby granted authority to exercise all powers relating to their municipal affairs; and no enumeration of powers in any law shall be deemed to restrict the general grant of authority hereby conferred.

The following shall be deemed to be a part of the powers conferred upon cities by this section:

(a) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(b) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(c) To make local public improvements and to acquire, by condemnation or otherwise, property within its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(d) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the city, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(e) To organize and administer public schools and libraries, subject to the general laws establishing a standard of education for the state.

(f) To adopt and enforce within their limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this act the council shall have authority to determine by whom and in what manner the powers granted by this section shall be exercised.



1 ber of council with the administration of the city shall be  
2 deemed to be a misdemeanor, and upon conviction any mem-  
3 ber so convicted shall be subject to a fine not exceeding  
4 \$ or imprisonment for a term not exceeding  
5 months, or both, and to removal from office in the discretion  
6 of the court.

7       SEC. 4. *Election by Councils. Rules. Quorum.* The  
8 council shall elect one of its members as chairman, who shall  
9 be entitled mayor; also a city manager, a clerk and a civil  
10 service board, but no member of the council shall be chosen  
11 as manager, or as a member of the civil service commission.  
12 The council may determine its own rules of procedure, may  
13 punish its own members for misconduct and may compel at-  
14 tendance of members. A majority of all the members of the  
15 council shall constitute a quorum to do business, but a  
16 smaller number may adjourn from time to time.

17       SEC. 5. *Organization and Procedure of Council.* At  
18 8 o'clock p. m. on the first Monday in (month) following  
19 a regular municipal election, the council shall meet at the  
20 usual place for holding meetings at which time the newly  
21 elected councilmen shall assume the duties of their office.  
22 Thereafter the council shall meet at such time and place as  
23 may be prescribed by ordinance. The meetings of the coun-  
24 cil and all sessions of committees of the council shall be  
25 public. The council shall act only by ordinance or  
26 resolution; and all ordinances and resolutions, except ordi-  
27 nances making appropriations, shall be confined to one sub-  
28 ject which shall be clearly expressed in the title. The ordi-  
29 nances making appropriations shall be confined to the sub-  
30 ject of appropriations. No ordinance shall be passed until  
31 it has been read on two separate days or the requirement  
32 of readings on two separate days has been dispensed with  
33 by a four-fifths vote of the members of the council. The  
34 final reading shall be in full, unless the measure shall have  
35 been printed and a copy thereof furnished to each mem-  
36 ber prior to such reading. The ayes and noes shall be

1 taken upon the passage of all ordinances or resolutions and  
2 entered upon the journal of the proceedings of the council,  
3 and every ordinance or resolution shall require on final pas-  
4 sage the affirmative vote of a majority of all the members.  
5 No member shall be excused from voting except on matters  
6 involving the consideration of his own official conduct, or  
7 where his financial interests are involved. Provision shall  
8 be made for the printing and publication in full of every  
9 ordinance within ten days after its final passage.

10       **SEC. 6. *Powers of Mayor.*** The mayor shall preside at  
11 meetings of the council and perform such other duties con-  
12 sistent with his office as may be imposed by the council. He  
13 shall be recognized as the official head of the city for all  
14 ceremonial purposes, by the courts for the purpose of serv-  
15 ing civil processes, and by the governor for military pur-  
16 poses. In time of public danger or emergency he may, with  
17 the consent of the council, take command of the police and  
18 maintain order and enforce the laws. During his absence or  
19 disability his duties shall be performed by another member  
20 appointed by the council.

## NOMINATIONS AND ELECTIONS

21       **SEC. 7. *Municipal Elections.*** A municipal election shall  
22 be held on the — day of — of the — year<sup>4</sup> and of  
23 every second year thereafter, which shall be known as the  
24 regular municipal election. All other municipal elections  
25 that may be held shall be known as special municipal elec-  
26 tions.

27       **SEC. 8. *Nomination by Petition.*** The mode of nomina-  
28 tion of all elective officers provided for by this charter shall  
29 be by petition. The name of any elector of the city shall be  
30 printed upon the ballot, whenever a petition as hereinafter

---

NOTE 4. Municipal elections may be held in the odd years when there is no state or national election. If held in the same year, they should be separated from the latter by at least thirty, and preferably sixty, days.

1 prescribed shall have been filed in his behalf with the election  
2 authorities. Such petition shall be signed by at least \_\_\_\_\_  
3 electors.<sup>5</sup>

4 No elector shall sign petitions for more candidates than  
5 the number of places of that particular designation to be  
6 filled at the election and should he do so his signature shall  
7 be void as to the petition or petitions last filed.<sup>6</sup>

8 **SEC. 9. *Signatures to and Forms of Nomination Papers.***

9 The signatures to the nomination petition need not all be  
10 appended to one paper, but to each separate paper there  
11 shall be attached an affidavit of the circulator thereof, stat-  
12 ing the number of signers, of such paper and that each  
13 signature appended thereto was made in his presence and is  
14 the genuine signature of the person whose name it purports  
15 to be. With each signature shall be stated the place of resi-  
16 dence of the signer, giving the street and number or other  
17 description sufficient to identify the same. The form of the  
18 nomination petition shall be substantially as follows:

19 We, the undersigned, electors of the city of . . . . , hereby  
20 nominate . . . . . , whose residence is . . . . . , for the office  
21 of . . . . . , to be voted for at the election to be held in the  
22 city of . . . . . , on the . . . . . day of . . . . . , 19. . . ; and  
23 we individually certify that we are qualified to vote for a  
24 candidate for the above office and that we have not signed  
25 more nomination petitions of candidates for this office than  
26 there are persons to be elected thereto.

27 Name . . . . . Street and Number . . . . .

28 (Space for signatures.)

29 . . . . . , being duly sworn, deposes and says that he is  
30 the circulator of the foregoing petition paper containing  
31 . . . . . signatures, and that the signatures appended thereto

NOTE 5. From twenty-five to two hundred, the particular number depending on the size of the city adopting the charter.

NOTE 6. If proportional representation is used, he shall sign a petition for but one candidate.



1 were made in his presence and are the signatures of the per-  
2 sons whose names they purport to be.

3 (Signed) .....

4 Subscribed and sworn to before me this ..... day of  
5 ....., 19..

6 .....Justice of the Peace (or Notary Public).

7 This petition, if found insufficient by the election au-  
8 thorities, shall be returned to ..... at No. .... Street.

9 SEC. 10. *Filing Nomination Papers.* All nomination  
10 papers comprising a petition shall be assembled and filed  
11 with the election authorities, as one instrument, not earlier  
12 than thirty nor later than fifteen days before the election.  
13 Any person nominated under this charter shall file with the  
14 election authorities his written acceptance of said nomina-  
15 tion not later than twenty days before the day of the elec-  
16 tion, and in the absence of such acceptance his name shall  
17 not appear on the ballot.

## ELECTIONS.

[*Regulation of Election.* The council shall make all needful rules and regulations for conducting elections, for preventing fraud in elections, and for the recount of ballots in case of doubt or fraud, unless provided for by general law.

[After the nomination of candidates by petition in pursuance of the foregoing sections, these candidates may be chosen in several ways; *e. g.*, by proportional representation; by preferential ballot; or at a primary election to be followed (whenever necessary) by a general election. The members of the committee on municipal program had different views as to which of these different methods of selection were most desirable, the majority of the committee believing that either proportional representation or the preferential ballot might be preferable to the primary system which, in most cases, involves the expense and labor of a double election.

[That charter draftsmen may have the benefit of the committee's suggestions, alternative drafts for proportional representation and preferential voting have been prepared and inserted for their guidance as Appendix A and Appendix B, respectively. The committee feels that attention should also be directed to the form of election originally provided for in the charter of Berkeley, Cal., and now followed in San Francisco, Los Angeles and other California cities, where provision is made that any candidate for an office at the preliminary election receiving a majority of all the votes cast should be forthwith declared elected, a second election being held to select candidates for those offices only where no one candidate therefor received a majority vote.

[The essential provisions of the San Francisco charter upon this subject, adopted November, 1915, are as follows:

[*Votes Necessary to Elect.* In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast at the primary election for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *Provided, however,* that no person shall be declared elected to any such office at such primary election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

[*General Election.* The vacancy or vacancies in any office to which the required number of persons have not been elected at the primary election shall be filled at the general election. The candidates not elected at such primary election, equal in number to twice the number to be elected to any given office (or less, if so there be), who receives the highest number of votes for the respective offices at such first election, shall be the only candidates at such general election; *Provided,* that if there be any person who, under the provisions of this sub-division, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such general election shall be declared elected to such office.]'

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NOTE 7. To eliminate the evils of ward representation it has been provided in this model charter that elections should be at large except in cities of 100,000 or more. Elections at large have, however, this disadvantage that they do not insure minority representation and that the watchful care exercised over a city government by those who are in opposition may be entirely absent. In order to remedy this defect, a system of proportional representation may be introduced. It is most effective if five or more councilmen are to be selected at a single election.

There are two well-proved methods by which the system of proportional representation can be applied. One is the List system, in use in Belgium, Sweden, Switzerland and elsewhere; the other, the Hare system, in use in Tasmania and South Africa and incorporated for Irish parliamentary elections in the Parliament of Ireland Act recently passed. The Hare system has also been recently adopted for the election of the city council of Ashtabula, Ohio. Of these two systems the List is the simpler so far as the count is concerned, but to the voter neither offers any difficulties. The Hare system makes it possible for whatever grouping is done to be done by means of the marking of the ballots, and gives the voter more perfect freedom in the expression of his will than does the List. It, therefore, more effectively discourages the retention of national party lines in city government. For these reasons the Hare system is better fitted for the choice of city councils in America.

Where proportional representation is used for the election of the council the members should be chosen either at large or in districts electing not fewer than five members. If there are districts, it is not necessary that they should all elect the same number of members. When proportional representation is not desired, the preferential ballot may be used. Provisions for this purpose will be found in Appendix B.

Model provisions for the carrying out of the Hare system are given in Appendix A.

## THE RECALL.<sup>8</sup>

1        SEC. 11. *Procedure for Filing Recall Petition.* Any  
2 officer or officers holding an elective office provided for in this  
3 charter may be recalled and removed therefrom by the elec-  
4 tors of the city as herein provided.<sup>9</sup>

5        Any elector of the city may make and file with the city  
6 clerk an affidavit containing the name or names of the officer  
7 or officers whose removal is sought and a statement of the  
8 grounds for removal. The clerk shall thereupon deliver to  
9 the elector making such affidavit copies of petition blanks  
10 for such removal, printed forms of which he shall keep on  
11 hand. Such blanks shall be issued by the clerk with his  
12 signature and official seal thereto attached; they shall be  
13 dated and addressed to the council, shall contain the name  
14 of the person to whom issued, the number of blanks so is-  
15 sued, the name of the person or persons whose removal is  
16 sought and the office from which such removal is sought.  
17 A copy of the petition shall be entered in a record book  
18 to be kept in the office of the clerk. The recall petition,  
19 to be effective, must be returned and filed with the clerk  
20 within thirty days after the filing of the affidavit. The peti-  
21 tion before being returned and filed shall be signed by elec-  
22 tors of the city to the number of at least fifteen per cent  
23 of the number of electors who cast their votes at the last  
24 preceding regular municipal election, and to every such  
25 signature shall be added the place of residence of the signer,  
26 giving the street and number or other description sufficient  
27 to identify the place. Such signatures need not all be on  
28 one paper, but the circulator of every such paper shall make  
29 an affidavit that each signature appended to the paper is the  
30 genuine signature of the person whose name it purports to

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NOTE 8. The recall sections were inserted by a majority vote of the committee. They are not applicable in this form if proportional representation is adopted.

NOTE 9. Where a large city is divided into districts for electoral purposes the word "district" should be substituted for "city" in these sections.

1 be. All such recall papers shall be filed as one instrument,  
2 with the endorsements thereon of the names and addresses  
3 of three persons designated as filing the same.

4       SEC. 12. *Examination and Amendment of Recall Peti-*  
5 *tions.* Within ten days after the filing of the petition the  
6 clerk shall ascertain whether or not the petition is signed  
7 by the requisite number of electors and shall attach thereto  
8 his certificate showing the result of such examination. If  
9 his certificate shows the petition to be insufficient, he shall  
10 forthwith so notify in writing one or more of the persons  
11 designated on the petition as filing the same; and the peti-  
12 tion may be amended at any time within ten days, after  
13 the giving of said notice, by the filing of a supplementary  
14 petition upon additional petition papers, issued, signed  
15 and filed as provided herein for the original petition. The  
16 clerk shall, within ten days after such amendment, make  
17 like examination of the amended petition, and attach thereto  
18 his certificate of the result. If then found to be insufficient,  
19 or if no amendment was made, he shall file the petition in his  
20 office and shall notify each of the persons designated thereon  
21 as filing it of that fact. The final finding of the insufficiency  
22 of a petition shall not prejudice the filing of a new petition  
23 for the same purpose.

24       SEC. 13. *Calling of Recall Election.* If the petition  
25 or amended petition shall be certified by the clerk to be  
26 sufficient he shall submit the same with his certificate to  
27 the council at its next meeting and shall notify the officer  
28 or officers whose removal is sought of such action. The  
29 council shall thereupon, within ten days of the receipt of the  
30 clerk's certificate, order an election to be held not less than  
31 thirty nor more than forty-five days thereafter. *Provided,*  
32 *that if any other municipal election is to occur within sixty*  
33 *days after the receipt of said certificate, the council may in*  
34 *its discretion provide for the holding of the removal election*  
35 *on the date of such other municipal election.*

1        **SEC. 14. *Form of Ballot to Recall Officer.*** Unless the  
2 officer or officers whose removal is sought shall have resigned  
3 within ten days after the receipt by the council of the  
4 clerk's certificate the form of the ballot at such election shall  
5 be as near as may be: "Shall A be recalled? Shall B be re-  
6 called?" etc., the name of the officer or officers whose recall  
7 is sought being inserted in place of A, B, etc., and the ballot  
8 shall also contain the names of the candidates to be elected  
9 in place of the men recalled, as follows: "Candidates for the  
10 place of A, if recalled; candidates for the place of B, if re-  
11 called," etc., but the men whose recall is sought shall not  
12 themselves be candidates upon such ballot.

13        In case a majority of those voting for and against the  
14 recall of any official shall vote in favor of recalling such  
15 official he shall be thereby removed, and in that event the  
16 candidate who receives the highest number of votes for his  
17 place shall be elected thereto for the balance of the unex-  
18 pired term.

19        If the officer or officers sought to be removed shall have  
20 resigned within ten days after the receipt by the council of  
21 the clerk's certificate referred to in section 13 hereof, the  
22 form of ballot at the election shall be the same, as nearly as  
23 may be, as the form in use at a regular municipal election.

24        **SEC. 15. *Procedure on Refusal of Council.*** Should the  
25 council fail or refuse to order an election as herein pro-  
26 vided within the time required, such election may be ordered  
27 by any court of general jurisdiction in the county in which  
28 said city is situated.

## THE INITIATIVE.<sup>10</sup>

1        SEC. 16. *Power to Initiate Ordinances.* The people  
2 shall have power at their option to propose ordinances, in-  
3 cluding ordinances granting franchises or privileges, and  
4 other measures and to adopt the same at the polls, such  
5 power being known as the initiative. A petition, meeting  
6 the requirements hereinafter provided and requesting the  
7 council to pass an ordinance, resolution, order or vote (all  
8 of these four terms being hereinafter included in the term  
9 "measure") therein set forth or designated, shall be termed  
10 an initiative petition and shall be acted upon as hereinafter  
11 provided.

12        SEC. 17. *Preparation of Initiative Petitions.* Signa-  
13 tures to initiative petitions need not all be on one paper,  
14 but the circulator of every such paper shall make an affi-  
15 davit that each signature appended to the paper is the  
16 genuine signature of the person whose name it purports to  
17 be. With each signature shall be stated the place of resi-  
18 dence of the signer, giving the street and number or other  
19 description sufficient to identify the place. All such papers  
20 pertaining to any one measure shall have written or printed  
21 thereon the names and addresses of at least five electors who  
22 shall be officially regarded as filing the petition, and shall  
23 constitute a committee of the petitioners for the purposes  
24 hereinafter named. All such papers shall be filed in the  
25 office of the city clerk as one instrument. Attached to every  
26 such instrument shall be a certificate signed by the commit-  
27 tee of petitioners or a majority of them stating whether the  
28 petition is intended to be a "Fifteen Per Cent Petition" or a  
29 "Twenty-five Per Cent Petition."

30        SEC. 18. *Filing of Petitions.* Within ten days after the  
31 filing of the petition the clerk shall ascertain by examina-  
32 tion the number of electors whose signatures are appended

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NOTE 10. The initiative sections were inserted by a majority vote of the committee.

1 thereto and whether this number is at least fifteen per cent  
2 or twenty-five per cent, as the case may be, of the total  
3 number of electors who cast their votes at the last preced-  
4 ing regular municipal election, and he shall attach to said  
5 petition his certificate showing the result of said exami-  
6 nation. If, by the clerk's certificate, of which notice in  
7 writing shall be given to one or more of the persons desig-  
8 nated, the petition is shown to be insufficient it may be  
9 amended within ten days from the date of said certificate by  
10 filing supplementary petition papers with additional signa-  
11 tures. The clerk shall within ten days after such amend-  
12 ment make like examination of the amended petition, and if  
13 his certificate shall show the same to be insufficient, the clerk  
14 shall file the petition in his office and shall notify each mem-  
15 ber of the committee of that fact. The final finding of the  
16 insufficiency of a petition shall not prejudice the filing of a  
17 new petition for the same purpose.

18       SEC. 19. *Submission of Petition to Council.* If the  
19 petition shall be found to be sufficient, the clerk shall so  
20 certify and submit the proposed measure to the council at  
21 its next meeting, and the council shall at once read and  
22 refer the same to an appropriate committee, which may be  
23 a committee of the whole. Provision shall be made for public  
24 hearings upon the proposed measure before the committee to  
25 which it is referred. Thereafter the committee shall report  
26 the proposed measure to the council, with its recommenda-  
27 tion thereon, not later than sixty days after the date upon  
28 which such measure was submitted to the council by the  
29 clerk. Upon receiving the proposed measure from the com-  
30 mittee the council shall at once proceed to consider it and  
31 shall take final action thereon within thirty days from the  
32 date of such committee report.

33       SEC. 20. *Election on Initiated Measures.* If the council  
34 shall fail to pass the proposed measure, or shall pass it in a  
35 form different from that set forth in the petition, then if the  
36 petition was a "twenty-five per cent petition" the proposed

1 measure shall be submitted by the council to the vote of the  
2 electors at the next election occurring not less than thirty  
3 days after the date of the final action by the council, and if  
4 no election is to be held within six months from such date,  
5 then the council shall call a special election to be held not  
6 less than thirty nor more than forty-five days from such  
7 date. But if the petition was a "fifteen per cent petition"  
8 the proposed measure shall be submitted as in the case of a  
9 "twenty-five per cent petition," except that no special elec-  
10 tion shall be called unless within thirty days after the final  
11 action by the council on the proposed measure a supple-  
12 mental petition shall be filed with the clerk signed by a suf-  
13 ficient number of additional electors asking for the submis-  
14 sion of the proposed measure so that the original petition  
15 when combined with such supplementary petition shall be-  
16 come a "twenty-five per cent petition." In case such sup-  
17plementary petition is filed the council shall call a special  
18 election to be held not less than thirty nor more than forty-  
19 five days after the receipt of the clerk's certificate that a  
20 sufficient supplementary petition has been filed. The suf-  
21 ficiency of any such supplementary petition shall be deter-  
22 mined, and it may be amended, in the manner provided for  
23 original petitions. When submitted the measure shall be  
24 either in its original form, or with any proposed change or  
25 addition which was presented in writing either at the public  
26 hearing before the committee to which such proposed meas-  
27 ure was referred, or during the consideration thereof by the  
28 council; and said committee of petitioners shall certify to  
29 the clerk the requirement of submission and the proposed  
30 measure in the form desired, within ten days after the date  
31 of final action on such measure by the council. Upon receipt  
32 of the certificate and certified copy of such measure, the  
33 clerk shall certify the fact to the council at its next meeting  
34 and such measure shall be submitted by the council to the  
35 vote of the electors in a regular or special municipal election  
36 as hereinbefore provided.



1       **SEC. 21. Initiative Ballots.** The ballots used when vot-  
 2 ing upon any such proposed measure shall state the substance  
 3 thereof, and below it the two propositions "For the measure"  
 4 and "Against the measure." Immediately at the right of each  
 5 proposition there shall be a square in which by making a  
 6 cross (X) the voter may vote for or against the proposed  
 7 measure. If a majority of the electors voting on any such  
 8 measure shall vote in favor thereof, it shall thereupon be-  
 9 come an ordinance, resolution, order or vote of the city as  
 10 the case may be.

11       The following shall be the form of the ballot:

|  |  |
|--|--|
| TITLE OF MEASURE                             |  |
| With general statement of substance thereof. |  |
| FOR THE MEASURE                              |  |
| AGAINST THE MEASURE                          |  |

12       **SEC. 22. Number of Measures to be Initiated.** Any  
 13 number of proposed measures may be voted upon at the  
 14 same election in accordance with the provisions of this  
 15 charter.

### THE REFERENDUM.<sup>11</sup>

16       **SEC. 23. Power of Referendum.** The people shall have  
 17 power at their option to approve or reject at the polls any  
 18 measure passed by the council or submitted by the council to  
 19 a vote of the electors, such power being known as the refer-  
 20 endum, which power shall be invoked and exercised as herein  
 21 provided. Measures submitted to the council by initiative  
 22 petition and passed by the council without change, or passed  
 23 in an amended form and not required by the committee of  
 24 the petitioners to be submitted to a vote of the electors,  
 25 shall be subject to the referendum in the same manner as  
 26 other measures.

27       **SEC. 24. Limitations on Enforcement of Ordinances.**  
 28 No measure shall go into effect until thirty days after its  
 29 passage unless it be declared an emergency measure on the

NOTE 11. The referendum sections were inserted by a majority vote of the committee.

1 ground of urgent public need for the preservation of peace,  
2 health, safety or property, the facts showing such urgency  
3 and need being specifically stated in the measure itself and  
4 the measure being passed by a vote of not less than four-  
5 fifths of the members of the council. But no measure grant-  
6 ing or amending any public utility or amending or repealing  
7 any measure adopted by the people at the polls or by the  
8 council in compliance with an initiative petition, shall be re-  
9 garded as an emergency measure.

10       SEC. 25. *Referendum Petition.* If within thirty days  
11 after the final passage of any measure by the council a peti-  
12 tion signed by electors of the city to the number of at least  
13 10 per cent of the number of electors who cast their votes  
14 at the last preceding regular municipal election, be filed  
15 with the city clerk requesting that any such measure, or any  
16 part thereof, be repealed or be submitted to a vote of the  
17 electors, it shall not, except in the case of an emergency  
18 measure, become operative until the steps indicated herein  
19 have been taken.

20       SEC. 26. *Signatures to Petition.* The signatures  
21 thereto need not all be on one paper, but the circulator of  
22 every such paper shall make an affidavit that each signature  
23 appended thereto is the genuine signature of the person whose  
24 name it purports to be. With each signature shall be stated  
25 the place of residence of the signer, giving the street and  
26 number or other description sufficient to identify the place.  
27 All such papers shall be filed in the office of the city clerk  
28 as one instrument. A referendum petition need not contain  
29 the text of the measure designated therein and of which the  
30 repeal is sought.

31       SEC. 27. *Certification of Petition.* Within ten days  
32 after the filing of the petition the clerk shall ascertain  
33 whether or not the petition is signed by the electors of the  
34 city to the number of at least 10 per cent of the number of  
35 electors who cast their votes at the last preceding regular

1 municipal election and he shall attach to such petition his  
2 certificate showing the result of such examination. If by the  
3 clerk's certificate the petition is shown to be insufficient, it  
4 may be amended within ten days from the date of said cer-  
5 tificate by the filing of supplementary petition papers with  
6 additional signatures. The clerk shall within ten days after  
7 such amendment make like examination of the amended peti-  
8 tion and certify the result thereof.

9       **SEC. 28. Referendum Election.** If the petition be  
10 found sufficient, the council shall proceed to reconsider such  
11 measure or such part thereof as the petition shall specify.  
12 If upon such reconsideration such measure, or such part  
13 thereof, be not repealed or amended as demanded in the  
14 petition, the council shall provide for submitting the same,  
15 by the method herein provided, to a vote of the elec-  
16 tors at the next municipal election occurring not less than  
17 thirty days after the receipt by the council of the clerk's  
18 certificate, and such measure, or such part thereof, shall  
19 thereupon be suspended from going into effect until said  
20 election and shall then be deemed repealed unless approved  
21 by a majority of those voting thereon. Or the council by  
22 a four-fifths vote may submit such measure or part thereof  
23 with like effect to the electors at a special election to be  
24 called by said council not less than thirty days after the  
25 receipt of said clerk's certificate.

26       **SEC. 29. Title of Ballot.** Proposed measures and char-  
27 ter amendments shall be submitted by ballot title. There  
28 shall appear upon the official ballot a ballot title which may  
29 be distinct from the legal title of any such proposed measure  
30 or charter amendment and which shall be a clear, concise  
31 statement, without argument or prejudice, descriptive of the  
32 substance of such measure or charter amendment. The bal-  
33 lot title shall be prepared by the committee of the petitioners  
34 if for an initiated or a referendum measure, or by a com-  
35 mittee of the council when submitted by the council.

1        SEC. 30. *Form of Ballot.* The ballots used when voting  
2 upon such proposed measure shall designate the same, and be-  
3 low it the two propositions, "For the measure" and "Against  
4 the measure."

5        SEC. 31. *Emergency Measures.* Measures passed as  
6 emergency measures shall be subject to referendum like other  
7 measures, except that they shall not be suspended from going  
8 into effect while referendum proceedings are pending. If,  
9 when submitted to a vote of the electors, an emergency meas-  
10 ure be not approved by a majority of those voting thereon,  
11 it shall be considered repealed, as regards any further action  
12 thereunder and all rights and privileges conferred by it shall  
13 be null and void: *Provided, however,* that such measure so  
14 repealed shall be deemed sufficient authority for any payment  
15 made or expense incurred in accordance with the measure  
16 previous to the referendum vote thereon.

17        SEC. 32. *Official Publicity Pamphlet.* The city clerk,  
18 at least fifteen days before any election at which any measure  
19 or charter amendment is to be submitted, shall print and  
20 mail to each elector qualified to vote thereon an official pub-  
21 licity pamphlet containing the full text of every measure or  
22 charter amendment submitted, with their respective ballot  
23 titles, together with arguments, for or against such meas-  
24 ures or charter amendments, which may have been filed  
25 with the city clerk not less than twenty days before such  
26 election. Such arguments shall be signed by the person,  
27 persons, or officers of organizations authorized to submit and  
28 sign the same, who shall deposit with the city clerk at the  
29 time of filing a sum of money sufficient to cover the propor-  
30 tionate cost of the printing and paper for the space taken,  
31 but no more. The text of every measure or charter amend-  
32 ment shall also be displayed at the polling booths in such  
33 election. *Provided,* that the validity of a measure or charter  
34 amendment approved by the electors shall not be questioned  
35 because of errors or irregularities in such mailing, distribu-  
36 tion or display.

1        **SEC. 33. *Conflict of Referred Measures.*** If two or  
2 more measures adopted or approved at the same election  
3 conflict in respect of any of their provisions, they shall go  
4 into effect in respect of such of their provisions as are not  
5 in conflict and the one receiving the highest affirmative vote  
6 shall prevail in so far as their provisions conflict.

## ADMINISTRATIVE SERVICE: THE CITY MANAGER.<sup>12</sup>

1        **SEC. 34. *The City Manager.*** The city manager shall  
2 be the chief executive officer of the city. He shall be chosen  
3 by the council solely on the basis of his executive and ad-  
4 ministrative qualifications. The choice shall not be limited  
5 to inhabitants of the city or state.<sup>13</sup>

6        The city manager shall receive a compensation of not  
7 less than                      a year.<sup>14</sup> He shall be appointed for an  
8 indefinite period. He shall be removable by the council. If  
9 removed at any time after six months he may demand written  
10 charges and a public hearing on the same before the council  
11 prior to the date on which his final removal shall take effect,  
12 but during such hearing the council may suspend him from  
13 office. During the absence or disability of the city manager  
14 the council shall designate some properly qualified person to  
15 perform the duties of the office.

16        **SEC. 35. *Powers and Duties of the City Manager.*** The  
17 city manager shall be responsible to the council for the  
18 proper administration of all affairs of the city, and to that

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NOTE 12. While the manager plan herein proposed is probably the most advanced and scientific form of municipal organization yet suggested, it is of the highest importance that any city adopting the plan should not omit any of the other principal features accompanying it in this draft. Without these provisions the manager plan, owing to its concentration of executive and administrative authority in the manager, might prove to be susceptible to perversion in the interest of a boss in cities with an undeveloped and inactive public opinion, because the members of council might then be elected upon a slate pledged beforehand to the selection of some particular candidate as manager.

It is also true that no form of government can in and of itself produce good results. The most that any plan can do is to provide an organization which lends itself to efficient action, and which at the same time places in the hands of the electorate simple and effective means for controlling their government in their own interests. The evils in city government due to defective and undemocratic organization can thus be removed; beyond that, results can only be achieved through the growth of an active and enlightened public opinion.

NOTE 13. The German plan of publicly advertising for a burgo-master and heads of departments and selecting the ones who best show the qualifications demanded has been highly successful.

NOTE 14. The minimum salary would vary according to the size of the city and the responsibilities of the office. Dayton, Ohio, a city of 117,000 inhabitants, pays its city manager a salary of \$12,500 per year.

1 end shall make all appointments, except as otherwise pro-  
2 vided in this charter. Except when the council is consider-  
3 ing his removal, he shall be entitled to be present at all  
4 meetings of the council and of its committees and to take  
5 part in their discussion.

6 SEC. 36. *Annual Budget.* The city manager shall pre-  
7 pare and submit to the council the annual budget after re-  
8 ceiving estimates made by the directors of the departments.

#### ADMINISTRATIVE DEPARTMENTS.

9 SEC. 37. *Administrative Departments Created.* There  
10 shall be six administrative departments as follows: Law,  
11 health, works and utilities, safety and welfare, education<sup>15</sup>  
12 and finance, the functions of which shall be prescribed  
13 by the council except as herein otherwise provided. The  
14 council shall fix all salaries, which in the classified service  
15 shall be uniform for each grade, as established by the civil  
16 service commission, and the council may, by a three-fourths  
17 vote of its entire membership, create new departments, com-  
18 bine or abolish existing departments or establish temporary  
19 departments for special work.<sup>16</sup>

NOTE 15. In places where the school system works well under a separate organization it had better not be disturbed, and in such cases the department of education will generally have to be omitted.

NOTE 16. The number of departments may be increased or diminished according to the population or other local needs of a given city. Where it is increased it will probably be desirable to divide the department of safety and welfare into two departments, and in some cases to divide the department of safety into police and fire departments respectively. The department of utilities may be separated from department of public works when (1) such utilities are privately owned, so that their administration is chiefly regulative; and (2) in large cities where the department of works and utilities would make too large a department or where it seemed desirable to put all the revenue-producing industries in one department. In reducing the number of departments, those of law, health and finance might be cut out in the order named, either combining them with remaining departments (as health with welfare and safety) or making them directly subordinate to the city manager.

The number of departments can be kept down in the larger cities and reduced in the smaller ones by (1) the creation of department bureaus and (2) where so complex an organization as a bureau is not needed by having the proper official report directly to the city manager instead of to a department head.

The principle underlying the formation of departments and bureaus should be twofold: (1) functional grouping and (2) tasks which demand the time and capacity of the highest grade of administrative heads—i. e., one first-class full-time man to head each department.

1       **SEC. 38. *Duties of Directors of Departments.*** At  
2 the head of each department there shall be a director.  
3 Each director shall be chosen on the basis of his general  
4 executive and administrative experience and ability and of  
5 his education, training and experience in the class of  
6 work which he is to administer. The director of the de-  
7 partment of law shall be a lawyer; of health, a sanitary engi-  
8 near or a member of the medical profession; of works, an en-  
9 gineer; of education, a teacher by profession; of safety, and  
10 welfare, a man who has had administrative experience; and  
11 of finance, a man who has had experience in banking, ac-  
12 counting or other financial matters; or in each case the man  
13 must have rendered active service in the same department in  
14 this or some other city.

15       Each director shall be appointed by the city manager  
16 and may be removed by him at any time; but in case of such  
17 removal, if the director so demands, written charges must be  
18 preferred by the city manager, and the director shall be  
19 given a public hearing before the order of removal is made  
20 final. The charges and the director's reply thereto shall be  
21 filed with the clerk of council.

22       **SEC. 39. *Responsibility of Directors of Departments.***  
23 The directors of departments shall be immediately re-  
24 sponsible to the city manager for the administration of  
25 their departments and their advice in writing may be re-  
26 quired by him on all matters affecting their departments.  
27 They shall prepare departmental estimates, which shall be  
28 open to public inspection, and they shall make all other re-  
29 ports and recommendations concerning their departments  
30 at stated intervals or when requested by the city manager.

31       **SEC. 40. *Powers of Subpoena.*** The council, the city  
32 manager and any officer or board authorized by them, or  
33 either of them, shall have power to make investigations as to  
34 city affairs, to subpoena witnesses, administer oaths and  
35 compel the production of books and papers.



## CIVIL SERVICE BOARD.

1        **SEC. 41. *Creation of Civil Service Board.*** A civil service  
2 board shall be appointed by the council to consist of three  
3 members. The terms of the members when the first appoint-  
4 ments are made shall be so arranged as to expire one every  
5 two years, and each appointment made thereafter upon the  
6 expiration of any term shall be for six years. The council  
7 shall also fill any vacancy for an unexpired term. A member  
8 of the board shall be removable for neglect, incapacity or mal-  
9 feasant in office by a four-fifths vote of the council, after  
10 written charges upon at least ten days' notice and after a  
11 public hearing.

12        The board shall employ a secretary and a chief examiner  
13 (but the same person may perform the duties of both of-  
14 fices) and such further examiners and such clerical and  
15 other assistance as may be necessary, and shall determine  
16 the compensation of all persons so employed. Provision  
17 shall be made in the annual budget and appropriation bill for  
18 the expenses of the board.

19        **SEC. 42. *Power to Make Rules and What the Rules***  
20 ***Shall Provide.*** The board shall, after public notice and  
21 hearing, make, promulgate and, when necessary, amend rules  
22 for the appointment, promotion, transfer, lay off, reinstatement,  
23 suspension and removal of city officials and employes,  
24 reporting its proceedings to the council and to the city  
25 manager when required. Such rules shall, among other  
26 things, provide:

27        (a) For the standardization and classification of all  
28 positions and employments in the civil service of the city.  
29 The classification into groups and subdivisions shall be based  
30 upon and graded according to their duties and responsibilities  
31 and so arranged as to promote the filling of the higher  
32 grades, so far as practicable, through promotion. All salaries  
33 shall be uniform for like service in each grade as the  
34 same shall be standardized and classified by the civil service  
35 board. The civil service so standardized and classified shall

1 not include officers elected by the people, nor the judges, and  
2 may or may not include the directors of executive depart-  
3 ments, or the superintendents, principals and teachers of the  
4 public schools, as may be directed by the council.

5 (b) For open competitive tests, to ascertain the relative  
6 fitness of all applicants for appointment to the classified civil  
7 service of said city, including mechanics and laborers—skilled  
8 and unskilled. Such tests shall be practical and relate to  
9 matters which will fairly measure the relative fitness of the  
10 candidates to discharge the duties of the positions to which  
11 they seek to be appointed. Notice of such tests shall be  
12 given not less than ten days in advance by public advertise-  
13 ment in at least one newspaper of general circulation, and  
14 by posting a notice in the city hall. The board may, by  
15 unanimous vote, provide for non-competitive tests for any  
16 position requiring peculiar and exceptional qualifications of  
17 a scientific, managerial, professional or educational charac-  
18 ter, but all such actions of the board with the reasons there-  
19 for shall be published in its annual report.

20 (c) For the creation of eligible lists upon which shall  
21 be entered the names of successful candidates in the order  
22 of their standing in examination, and for the filling of places  
23 in the civil service of the city by selection from not more  
24 than the three candidates graded highest on such eligible  
25 lists. Eligible lists shall remain in force not longer than  
26 two years.

27 In the absence of an appropriate eligible list, any place  
28 may be filled temporarily without examination for a period  
29 limited by the rules, but not to exceed sixty days, during  
30 which time the board shall hold the necessary examination  
31 for filling the place permanently. With the consent of the  
32 board, persons may be temporarily employed for transitory  
33 work without examination, but such employment shall not  
34 continue for more than sixty days, or be renewed.

35 No person shall be appointed or employed under any  
36 title not appropriate to the duties to be performed, and no  
37 person shall be transferred to or assigned to perform any

1 duties of any position subject to competitive tests unless  
2 he shall have been appointed to the position from which  
3 transfer is made as the result of an open competitive test  
4 equivalent to that required for the position to be filled, or  
5 unless he shall have served with fidelity for at least two  
6 years immediately preceding in a similar position in the  
7 city. Each list of eligibles, with the respective grades, shall  
8 be open to public inspection.

9 Any person appointed from an eligible list and laid off  
10 for lack of work or of appropriation shall be placed at the  
11 head of the eligible list and shall be eligible for reappoint-  
12 ment for the period of eligibility as provided by the rules  
13 of the board.

14 (d) For a period of probation not exceeding six months  
15 before an appointment or employment is made permanent.

16 (e) For reinstatement on the eligible lists of persons  
17 who without fault or delinquency are separated from the  
18 service.

19 (f) For promotion from the lower grades to the higher,  
20 based upon competitive records of efficiency and seniority  
21 to be furnished by the departments in which the person is  
22 employed and kept by said civil service board, or upon com-  
23 petitive promotion tests, or both. Appointments to such  
24 higher positions as shall be specified by the board may, if  
25 the city manager approves, be made after competitive tests  
26 in which persons not in the service of the city may also  
27 compete as well as applicants for such positions from the  
28 lower grades of the service or from other branches thereof;  
29 and the appointments shall be made to such higher positions  
30 from those standing highest as in the case of other competi-  
31 tive tests. An increase in compensation within a grade may  
32 be granted upon the basis of efficiency and seniority records.

33 *SEC. 43. Supervisory Powers of Civil Service Board.*

34 It shall be the duty of the civil service board to supervise  
35 the execution of the civil service sections and the rules made  
36 thereunder, and it shall be the duty of all persons in the

1 public service of said city to comply with said rules and aid  
2 in their enforcement.

3 The said board shall keep public records of its proceed-  
4 ings of the markings and gradings upon examinations, and  
5 of all recommendations or certificates of the qualifications  
6 of applicants for office or employment; and it shall also  
7 keep a public record of the conduct and efficiency of each per-  
8 son in the service of the city, to be furnished by the head of  
9 the department in which such person is employed in such  
10 form and manner as the board may prescribe.

11 The board may make investigations concerning the facts  
12 in respect to the execution of the civil service sections and of  
13 the rules established thereunder and concerning the general  
14 condition of the civil service of the city or any branch  
15 thereof. The board shall fix standards of efficiency and  
16 recommend measures for co-ordinating the operation of the  
17 various departments and for increasing individual, group  
18 and departmental efficiency. Each member of the board, or  
19 any person whom the board may appoint to make such in-  
20 vestigations, shall have power to administer oaths, to compel  
21 the production of books and papers and to subpoena wit-  
22 nesses.

23 The board shall keep a complete public roster of all per-  
24 sons in the service of the city and certify to the proper  
25 official the name and compensation of each person employed;  
26 also every change occurring in any office or employment,  
27 and no treasurer or other public disbursing officer shall pay  
28 and no controller or other auditing officer shall authorize  
29 the payment of any salary or compensation to any person  
30 holding a position in the classified service, unless the pay  
31 roll or account for such salary or compensation shall bear  
32 the certificate of the board that the person named therein  
33 has been appointed or employed and is performing serv-  
34 ices in accordance with the provisions of this charter and  
35 the rules hereby authorized. Any sums paid contrary to  
36 the provisions of this section may be recovered from any

1 officer paying or authorizing the payment thereof and from  
2 the sureties on his official bond.

3       **SEC. 44. *Power of Removal and Suspension.*** Any of-  
4 ficer or employe in the classified service may be removed,  
5 suspended, laid off, or reduced in grade by the city manager  
6 or by the head of the department in which he is employed,  
7 for any cause which will promote the efficiency of the serv-  
8 ice; but he must first be furnished with a written state-  
9 ment of the reasons therefor and be allowed a reasonable  
10 time for answering such reasons in writing, which answer,  
11 if he so request, shall (so far as the same is relevant and  
12 pertinent) be made a part of the records of the board; and  
13 he may be suspended from the date when such written state-  
14 ment of reasons is furnished him. No trial or examination  
15 of witnesses shall be required in such case except in the dis-  
16 cretion of the officer making the removal. In all cases pro-  
17 vided for in this paragraph the action of the city manager  
18 or head of the department shall be final.

19       The civil service board shall also have the right to re-  
20 move or reduce any official or employe upon written charges  
21 of misconduct preferred by any citizen, but only after rea-  
22 sonable notice to the accused and full hearing. It shall also  
23 be the duty of the board to fix a minimum standard of con-  
24 duct and efficiency for each grade in the service, and when-  
25 ever it shall appear from the reports of efficiency made to  
26 said board, for a period of three months, that the conduct  
27 and efficiency of any employe has fallen below this minimum,  
28 such employe shall be called before the board to show cause  
29 why he should not be removed, and if upon hearing no reason  
30 is shown satisfactory to the board he shall be removed, sus-  
31 pended or reduced in grade as the board shall determine.

32       **SEC. 45. *Restrictions on Civil Service Appointees and***  
33 ***Forbidden Practices.*** No person shall willfully or corruptly  
34 make any false statement, certificate, mark, grading or re-  
35 port in regard to any examination or appointment held or  
36 made under this article, or in any other manner attempt to

1 commit any fraud upon the impartial execution of this article  
2 or of the civil service rules and regulations.

3 No person in the classified service shall directly or indi-  
4 rectly give, solicit or receive or be in any manner concerned  
5 in giving, soliciting or receiving any assessment, subscription  
6 or contribution for any political party or purpose whatever.  
7 No person whosoever shall orally or by letter solicit or be  
8 in any manner concerned in soliciting any assessment, sub-  
9 scription or contribution for any political party from any  
10 person holding a position in the classified service. No person  
11 shall use or promise to use his influence or official authority  
12 to secure any appointment or prospect of appointment to  
13 any position classified and graded under this charter as a  
14 reward or return for personal or partisan political service.  
15 No person about to be appointed to any position classified  
16 and graded under this charter shall sign or execute a resigna-  
17 tion dated or undated in advance of such appointment. No  
18 person in the service of the city shall discharge, suspend,  
19 lay off, degrade, or promote, or in any manner change the  
20 official rank or compensation of any other person in said  
21 service, or promise or threaten to do so for withholding or  
22 neglecting to make any contribution of money or service or  
23 any other valuable thing for any political purpose.

24 No person shall take part in preparing any political  
25 assessment, subscription or contribution with the intent that  
26 the same shall be sent or presented to or collected from any  
27 person in the classified service of the city; and no person  
28 shall knowingly send or present, directly or indirectly, in  
29 person or by letter, any political assessment, subscription  
30 or contribution to, or request its payment by any person  
31 in the classified service.

32 No person in the service of the city shall use his official  
33 authority or influence to coerce the political action of any  
34 person or body, or to interfere with any nomination or  
35 election to public office.

1 No person holding office or place classified and graded  
2 under the provisions of this article shall act as an officer  
3 of a political organization or take any active part in a  
4 political campaign or serve as a member of a committee of  
5 any such organization or circulate or seek signatures to  
6 any petition provided for by any primary or election laws,  
7 other than an initiative or referendum petition, or act as a  
8 worker at the polls in favor of or opposed to any candidate  
9 for election or nomination to a public office, whether federal,  
10 state, county or municipal.

11 **SEC. 46. *Politics and Religion Excluded.*** No question  
12 in any examination held hereunder shall relate to political or  
13 religious opinions, affiliations or service, and no appointment,  
14 transfer, lay off, promotion, reduction, suspension or re-  
15 moval shall be affected or influenced by such opinions, affilia-  
16 tions or service.

17 **SEC. 47. *Violations of Civil Service Rules and Regu-***  
18 ***lations.*** Any person who shall willfully, or through culp-  
19 able negligence, violate any of the provisions of this article  
20 or of the rules of the board made in pursuance thereof shall  
21 be guilty of a misdemeanor, and shall, on conviction, be  
22 punished by a fine of not less than \$50 nor more than \$1000,  
23 or by imprisonment for a term not exceeding six months,  
24 or by both such fine and imprisonment. If such person be  
25 an applicant for examination he shall be excluded there-  
26 from. If he be an eligible his name shall be removed from  
27 the eligible list, and if he be an officer or employe of the  
28 city he shall thereby be removed forthwith from the service.

29 **SEC. 48. *Power of Taxpayer to Enforce Rules.*** Any  
30 taxpayer in the city may maintain an action to recover for  
31 the city any sum of money paid in violation of the civil serv-  
32 ice provisions, or to enjoin the board from attaching its  
33 certificate to a payroll or account for services rendered in  
34 violation of this charter or the rules made thereunder; and  
35 the rules made under the foregoing provisions shall for this  
36 and all other purposes have the force of law.

## FINANCIAL PROVISIONS.

1       **SEC. 49. *The Director of Finance.*** The director of  
2 finance shall have direct supervision over the department of  
3 finance and the administration of the financial affairs of the  
4 city, including the keeping of accounts and financial records;  
5 the levy, assessment and collection of taxes, special assess-  
6 ments and other revenues (except as otherwise provided by  
7 general law); the custody and disbursement of city funds  
8 and moneys; the control over expenditures; and such other  
9 duties as the council may, by ordinance, provide.

10       **SEC. 50. *Accounts and Records.*** Accounts shall be kept  
11 by the department of finance showing the financial trans-  
12 actions for all departments of the city. Forms for all such  
13 accounts shall be prescribed by the director of finance with  
14 the approval of the city manager; and shall be adequate to  
15 record all cash receipts and disbursements, all revenues ac-  
16 crued and liabilities incurred, and all transactions affecting  
17 the acquisition, custody and disposition of values, and to  
18 make such reports of the financial transactions and con-  
19 dition of the city as may be required by law or ordinance.  
20 Financial reports shall be prepared for each quarter and  
21 each fiscal year, and for such other periods as may be re-  
22 quired by the city manager, or the council.

23       **SEC. 51. *Annual Budget.*** Not later than one month  
24 before the end of each fiscal year, the city manager shall  
25 prepare and submit to the council an annual budget for the  
26 ensuing fiscal year, based upon detailed estimates furnished  
27 by the several departments and other divisions of the city  
28 government, according to a classification as nearly uniform  
29 as possible. The budget shall present the following infor-  
30 mation:

31       (a) An itemized statement of the appropriations recom-  
32 mended by the city manager for current expenses and for  
33 permanent improvements for each department and each divi-  
34 sion thereof for the ensuing fiscal year, with comparative  
35 statements in parallel columns of the appropriations and



1 expenditures for the current and next preceding fiscal year,  
2 and the increases or decreases in the appropriations recom-  
3 mended;

4 (b) An itemized statement of the taxes required and  
5 of the estimated revenues of the city from all other sources  
6 for the ensuing fiscal year, with comparative statements in  
7 parallel columns of the taxes and other revenues for the cur-  
8 rent and next preceding fiscal year, and of the increases or  
9 decreases estimated or proposed;

10 (c) A statement of the financial condition of the city;  
11 and

12 (d) Such other information as may be required by the  
13 council.

14 Copies of such budget shall be printed and available for  
15 distribution not later than two weeks after its submission  
16 to the council; and a public hearing shall be given thereon  
17 by the council or a committee thereof before action by the  
18 council.

19 SEC. 52. *Appropriation Ordinance. Temporary Ap-*  
20 *propriations. Transfers.* Not later than one month after  
21 the beginning of the fiscal year the council shall pass an an-  
22 nual appropriation ordinance, which shall be based on the  
23 budget submitted by the city manager. The total amount  
24 of appropriations shall not exceed the estimated revenues of  
25 the city.

26 Before the annual appropriation ordinance has been  
27 passed, the council, with the approval in writing of the city  
28 manager, may make appropriations for current department  
29 expenses, chargeable to the appropriations of the year when  
30 passed, to an amount sufficient to cover the necessary ex-  
31 penses of the various departments until the annual appro-  
32 priation is in force. No other liabilities shall be incurred by  
33 any officer or employe of the city, except in accordance with  
34 the provisions of the annual appropriation ordinance, or  
35 under continuing contracts and loans authorized under the  
36 provisions of this charter.

1 At any meeting after the passage of the appropriation  
2 ordinance, and after at least one week's public notice, the  
3 council, by a three-fourths vote, may amend such ordinance,  
4 so as to authorize the transfer of unused balances appropri-  
5 ated for one purpose to another purpose, or to appropriate  
6 available revenues not included in the annual budget.

7 SEC. 53. *Tax Levy.* On or before the  
8 day of \_\_\_\_\_ in each year, the council shall, by ordi-  
9 nance, levy such tax as may be necessary to meet the appro-  
10 priations made (less the estimated amount of revenue from  
11 other sources) and all sums required by law to be raised on  
12 account of the city debt, together with such addition, not  
13 exceeding five per cent, as may be necessary to meet com-  
14 missions, fees and abatements in the amount of taxes col-  
15 lected from the estimates.

16 SEC. 54. *Assessment of Property.* All property subject  
17 to *ad valorem* taxation shall be valued at its fair market  
18 value, subject to review and equalization, as provided by law  
19 or ordinance. In valuing improved real estate for taxation  
20 the market value of the land shall be valued separately; and  
21 improvements thereon shall be valued at the amount by  
22 which they increase the value of the land.

23 SEC. 55. *Special Assessments.* The council shall have  
24 power by ordinance to provide for the payment of all or  
25 any part of the cost of the construction, reconstruction,  
26 repair, operation or maintenance of any structure or work  
27 in the nature of a public improvement, including a public  
28 utility, by levying and collecting special assessments upon  
29 abutting, adjacent and contiguous or other property  
30 specially benefited. Such special assessments for works of  
31 construction or reconstruction may be payable in instal-  
32 ments within a period of not more than ten years. The  
33 amount so assessed against any property shall not exceed  
34 the amount of benefits accruing to such property from such  
35 improvement and the operation thereof. Provision shall be

1 made by ordinance for the method of levying and apportion-  
2 ing such special assessments, for the publication of plans,  
3 for serving notices on the owners of property affected, and  
4 for hearing complaints and claims before final action thereon.

5       **SEC. 56. Bond Issues.** Money may be borrowed by the  
6 issue and sale of bonds, pledged on the credit of the city, or  
7 on the property or revenues of any public utility owned by  
8 the city, for the purchase of land, the construction and  
9 equipment of buildings and other permanent public improve-  
10 ments and the payment or refunding of bonds previously  
11 issued. No ordinance providing for the issue of bonds shall  
12 be passed without public notice at least two weeks before  
13 final action by the council, and the approval of two-thirds  
14 of all the members of the council, or submission to the elec-  
15 tors of the city at a regular or special election and the ap-  
16 proval of a majority of those voting thereon. No bonds  
17 shall be issued on the credit of the city which shall increase  
18 such bonded indebtedness of the city beyond               per  
19 cent of the assessed valuation of property in the city  
20 subject to direct taxation, as shown by the last preceding  
21 valuation for city taxes.<sup>17</sup> Every issue of bonds shall be  
22 payable within a term of years, not to exceed the estimated  
23 period of utility of the improvement for which they are  
24 issued, and in no case to exceed thirty years;<sup>18</sup> and shall be  
25 payable in equal annual serial instalments, including prin-  
26 cipal and interest. Every ordinance for the issue of bonds  
27 shall provide for a tax levy for each year to meet the annual  
28 serial instalments of principal and interest, and such  
29 amounts shall be included in the tax levy for each year.<sup>19</sup>

**NOTE 17.** If desired, provision may be made for the issue of bonds outside the debt limit on the credit of the city for self-sustaining utilities.

**NOTE 18.** In cities where subways and other improvements of extraordinary cost and permanency may be needed this period may be extended to fifty years.

**NOTE 19.** For cities having sinking funds, provision should be made for their continuation and management until maturity. The sinking fund board may consist of the mayor, the director of finance and three other members appointed by the council for a term of four years, to serve without compensation.

1        *SEC. 57. Temporary Loans.* Money may be borrowed  
2 in anticipation of the receipts from taxes during any fiscal  
3 year, by the issue of notes, certificates of indebtedness or  
4 revenue bonds; but the aggregate amount of such loans at  
5 any time outstanding shall not exceed                    per cent of  
6 the receipts from taxes during the preceding fiscal year;  
7 and all such loans shall be paid out of the receipts from  
8 taxes for the fiscal year in which they are issued. If upon  
9 the                    day of                    , there shall be  
10 any outstanding loans or notes for money borrowed in antici-  
11 pation of taxes prior to the adoption of this charter, such  
12 loans or any part thereof may be renewed or refunded by  
13 the issue of notes, certificates of indebtedness or revenue  
14 bonds, payable in equal annual instalments with interest,  
15 for not more than five successive years. No temporary loans  
16 authorized by this section shall be made without public  
17 notice at least two weeks before final action by the council,  
18 and the approval of two-thirds of all the members of the  
19 council.

20        *SEC. 58. Restrictions on Loans and Credit.* No money  
21 shall be borrowed by the city except for the issue of bonds  
22 or temporary loans, as authorized by sections 56 and 57 of  
23 this charter, and subject to the limitations prescribed by  
24 law and this charter. The credit of the city shall not in any  
25 manner be given or loaned to or in aid of any individual,  
26 association or corporation, except that suitable provision  
27 may be made for the aid and support of its poor.

28        *SEC. 59. Collection and Custody of City Moneys.* All  
29 taxes, special assessments, and license fees accruing to the  
30 city shall be collected by officers of the department of  
31 finance. All moneys received by any officer or employe of  
32 the city for or in connection with the business of the city  
33 shall be paid promptly into the city treasury, and shall be  
34 deposited with such responsible banking institutions as fur-  
35 nish such security as the council may determine and shall  
36 pay the highest rate of interest, and all such interest shall

1 accrue to the benefit of the city. The council shall pro-  
2 vide by ordinance for the prompt and regular payment and  
3 deposit of all city moneys as required by this section.

4       SEC. 60. *Contracts and Purchases.* No continuing con-  
5 tract (which involves the payment of money out of the appro-  
6 priations of more than two years) shall be made for a period  
7 of more than ten years except public utility franchises; and  
8 no such contract shall be valid without public notice at  
9 least two weeks before final action of the council and the  
10 approval of two-thirds of all the members of the council, or  
11 submission to the electors of the city at a regular or special  
12 election and the approval of a majority of those voting  
13 thereon.

14       Any public work or improvement costing more than one  
15 thousand dollars shall be executed by contract, except where  
16 a specific work or improvement is authorized by the council  
17 based on detailed estimates submitted by the department  
18 authorized to execute such work or improvement. All con-  
19 tracts for more than one thousand dollars shall be awarded  
20 to the lowest responsible bidder, after public advertisement  
21 and competition, as may be prescribed by ordinance. But  
22 the city manager shall have the power to reject all the bids  
23 and to advertise again; and all advertisements shall contain  
24 a reservation of this right.

25       SEC. 61. *Payment of Claims.* Payments by the city  
26 shall be made only upon vouchers certified by the head of  
27 the appropriate department or other division of the city  
28 government, and by means of warrants on the city treasury,  
29 issued by the director of finance and countersigned by the  
30 city manager. The director of finance shall examine all pay  
31 rolls, bills and other claims and demands against the city;  
32 and shall issue no warrant for payment unless he finds that  
33 the claim is in proper form, correctly computed and duly  
34 certified; that it is justly and legally due and payable; that  
35 an appropriation has been made therefor which has not been  
36 exhausted or that the payment has been otherwise legally

1 authorized; and that there is money in the city treasury  
2 to make payment. He may require any claimant to make  
3 oath to the validity of a claim. He may investigate any  
4 claim, and for such purposes may examine witnesses under  
5 oath; and if he finds it is fraudulent, erroneous or otherwise  
6 invalid, shall not issue a warrant therefor.

7       SEC. 62. *Audit of Accounts.* Upon the death, resigna-  
8 tion, removal or expiration of the term of any officer of the  
9 city, other than the director of finance, the director of  
10 finance shall make an audit and investigation of the accounts  
11 of such officer, and shall report to the city manager and  
12 council.

13       As soon as practicable after the close of each fiscal year,  
14 an annual audit shall be made of all the accounts of all city  
15 officers; and upon the death, resignation, removal or expira-  
16 tion of the term of the director of finance, an audit shall be  
17 made of his accounts. Such audits shall be made under the  
18 provisions of any law for the inspection and audit of muni-  
19 cipal accounts by state officers; and if there is no such state  
20 inspection such audits shall be made by qualified public  
21 accountants, selected by the council, who have no personal  
22 interest, direct or indirect, in the financial affairs of the  
23 city or any of its officers or employes. The council may  
24 at any time provide for an examination or audit of the  
25 accounts of any officer or department of the city government.

## PUBLIC UTILITIES.<sup>20</sup>

1        **SEC. 63. *Granted by Ordinance.*** All public utility  
2 franchises and all renewals, extensions and amendments  
3 thereof shall be granted or made only by ordinance; but no  
4 such proposed ordinance shall be adopted until it has been  
5 printed in full and until a printed report containing recom-  
6 mendations thereon shall have been made to the council by  
7 the city manager [or the bureau of franchises], until ade-  
8 quate public hearings have thereafter been held on such ordi-  
9 nance and until at least two weeks after its official publica-  
10 tion in final form. No public utility franchise shall be trans-  
11 ferable except with the approval of the council expressed  
12 by ordinance; and copies of all transfers and mortgages or

**NOTE 20.** The public utility and franchise policy embodied in a model city charter should be so formulated as to conserve and further the following purposes:

I. To secure to the people of the city the best public utility service that is practicable.

II. To secure and preserve to the city as a municipal corporation the fullest possible control of the streets and of their special uses.

III. To remove as far as practicable the obstacles in the way of the extension of municipal ownership and operation of public utilities, and to render practicable the success of such ownership and operation when undertaken.

IV. To secure for the people of the city public utility rates as low as practicable, consistent with the realization of the three purposes above set forth.

It should be no part of such policy to secure compensation for franchises or special revenues for general city purposes by an indirect tax upon the consumers of public utility services.

In formulating a policy to carry out the four purposes above stated the following principles should be recognized:

1. Each utility serving an urban community should be treated as far as practicable as a monopoly with the obligations of a monopoly; and its operation within the city should be based as far as practicable upon a single comprehensive ordinance or franchise grant uniform in its application to all parts of the city and to all extensions of plant and service.

2. Every franchise should be revocable by the city upon just compensation being paid to its owners, when the city is prepared to undertake public ownership.

3. The control of the location and character of public utility fixtures, the character and amount of service rendered and the rates charged therefor should be reserved to the city, subject to reasonable review by the courts or a state utilities commission where one exists.

4. The granting and enforcement of franchises and the regulation of utilities operating thereunder should be subject to adequate public scrutiny and discussion and should receive full consideration by an

1 other documents affecting the title or use of public utilities  
2 shall be filed with the city manager within ten days after  
3 the execution thereof.

4       **SEC. 64. *Term and Plan of Purchase.*** Any public utility  
5 franchise may be terminated by ordinance at specified inter-  
6 vals of not more than five years after the beginning of opera-  
7 tion, whenever the city shall determine to acquire by condem-  
8 nation or otherwise the property of such utility necessarily  
9 used in or conveniently useful for the operation thereof  
10 within the city limits.<sup>21</sup> The method of determining the  
11 price to be paid for the public utility property shall be fixed  
12 in the ordinance granting the franchise.

13       **SEC. 65. *Right of Regulation.*** All grants, renewals, ex-  
14 tensions or amendments of public utility franchises, whether  
15 so provided in the ordinance or not, shall be subject to the  
16 right of the city:

17       (a) To repeal the same by ordinance at any time for  
18 misuse or non-use, or for failure to begin construction within  
19 the time prescribed, or otherwise to comply with the terms  
20 prescribed;

21       (b) To require proper and adequate extensions of plant  
22 and service, and the maintenance of the plant and fixtures at  
23 the highest practicable standard of efficiency;

24       (c) To establish reasonable standards of service and  
25 quality of products and prevent unjust discrimination in  
26 service or rates;<sup>22</sup>

expert bureau of the city government established and maintained for that purpose, or in case the maintenance of such bureau is impracticable, by an officer or committee designated for the purpose.

5. Private investments in public utilities should be treated as investments in aid of public credit and subject to public control, and should be safeguarded in every possible way and the rate of return allowed thereon should be reduced to the minimum return necessary in the case of safe investments with a fixed and substantially assured fair earning power.

**NOTE 21.** Where a term limit for the franchise is desired, provision should be made either for amortization of the investment, or at least that portion of it within the limits of public streets and places, during the term of the grant, or for purchase of the physical property at the end of the term.

**NOTE 22.** A franchise should include provisions for the readjustment of rates from time to time, or for the accumulation of surplus earnings for the purchase of the property in case rates are fixed for a long period in the grant.



1 (d) To prescribe the form of accounts and at any time  
2 to examine and audit the accounts and other records of any  
3 such utility and to require annual and other reports by each  
4 such public utility; *Provided*, that if a public service com-  
5 mission or any other authority shall be given the power by  
6 law to prescribe the forms of accounts for public utilities  
7 throughout the state or throughout any district of which  
8 the city is a part, the forms so prescribed shall be controlling  
9 so far as they go, but the council may prescribe more de-  
10 tailed forms for the utilities within its jurisdiction;

11 (e) To impose such other regulations as may be con-  
12 ductive to the safety, welfare and accommodation of the  
13 public.

14 SEC. 66. *Consents of Property Owners.* The consent of  
15 abutting and adjacent property owners shall not be required  
16 for the construction, extension, maintenance or operation of  
17 any public utility; <sup>23</sup> but any such property owner shall be  
18 entitled to recover from the owner of such public utility the  
19 actual amount of damages to such property on account  
20 thereof less any benefits received therefrom; *Provided*, suit is  
21 commenced within two years after the damage is begun.

22 SEC. 67. *Revocable Permits.* Permits revocable at the  
23 will of the council for such minor or temporary public utility  
24 privileges as may be specified by general ordinance may be  
25 granted and revoked by the council from time to time in  
26 accordance with the terms and conditions to be prescribed  
27 thereby; and such permits shall not be deemed to be fran-  
28 chises as the term is used in this charter. Such general  
29 ordinance, however, shall be subject to the same procedure  
30 as an ordinance granting a franchise and shall not be passed  
31 as an emergency measure.

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NOTE 23. In some states there are constitutional provisions requiring the consent of adjacent property owners for the construction and operation of street railways. The constitution of New York requires such consent, or in lieu thereof approval of the proposed construction by commissioners appointed by the appellate division of the Supreme Court, and confirmed by the Court. Some such provision as the latter may be desirable.

1        **SEC. 68. *Extensions.*** All extensions of public utilities  
2 within the city limits shall become a part of the aggregate  
3 property of the public utility, shall be operated as such,  
4 and shall be subject to all the obligations and reserved rights  
5 contained in this charter and in any original grant hereafter  
6 made. The right to use and maintain any extension shall  
7 terminate with the original grant and shall be terminable as  
8 provided in section 64 hereof. In case of an extension of a  
9 public utility operated under a franchise hereafter granted,  
10 then such right shall be terminable at the same times and  
11 under the same conditions as the original grant.

12        **SEC. 69. *Other Conditions.*** Every public utility fran-  
13 chise hereafter granted shall be held subject to all the terms  
14 and conditions contained in sections 63 to 72 hereof, whether  
15 or not such terms are specifically mentioned in such franchise.  
16 Nothing in this charter shall operate to limit in any way, ex-  
17 cept as specifically stated, the discretion of the council or  
18 the electors of the city in imposing terms and conditions in  
19 connection with any franchise grant.

20        **SEC. 70. *Franchise Records.*** Within six months after  
21 this charter takes effect every public utility and every  
22 owner of a public utility franchise shall file with the city, as  
23 may be prescribed by ordinance, certified copies of all the  
24 franchises owned or claimed, or under which any such  
25 utility is operated. The city shall compile and maintain a  
26 public record of all public utility franchises and of all pub-  
27 lic utility fixtures in the streets of the city.

28        **SEC. 71. *Bureau of Franchises and Public Utilities.***  
29 There shall be established by ordinance a bureau of fran-  
30 chises and public utilities, at the head of which shall be an  
31 officer to be appointed by the city manager.<sup>24</sup> Such officer

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NOTE 24. In the smaller cities, say, of less than 50,000 population, it may not be feasible to maintain a separate bureau of franchises and public utilities, but in every city where there is no such bureau the duties described in this section should be specifically imposed upon the city manager. The bureau, when one exists, will be a part of the department of public works and utilities; but in the large cities it may be found desirable to create a separate department of utilities as suggested in note 16.

1 shall be an expert in franchise and public utility matters,  
2 and he shall be provided with such expert and other assist-  
3 ance as is necessary to enable him to perform his duties. It  
4 shall be the duty of such officer and bureau to investigate  
5 and report on all proposed ordinances relating to public  
6 utilities, to exercise a diligent oversight over the operation  
7 of all public utilities operated under franchises, to report  
8 thereon with recommendations to the city manager, to rep-  
9 resent the city in all, except legal, proceedings before any  
10 state public utilities commission involving the public utilities  
11 within the city, and to perform such other duties under the  
12 direction of the city manager as may be prescribed by the  
13 council.

14       SEC. 72. *Accounts of Municipally owned Utilities.* Ac-  
15 counts shall be kept for each public utility owned or oper-  
16 ated by the city, distinct from other city accounts and in  
17 such manner as to show the true and complete financial re-  
18 sult of such city ownership, or ownership and operation, in-  
19 cluding all assets, liabilities, revenues and expenses. Such  
20 accounts shall show the actual cost to the city of each  
21 public utility owned; the cost of all extensions, addi-  
22 tions and improvements; all expenses of maintenance; the  
23 amounts set aside for sinking fund purposes; and, in the  
24 case of city operation, all operating expenses of every de-  
25 scription. The accounts shall show as nearly as possible the  
26 value of any service furnished to or rendered by any such  
27 public utility by or to any other city or governmental de-  
28 partment. The accounts shall also show a proper allow-  
29 ance for depreciation, insurance and interest on the invest-  
30 ment and estimates of the amount of taxes that would be  
31 chargeable against the property if privately owned. The  
32 council shall annually cause to be made and printed for  
33 public distribution a report showing the financial results  
34 of such city ownership or ownership and operation, which  
35 report shall give the information specified in this section  
36 and such other information as the council shall deem ex-  
37 pedient.

## CITY PLANNING.

1        **SEC. 73. *Creation of a City Planning Board.*** There  
2 shall be a city planning board of three members, consisting  
3 of the director of public works and utilities and two citizen  
4 members chosen because of their knowledge of city planning.<sup>25</sup>  
5 It shall be the duty of the board to keep itself informed of  
6 the progress of city planning in this and other countries,  
7 to make studies and recommendations for the improvement  
8 of the plan of the city with a view to the present and future  
9 movement of traffic, the convenience, amenity, health, recrea-  
10 tion, general welfare and other needs of the city dependent  
11 on the city plan; to consider and report upon the designs and  
12 their relations to the city plan of all new public ways, lands,  
13 buildings, bridges and all other public places and structures,  
14 of additions to and alterations in those already existing, and  
15 of the layout or plotting of new subdivisions of the city, or  
16 of territory adjacent to or near the city.

17        **SEC. 74. *Power of Board.*** All acts of the council or of  
18 any other branch of the city government affecting the city  
19 plan shall be submitted to the board for report and recom-  
20 mendations. The council may at any time call upon the  
21 board to report with recommendations, and the board of its  
22 own volition may also report to the council with recommen-  
23 dations on any matter which, in the opinion of either body,  
24 affects the plan of the city.

25        Any matter referred by the council to the board shall  
26 be acted upon by the board within thirty days of the date  
27 of reference, unless a longer or shorter period is specified.  
28 No action by the council involving any points hereinbefore  
29 set forth shall be legal or binding until it has been referred  
30 to the board and until the recommendations of the board  
31 thereon have been accepted or rejected by the council.

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**NOTE 25.** In larger cities having a separate director of utilities a board of five members, consisting of the director of public works, the director of utilities and three citizen members, is recommended.

1        **SEC. 75. *Annual Report.*** The board shall submit to  
2 the council an annual report summarizing the activities of  
3 the board for the fiscal year, the recommendations made by  
4 it to the council during the year and the action of the coun-  
5 cil during the year on any and all recommendations made by  
6 the board in that or former years. The annual report of  
7 the board shall also contain a program for improvements to  
8 the city plan year by year during the three years next en-  
9 suing, with estimates of the cost thereof and recommenda-  
10 tions as to how the cost shall be met.

11        **SEC. 76. *Secretary of the Board.*** The board shall ap-  
12 point as secretary a person of skill and experience in city  
13 planning and may employ consulting city planning experts  
14 as need may arise. The city engineer shall serve as chief  
15 engineer of the city planning board, and it shall be his par-  
16 ticular duty to make recommendations designed to bring all  
17 the engineering works of the city into harmony as parts of  
18 one comprehensive plan. The executive health officer of the  
19 city shall advise the planning board from time to time of  
20 any municipal improvements within the scope of the board  
21 which, in his opinion, would improve the healthfulness of the  
22 city. The board shall have power to call upon any branch  
23 of the city government at any time for information and  
24 advice which in the opinion of the board will insure the effici-  
25 ency of its work.<sup>26</sup>

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NOTE 26. In some places it may be desirable to give the city planning board some of the powers conferred on the existing municipal art commissions in the United States. These powers relate to the æsthetic features of public buildings, bridges and other public structures and embrace the acceptance or rejection of works of art or designs therefor to be placed in public buildings or in other places within the city. The section in the Cleveland charter relating to city planning commission and the ordinance based on it are commended for careful consideration, especially the manner provided for the effective control of land subdivision.

## MISCELLANEOUS PROVISIONS.

1        SEC. 77. *Publicity of Accounts.* All accounts and the  
2 records of every office and department of the city shall be  
3 open to the public at all reasonable times under reasonable  
4 regulations, except such records and documents where the  
5 disclosure of the information contained therein would tend  
6 to defeat the lawful purpose of the officer or department with-  
7 holding them from access to the public.

8        SEC. 78. *No Personal Interest.* No member of the coun-  
9 cil nor any officer or employe of the city shall have a financial  
10 interest, direct or indirect, in any contract with the city, or  
11 be financially interested, directly or indirectly, in the sale to  
12 the city of any land, materials, supplies or services, except  
13 on behalf of the city as a member of the council, officer or  
14 employe; *Provided*, that the ownership of less than 5 per  
15 cent of the stock or shares of a corporation or association  
16 with which a contract may be made shall not be considered  
17 as involving an interest in the contract within the meaning  
18 of this section. No officer or employe of a public utility  
19 operating in the city shall be a member of the council. Any  
20 wilful violation of this section shall constitute malfeasance  
21 in office, and any member of the council, officer or employe  
22 found guilty thereof shall thereby forfeit his office or posi-  
23 tion. Any violation of this section, with the knowledge ex-  
24 pressed or implied, of the person or corporation contracting  
25 with the city, shall render the contract involved voidable by  
26 the city manager or the council.

27        SEC. 79. *When Charter Shall Take Effect.* For the  
28 purpose of nominating and electing officers as provided  
29 herein, this charter shall take effect from and after the time  
30 of its approval by the electors of the city. For the purpose  
31 of exercising the powers of the city, establishing depart-  
32 ments, divisions and offices, and distributing the functions  
33 thereof, and for all other purposes, it shall take effect on the  
34 first day of

APPENDIX A.  
THE HARE SYSTEM OF PROPORTIONAL  
REPRESENTATION.

(To be inserted, if desired, after section 10 of the charter)

1       Nomination for candidates for council shall be made ac-  
2 cording to the provisions of Sections 8, 9 and 10 of this  
3 charter.

4       SECTION 1. *Marking the Ballot.* Ballots for the elec-  
5 tion of members of the council shall be marked according to  
6 the following rules, which shall be printed at the top of each  
7 ballot under the head of "Directions to Voters."

8       Put the figure 1 opposite the name of your first  
9 choice for the council. If you want to express also  
10 second, third, and other preferences, do so by putting  
11 the figure 2 opposite the name of your second choice,  
12 the figure 3 opposite the name of your third choice,  
13 and so on. You may express thus as many preferences  
14 as you please. This ballot will not be counted for your  
15 second choice unless it is found that it cannot help your  
16 first; it will not be counted for your third choice unless  
17 it is found that it cannot help either your first or your  
18 second, etc. *The more choices you express, the surer*  
19 *you are to make your ballot count for one of the candi-*  
20 *dates you favor.*

21       *A ballot is spoiled if the figure 1 is put opposite more*  
22 *than one name.* If you spoil this ballot, tear it across  
23 once, return it to the election officer in charge of the  
24 ballots, and get another from him.

25       SEC. 2. *Rules for Counting the Ballots.* Ballots cast  
26 for the election of members of the council shall be counted  
27 and the results determined by the election authorities ac-  
28 cording to the following rules:

29       (a) On all ballots a cross shall be considered equiva-  
30 lent to the figure 1. So far as may be consistent with the  
31 general election laws, every ballot from which the first choice  
32 of the voter can be clearly ascertained shall be considered  
33 valid.

1 (b) The ballots shall first be sorted and counted at the  
2 several voting precincts according to the first choices of  
3 the voters. At each voting precinct the first-choice ballots  
4 cast for each candidate shall be put up in a separate pack-  
5 age, which shall be properly marked on the outside to show  
6 the number of ballots therein and the name of the candidate  
7 for whom cast. The ballots declared invalid by the pre-  
8 cinct officials shall also be put up in a separate package,  
9 properly marked on the outside. All the packages of the  
10 precinct, together with a record of the precinct count,  
11 shall be forwarded to the general election authorities of the  
12 city as directed by those authorities, and the counting of the  
13 ballots shall proceed under their direction.

14 (c) First-choice votes for each candidate shall be added  
15 and tabulated as the first count.

16 (d) The whole number of valid ballots shall then be  
17 divided by a number greater by one than the number of  
18 seats to be filled. The next whole number larger than the  
19 quotient thus obtained shall be the quota or constituency.

20 (e) All candidates the number of whose votes on the  
21 first count is equal to or greater than the quota shall then  
22 be declared elected.

23 (f) All votes obtained by any candidate in excess of  
24 the quota shall be termed the surplus of that candidate.

25 (g) The surpluses shall be transferred, the largest  
26 surplus first, then the next largest, and so on. Each ballot  
27 of the surplus that is capable of transfer shall be trans-  
28 ferred to and added to the votes of the continuing candidate,  
29 marked on it as the next preference.

30 (h) "Ballots capable of transfer" means ballots from  
31 which the next lower choice of the voter for some continu-  
32 ing candidate can be ascertained. "Continuing candidates"  
33 means candidates as yet neither elected nor defeated.

34 (i) The particular ballots to be taken for transfer as  
35 the surplus of such candidate shall be obtained by taking  
36 as nearly an equal number of ballots as possible from the



1 first-choice ballots, capable of transfer, that have been cast  
2 for the candidate in each of the different precincts of the  
3 city. All such surplus ballots shall be taken without selec-  
4 tion as they may happen to come in the different packages.

5 (j) After the transfer of all surpluses, the votes stand-  
6 ing to the credit of each candidate shall be counted and  
7 tabulated as the second count.

8 (k) After the tabulation of the second count (or after  
9 that of the first count if no candidate received a surplus  
10 on the first) the candidate lowest on the poll as it then  
11 stands shall be declared defeated and all his ballots  
12 capable of transfer shall be transferred to the continuing  
13 candidates, each ballot being transferred to the credit of  
14 that continuing candidate preferred by the voter. After  
15 the transfer of these ballots a fresh count and tabulation  
16 shall be made. In this manner candidates shall be suc-  
17 cessively declared defeated, and their ballots capable of  
18 transfer transferred to continuing candidates, and a fresh  
19 count and tabulation made. After any tabulation the can-  
20 didate to be declared defeated shall be the one then lowest  
21 on the poll.

22 (l) Whenever in the transfer of a surplus or of the  
23 ballots of a defeated candidate the votes of any candidate  
24 shall equal the quota, he shall immediately be declared elected  
25 and no further transfer to him shall be made.

26 (m) When candidates to the number of the seats to  
27 be filled have received a quota and therefore have been de-  
28 clared elected, all other candidates shall be declared defeated  
29 and the count shall be at an end; and when the number of  
30 continuing candidates shall be reduced to the number of  
31 seats to be filled, those candidates shall be declared elected  
32 whether they have received the full quota or not and the  
33 count shall be at an end.

34 (n) If at any count two or more candidates at the  
35 bottom of the poll have the same number of votes, that can-  
36 didate shall first be declared defeated who was lowest at the

1 next preceding count at which their votes were different.  
2 Should it happen that the votes of these candidates are  
3 equal to each other on all counts, lots shall be drawn to  
4 decide which candidate shall next be declared defeated.

5 (o) In the transfer of the ballots of any candidate who  
6 has received ballots by transfer those ballots shall first be  
7 transferred upon which the defeated candidate was first  
8 choice and the remaining ballots shall be transferred in the  
9 order of the transfers by which they were received by the  
10 defeated candidate.

11 (p) On each tabulation a count shall be kept of those  
12 ballots which have not been used in the election of some  
13 candidate and which are not capable of transfer, under the  
14 designation "Non-transferable ballots."

15 (q) So far as may be consistent with good order and  
16 with convenience in the counting and transferring of the  
17 ballots, the public, representatives of the press, and es-  
18 pecially the candidates themselves shall be afforded every fa-  
19 cility for being present and witnessing these operations.<sup>2</sup>

NOTE 1. If it is desired to make possible a recount of the ballots, there should be inserted here a provision for the safekeeping of the ballots and also the following paragraph:

Every ballot that is transferred from one candidate to another shall be stamped or marked so that its entire course from candidate to candidate throughout the count can be conveniently traced. In case a recount of the ballots is made, every ballot shall be made to take in the recount the same course that it took in the first count unless there is discovered a mistake that requires its taking a different course, in which case such mistake shall be corrected and any changes made in the course taken by ballots that may be required as a result of such correction. The particular ballots the course of which is to be changed in the recount as a result of such correction shall be taken as they happen to come, without selection.

NOTE 2. Since the members of council elected by proportional representation do not represent the entire body of the electorate, but each member represents a certain quota or group therein, it is evident that a recall by a majority of the entire electorate of a single councilman or of any number less than the whole council would destroy the principle of minority or quota representation. Provision may be made, however, for the recall of the whole council and the election of a new one by proportional representation at the same election whereby any particular members who could no longer command a quota of votes would be eliminated. It should be considered in this connection that under proportional representation a member of the council will retain his seat as long as he retains the support of a bare quota of votes. A certain permanency of tenure is thus secured so that frequent elections are not so objectionable as under other systems, and when terms are short the need of a recall is less imperative.

## APPENDIX B.

### PREFERENTIAL BALLOT.

(To be inserted, if desired, after section 10 of the charter)

1       SECTION 1. *Preparation of Ballot.* All ballots used in elec-  
2 tions held under the authority of this charter shall be printed  
3 by the city and shall contain the names of the candidates  
4 without party or other designation. The order of arrange-  
5 ment of the names shall be alphabetical in rotation; that is,  
6 there shall be as many sets of ballots printed as there are  
7 candidates. Each set of ballots shall begin with the name of  
8 a different candidate, the other names being arranged there-  
9 after in regular alphabetical order, commencing with the  
10 name next in alphabetical order after the one that stands  
11 first on that set of ballots. When the last name is reached  
12 in alphabetical order it shall be followed by the name that  
13 begins with the first letter represented in the list of names  
14 and by the others in regular order. The ballots so printed  
15 shall then be combined in tablets, so as to have the fewest  
16 possible ballots having the same order of names printed  
17 thereon together in the same tablet.

18       SEC. 2. *Arrangement for First, Second and Other*  
19 *Choices.* After the column containing the names of the  
20 candidates, arranged as indicated, there shall be printed  
21 three columns headed "first choice," "second choice," and  
22 "other choices," respectively. Each voter shall be entitled  
23 to place as many crosses in the column marked "first choice"  
24 as there are offices to be filled. He shall also be entitled to  
25 place as many crosses in the column marked "second choice"  
26 as there are offices to be filled, provided that he may not  
27 mark a cross in the column marked "second choice" after a  
28 name for which he has marked a cross in the first column.  
29 He may also place in the column marked "other choices"  
30 crosses after any names which he had not designated as first  
31 or second choices.

1        **SEC. 3. Form of Ballot.** The form of the ballot with  
 2 the voter's choices thereon shall be substantially the fol-  
 3 lowing:

**REGULAR (OR SPECIAL) MUNICIPAL ELECTION.**

| NAMES OF CANDIDATES | FIRST CHOICE | SECOND CHOICE | OTHER CHOICES |
|---------------------|--------------|---------------|---------------|
| <b>A</b>            | <b>X</b>     |               |               |
| <b>B</b>            |              | <b>X</b>      |               |
| <b>C</b>            |              |               |               |
| <b>D</b>            |              |               | <b>X</b>      |
| <b>E</b>            |              |               | <b>X</b>      |

**INSTRUCTIONS.**

Vote your first choice in the first column. Vote your second choice in the second column. Vote in the third column for any other candidates whom you are willing to support.

Do not vote more than one first choice and one second choice for any one office.

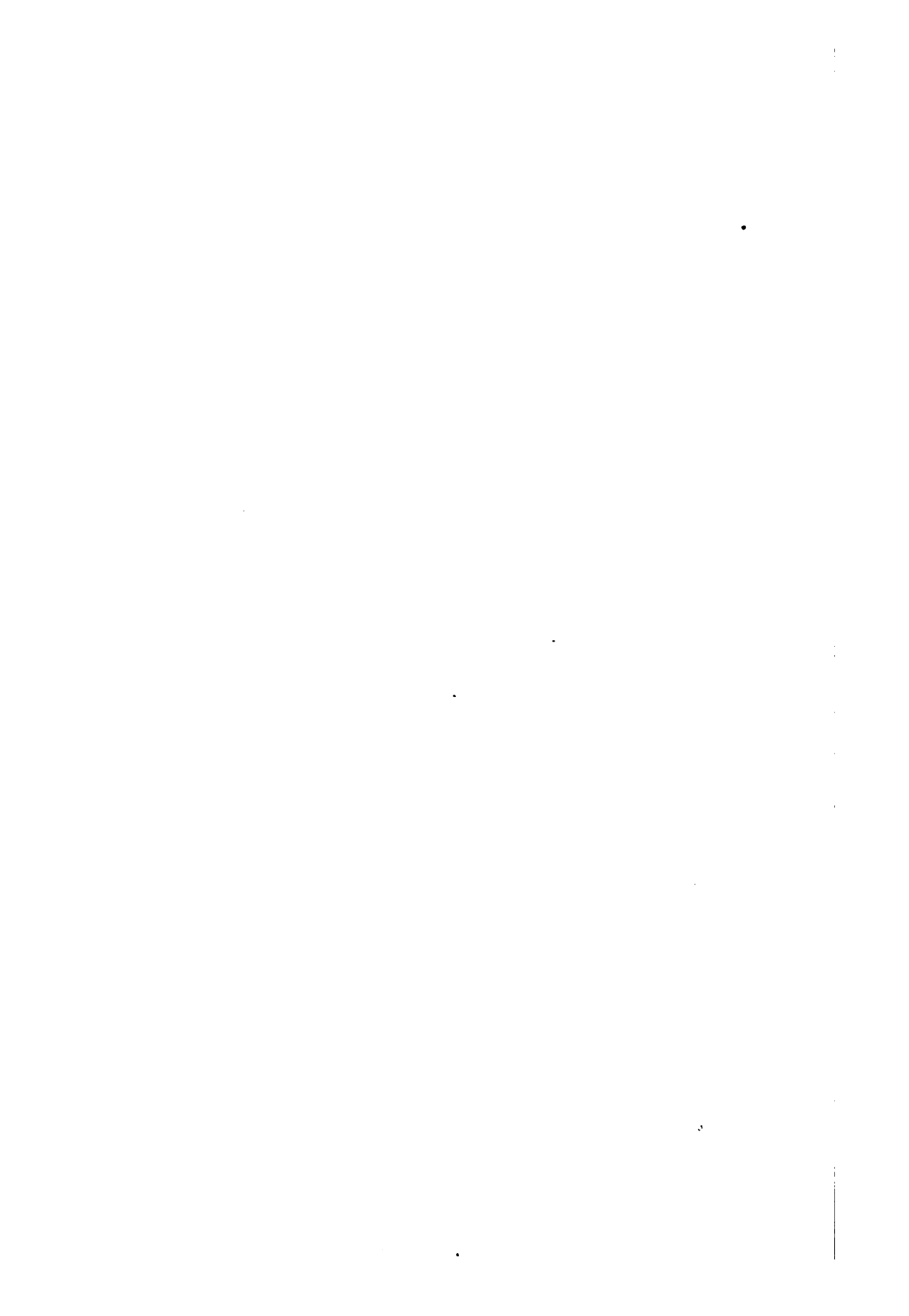
If you wrongly mark, tear or deface this ballot, return it and obtain another.

When more than one candidate is to be chosen the foregoing instructions must be modified in accordance with the provisions of section 2.

4        **SEC. 4. Counting of Ballots.** The ballots shall be  
 5 counted by adding up the first choices cast for each candi-  
 6 date. If any candidates receive a number of first choices  
 7 equal to a majority of all the ballots cast, they shall be de-  
 8 clared elected in the order of the votes received. As to  
 9 candidates who have not received such a majority, the num-  
 10 ber of second choices cast for each candidate shall then be  
 11 counted and shall be added to the number of first choices.  
 12 Any candidates who have then a total of first and second  
 13 choices equal to a majority of all ballots cast shall be de-  
 14 clared elected in the order of the number of votes received.  
 15 If a sufficient number of candidates have not yet received the  
 16 required majority, the other choices cast for each candi-  
 17 date shall be added to his first and second choices, and can-  
 18 didates shall be declared elected in the order of the number  
 19 of votes received. In case of a tie, the order of precedence  
 20 shall be determined by the larger number of first choices in  
 21 the vote.

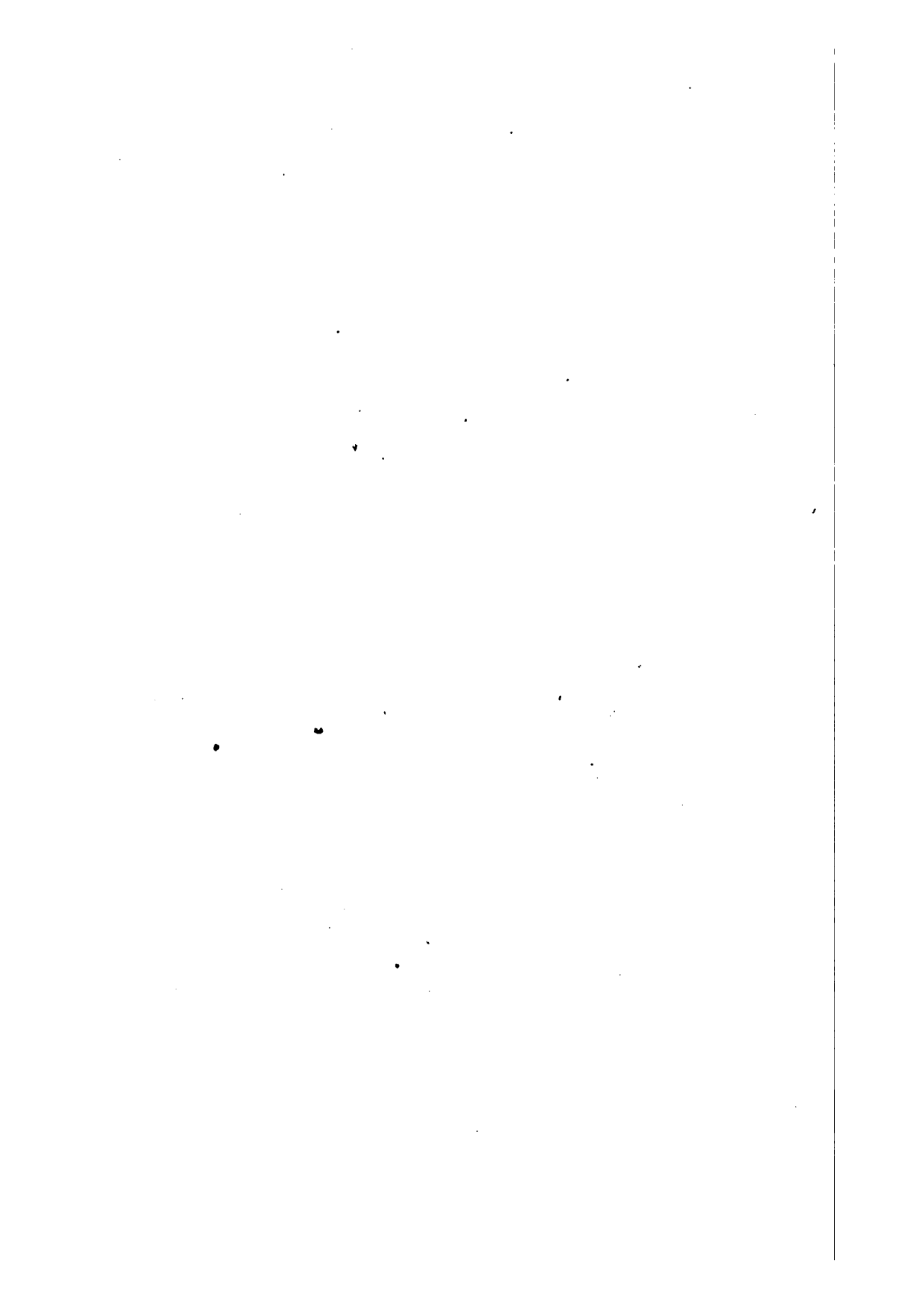






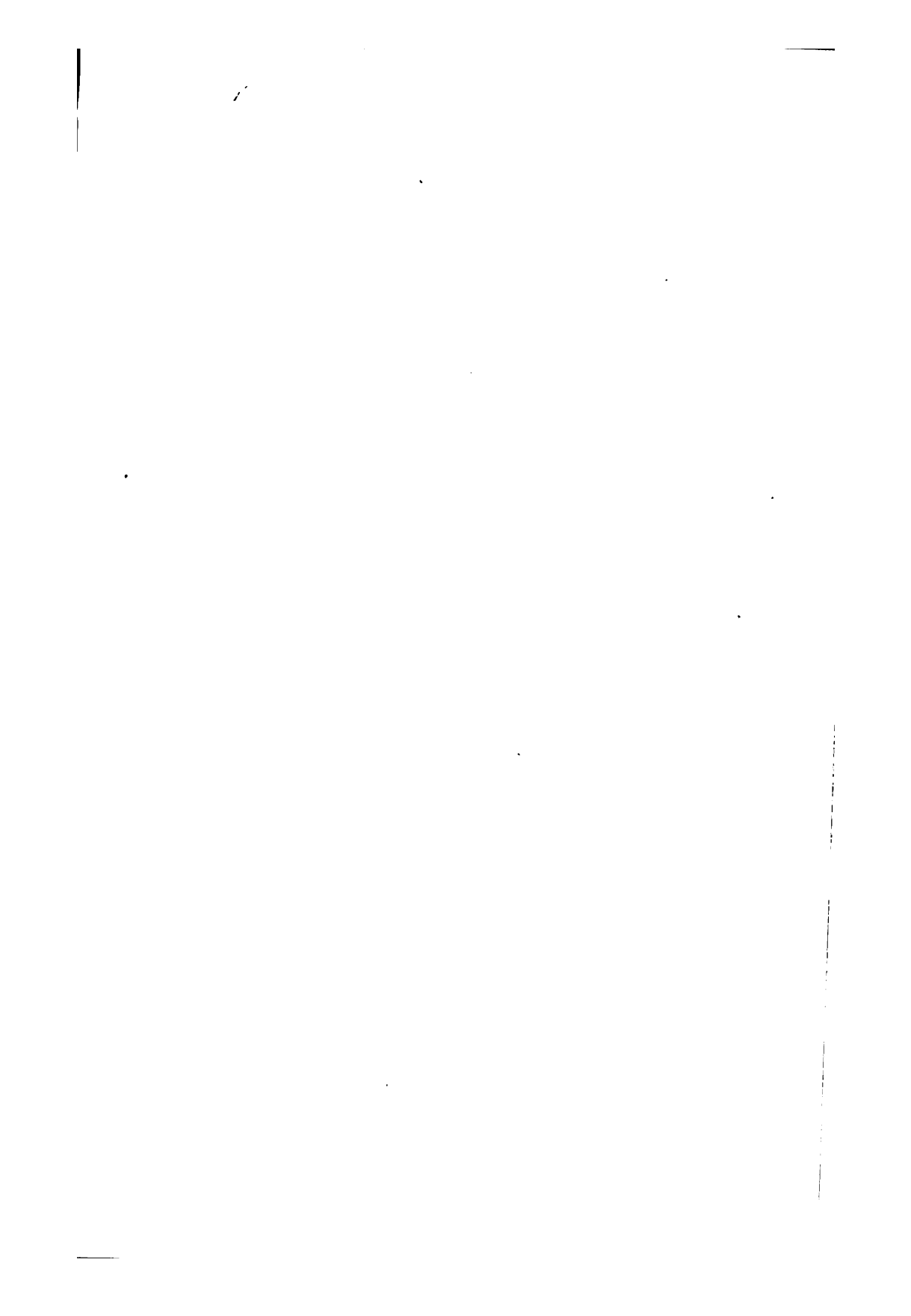


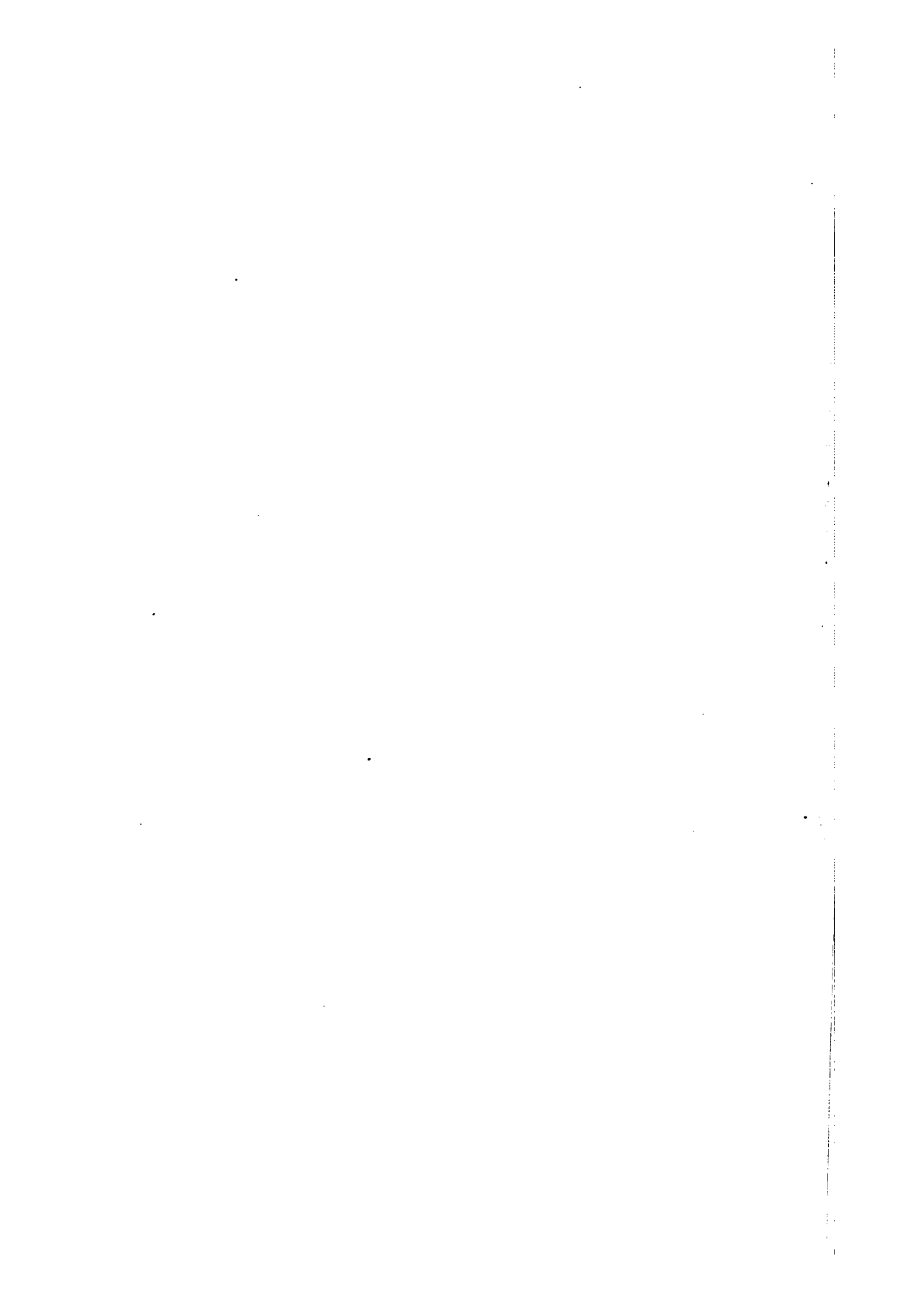




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