

## DRAFTING THE PLAN OF PERMANENT ORGANIZATION

When the Commission has been organized and officers elected, it becomes its responsibility to draft a permanent plan of organization. Assistance and advice should be given by the administrative staff of the project when requested. The following suggestions and questions are presented for the assistance and direction of the Commission in carrying out its work.

### B. The Council

#### 1. Number of Members on the Council and Method of Selection

Administrative Instruction No. 34 provides that there must be a representative legislative body to be known as the Community Council. The Council should be of such size that it will adequately represent the people and yet not be so large that it cannot effectively carry on its work. A Council of not less than nine nor more than twenty-five members would appear to be the most satisfactory size. Among the methods which may be considered for its election are:

- a. Election at large
- b. Election by blocks
- c. Election by groups of blocks or wards
- d. Election by proportional representation

#### 2. Tenure of Office of Councilmen

The permanent plan should provide the tenure of office of members of the Community Council. If the Commission considers it desirable to have overlapping terms for members of the Council, so that there will not be a complete change at any one time, this should be provided for in the permanent plan. It could be provided for by stating that at the first election one-half the members shall be elected for a given period (for example six months) and the others for another period (for example one year), and thereafter all shall be elected for the same period (in this case one year). In that way the term of one-half the members would expire each year.

#### 3. Vacancies in Office

The permanent plan of organization should specify the method of filling vacancies in the office of councilman. Such vacancies might be filled by a special election, or by appointment by the Council or the presiding officer thereof. The question of filling vacancies where members of the Council leave the project to accept temporary work should be considered. This might be met by providing that a vacancy shall be deemed to exist when a member is absent from a stated number of consecutive Council meetings (for example, four, five, or six) and the chairman of the Council shall declare the office to be vacant.

#### 4. Meetings of Community Council

The Commission's permanent plan may either specify the frequency and time of meeting or leave this to the Council. Provision should also be made for special meetings. Since it is difficult to determine accurately the amount of time which will be required by the Council to carry out its work, it would appear that the Commission's permanent plan should be flexible on this point and leave some discretion to the Council.

#### 5. Council Procedure

The Commission's permanent plan of government may specify the rules of procedure to be followed by the Community Council or may merely provide its own rules of procedure. An alternate possibility would be to provide some rules in the permanent plan, with a general grant to the Council to establish others as may be needed.

Some fundamental rules of procedure for the Community Council which may be considered for inclusion in the permanent plan are:

a. Roll Call. Requiring ayes and nays to be entered on the journal or permanent record of the Council in certain cases, as on the final passage of regulations.

b. Quorum. Defining a quorum for the Community Council, as stating that a majority of all members elected to the Council shall constitute a quorum.

c. Vote Necessary to Enact Regulations. The plan should state the vote necessary to enact regulations, such as a majority vote of the members present (that is, if a quorum is present) or a majority of the total membership of the Council.

d. Open Meetings. Requiring meetings of the Community Council to be open to the public.

e. Time in which Regulations Become Effective. The permanent plan might state when regulations are to become effective, such as upon passage, one week after enactment, etc. In the case of regulations carrying penalties, it would appear desirable to delay the time at which they become effective. If possible, some publicity should be given to the regulations during this period, as by publication in the newspaper or posting in the dining halls. Provision should be made for meeting emergency situations where action is needed immediately. This might be met by providing that emergency regulations may become effective immediately, provided they receive a 2/3 affirmative vote of the total membership of the Council.



## 6. Presiding Officer of Council

The permanent plan of organization should provide for the selection and powers of the presiding officer of the Council. If he is given special appointing power, as of committees, or if his power of voting is limited to cases of tie votes, this should be stated.

## 7. Functions of Council

The functions of the Community Council are defined in Administrative Instruction No. 34. It would appear advisable for these to be incorporated in the permanent plan. It might be well for the permanent plan specifically to authorize the Council to exercise such other functions as may be conferred upon it subsequently by the War Relocation Authority.

## 8. Removal of Council Members

The Commission should consider the advisability of providing in the permanent plan for the removal of members of the Council for neglect of duty or for other causes. Two methods which may be considered are removal by the Council or recall by the voters.

## C. Elections and Office Holding

### 1. Nomination and Election

The nomination and election of members of the Council should be provided for in the permanent plan of organization. The questions to be considered here are:

#### a. Methods of nomination

1. Caucus or mass meeting of all the voters in the election district
2. Petition
3. Primary election

#### b. Elections

The permanent plan of organization must either provide or give to the Council the power to provide for the preparation of ballots, the selection of election officers, etc.

#### c. Registration

Some provision should be made for the preparation of lists of qualified voters so that only those persons who are entitled to vote may do so. A system for the registration of voters might be provided for in the permanent plan of government, but it would seem advisable to authorize the Council to do this.

## 2. Determining Eligibility of Councilmen

While the qualifications of members of the Council are stated in Administrative Instruction No. 34, the method should be provided in the permanent plan for determining whether a particular individual meets these qualifications. This might be done by providing that:

The Community Council shall have the power to pass upon and determine whether any member elected has the qualifications stated in Administrative Instruction No. 34.

## 3. Qualifications for Voting and Holding Office

The Commission has no discretion relative to qualifications for voting and holding office. These are defined in Administrative Instruction No. 34. It would be desirable, however, to incorporate these provisions, without change, in the permanent plan.

## D. Judicial Commission

The Commission on permanent organization is authorized to provide for a Judicial Commission.

### 1. Size and Composition

The exact number of members of the Judicial Commission shall be fixed by the Commission on Permanent Organization; but the number must not be less than three. Other questions to be considered by the Commission on Permanent Organization are:

- a. How shall the members of the Judicial Commission be selected?
  1. Elected?
  2. Appointed by chairman of Council?
  3. Appointed by Council?
  4. Preparation of a list of qualified persons by a Committee of the Council with appointment from this list by the chairman of the Council, the Council, or the Project Director?
  
- b. Who shall be eligible for membership on the Judicial Commission?
  1. Only evacuees?
  2. Caucasian staff members?
  3. Members of Council?

The work of the Judicial Commission in the field of law enforcement is entirely different from that of the Community Council. The latter is charged with the responsibility of making law, or the determination of policies. The Judicial Commission, on the other hand,



does not make policies but applies policies to particular cases. In view of this distinction, the advisability of providing in the permanent plan that members of the Council shall be ineligible for membership on the Judicial Commission should be considered.

- c. Tenure of Office of Members of Judicial Commission.
- d. Vote necessary for a decision? Shall a defendant be acquitted or found guilty by a majority, unanimous vote or some other vote of the Judicial Commission.
- e. What provision shall be made for the presentation of cases before the Commission, as by a prosecuting attorney or other officer.
- f. What provision shall be made for representing defendants before the Judicial Commission, as by a public defender, or private counsel.
- g. Rules of Procedure. To what extent should rules of procedure for the Judicial Commission be provided in the permanent plan, by the Community Council, or left to determination by the Judicial Commission itself.

#### E. Arbitration Commission

The permanent plan of government should provide a method of arbitration for settling civil disputes between residents who voluntarily agree to submit their disputes to a commission set up for this purpose. Among the questions to be considered by the Arbitration Commission are the following:

##### 1. Name of such Arbitration Commission

It is suggested that the name given such a commission be that used for this type of agency in the law of the state where the project is located.

##### 2. Number of Members and Selection

The permanent plan should provide the number of members, their tenure, and method of selection.

##### 3. Panel of Arbitrators

Should a panel of arbitrators be selected from which the arbitrators for a particular dispute are re-selected?

##### 4. Disqualification of Members of Arbitration Commission

What provision should be made to disqualify members



of the Arbitration Commission who are interested in a particular case, so that a panel can be selected to which persons will be willing to submit their dispute?

5. Provision should be made in the permanent plan as to:

- a. Procedure for bringing cases before the Arbitration Commission.
- b. Method of presenting cases to Arbitration Commission (whether attorneys may be used, etc.).
- c. Vote of Arbitration Commission necessary for an award; majority vote, unanimous vote, etc.

6. Agreement to be Made by Parties

*Small Detail*  
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An important question to be considered in providing a system of arbitration is the type of agreement to be made by the parties so that an award will be binding under state law. It would appear that the type of agreement should be left to determination by the Arbitration Commission rather than specified in the permanent plan. The permanent plan should specifically confer this power upon the Arbitration Commission. Assistance and advice will be given the Arbitration Commission by the Project Attorney in working out these details.

F. Procedure For Approval

When the Commission on Permanent Organization has completed its work, the proposed plan must be submitted to the Project Director who should satisfy himself that none of its provisions violates any regulations or instructions of the War Relocation Authority. If approved by him it is then submitted to the voters and must be approved by a majority vote of the qualified voters voting at a special election. The permanent plan should provide for the nomination, election, and assumption of office by councilmen following approval of the plan by the residents. This provision should include the number of days that shall elapse before the election is held and how soon the Council shall meet and assume the duties of office following election.

G. Limitations

There are certain limitations which Administrative Instruction No. 34 places upon the Commission on Permanent Organization. Thus the legislative body must be known as a Community Council, elections must be by secret ballot, a definite procedure must be followed in making expenditures of community funds, and the method of amendment of the approved plan of government is specified. For purposes of clarity it is suggested that these and other limitations be included in the permanent plan of government proposed by the Commission.



## PART III

### OPERATIONS OF THE COMMUNITY COUNCIL

After the permanent plan of organization has been adopted a Community Council elected, the satisfactory functioning of community government in relocation projects will depend largely upon the manner on which the Council carries out its duties. The effectiveness of community government will depend upon the sincerity with which the Council assumes its responsibilities. The members of the Council must have a knowledge of the problems of the community, a desire to further the welfare of the residents, and must initiate procedures by which the Council can utilize its knowledge of community problems for the general welfare. The Council should seek to develop an interest on the part of the residents in community affairs, and secure not only participation in community government but a willingness on the part of all residents to assume responsibilities for community problems.

Members of the Council should be mindful that their office is not only an honor but a responsibility and a public trust. If they undertake their duties in that spirit, participation by the residents in the management of community affairs will be successful.

#### A. Use of Committees

It has been the experience of legislative bodies generally that their work is more orderly and effective when wide use is made of committees. The disadvantage of having matters discussed and debated before the Council without having adequate factual information is obvious. Previous study of a problem and the gathering of pertinent information by a committee, followed by a report and recommendation, tends to sounder action by the Council. For this reason it is suggested that the Council make extensive use of committees in carrying out its work, and that as a general practice matters be referred to committees for study, report, and recommendation. The final decision in all matters will remain with the Council; the use of committees merely enables the Council to be more effective and efficient in arriving at those decisions.

Both regular and special committees may be used. The designation of committees, both regular and special, will depend upon the subject matter brought before the Council. Among the regular committees which the Council might consider the desirability of establishing are: Committee on Committees, Rules and Procedure, Resolutions, Elections, Licensing, Law and Order, Judicial Commission, Arbitration Commission, Revenues and Expenditures (or a Committee on Finance to cover both revenues and expenditures).

There are many problems which are primarily administrative responsibilities of W.R.A. but which are of direct concern to the residents and the Council. They include health, education, housing, food, sanitation, employment, community enterprises, community activities, public welfare, library and public safety. The use of committees to secure information on these problems is a useful device. The committee members should become in the course of time specialists in their fields and be available to make special investigations for Council purposes.



A problem which has arisen in some legislative bodies is that committees in effect take final action by failure to report. The advisability of adopting a Council rule requiring committees to report within a stated time (for example, two weeks) after a matter has been referred to them should be considered. This may also be met by adopting a rule that the Council may at any time by majority vote discharge a committee from further consideration of a matter referred to it and proceed to Council consideration.

#### B. Use of Non-Council Members on Committees

A wide participation in public affairs is a desirable goal in any community. While voting and participation in community elections is an essential step in any democratic community, the Council should seek to carry popular interest and participation beyond the mere casting of a ballot at elections. One way in which this may be secured is for the Council to make use of non-Council members on its committees. This would offer an effective means of permitting participation in community affairs by those persons who are not eligible for election to the Council.

Another means by which the Council may secure wider direct participation in Council affairs is by the establishment of advisory boards and commissions made up entirely of non-Council members. Persons who have shown ability or interest in a particular field might be appointed to a board or commission. Such a plan can lead not only to an increased interest in community affairs by a large number of residents, but will enable the Council to utilize the special abilities of many persons in solving community problems.

#### C. Selection of Committee Members

The desirability of preparing a directory of the Council membership was touched on in Part I of this Manual. This would be of value to the Project Director and Council and especially useful in making the best selection of Council members for committees. The directory would show the age, educational background, previous public service and present and former occupation of each member of the Council. This would serve as a guide to the appointing authority in making committee assignments. (See p. 21 for suggested form to filled out by each member.)

A similar plan may be used in selecting non-members of the Council for membership on committees. Each Council member might prepare a list of the persons in his voting district he considered well qualified for committee work. He would also submit pertinent data in support of his recommendation that these persons be appointed as non-Council members of committees. Such a list would enable the appointing authority to make assignments on a more intelligent basis.

#### D. Legislative Responsibilities

Administrative Instruction No. 34 authorizes the Community Council to prescribe regulations and penalties for their violation. The Council should proceed at an early date to establish a code for law and order on the project. Useful guides in determining the content of such a code may be obtained by reference to existing



INFORMATION FOR  
COMMUNITY COUNCIL DIRECTORY

Name \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_

Present Address \_\_\_\_\_ City and State \_\_\_\_\_  
Former Address \_\_\_\_\_ City and State \_\_\_\_\_

Educational Background:

High School \_\_\_\_\_

University \_\_\_\_\_

Degrees \_\_\_\_\_

Public Service \_\_\_\_\_  
(Former participation in clubs, organiza-

tions, and offices held) \_\_\_\_\_

Former occupation \_\_\_\_\_

Present occupation \_\_\_\_\_

Interests: Check first and second preference.

Law and Order

Education

Public Relations

Public Health

Social Welfare

Food and Nutrition

Recreation

Work Projects

Community Enterprises

Labor Relations

Housing

Ground Improvements

Finance

Adult Education



municipal codes or by requesting the Project Attorney for such information. It would appear desirable also that there be incorporated with these community regulations at an early date regulations concerning safety, fire prevention, sanitation and health, and other matters which upon consultation with the Project Director are found to be essential to the successful operation of the project.

#### E. Resolutions

The Community Council is authorized by Administrative Instruction No. 34 to present to the Project Director resolutions on questions affecting the welfare of the residents. It is suggested that the Council can be most effective if it collects all facts relative to a particular question before making recommendations and that it make available to the administration the results of its study. Carefully considered suggestions based on a thorough analysis of a problem, with conclusions based on facts, will be more effective than mere expressions of opinion or complaint.

#### F. Public Hearings

Public interest in and discussion of questions affecting the general welfare of the community are desirable and should be encouraged. This can be secured in part by having Council meetings open to the public. A limited right of participation in the discussion may be granted by a Council rule. This might provide that non-Council members would be heard if request were made to the chairman of the Council prior to the meeting, and that any speaker be limited to five minutes. Council committees could also make use of public hearings to give non-Council members an opportunity to be heard on community problems.

A final method by which the Council could promote the discussion of community problems and determine the sentiment of the residents on public affairs might be through general meetings or forums sponsored by the Council. These might be held under the auspices and supervision of the committee in which the subject matter for discussion falls. If properly conducted, such meetings should serve as useful means of promoting the democratic process in relocation projects.

#### G. Financial Procedures

Administrative Instruction No. 34 provides a means by which the Community Council may secure money to be used by it to promote the general welfare. Expenditures for purposes other than to promote the general welfare of the residents will subject the Council to criticism and bring it into disrepute.

A problem in any legislative body is to provide procedures in the expenditure of public funds which will prevent irregularities, safeguard the funds, and assure expenditures only for purposes and in amounts approved by the popularly elected representatives. Administrative Instruction No. 34 provides some procedural checks on the expenditure of community funds. The Council may want to consider the desirability of adding others. Another problem to be considered by the Council is the custody of community funds.



Some of these questions may be provided for in the permanent plan of organization. Insofar as they are not covered in the permanent plan, the Council may want to adopt regulations on this subject. And it may want to supplement the limitations and procedures provided in Administrative Instruction No. 34, and in the permanent plan of organization.

#### H. Council Records and Publicity

Records of the proceedings of the Council should be kept by the secretary. These should be preserved as permanent records of the community government, along with committee reports and hearings. The details to be incorporated in these records must be left to the discretion of the secretary of the Council or of the committees. The record should be sufficiently detailed, however, to give a clear and accurate picture of what has transpired. Such records should always be open to public inspection.

It is desirable that as wide publicity as possible be given to the work of the Council. The members of the Council, and especially the chairman, should attempt to maintain such relations with the project newspaper that adequate publicity will be given to the Council work. Such publicity will be of value in increasing the interest of the residents in community affairs.

In the case of certain types of regulations enacted, an effort should be made to have the project newspaper report the action. Regulations carrying penalties should be fully reported; the advantage of informing the people of new regulations to guide their conduct and for the violation of which they are subject to penalties is obvious.

#### I. Distinction Between Block Managers or Administrative Agents and Councilmen

Several projects have established the position of Block Manager to assist and cooperate with the Project Director. The duties and responsibilities of Block Managers are different from those of Councilmen, and if these differences are kept in mind it will be useful in avoiding conflict and promoting the administration of community affairs. Both the Block Manager and the Councilmen should realize that they are interested in a common goal. This is the promotion of the general welfare. Each has a contribution to make in securing that goal, but it is made in an entirely different manner.

The Block Manager is an administrative employee, performing such administrative duties as are assigned to him by the Project Director. Among the duties which he performs in some of the projects are: Distributes information such as rules, regulations, and instructions issued by the Project Director to the residents in his block; collects and distributes mail; assists in housing problems including changes in residence, repairs, etc.; distributes supplies such as soap, brooms, and mops to the residents; assists residents in emergency cases such as serious illness.



The Councilman serves an entirely different function. As the representative of the residents he is interested in the determination of policies which affect the whole community. His selection is by the people and his responsibility is to them. Thus from the point of view of selection, duties, and responsibility, there is a clear line of demarcation between the Block Manager and the Councilman. If the Block Manager restricts his activities to serving as an agent of the administration, and the Councilman limits his activities to the determination of policies affecting the whole community, there can be no conflict of jurisdiction. Each should realize that he has a job to do and his aim should be to do it well. That is the greatest contribution he can make to successful community government and administration.