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REPORT TO THE CHARTER DELEGATES
RESUME OF THE COMMITTEE ON COUNCIL

The Committee on Council met on three different occasions before this paper was prepared. The subject of community government being so broad and involving so many factors to be considered, the committee pressed by time feels that the net results of its study has been inadequate and will need further consideration on the part of each delegate.

As this committee has been purely a study group, the issue has been definitely confined to the council as a working body adaptable to our community. The members in planning a workable council have always kept in mind these questions:

1. Is it representative government of the people?
2. How can it get the best representation of the people, the most qualified men, and at the same time have councilmen from each block participate?
3. Is the machinery of the council too cumbersome for efficiency?
4. Has it provided for non-citizen participation?
5. Does it provide for general welfare of all the residents?

In its study of the various plans of the broad types of government, the following is the resume out of which the skeleton framework of a government thought most adaptable was born and which is peculiarly our own innovation.

The Commission type of government has proved a more advantageous type than the orthodox type of city government in the United States, a system which rests upon the principle that legislative and administrative functions should be vested in separate and independent hands.

The Commission plan disregards the old theory of the usefulness of checks and balances in government organization. There is too much shifting of powers and responsibility among the several organs of the local government. Commission government vests the legislating to a commission. Although this may seem a radical departure, the county in the various parts of the country has long ago vested its administrative and legislative powers in a commission.

The Galveston plan called for popular election of five commissioners, one of them entitled the Mayor President, and all chosen at large. The Mayor President was the presiding chairman at all meetings of the commission, otherwise he has had no special powers.

The commission, by majority vote, enacted all ordinances and passed all appropriations. The Mayor President had no veto but voted like the rest.

It supervised enforcement of its own ordinances and regulations; it handled all questions relating to franchises, location of the city streets, etc. In other words, it did away with powers formerly vested in the Mayor, Board of Alderman, and other officials acting singly or in concurrence.

The commissioners, by majority vote, apportioned among themselves the headship of four administrative departments into which the city was grouped.

The Mayor President is not assigned to the head of any department but is supposed to exercise a coordinating supervision over all. Each commissioner is directly responsible for the routine direction of one important branch of the city's business. Appointments to the higher posts in each department are not made by the commissioner in charge but by vote of the whole commission. Minor appointments are left to that commissioner.

The Des Moines plan provided for a commission consisting of a Mayor and four Councillors elected at large. To this body was intrusted all powers formerly vested in the Mayor, City Council, Board of Public Works, Park Commissioners, Boards of Police and Fire Commissioners, Board of Water Works, Trustees, etc. Under the Des Moines plan, the city was grouped into five departments with commissioners for each commission.

The Des Moines scheme incorporated the newer agencies of democracy, namely, the initiative, referendum, protest, and recall and makes nominations for the general non-partisan primary.

The initiative is right of 25% of the qualified voters of the city to present to the council by petition any proper ordinance or resolution, and to require, if such ordinance or resolution be not passed by the council, that it be submitted without alteration to the voters by referendum. The protest affords a means of delaying the operation of ordinances enacted by the council until the voters can have an opportunity to express themselves. By this expedient, ~~no ordinance passed by the council~~ (except an emergent measure) can go into effect until ten days after its passage.

Meanwhile, if a petition protesting against such ordinance, signed by 25% of the voters of the city, is presented to the council, it is incumbent on that body to reconsider the matter. If the ordinance is not entirely repealed, it then must be submitted to the voters for their acceptance or rejection. The vote takes place at a regular election, if there is one within six months, otherwise at a special election held for that purpose. If indorsed at the polls, the ordinance becomes effective at once; if rejected by the voters, it remains inoperative. The recall provision permits the voters to remove from office any member of the council at any time after three months tenure in office. Petitions for recall or removal must be signed by at least 20% of the voters, and the question of recalling a councilman is put before them at a special election.

In the commission plan, the commissioners are not selected

for specialized skill in any particular commission or department of the city. The commission plan prevents intolerable scattering of powers, duties, and responsibilities which the old type of city government promoted to absurdity. It shoulders and fingers responsibility which makes it easier for the people to participate in recall.

The city's affair is not all government but also business. In this regard, it promotes efficiency. The commission plan reduces administrative friction and delay. Even deliberative bodies reach a point of diminishing return. History of American city government shows weakness in the old order of the bicameral or large councils.

Do the bicameral and large councils display greater regard for the interest of the people or do they show more conservative judgment? No. History of large councils in general is little more than a record of political maneuvering and factional intrigue with waste of time. In 5 men--these 5 men can be real powers and will draw capable men to the council board. A block or ward method cannot do this.

Is the commission plan undemocratic and un-American? It is the politician's logic to say that power vested in a small group is bureaucratic, such as a small commission. To say that a public official or a body becomes dictator does not depend upon mere number, but on the directness of control which the voters are able to exercise over those whom they put into office.

In American municipal history one sees readily that supporters of the old order are urging a high premium on mediocrity in public office, a continuance of the vice of sectionalism in city administration, and an arrangement under which responsibility directs itself to a few political bosses rather than to the whole municipal electorate.

Is the 5-man commission no security for representative government? No.

- (1) One man as a governor can represent the popular opinion.
- (2) 5 men can do it as well as 50 men.
- (3) Ward or block representation means picking of some inferior men or uninterested men.

The City Manager Plan votes 5 council members of which 2 or 3 members are elected at the mid-interval of the term, as for example, of 4 years and continuing therefrom for a period of 4 years. This may be called staggering tenure.

The highest of the 3 members is voted the mayor. He has no special function except presiding at the meetings of the council. The recall of the councilman is brought forth by 25% of the voters through initiative and referendum.

It is the duty of the council to appoint the City Manager. It does not deal with subordinate appointments and does not interfere directly with the details of the departmental adminis-

tration. It appoints its own clerk who serves also as city clerk.

The City Manager has the entire control and supervision vested in him. He holds office at the will of the council and may be removed by a majority vote of that body at any time. He is also subject to recall by the voters.

He attends all meetings of the council in an advisory capacity with the right to take part in discussions but without the right to vote on any matter. He recommends and notifies conditions to the meeting. He has no power to raise money for any purpose. He sees that laws and ordinances are enforced. In other words, he becomes the right hand man of the council. He has the power to appoint and remove all heads of the city departments and all subordinate official employees. He makes appointments on basis of merit and fitness alone. He may determine qualities in any way he chooses.

The City Manager is further given control over all the city departments. He keeps the departments in touch with one another and adjusts and plans their chief work. He may settle differences that may arise among them, acts as general supervisor of them all. He may investigate without notice the affairs of any department, and any investigators appointed by him have power to compel the attendance of witnesses, the production of books and records and so forth.

The City Manager plan is placed in 5 departments each with an appointive head:

- (1) Law department
- (2) Department of Finance
- (3) Safety: Police and fire protection
- (4) Department of Public Service
 - (a) Engineering: design and construction, street lighting and sewer
 - (b) Division of Streets, waste removal, cleaning, repair
 - (c) Division of Water
 - (d) Division of Public Land
- (5) Department of Public Welfare
 - (a) Health
 - (b) Recreation
 - (c) Parks and playgrounds
 - (d) Legal Aid
 - (e) Local employment agency
 - (f) Correction

BCC PLAN - ANALYSIS

In the final analysis, the bicameral type of government alone does not benefit our type of city where problems are arising daily and a too large and too cumbersome a framework is not deemed practical. The ward or block system also does not yield the most

qualified members.

The Commission plan of government although ideal in its set-up overlooks not only the specialists who have more or less the qualifications but also lacks concentration in the administrative responsibility.

The City Manager plan ideal in its set-up fails to become a working machinery because of the peculiar makoup of this community into the ward system or more commonly called block system. There must be provision for communication to and from the blocks.

Therefore, recommendation is made by this committee to incorporate the three plans to condense as much as possible the machinery as to be efficient, so as to pool the most qualified men and as to concentrate responsibility and to provide the participation of issei in the functions of the community government.

From the 3 types of city governments, the good points are taken as the recommendation for an entirely new type befitting this community. It has been titled by the committee as the BCC Plan (Block-Commission-City Manager).

(See chart--next page)

The BCC Plan incorporates the Block or Ward system, the Commission type, and the idea of a Coordinator of Commissions in a similar position as the city manager.

CHART

In this setup, councilmen are elected from each block because of the necessity and importance of block representation. Twenty citizen council members therefore will compose the council. From the twenty, one will be chosen as the Chairman of the Council. It is the responsibility of the council to select the Coordinator of Commission who will be chosen on the basis of his qualifications regardless of citizenship. The Coordinator will have similar powers as the city manager but will be limited by the council. The council members may be given "unclassified" membership in the commission. "Unclassified" means not already having a job in that department, or if one already has work in a department he shall be termed "classified". The council or charter committee shall determine in what commission membership can be obtained.

The committee's suggestions at this time of writing are:

1. Number of members on the council: 20, one from each block elected by secret ballot.
2. Election shall be by blocks.
3. Tenure of office: staggering tenure. Each council member to serve one year, with either the odd number or even numbered blocks serving for 6 months to start the staggering term.
4. Vacancy in the council: The council shall have the power to fill vacancies when the term of office has three-fourths expired. Otherwise, the council shall provide for a special election within the block that the vacancy occurred.
5. Determination of vacancy shall be determined by the council.
6. Meetings of the council shall be held once a week, and special meetings may be called at the discretion of the council.
7. Procedure of the meetings:
 - a. There shall be roll call, the method to be ascertained by the council.
 - b. The Council shall have power to issue warrants for absentee members.
 - c. Minutes of all meetings of the council shall be kept.
 - d. Quorum shall be three-fourths or 15 members.
 - e. Vote for enactment of regulation shall be three-fourths majority of the entire council, or 15.
 - f. Provision for open meetings shall be determined by the council.
 - g. Time in which regulations are to be effected left to the discretion of the council.
 - h. Publication of proceedings left to the council.
 - i. Emergency measures shall be determined by the council.
8. Chairman of the Council.
 - a. Acts as presiding officer and votes as a councilman.
 - b. He will be given powers to appoint committees as the council deems necessary.
 - c. The council will confer further powers to the Chairman as it may deem fit.
9. Functions of the council as set forth in WRA administrative instructions #34.
10. Coordinator of Commissions shall be appointed by the council, also his secretary or secretaries.

- a. He attends all meetings of the council in an ex-officio capacity with the right to take part in discussions, and make recommendations and reports.
 - b. He has no vote on any matter.
 - c. The secretary shall work with the council and shall perform such other duties as assigned.
 - d. **Qualifications:** could be citizen or non-citizen over 21 years of age.
11. Removal of councilmen.
- a. Removal by the council (consult Housel as to how)
or
 - b. Removal by voters.
12. Qualifications:
- a. Voters: Any resident evacuee 18 years or over
 - b. Council: Any resident evacuee citizen 21 years or over
 - c. Commissioner or other appointive offices: Any resident evacuee 21 years or over
13. Matter of compensation has been left open for discussion by the charter delegates.
14. Isseis may participate in government by working through the various commissions, or through a special advisory commission, or between the block and the councilman. The method of issei participation is left to the discretion of the charter committee.

Respectfully submitted by
The Committee-on-Council
