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INTRODUCTION TO MUNICIPAL GOVERNMENT AND ADMINISTRATION

THE CENTURY POLITICAL SCIENCE SERIES

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Introduction to Municipal Government and Administration

by

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PRINTED IN THE UNITED STATES OF AMERICA

TO

MARY C. BROMAGE

Preface

This book is designed as an introduction to municipal government and administration for college undergraduates. It spans the principles and practices of municipal management under mayor-and-council, commission, and council-manager forms. Emphasis is placed in the opening chapters on the growth, functions, economic and social characteristics of cities. Attention is then given to the interrelationships of local governments; state-city and federal-city relations. The political and electoral processes in cities are delineated. Forms of city government are described and illustrated. Auxiliary service departments are treated in their rôle of assistance to executive management and control over line departments. Concluding chapters treat the major line departments in municipal administration.

The text is written so that it may be used as the basis for a one-semester or one-quarter course in municipal government and administration. When used in conjunction with supplementary readings, or illustrative materials from a particular state, the book can appropriately be utilized as the core text for the two-semester course.

The author has given an undergraduate course in municipal government and administration for more than twenty years. During much of the time, a seminar for graduate students has been offered. This text was begun before World War II, interrupted by service in the armed forces, and completed after return to the University of Michigan in 1946.

Acknowledgment is made to the many writers who have provided such a vast literature of municipal government and administration. Without the pioneering efforts of many specialists this general, introductory work could hardly be written. My students at the University have been apt teachers as well as learners; they have made an indirect contribution to the manuscript. Ione E. Dority, Chief Librarian and Research Associate of the Bureau of Government, has rendered valuable assistance in the assembly of materials and bibliography. Ethlynn Sprentall has translated the author's writing into copy for the press.

A. W. B.

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CHAPTER I

Introduction to Municipal Government

For the majority of us, the city has become our way of life. We can not escape from its environment and its administrative problems any more than we can deny the pressing needs for food, clothing, and shelter. The city dweller is dependent upon municipal administration for police and fire protection, public health controls, water supply, sewage disposal, streets and lighting, parks and recreational facilities, and other functions in a complex civilization. Without these services, skilled personnel to man them, and representative officers to guide and direct them, municipal life would soon become intolerable. A break in the municipal water mains soon brings many calls to the appropriate department demanding to know why water pressure is falling and why something isn't being done about it. More than any other unit of government, the municipality is always on the firing line. Either the essential operations are maintained, or city officials hear about it.

Even in war-torn areas, municipal services must go on. The municipal police and fire departments must be restored to operation. Breaks in the water mains and sewers must be repaired with all possible despatch. Public health administration and welfare services must be maintained. Shattered utility services such as water, gas, electricity, and street railways must be repaired and reorganized. The life of the city may pause, but it cannot stop. The only way that you can bring city life to a close is to evacuate the entire population, and this rarely happens even in war.

American cities survived World War II without being subjected to enemy bombardment. We had no bombed-out cities, no atomized metropolitan centers. The physical plant of our communities emerged from the war intact. With veterans returning, administrative personnel which had been stripped down during the war began to grow again. Yet, World War II left cities in the United States with many administrative headaches. Problems accrued because of the low level of public works construction and maintenance from 1941 to 1946. Fiscal needs increased. Cities, like individuals, were caught in the high cost of post-war living, including increased salary and wage demands from officials and employees, higher prices for the materials and equipment which the city needed to keep services going. As a result, cities have been demanding more state aid, more state-collected, locally shared taxes, and more legal authority to levy a diversified series of taxes and service charges to supplement the general property tax, long the backbone of municipal finance.

The resident of the rural township or county cannot shut his eyes to the municipal problem. He is indirectly concerned with city taxes and services. The city, like the county, is a unit of government within the state. Demands of cities for grants-in-aid compete with demands of rural areas for similar grants. The city has become a political force to be reckoned with in the halls of Congress and at the state capitals. For many years the cities have been and still are under-represented on a population ratio in the state legislatures. Sporadic campaigns from urban areas for more representation at state capitals calls forth stubborn opposition from the rural hinterlands. What happens in our urban and industrial areas is of vital concern to the well-being of the national economy. The Great Depression of the nineteen-thirties brought long lines of unemployed to the cities and hard times for the farmer.

The study of municipal government and administration is appropriate training for citizenship. You will take your places as members of the municipal electorate. You will have the privilege and duty of electing mayors and councilmen, voting on charters and charter amendments, passing on bond issues, and accepting or rejecting ordinances which are referred to popular referendum. This is a serious responsibility. It cannot be undertaken well without systematic study of municipal government and administration. Some of you will serve on city councils, a few may become mayors, others will serve as municipal managers, officials, or employees. The significance of the city is that, like other units of local government, it constitutes a training school of democracy.

Americans have always enjoyed a large measure of local self-government at the municipal level. Sometimes this local freedom has been abused, as it was when bossism was so rampant at the close of the nineteenth century. On the other hand, municipal administration has made wide progress in recent decades. The council-manager plan has developed with rapidity since 1912, bringing with it professional administrators for cities and developing the quality and the quantity of municipal services. Competing forms of municipal government (mayor-and-council, commission, and council-manager types) have given municipal electorates a choice as to the basic structure of their government in those states with home rule and optional-law charter forms. The city furnishes broad training in the evolution of governmental structure, in administrative processes and techniques, and in citizen participation. Out of it citizens get experience in democracy, and state and national governments can obtain trained officials and administrators.

Our cities have progressed in recent decades to the point where the criticism which was leveled against them by James Bryce in *The American Commonwealth* in 1888 would hardly be valid today. Bryce criticized them strongly at that time because of the development of the municipal boss. With more than 800 of our cities operating, in 1948, under the council-manager plan, with the evolution of the strong-mayor-and-council

plan, and with the development of the merit system, the cities in six decades had outgrown the era of the spoilsmen. Progress has been achieved by a tenacious electorate in an enlightened democracy. It is for succeeding generations of Americans to preserve the gains already made and to advance the cause of good government in the future.

Growth, Functions, and Characteristics of Cities

It is a far cry from the small borough in the colonial period of our history to the metropolitan cities of today. Early American cities like their English prototypes received their charters from the English Crown through the governor or proprietor of the colony acting in the name of the Crown. With the American Revolution, the power to incorporate cities and prescribe their form of government passed to the state legislatures. At first, state legislatures provided a relatively simple form of government based on an elected city council. Later, during the Jacksonian period, the principle of an elected mayor was established as well as the direct election of the administrators of the few functions which cities then performed. Finally, in the twentieth century, the spell of federal and state models was broken. Under home rule and optional state laws, the commission and council-manager forms of municipal administration were developed.

Early in the nineteenth century municipal functions were extremely limited. Municipal police and fire services, for example, had their origins in the period from 1830 to 1850. From decade to decade the demands of the citizens led to increased functional activities, locally financed and locally administered. It is fair to say that the greatest expansion of municipal functions has come in the twentieth century. We have passed far beyond the concept of the city as an instrumentality to provide fire and police protection, poor relief, streets, lighting, water supply, and sewers. The modern city is distinctly a service institution. Its functions have expanded to include extensive public health controls and clinics, parks and organized recreational programs, libraries, filtered and softened water, sewage treatment plants, municipal ownership of water supply, and, to a lesser extent, other municipally owned utilities. The range in services depends upon the size of the city, the demands of the inhabitants, and the legal authority which it possesses under state law.

When we talk of the trend at national and state levels to the concept of the service state, it is well to remember that municipal administration was the first of our governmental levels to reflect this concept. This has caused some to say that city administration is more like a business enterprise. For a price in local taxes, the community buys from the city essential needs which would otherwise have to be bought and paid for from private corporations. This analogy should not be pressed too far. Municipal administration is still government and regulation as well as business. The profit motive can not dominate the thinking of the city

councilors. Rather, their concerns are sound regulations by local ordinance and services at an economical rate through effective public administration. It is no more accurate to call the municipal voters the stockholders than it would be to call the stockholders of a private corporation the municipal electorate. In the case of municipally owned utilities, it is admitted that the analogy is more apt.

The growth of our cities has been due primarily to economic forces. The United States has never had a program of planned location for cities and of planned communities drawn on the drafting boards before they were constructed. There are some exceptions. Washington, D. C., was planned as the national capital and reflects the ideas of the French planner, L'Enfant. The town of Norris built by the TVA in our time was planned to have sweeping roads, open spaces, and the Good Life on a small scale in a unique and limited community. The average American city is what the railroads, the port facilities, the steel or rubber industry, or some other economic force made it. The ebb and flow of commerce from water carrier to railroad, the focal point of railroad nets, the "happenstance" location of the automobile industry, these are some of the forces which gave us New York, Chicago, and Detroit.

Not all cities are solely the result of economic forces. There are the county seat towns and the state capitals which owe their growth in part to the presence of administrative staffs. Ann Arbor, Michigan, has some industrial base, but it wouldn't be the size or type of community which it is but for the University of Michigan. Then there are resort communities. Take Saugatuck, Michigan, for example. Its location where the Kalamazoo River joins Lake Michigan plus the Summer vacation-habit of Americans makes it a small part-time resort community. The essential base of American communities is economic from the small primary service community which serves a rural hinterland to the great metropolis.

A great deal has been written about the characteristics of urban population as distinct from those of rural. Much has been said as to the values of rural life based upon farm and home ownership in the development of citizenship. The great advantages of rural life are freely admitted. Because someone else lives in an apartment in a crowded city, it is unwise to draw ready conclusions as to the quality of his citizenship. Too many of our cities have developed progressive administrations for us to assume that municipal life in and of itself produces laxity in citizenship and lack of interest in city, state, or federal administration. Politically speaking, the city has yet to find itself within our governmental framework. The urban areas make their influence felt in the House of Representatives where they are represented by Congressional districts based on population. In the state legislatures, the cities are not generally represented in proportion to their population. As a result, state government reflects primarily the will and interests of rural areas. Judging city populations on what they have accomplished within their own boundaries, it is clear that they are

making progress in the development of democratic and more progressive municipal administration.

Intergovernmental Relationships

The city is only one component within the fabric of local government. It is unquestionably the most significant of the units of local government if the test be money expended or activities performed. The incorporated city is a creature of the state, organized under state law. Broadly speaking, it has received more freedom under state law as to its structural organization than has the county. This has come about through home rule in many states and optional-charter laws. The county is a subdivision of the state, a self-governing administrative district of the state itself. It has been held in a more frigid mold so far as forms of organization go. Likewise, the county has not received generally throughout the United States as wide a range of powers as has been entrusted to cities by state law. The city performs more services more fully.

In addition to the incorporated city, there is also the incorporated village otherwise known in some states as the incorporated town. This need not detain us here, for the incorporated villages or towns are virtually small cities with a different legal nomenclature. On the other hand, the New England town and the midwestern township are not analogous to cities. The New England town usually contains both an urban settlement or settlements and rural areas within its boundaries. The town meeting, the town selectmen, and the elected town officers form a pattern of government and administration which is very different from the council and the elective mayor or appointed manager of the cities. This structural gap, however, has been closing in recent years with the development of town managers in New England, especially in Maine.

The midwestern township is unlike either the city or the New England town. Outside metropolitan and suburban regions, it is primarily a small rural community. In Michigan it is quite generally thirty-six square miles in area. It is a subdivision of the county. The range of its functions is normally very narrow. Townships in Michigan have been reduced to the supervisor who serves also as assessor, the clerk, the treasurer, the constable, and justices of the peace. The vital functions of public administration such as public health control and rural roads have already gravitated to the county. The township is not a dying institution, but it is no longer healthy and vigorous in the functional sense except in a spotty way in suburban areas. There, it is not unusual to have a township fire truck and a township zoning ordinance or building code.

The school district is the most prolific of our units of local government. The one-room school district, the village school district, the township school district, the county school unit, and the city school district evidence American determination to put school administration on a basis

separate and distinct from the so-called political units of local self-government. The school district is usually a separate unit of government with its own governing board and officers as well as the teachers and the pupils. This divides local government quite generally into two fundamental parts: school administration and all other public administration at the local level. We may rest assured that this dichotomy will be preserved for many years to come.

Later, we shall also see that the pattern of local government is rounded out by the thousands of special district corporations which have been organized to administer special functions. These come in many varieties: park, drainage, even mosquito abatement districts. So the city shares the local governmental stage with a number of other players, but has the leading rôle.

The municipal problem is influenced by a number of factors. Geographical location is one. Whether a city stands more or less alone in a rural county or is caught up in the web of a metropolitan area makes a big difference. Within the large metropolitan agglomerations, a city elbows other cities for living room, and intergovernmental arrangements such as contracts for sale of services or joint operations of functions are in order. The city which stands more or less alone has other problems such as the perennial question of sale of services to individuals residing outside the corporate boundaries. It has also intergovernmental relations with the local county and so on, but they are apt to be more simple. It deals with other units of government, but it does not have so much to do with neighbor cities. It is something like the difference between the individual who lives in his own home on a separate plot of ground and the person who dwells in an apartment house. The cities are jammed together in metropolitan areas, and they are therefore more often in conflict or in coördination with other cities.

Another factor is the influence of location within a particular state. Some states such as Ohio and Michigan have vested home-rule powers in their cities. Other states, such as Connecticut and Tennessee, have been less generous, and have kept the cities closely within the leading strings of the state legislature. Home-rule powers and wise optional state legislation have encouraged the cities to develop municipal administration along city manager lines. There is an obvious relation in Michigan between home rule, the opportunity of cities to draft their own charters, and the fact that Michigan has the second largest number of manager cities of any state in the Union. The home-rule act dates from 1909 and the cities of Michigan became interested in drafting their own charters during the 'tens and 'twenties of this century when the manager plan was first developing. As a result we have many manager cities in Michigan. It must also be added that we do not have one single manager county in Michigan, because the voters of the state four times in ten years rejected four separate amendments to permit county home rule.

In your own state you should study the legal relationship between the state and the cities. Has this been worked out to permit home rule? Does the state have a series of optional-charter laws from which your city can choose one out of three or four forms of administration? Does your city have one of the special-act charters passed by the state legislature? Often they are the older, the less modern, and the more jumbled of our city charters. You will find that older special-act charters provide for a ward system for electing city councilors, a weak mayor, and the direct election of administrators who ought to be appointive. On the other hand, the modern manager charter of Hartford, Connecticut, was enacted by the state legislature after it had been prepared by a charter commission and approved by the voters. This type of legislative action in passing a charter which has been locally initiated with or without a popular referendum is generally known as legislative courtesy. Connecticut, Maine, and Virginia, are examples of states in which legislative courtesy has produced modern charters demanded by cities.

Then there is the question of state-local administrative relationships. The states are increasing their administrative controls over cities: requiring cities to keep uniform accounts and to subject themselves to state review of proposed local bond issues, for example. Beyond question, state administrative control over cities is growing. If you can catch a busy manager in a progressive city in an off moment and promise not to quote him, he may tell you that state administrative control should not develop too fast or go too far. In other words, he has supreme confidence that his community can do its own accounting and auditing and decide its own bond issues on their merits without the evolution of state administrative controls. Indiana, North Carolina, and New Jersey have been developing administrative control more rapidly than some other states. They are ahead of Michigan in the development of state administrative control over cities. What is the situation in your state? Of course, everyone expects state administrative control to develop as to the counties, but how far should it go in the municipal field?

During the New Deal the cities came under another influence: direct federal-city relations. Before 1933 the cities had dealt with the Federal Government indirectly through the states or directly upon small matters pertaining to the work of the Bureau of Standards or the Bureau of the Census. After 1933, the Federal Government came to deal directly with the cities. An obvious example was the Work Projects Administration whereby the cities furnished the material for small public works projects and the Federal Government furnished the labor. Still another illustration was the Public Works Administration by which cities were encouraged to submit extensive public works plans for water supply, sewage treatment plants, and other construction. The Federal Government made an outright grant to pay part of the cost and stood ready to loan the

balance. Many cities were encouraged to issue revenue bonds for their share of the cost, these bonds to be retired from the revenues of the self-supporting project. Housing is another field in which direct federal-municipal relations have developed.

The city is not simply what the people of the community have made it. The city takes its color from the political and economic environment in which it grows and has its corporate being. It has been molded by the legal bounds or opportunities which the state has seen fit to enact or to write into its constitution. More recently, it has begun to feel the trend toward state administrative control. As one way out of the depression of the nineteen-thirties, direct federal-city administrative relationships emerged to add a new web to the influences bearing upon the city. Like the individual, the city does not stand alone. It has a state inheritance and it moves within a family circle of other units of local public administration, subject to the same legal parent, the state.

Electoral Process and Organizational Problems

The cities have been seeking in recent decades to bring about a greater cleavage between their own electoral processes and political problems and those of the states and the Federal Government. This has followed two main lines. One has been the establishment of non-partisan municipal primaries and elections for municipal councilors and mayors. Actually, there are few, if any, issues in cities which are partisan in character. There is no particular Republican or Democratic way of administering a city. In national administration there are many real issues between our major parties on domestic policies. The conduct of city police and fire departments and the laying of water mains and sewer lines constitute non-partisan difficulties in efficient public administration. On this theory, many city charters have provided for non-partisan nomination and election for city mayors and councils. This does not automatically produce a non-partisan attitude on the part of the voters, but it is always a start in the right direction.

Another technique has been the moving of municipal elections into the odd-numbered years so as to get them away from the dynamic influences of national and state party campaigns for the selection of federal and state officers. This simple device of timing municipal nominations and general elections to bring an urban concentration upon local issues and candidates is extremely important. It doesn't guarantee good government or a big turn out of voters for municipal elections. It does open the door to a consideration of municipal candidates apart from the bias and partisanship of national and state campaigns, particularly when it is coupled with the device of non-partisanship, mentioned above.

These devices of non-partisan nominations and elections and separately timed municipal elections were part of the urban drive to break away

from partisanship and bossism in municipal administration. The era of bossism likewise produced other significant reactions. From the days of the Tweed Ring in New York City to the end of the nineteenth century, it was argued that the evils of bossism could be avoided by introducing a strong mayor into the municipal structure. Thus political power would be concentrated within the formal system of government and one individual would be put in the limelight to get the praise or the blame for the success or failure of the administrators. This idea was little more than a municipal version of the American presidency, or the integrated governorship. It is still a common form of government among our larger metropolitan cities.

Early in the twentieth century, Galveston began an experiment with a commission form of administration. A small commission served collectively as the city council. The individual commissioners acted as the heads of the principal administrative departments of the city. Later, in 1907, the famous Des Moines plan added the principle that the commissioners should be elected by a non-partisan process. The commission plan was said to emphasize the city as a business corporation. It put the spotlight on a few commissioners as the responsible policy-makers and administrators. Today, it appears that the commission plan was overrated by its original sponsors. It did make a contribution by demonstrating that city councils could be small in size and elected on a non-partisan base. Its defect was that it provided for a multiheaded authority in municipal administration.

The trend to smaller, non-partisan city councils elected at large from the city was definitely continued during the twentieth century by development of the council-manager plan of government. This plan, like the strong-mayor system, called for the introduction of an integrated chief executive on whom the responsibility would be placed for the quality of municipal services. The great difference was that the manager type provided for a chief executive appointed by the city council. It rested on the theory which has since been demonstrated in many cities that voters can do an intelligent job in electing a small representative council to control policy and appoint a manager.

In these many devices and trends the cities have been seeking a formula to ensure against bossism and to promote professionalism in municipal administration. To this end they have experimented with many forms of government: weak-mayor-and-council, strong-mayor-and-council, commission, and council-manager. The great selling point of the manager plan is that it permits the choice of a chief executive by a small council and does not make the post of chief executive dependent upon a political campaign, as is the case under the strong mayor. Again, it avoids the plural executive of the commission type. Cincinnati is an outstanding example of a city which moved from bossism to professionalism by adopting a council-manager charter in the nineteen-twenties.

The era of the bosses which was so pronounced from 1870 to 1910 is dead. The boss is now the exception rather than the rule in municipal government. Beginning with the nineteen-twenties the emphasis shifted from structural problems to techniques of the administrative process. The manager plan had demonstrated its validity by the 'twenties. It is significant that no new form of municipal government has been evolved since that time. It has been possible to concentrate on refinements of the administrative process.

Municipal Administration

No sharp line can be drawn between municipal government and administration. A city has a governmental organization which is manned by officials elected by the people, such as the mayor and councilmen. There is a political process which brings this top-control group into place. Once in office, they must work within the limitations established by state law and through the framework of government determined by the city charter. They must deal with the broad policy questions of budgets, tax rates, and city ordinances. Administration is controlled and directed by committees of the council (weak-mayor); by the mayor (strong-mayor); by the councilors (commission); or by a city manager who has a unified command over public administrators (council-manager). Authority flows downward from some form of central direction to the police chief, the fire chief, and the superintendent of public works. The administrative process is not complete until the individual traffic officer directs the flow of vehicles and pedestrians, until the thug is apprehended, or the fire department begins to throw water on a fire. There is a continuous chain of government and administration from the election of the councilman to the cleaning of the streets by the municipal employee who drives a mechanical sweeper. Administration spans the preparation of major plans and policies by a manager, for example, and the municipal employee who collects the nickels and pennies from the parking meters by cascading the coins into a pushcart which he can roll along the sidewalk.

It is customary to divide the field of administration into certain basic divisions. Auxiliary services are closely associated with the municipal chief administrator, be he mayor or manager. In the well-organized city these agencies include such departments as finance, personnel, legal, and miscellaneous auxiliary services. Such departments are contrasted with the line departments which they serve and control. For example, the highly integrated finance department contains such divisions as budgeting, accounting, treasury management, assessment, and purchasing. These divisions within the finance department do not provide services for the people directly. They serve indirectly by providing housekeeping functions which facilitate the work of the line departments. In addition,

they assist the chief executive in over-all management of administration.

Line departments include administrative units such as: police and fire, public health, parks and recreation, public works, and public utilities. They bring the activities of the city directly to the citizen. In a well-organized city most of these line departments are headed by single administrators appointed by and subject to removal by the chief executive, in other words, directly responsible to him. Yet, the use of boards and commissions to control various departments including public health, public welfare, parks and recreation, and libraries are still popular in many cities in practice, however much is said against them in theory. With the auxiliary agencies to assist him in housekeeping, and with the line departments directly under his control, the integrated municipal executive has a central position of command in which he must either produce or admit failure.

The local citizen gets most of his ideas about the administration of his municipality from the work of the line departments, and especially from those with which he comes in frequent contact. The police department in its dealings with the public can make or break city-citizen relations. Graft in the police department will kick back into a general citizen uproar about the validity of the city administration. The citizens are very sensitive to such things as the condition of their streets and sidewalks, the collection of refuse. A successful city manager had three days of telephone calls about the lack of garbage collection. The city administration was struggling with the labor force problem, trying to get enough employees to man all the garbage trucks and still stay within the budget in view of prevailing wage rates. The citizens knew only that they wanted the garbage collected on time and according to schedule. Water supply is another line service which can bring quick citizen reaction. The people not only want safe water; they also expect it to be of good taste and continuous supply. In modern administration, adequate parks and organized recreational programs are demanded. Public health controls, clinics, educational programs to prevent the spread of disease are taken for granted.

One might be facetious and say that the voters expect the city to do everything but put them to bed at night and wake them up in the morning, the fire department standing by on its nightly vigil and the police department patrolling the town with radio-equipped cars. The city is expected to stop neighborhood quarrels, eliminate noises at night from dogs and cats, get Johnny out of the bathroom by means of a fire department ladder when he inadvertently locks the door. It goes without saying that the long arm of the law is to stand between the citizen and the thug, the stick-up, and the burglar.

All this citizens expect to get at low cost, for they are ever sensitive to their assessed valuations on homes and stores and to the municipal tax rate applied to valuations. Cities are perpetually getting out charts

to show that police protection costs the average home owner per year less than the price of a pair of my lady's hose; that fire protection averages less than the price of some theater tickets, or that parks and recreation cost less than a quart or two of milk. You will find it interesting to make such estimates of the expenditures for city administration in relation to the price of the necessities of life or amusements. You will be surprised at how much the average home owner gets for so little. In spite of all the charts and diagrams, the municipal reports, and the news stories on how far the city stretches the tax dollar, the pocket book nerve still functions overtime among the municipal electorate.

Over and over again, one hears city officials say how this program or that construction is held up for lack of public willingness to pay the tax or issue the bonds and pay the taxes later. The point is that the urban voter might be willing to contribute more handsomely in support of local activities, but he has state and national taxes dipping down into his pockets and that makes him sensitive to the costs of the unit of government with which he is most familiar. Sometimes, as during the depression of the early 'thirties, the citizen strikes out right and left with tax limitations. In the excitement these tax limits get adopted and the local units find that they must live within a fifteen-mill tax limit, seek grants-in-aid from the state, and develop service charges. It is the biggest show we have, so far as intimate, local democracy goes.

The City and Democracy

The city, like other units of local government, is a training school of democracy. Local self-government in the city and the village is one of our most treasured inheritances. At the local level, the citizen learns by doing. Here he deals with problems close to his own hearth. He gets training in the nomination and election of officials and in appraising their work in administration. He doesn't always do the very best job, for efforts do not always bring outstanding performance. Sometimes a community will fail for years to attain reasonable standards in administration and then will emerge into an era of distinguished government. For many years, Saginaw, Michigan, struggled along with a commission form of government and was beset with administrative difficulties. Then the city adopted the manager plan and after a few years of operation, Saginaw was noted for many years as an example of efficient public administration. When a city is cited in the literature, the books and the magazines which you read as an example of good or indifferent administration, that is the time for you to probe into the citizen problem. Where citizens are active and alert they can produce just about the kind of municipal administration they want. They score par for the course or better than par. Cities must be rated on a number of measurement scales some of which are by no means infallible.

It is this characteristic of local self-government which has been a stand-out in American democracy. In 1888, when *The American Commonwealth* was first published, James Bryce referred to our system of local government as not merely beneficial but indispensable. He praised the townships as self-governing units, but spoke of the abuses which had sprung up in the cities. He argued that our system of local self-government was well worth study by Europeans who were interested in avoiding the evils of centralization.

Since Bryce announced this verdict in 1888, praising rural and admonishing municipal governments, the cities and the counties have felt the hand of increasing federal and state centralization in the United States. The Federal Government through the commerce power, the taxing-spending power, grants-in-aid and administrative control has come more directly into contact with the individual than ever before. The state governments have been increasing administrative controls over both cities and counties. Home rule for counties has been established only in a few states after uphill struggles. The cities have become more concerned with their pressing financial problems than with the enlargement of home-rule powers.

Nevertheless, American communities have survived the era of bossism and trends to federal and state centralization. Bossism has long been on the wane and professionalism in municipal administration has been on the increase. The growth of the manager plan and of International City Managers' Association is evidence of this trend. This association forms a professional phalanx for all managers who are devoted to the advancement of their skills and know-how in administration. Surely, any modern appraisal of the American municipality would rate it above the Bryce commentary of 1888. Cities have moved forward on a broad front in such functions as finance, personnel, and planning. The services of the line departments have been expanded and intensified.

In our American way of life, local self-government is a force in the preservation of democracy. It is no secret that Mussolini and Hitler destroyed the significance of local self-government in Italy and Germany. Mussolini introduced the centrally appointed *podestà* for the Italian commune. Hitler reduced the German city councils from elected and power-possessing bodies to appointive and advisory groups of "yes" men. Dictatorship and democracy don't mix. In American democracy local self-government is a training ground for citizens. It is also a school for elected officials and administrators. Talents tried out locally become available for the state and national administrations.

Our democratic heritage of local self-government is well worth the civic interest necessary to its preservation. Cities cannot, in our complex society, exist as isolated units as they did early in the nineteenth century. They are more interwoven with the fabric of state and national administration. But the day that we cease to elect city councils and to

struggle with municipal problems through democratic procedures locally, you may well be fearful that democracy itself is dying. That is why a systematic study of how our cities evolved, what they do and how they do it, is so important to your training for participation in American democracy.

CHAPTER II

History of the American City

In the new world, local government was of prime importance to the colonists, for from it they derived such law and order, such stability, and such sense of corporateness as the transoceanic wilderness permitted them. Little did they look ahead to ascending levels of their future government: local, state, and federal. Boroughs of the American colonies were replicas of English boroughs in the sixteenth and seventeenth centuries. Although subsequent history saw a succession of changes differentiating American municipal government from English forms and norms, certain traditions persisting today hark back to the colonial borough. The city was not so important as the town, the county, or the colony itself in the colonial era. Because the incorporated places were few in number and scant in population, their early significance does not compare with what it was to become on American shores. By 1775, localities which were governed as municipal units numbered only fourteen.[1]

The Colonial Borough

The early boroughs were situated in the colonies from New York to North Carolina, and in the absence of industries, they grew up in accordance with the necessities of terrain and trade. Their official life began by means of charters. Agamenticus in the colony of Maine received a charter from the proprietor Gorges as early as 1641, though it was later revoked by the Massachusetts Bay Company. In 1665, Governor Nichols confirmed for New York City the privileges and immunities of the previously existing Dutch charter, and some twenty years later this infant city received a comprehensive charter from Governor Dongan. Albany obtained a royal charter in 1686; Westchester in 1696; and Schenectady in 1765. Although St. Mary's City in the colony of Maryland had a proprietary charter as early as 1667 or thereabouts, it lapsed through the decline of that settlement. Annapolis obtained two charters in 1708; the first was issued by the governor alone; the second by the governor with the confirmation of the assembly. Perth Amboy, in the colony of New Jersey, had a full royal charter in 1718; New Brunswick in 1730; Burlington in 1733; Elizabeth in 1740; and Trenton in 1745.

[1] E. S. Griffith, *History of American City Government: The Colonial Period* (New York, 1938), 97, 418.

In colonial Pennsylvania, Germantown received a proprietor's charter in 1689. Philadelphia obtained a charter from William Penn in 1691. Chester, Bristol, and Lancaster received borough charters from the proprietor in 1701, 1720, and 1742, respectively. In the colony of Delaware, Wilmington was chartered as a borough in 1739; Newcastle had a brief existence as a corporation beginning in 1724. Incorporation of Williamsburg and Norfolk in colonial Virginia by royal charter occurred in 1722 and 1736, respectively. Wilmington in the colony of North Carolina obtained a royal charter in 1763. A charter for Charleston in the colony of South Carolina obtained from the assembly and governor was disallowed in 1723 by the Lords Justices.[2]

Some of these corporations were municipal only in name and legal form. Other colonial communities like Boston, not by legal definition municipalities, were more urban in actuality. Of the four places containing more than 10,000 persons each during the colonial period, Boston was not an incorporated city; Charleston, though incorporated, suffered a disallowance of her charter; Philadelphia was a "close" corporation in the English sense of that term, meaning that the city councilors selected their own successors; and New York was a corporation with a representative system. There were six communities between 5,000 and 10,000 in population. Norfolk in this group possessed a municipal charter but was, like Philadelphia, a close corporation. Four were New England towns: Newport, New Haven, Salem, and Gloucester. The sixth, Baltimore, was governed by commissioners. Below the 5,000 mark there were some New England towns as well as towns and villages elsewhere which were at least as important to the life of the times as many incorporated boroughs.[3]

The original American borough was patterned on the English model. There were at the end of the seventeenth century more than two hundred municipal corporations in the mother country. The legal basis of their existence was a grant or charter from the king, and they consisted of closely knit social and political groups. As corporations, they had such rights as those of perpetual succession, of suing and being sued, of using a common seal, of owning property. Each possessed a unicameral council presided over by a mayor and containing aldermen and common councilmen. The mayor and the aldermen were often vested with a judicial function as magistrates. Many of the borough councils were close corporations in which members held offices for life and in which vacancies were filled by the votes of remaining officers. Chief officers of the city, who approached the administrative personnel of today neither

[2] E. S. Griffith, *op. cit.*, 425-438. A complete list of all the units of local government which might be regarded as municipal corporations in the colonial period is presented by Griffith. See also T. H. Reed, *Municipal Government in the United States* (New York, 1934), 60-61, for another list.

[3] E. S. Griffith, *op. cit.*, 418-419.

in number nor in duties, were selected by the council. They dealt with trading and commercial privileges as such rather than with public functions in the modern sense. More populous boroughs, forming the exception rather than the rule, left election of councilors and some other officers to the freemen, thereby constituting, on a highly restricted basis, representative institutions.

The English borough possessed the right of holding a local court with some powers apart from that of the county justices. This authority was a prize which the boroughs sought and which they achieved with varying degrees of success as regards the jurisdiction of the justices. Fundamental to the life of the boroughs was control of property belonging to the corporation, property consisting of common lands maintained under borough management and shared collectively. Often these borough lands were leased to private individuals. Supervision of markets, fairs, and local crafts was another undertaking of the boroughs.

Colonists carried across the Atlantic the political ways and means best known to them. Early American cities, like the English, sprang from charters of the Crown. To be sure, these were granted not by the King but by the governor or proprietor acting in the name of the Crown. A unicameral legislative body of common councilmen, aldermen, and mayor was set up with judicial functions frequently vested in the mayor and aldermen. As justices of the peace, they exercised both civil and criminal jurisdiction. The close corporations appeared in a few boroughs, the most important of them being Philadelphia. Elsewhere, a forerunner of the representative process appeared in the selection of officers, other than those centrally appointed, by local freemen. A corresponding delimitation of functions appeared. Attention was directed toward management of fairs, of markets, of corporate enterprises, and toward regulation of trades and occupations. Rents and fees were the primary sources of revenue and were strictly limited. Public administration in the modern sense of providing numerous municipal services was unknown, unwanted, and unnecessary in these small villages. Direct taxation of persons or of real estate was used as a supplementary method of raising revenue, and only with regard to poor relief could it be said to be a regular means of support.

Philadelphia and New York, though not typical, illustrate some characteristics of colonial boroughs. Less is known about the administration of Philadelphia from its first charter of 1691 to that of 1701, than from 1701 to the Revolution. This city was unusual in that it was a close corporation. Powers were granted to the mayor, recorder, aldermen and common councilmen, and these individuals were named in the charter of 1701. While the mayor was to be named annually by the council, the others individually held office for life and collectively were empowered to fill vacancies in their number. Through a system of committees, they performed administrative tasks. Because of the unrepresentative character

of the city's government, the colonial assembly not only extended its powers with reluctance, but actually in the course of the eighteenth century created other agencies such as the city wardens to control lighting, policing, and later the water supply. When recourse to taxation was necessary to pay debts, to pave streets, to establish a work-house for the poor, the provincial assembly provided for a board of assessors elected by the people. William Penn relied upon the device of the close corporation in the charter for Philadelphia, and this colored the course of municipal history in that city.

Unlike Philadelphia, New York's local government was responsible to and representative of a limited electorate. Under the charter of 1730, voting for aldermen and assistant aldermen was restricted to freemen and to those holding freehold estates to the value of £40. The governor had authority to make annual appointments to the posts of mayor and recorder. As in Philadelphia, the council performed the legislative functions collectively, but it resorted to committees in handling public buildings and street paving. The borough was under the compunction of seeking from the legislature each year power to tax to meet costs which were over and above proceeds from markets, docks, ferries, and other fees and licenses. The legislative assembly passed a number of acts designed to effectuate local regulations and to guide local policies.

From the American Revolution to 1800

After the Revolution, American local government began to diverge from the English model. A change came in the source of municipal charters. No longer did they emanate from the Crown, but were now passed by state legislatures as special acts. State legislators were inclined to rely upon the models afforded by their state constitutions and to a lesser degree upon the new federal Constitution for guidance in their charter-making. During the decisive years from 1776 to 1800, a native American form of municipal government began to emerge, as charter developments of Philadelphia and Baltimore indicated.

Baltimore's charter of 1796 established a bicameral city council. One house was elected by the property owners on a ward basis, and the second house was chosen by an electoral college composed of one elector from each of eight wards. This electoral college also chose a mayor, whose qualified veto power might be overruled by an extraordinary majority vote in both sections of the council. As to official appointments, the second branch of the council nominated two candidates with the final choice resting with the mayor. Although the device of a close corporation did not appear here, the franchise was restricted to property-owners. Qualifications for office rested on large property holdings. Although the Baltimore charter did not make a great change over the colonial borough in the matter of functions, its structural deviation is striking. The in-

fluence of the Maryland constitution of 1776 rather than that of the federal Constitution dominated the Baltimore charter.

The unicameral council for Philadelphia survived in the charter enacted by the state legislature in 1789. As was customary, two grades of councilors were set up: the first was that of aldermen; the second, councilmen. However, the creation of two grades of electors for the selection of these respective groups in the council was an innovation. The close corporation was abandoned. In 1796, a bicameral council was created by charter amendment. The aldermen lost their functions as municipal legislators while retaining their judicial capacity. The new bicameral body was composed of a select and a common council. To become a select councilor, qualifications of a state senator were required; to become a common councilor, the qualifications of a representative. The select councilors had three-year terms in contrast to the one-year terms of the common councilors. These two agencies met as separate political entities.

In 1796, the mayor's office also underwent transition in Philadelphia. The mayor ceased to be a member of the council, and the councilors in joint session elected one of the aldermen to that office. Three years later, the mayor was given authority to appoint municipal officers with the exception of the treasurer and certain employees of the council. Included under the mayor's power of appointment was a board of city commissioners—previously established by ordinance—entrusted with executive functions including the leasing of municipal property, paving and cleaning of streets, and the selection of a superintendent of the night watch. There is a superficial resemblance here to a strong mayor, the latter being capable of appointing officers without the confirmation of either branch of the city council. There the resemblance ends, for the mayor under the Philadelphia scheme was the creature not of the electorate but of the two councils acting jointly, and his term was only a year. Before a real municipal executive could evolve, the mayoralty had to become elective. This, plus broad powers of appointment, made the post most influential during the latter decades of the nineteenth century. Then, with civic corruption rampant, the reform cry was for a powerful and fearless municipal executive. While the federal model was to have its hey-day later, the end of the eighteenth century saw the dominance of the state model as in Baltimore and Philadelphia.

By 1800, there were some fifty-seven incorporated cities in the United States, the charters of many being new or amended documents.[4] Most of them were closer to the colonial pattern than to a mayor and council framework. Unicameral councils were the rule. Election of those officers not appointed by the state was vested in a small and restricted electorate, for property and taxpaying qualifications were still in vogue. Mayors continued to be selected by many of the councils, and these bodies

[4] T. H. Reed, *Municipal Government in the United States* (New York, 1934), 65-67.

continued as the mainspring of government because they not only exercised legislative power but handled executive functions in administration as well. In a number of contemporary charters, the aldermen of the unicameral councils were also entrusted with judicial functions. Municipal powers were not conspicuously aggrandized as compared with colonial precedents. There was no theory of municipal home rule. Legislatures were slow to delegate authority to subordinate units in these early charters, since legislative supremacy then characterized state government itself. So great was the fear of executive power, a lesson learned the hard way in the War for Independence, that the legislators were dominant in the state and the councilors in the local corporations. In pointing the way to mayor-and-council government, Baltimore and Philadelphia were more significant of the future than of the past.

In the brief but decisive period from the Declaration of Independence to 1800, state legislatures asserted their supremacy in the granting of municipal charters and in the determination of municipal organization, activities and revenues. The close corporation, which had prevailed in certain colonial boroughs, disappeared altogether. A limited franchise with a small electorate became the basis for electing councils and officers not centrally appointed. The unicameral council was the rule, in spite of the beginnings of bicameralism. The council continued to be the most important instrument in legislative and executive activities. The mayor's office in isolated instances accumulated appointive power, while the veto power indicated possibilities of growth. Municipal powers and functions remained basically as in colonial times.

From 1800 to 1850

After 1800, local government in the United States let go the apron-strings of the mother country and grew up in its own way. By 1850, it had become distinctly American. The system ceased to be one of government exclusively by council and became in a limited sense a mayor-and-council responsibility. During this period the mayor became an elective official in accordance with municipal charters and amendments, as for instance in Boston and St. Louis, 1822; Detroit, 1824; Philadelphia, 1826; Baltimore, 1833; New York, 1834. Direct election of the mayor did not at once produce an executive with broad powers of appointment and removal. In some respects the immediate result was to weaken the office where the mayor was no longer the presiding officer in the council. While the mayor lost some of his personal influence with the council, he did not accumulate an equivalent authority in administration. Exceptions to this did happen, as in Boston, where Josiah Quincy, the second mayor, became a leader in administration not so much by grant of power as by gradual accretion of it. Mayor Quincy presided at council meetings and used this position to appoint himself chairman of important

committees. By means of this cumbersome arrangement and energetic executive action, he made his power felt. The establishment of an elective mayoralty in this period was significant because it made the office responsible to the entire municipal electorate, an office to which the veto power and the authority to appoint and remove administrators could and ultimately did gravitate. Once introduced, the idea of an elected mayor was copied from charter to charter.

The Jacksonian era was marked by the appealing theory that any man could govern, and that election was the appropriate method for all selections, a political credo which extended to the mayoralty. Coincidentally, it diminished the immediate possibility of focusing rudimentary municipal administration around that office. If a mayor was to be popularly elected, why not the city clerk, treasurer, attorney, assessor and superintendent of streets? Municipal administration with its relative simplicity in those days did not present the challenge which now calls for an integrated executive. With Jacksonianism rampant, many municipal offices became elective. This weakened control over administration by the council more than it strengthened the authority of the mayor. Oftentimes, offices were made elective while others were retained for appointment by the council.

In the 1837 charter of Chicago, provision was made for the election of an assessor by each ward, but authority was vested in the council to appoint a clerk, treasurer, city attorney, street commissioner, police constables and other officers. At the other extreme was a charter like that obtained by New York City in 1849. This made arrangements for departments of police, finance, street, repairs and supplies, streets and lamps, inspectors, almshouse and law. The heads of these departments were made elective every three years by the people. One major entity—the Croton aqueduct department—was administered by a board appointed by the mayor subject to confirmation by the board of aldermen. The charter of San Francisco in 1851 required the election of mayor, recorder, comptroller, treasurer, collector, attorney, marshal, street commissioner and three assessors.[5]

Two-chamber councils spread in the first half of the nineteenth century following the initiative taken by Baltimore and Philadelphia. Pittsburgh adopted bicameralism in 1816, Boston in 1822, New York in 1830, and St. Louis in 1838. On the eastern seaboard the idea was more widely accepted than it was west of the Alleghenies. Such growth of bicameralism as occurred during this period came from acceptance of the state model, although in some places special explanations existed. In Boston, the bifurcation came because the common council was intended to be the successor to the town meeting, while the mayor and aldermen supplanted the selectmen of the town. The double council which fea-

[5] T. H. Reed and Paul Webbink, *Documents Illustrative of American Municipal Government* (New York, 1926), 103-110.

tured many cities in the nineteenth century has survived today in a few communities as a museum piece.

Before the American Revolution, representative city councils had not been accepted everywhere, inasmuch as a few boroughs were close corporations. After the Revolution, the close corporation disappeared and representative municipal government was everywhere installed, even though it was responsible to a property-owning or taxpaying class. Whereas the original state constitutions had drastically limited the electorate, the trend during the nineteenth century was in the direction of white manhood suffrage. By 1860, many states had abandoned even property and taxpaying tests for voters and had enfranchised adult male whites. In certain New England states, Negroes voted as well as in Delaware, Maryland, North Carolina, and Pennsylvania. The expanding electorate changed the character not only of national and state contests but of municipal elections. Enfranchisement of new classes of voters and subsequent waves of immigration made cities vulnerable to bossism. After the Civil War, Boss Tweed in New York City and his ilk elsewhere made a mockery of municipal democracy. Jobs and favors were doled out in return for votes received or receivable, and the spoils system grew with the enlarged, if not enlightened, electorate.

While the number of voters multiplied, city functions were increasing. New York City built the Croton aqueduct to furnish an abundant water supply. Boston in 1846 began the construction of the Cochituate waterworks. Volunteer fire companies were organized in large cities when equipment was forthcoming from the municipal councils. It was in the eighteen-forties that New York established the first disciplined force of policemen and a paid fire brigade. New York, Philadelphia, and Baltimore opened large parks to the public. Municipal activities in street paving, poor relief, and school administration were augmented by the middle of the century.[6] New functions and capital improvements brought in their wake new taxes and debts. The municipality was rapidly dwarfing its colonial prototype.

The first half of the nineteenth century set in motion currents and undercurrents which became of even greater significance during the latter half. The position of mayor gradually shifted from that of a presiding officer selected by the council to that of an independently elected, municipal executive. Election of administrative officers by the long ballot was a not altogether happy corollary which placed a rift between the mayor and administration. Unicameral councils were in some places replaced by bicameral ones. State legislators did not relinquish the grip which they held upon local units by means of special acts. As the municipal electorate expanded, city councils and officers were forced to respond to new forces of a political nature. When partisan considera-

[6] J. A. Fairlie, *Municipal Administration* (New York, 1906), 84-86.

tions influenced appointments, the spoils system gave promise of its future.

From 1850 to 1900

The latter half of the nineteenth century was a dynamic era in our municipal history. The population of cities (over 8,000) had almost doubled between 1840 and 1850, and continued immigration and rapid industrialization in the North did not allow the course of urbanism to stop. The growing number of inhabitants and the consequent demand for public works and services put new stresses and strains upon the governmental mechanism. Between national, state, and local elections adhesions formed. City jobs fell as windfalls to the party faithful. Partisan machinations found fallow ground, and bosses took over the government of many American cities.

The opportunity being golden, the new factotum of local government, the boss, was not loath to seize it. By devious means he soon entrenched himself behind mayors and councils in numerous city halls the country over. Nor was the boss a man apart; under his aegis sprang up a complex machine. For this far-flung organization the boss was not only father but god-father, for through him was dispensed political power and pelf. Those individuals actually sent to the offices of the city hall by the voters served in many cases as channels through which tax monies and time-honored prerogatives flowed into pools of corruption. Inadequately armed as municipal governments were with administrative safeguards in this day of multiplying functions, the duly constituted officials—themselves all too human—were at a loss to fend off the predatory attacks of self-seekers. Police graft, contract graft, outright raiding of the city treasury, furnished what it took to turn the wheels of political machines. Insistent popular demand for new public works necessitated employment of contractors, but between the contractor and the governmental authority stepped the boss. Between the vice interests, seeking to violate state laws and municipal ordinances, and the threatening police inspectors appeared the boss with the suggestion of protection money. Franchises, which the cities were finding it increasingly necessary to grant to public utilities, provided another possible source of income. In various cities, a boss developed and challenged local self-government.

While the potential revenues of a successful boss were many, his needs in an election year were heavy. Politically speaking, his first interest was to maintain in power elected officials whose amenability had been proved. The amount demanded by venal voters was a small price to pay in comparison with the prizes at stake. On such a system of undercover give-and-take, the Tweed Ring grew and flourished, and Philadelphia was to feel the effects of its gas-ring government. This it was that Lincoln Steffens, writing from the vantage point of the twentieth century, but

writing still with consummate courage, called *The Shame of the Cities.*[7] Not every American metropolis knew a Boss Tweed, but the prevalence of boss-ridden machines in cities earned for the decades following the Civil War the appellation of the Dark Ages.

Vicious as were his politics, the boss's method of operating provided the first real centralization of power over city administration. He furnished leadership in municipal affairs, whatever its purpose and character. The very lack of an integrated counter-force permitted him to gather into one hand the municipal reins, while holding the whip in the other. It is a fact that the earliest concentration of the multifarious powers of cities grew up outside the formal governmental structure.

While the burgeoning of bossism dominated this period, institutional changes were under way. The proposal for a strong mayor was advanced as providing an executive empowered to appoint administrative officers without waiting upon confirmation of the council. State legislators customarily stipulated in municipal charters that administrative officers should be elected or appointed by the council, a carry-over from the predominance of the council during and after the colonial days. When power to appoint was transferred to the mayor, it was done gingerly by allowing him to appoint only from nominees presented by the council, or to appoint subject to confirmation or rejection by the council. Divided responsibility was the net result. Because of limited executive authority, this form of local government was called the weak-mayor-and-council type. The situation was complicated further by the direct election of some or many officers.

The reformers argued that empowering an honest-to-goodness executive to appoint officers would eliminate abuses. It is one of the paradoxes of our municipal chronicles that the first strong executive in a major city was authorized in the New York City charter which Tweed's supporters piloted through the state legislature. Passed in 1870, it endured for only three years, for after the fall of the Tweed regime, this strong-mayor charter was superseded by one in which mayoral appointments were subject to confirmation by the board of aldermen. Before long, however, a strong-mayor-and-council government was installed in Brooklyn. Through the energy and ability of Seth Low, the plan was made to work there in the eighteen-eighties. After Brooklyn was annexed to New York City in 1898, Low, on the strength of his administrative record in the smaller city, became mayor of the larger.

So far as the development of institutions goes, the years from 1850 to 1900 felt many currents and cross-currents. Cities, particularly the larger ones along the eastern seaboard, experimented with bicameralism, and councils grew in size. The ward plan of electing councilors from small geographical districts within the corporate boundaries emphasized the

[7] Lincoln Steffens, *The Shame of the Cities* (New York, 1904).

specific representation of those districts, but disregarded caliber and efficiency. When spoils politics spread from the council to administrative offices, a check was sought in the use of bipartisan boards at the head of individual departments. While this was regarded as an antidote to patronage, it served further to disintegrate municipal administration without excluding party politics. None the less, the board system was applied to one city department after another. The value of plural leadership is recognized today in departments with quasi-legislative or quasi-judicial functions. In the nineteenth century, the spread of plural management did not discriminate between types of departments, and boards were placed in control without regard for departmental differences. What was good for one was assumed to be good for all. The rise of elective and appointive boards, principally the latter, gave the final push to the disintegration of executive leadership in cities which were as yet unfamiliar with the strong-mayor idea.

In spite of the searchings for a new order, the council with its power to pass ordinances and make appropriations continued to be uppermost. While the mayoral veto acted as a check on ordinance-making, most of the councils could still appoint many officers or could at least prevent the mayor from appointing any *persona non grata.* Mayors generally had not accumulated enough control to confront their councils as equivalents. Councilmanic power, because of the abuse of it, came to be as suspect in the nineteenth century as that of a state legislature. For this reason, development of a stronger executive was demanded by many reformers.

In the second half of the nineteenth century, relations between states and localities revealed two contradictory trends. While legislatures continued to meddle in municipal affairs by special acts, constitutional changes were designed either to constrict legislative discretion or to permit municipal initiative as in home rule. In the eighteen-fifties, legislative interference took a new turn. No longer content with organizing cities by special charters, legislatures began to extend their activities to individual municipal departments. In 1857, a metropolitan police board was created under state control for New York City, Brooklyn, and adjacent counties. In 1860, Maryland followed suit with a state police board exercising authority to administer the police system of Baltimore. This idea rolled along like a snowball, as popular with legislators as it was unpopular with councilors and mayors. Since this amounted to a rural intrusion into municipal administration, the most common target for state commissions was the police department where rural customs, and hence state controls, were assumed to be superior. Many of the larger cities had to foot the bill, while state commissions controlled not only their police administration, but other departments as well. In 1865, New York State placed fire and health administration and the licensing of saloons in New York City under state commissions.

Immediate and continuous opposition of municipalities to this type of state legislation did not curb it so much as did the inherent defects of the plan in practice. Introduced to offset local graft, state commissions brought to municipal administration their own brand of politics. The system affords an early example of the intervention of up-state or down-state factions in large cities for partisan advantage. As the issue resolved itself in the public mind, the question was whether state statutes should submerge local self-government, or whether that tradition should be reasserted?

A reaction did occur, and counter to state domination arose home rule, a movement which did not, however, culminate overnight. The first set-back to the legislatures came in the form of general constitutional prohibitions against special legislative acts whereby some states were compelled to regulate the organization of cities only by general law. Special acts, if not always placed under a comprehensive ban, were sometimes subjected to the requirement that a local referendum be held to decide whether they should take effect. A constitutional requirement that the legislature provide for organization of cities by general law was adopted by Ohio in 1851; abuse of special acts eventually led to the adoption of restraining clauses in more than two-thirds of our state constitutions. The legislative answer to this type of restriction upon them was to deal with classes of cities within specified population ranges by general law. When the courts sustained these classifications as general laws, the significance of the general law specification was diminished. In respect to larger cities, which were the special targets for legislative action, the protection was often rendered all but meaningless.

Seeking a remedy for continued state interference, advocates of home rule pursued another course. Out of the dissatisfaction over the special act limited to a single city, or the general law applied to all or to a classification of cities, there ultimately grew another device known as the optional-law or the optional-charter system. Under this, the legislature provided for a mayor-and-council plan of local government by general law. Then any city, or any city within a specified range of population, was authorized to adopt this general law as its charter by a local referendum. The optional-charter plan gained more ground in the twentieth century, after states could offer the wider choice between mayor-and-council government, the commission plan, and the council-manager system. States, thereby, allowed a city to select a form of government.

Municipal home rule in an elementary sense was the right of the municipality to draft its own charter, to determine its form of organization, and to exercise the powers specified by state law. In a more comprehensive sense, home rule was the definition in broad terms of a sphere of local action or power within which the city was free to conduct local affairs. Before municipal administration became so varied, local autonomy was theoretically and practically possible. The municipality

would have full and complete control of its own sphere of affairs, while the state would direct all matters of state-wide concern. The difficulty lay in the separation of these two spheres, which were not in all regards distinct circles but frequently overlapped. In the nineteenth century, the value of home rule was its challenge to legislative supremacy. Home-rulers held that cities would do a good job if local initiative in charter-making, in organizing, and in administering could be freed from the prying of rural legislators. The first state to add to its constitution a home-rule provision was Missouri in 1875. Before the century closed, three other states followed: California in 1879; Washington in 1889; and Minnesota in 1896. The movement gathered force with the years and encompassed more than one-third of the states. Home rule is a broad concept, and its ramifications were to produce a variety of state and local relationships not at first foreseen.

While reformers in these decades held certain notions about institutional changes, the immediate line of attack was to throw the rascals out of power. Within the limits of existing charters, citizens sought to wrest control of their cities from one boss-ridden machine after another. When abuses became flagrant and scandals unavoidable, good government elements rose temporarily to power. The difficulty with this manifestation of reform was that the rascals would merely lie low, and while waiting for the new officials to exhaust themselves, rebuild their political fences. When reformers did not utilize their position to construct their own political organization, they had to rest their case on improvements in administration. In the nineteenth century, citizen action had not reached the point where permanent pressure was exerted to keep able and honest public servants in office. Reform was by turns sporadic and phlegmatic. In 1894, the National Municipal League was founded, and began its prolonged career in the promotion of municipal reforms and in the presentation of facts to the public. This body has been instrumental in replacing the spotty clean-up movements of the preceding century with consistent endeavor towards perfecting local institutions and administration.

Rapid urbanization during the last half of the nineteenth century brought good and bad alike to government. Municipal bosses set the tone of the big cities. The strong-mayor-and-council plan evolved as an alternative to government by council or by a weak mayor and council. Boards became a common means of directing municipal departments. Bicameral and unicameral councils vied for favor. State legislators utilized the special act to the extent of interference with specific municipal departments, but a restrictive movement worked through state constitutional requirements to forestall legislative intentions. In addition, the home-rule movement was launched. While reform consisted principally in ridding cities of individual rascals, structural reorganization and concentration of executive authority received increasing attention.

The Twentieth Century

Soon after the beginning of the present century, municipal government underwent a radical change in its formal construction. Until 1900, federal and state models were preponderant in their influence upon municipal charters and upon minds of the reformers. Separation of powers, checks and balances,—these had become the keys to theory and practice. The original English borough had ceased to be the pattern. This departure was marked by the elective transformation in the mayoralty and in the accretion of administrative management to that office. In the twentieth century, two new forms reverted emphasis to the council: the commission and the council-manager plans. The commission idea came first and used the council not only as a small, representative body with collective responsibility for ordinances and appropriations, but also as a body of administrators individually responsible for specific administrative departments in a city.

Council-manager organizations depended upon a new division of responsibilities, whereby the council remained a small, representative body in a position of authority over ordinances and appropriations, but lost its direct, administrative function in relation to individual departments. Executive leadership in administration was wielded by a manager appointed by and removable by the council, under whom individual department heads were grouped. Neither of these plans rested upon an office analogous to that of the mayoral one which had developed gradually during the nineteenth century. Under the commission plan, the mayor was reduced to a level with the other commissioners. He lost the veto power in most charters and his chief executive function in the government. In the council-manager scheme, the mayor likewise rarely had a veto power and lacked authority to appoint the department heads. In theory and in practice, the mayor became in many manager cities a leader in policy for the council. Executive control of the municipal departments passed to the manager. These two ideas were the new and the strange, not the accepted thing early in this century. Most cities continued to operate more or less successfully under their weak mayors and strong mayors.

A tragedy in the life of a community set the stage for the introduction of the commission plan. While the nineteenth century saw a preview of the commission plan in New Orleans, Memphis, Mobile, and the District of Columbia, growth of the system dates from 1900. In September of that year, a hurricane swept the waters of the Gulf of Mexico over the low-lying city of Galveston, Texas. Until this freak of nature, the record of Galveston's municipal affairs contained little of note. The city had functioned for years under a mayor and council, a system which proved incompetent to cope with the wreckage of life and property caused in one afternoon. Plans for rehabilitation centered in a "Deep Water Com-

mittee" of business men, and the legislature of the state in 1901 passed a commission charter for Galveston. Two of the five commissioners were to be elected by the city; the other three were to be appointed by the governor of the state. Later, after the Court of Criminal Appeals of Texas had found the appointment of city commissioners by state authority to be unconstitutional, all five commissioners were made elective. Out of this history of disaster and resourcefulness came the general plan of five elective commissioners, serving collectively as a city council and individually as heads of separate departments.

Although the plan was to undergo variations, the Galveston form was widely copied in substance in charters and state optional laws everywhere, for there is no copyright on systems of municipal organization. It was the Galveston commission which rebuilt the city from chaos, extended public works, reëstablished municipal credit which had fallen to a low ebb, and kept the tax-rate from outstripping the capacity of the property-owners. The special genius attributed to the commission form more properly belonged to the enterprising men who served on the first councils.

As the good news got around, legislators in other states were moved to allow their cities by general optional acts or by special acts to try this new-fangled notion. Where home rule was in effect, charter commissions submitted the plan to popular referenda. In the first decade of the nineteenth century, the commission form became identified not only with Galveston, but also with Des Moines when the latter city adopted and successfully carried out the Iowa general law of 1907. The Iowa statute added to the Galveston system the initiative, referendum, recall, and non-partisan nomination and election of commissioners. The initiative, referendum, and recall were considered offsets to the concentration of power in the commission. The introduction of non-partisan nomination and election was intended to combat infiltration of national and state politics into cities. Other states and cities were moving in the same direction simultaneously, but the success of the Des Moines effort under the Iowa act and the attendant publicity made the "Des Moines Plan" all but synonymous with the latest and best in the commission plan.

Thereafter, there was no stopping the system. It became current coin with the reformers. Adoptions piled up from city to city and from state to state. The decade in which the commission plan made its mark was, after all, the progressive era. There was an upsurge of belief in the capacity of the people to do effective work if civic endeavor could be brought to bear upon a simplified arrangement of municipal authority. The initiative, referendum, and recall were clues to the confidence placed in the man in the street. The progressive movement at the local level had definite hopes and aspirations to replace the ward system and partisan method of nomination and election with non-partisan nomination and non-partisan election at large; to concentrate both legislative and executive power in a small commission which could not evade responsi-

bility and which would eliminate bossism; to give the people the power to restrain these officers by vesting in the electorate the right to initiate and adopt ordinances and the power of referendum over ordinances passed by the council; to give the voters the right to recall from office those commissioners whose public acts justified this last resort. In theory, it was a perfect formula, but loop-holes were soon discovered by the politicians.

The commissions required for their success an extraordinary combination of human characteristics. To become a commissioner, except during bursts of public indignation, it was necessary to have the wiles of the campaigner. Once in office, he had to serve in a representative capacity for the whole city. In addition, there was the responsibility of heading an administrative department. The concentration of power under this scheme was not so great as first met the eye. Here was a plural executive. Behind the screen of this plural accountability some strange things could and did happen: bickering, cross-currents, three against two, failure of the collective group to enter into departmental problems for fear of retaliation, misfits in specific departmental positions. The commission plan was only a decade or so old before the students and practitioners of municipal government were casting about for another solution.

The business of looking for something better did not stop with the commission plan. As early as 1908 Staunton, Virginia, struck out boldly by attaching a general manager to an antiquated scheme of government through a simple ordinance. Then in 1911 the Board of Trade of Lockport, New York, formulated a proposal whereby the council would appoint a manager to be administrative head of the city. This was urged unsuccessfully upon the state legislature as an optional form of government. The Lockport outline, rudimentary in comparison with the streamlined manager charters of today, broached the idea of a municipal executive with broad administrative powers appointed by and responsible to the council. In 1912, Sumter, South Carolina, was fortunate enough to get such a charter from the state by special act, and the manager plan was under way. Soon after, Hickory and Morganton, North Carolina, were also operating by benefit of executive management. The principles of the Lockport plan could not be denied. When Dayton, Ohio, in 1913 adopted a home-rule manager charter by local referendum, the managerial concept had definitely come to stay. About the same time commission government passed its peak. Cities were still setting up commissions, but the council-manager concept became a stiff competitor.

Rise of the manager plan ushered in a new era in thinking about the municipality. Gradually the emphasis shifted from structure to the administrative process. This did not mean that the precise relationship of council and executive lost its importance; it meant that experimentation had produced several alternatives. Details of the plans now demanded working out: the proper setting up of merit systems; the integration of

fiscal controls in a finance department; the requisite number of departments and their internal organization; interrelations of auxiliary and line departments; cost accounting; in-service training for employees. In the twentieth century, such organizations as the International City Managers' Association and Public Administration Service delved into these techniques and rendered invaluable advice to the municipalities. Leagues of cities grew up within the states as service and advisory organizations, and these undertook to represent the cities before the state legislatures.

Emphasis was placed on administrative efficiency within the city, whatever its general form of organization. Adoption of council-manager governments did not slacken; the momentum of progress went beyond the mere question of structure into the field of management itself. In those cities which had cast off the grip of the machine, attention was centered on administrative detail. Even the matter of reporting the work of municipal administration to the citizens received technical consideration. Reports were simplified and illustrated. Some cities went to the length of preparing moving pictures illustrative of the work of the departments and the benefits accruing from honest and efficient administration. Parallel to this trend was the evolution of citizens councils designed to keep the electorate informed and alert as to municipal affairs.

As a result of this shift to techniques of administration some cities, as for example Cincinnati, carried the capacity of their administrations to levels which had previously been non-existent in American life. New terms such as administrative coördination and long-range planning of public works replaced political jobbery and graft. This is not to say that political tents were folded just because new concepts were at hand. While Cincinnati had management par excellence, Chicago knew its Bill Thompson and the Kelly-Nash machine. While LaGuardia succeeded Tammany in New York, Boss Hague took over Jersey City. But the spread between the best and the worst widened. While the uniformly good administration of English localities was not reached, working examples of the best techniques were available among American cities.

Home rule covered more and more ground as cities took advantage of the constitutional opportunity offered to them in various states. Determination of the extent of local affairs was an intricate calculation, and home rule placed new burdens upon the courts in the interpretation of general and vague clauses. Just what was municipal and what was statewide in scope was not always nicely defined. Whereas in the nineteenth century home rule was regarded as an escape from legislative domination, in the twentieth century there had been sufficient experience to indicate its limitations. For one thing, the staking out of municipal powers by judicial precedent was laborious. Although home rule maintained its position in those states which adopted it, it did not become nation-wide. States like Massachusetts stood on the general-law principle of offering optional charters from which their cities might choose a form

of government. Other states like Delaware were still dependent on the special-act system.

At the same time, systems of state administrative control over the cities were developing. Constitutional and statutory restrictions arbitrarily fixing the tax and debt limits of cities had not proved entirely efficacious. The importance of introducing flexibility into state-local relations by vesting discretion in a state department or superintending commission was appreciated. While municipal home rule worked well in certain fields, state administrative control evolved in others, particularly the field of finance where it developed rapidly in the twentieth century. Advice, assistance, specification of accounting and budgetary procedures, reporting, inspection, power to remove local officials, review of budgets and bond issues, power to approve or to disapprove local actions were some of the facets shown by state control. Neither legislative acts nor home rule solved all the questions involved in state-local relations. Administrative control introduced a new element bringing state departments and commissions into direct contact with local authorities and imbuing them with discretionary or supervisory power.

Prior to 1933, it was common to speak of federal-city relations as being of an indirect nature. Direct bonds had been forged between cities and states, but not between cities and the federal government. With the Depression of the early 'thirties, this situation was abruptly altered. The New Deal of President Roosevelt precipitated federal-city relations. In such fields as relief, public works, and housing, municipalities were brought into direct touch with federal agencies. Superimposed upon state and local relationships was a network of national-local cooperation. The cities were still subordinate units within the states, but they looked to the Federal Government for grants and approval of projects by the Public Works Administration, for example.

The first decades of the twentieth century saw more innovations in municipal organization and administration than any period of our history. The commission plan dispelled the notion that a city government had to reflect national and state models in separation of powers, check and balances, bicameralism. The scales were turned in favor of the unicameral council. The widely adopted council-manager plan created a mechanism peculiarly suited to meet changing needs. Emphasis was transferred to technical procedures in regard to personnel, finance, coördination, in fact to the whole field of management. The home-rule trend had improved state-city relations in spite of the limitations it revealed. At the same time, state administrative controls grew, and although they varied in different states, they met a need long felt. Legislative control had proved too rigid to deal with all situations. Direct federal-city connections evolved after the demands placed upon all instruments of government during the Depression.

In an institutional sense, the English borough gave shape to American

municipal government, although it ceased to be a determining factor after the colonial period. Jacksonian democracy caused an impact upon the cities, and extension of the franchise, rapid urbanization, and disintegrated administration produced a situation conducive to bossism. After our municipal Dark Ages, a machinery less susceptible to sabotage became the goal. No form of government is fool proof, but the structure must be sound enough not to hinder or hamper honest efforts. In the course of decades the function of citizen interest in local affairs was more fully comprehended. Only a great and rich continent such as that inhabited by the people of the United States could have risked so much experimentation, good and bad. Only an energetic people such as the Americans would have tried their hand at so many techniques in their quest for municipal efficiency and economy. The roots of American democracy lie deep in the soil of local government.

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CHAPTER III

The Growth of Cities

When the curves are upward in city growth, the popular reaction is not unlike the psychological effect of a bull market in stocks. There is a buoyant feeling which results in optimistic attitudes toward the building of capital improvements, the incurrence of debt, and the expansion of functions. As population migrates in and multiplies, real estate values rise, indices and payrolls go up, new ventures are undertaken both in private industry and public administration. Local chambers of commerce have been notoriously bullish about the future of their individual communities. We have long been a growing nation with a trend to urbanization.

The chart lines toward urbanization tapered off in the Great Depression of the nineteen-thirties. This bearish phenomenon was inevitable during a prolonged industrial depression. City residents whose roots were not deep and who found themselves unemployed moved back into the rural areas in search of subsistence, low rents, and low taxes. Families doubled up in housing to make both ends meet. The chilling effect was obvious in falling valuations of urban property, demands for reduction in taxes, taxpayers strikes and last but not least—bread lines. The street corner apple vendor has long been an urban insignia for depressions, and a lot of apples were sold in the early 'thirties.

With World War II all this was reversed. Our economy did not remain static for long. Cities respond to deep-seated economic forces which sweep over us. The war was one of these phases. War industry developed within and around the periphery of our cities and the rush back to urban communities, suburban fringes around them, and great metropolitan areas was on again. Urban officials were cognizant of the burdens in public administration, particularly in capital improvements, from sudden upsurges of population. They were eager for state and federal aid to parry ultimate municipal costs of necessary services. This time, growth was equally exhilarating but more cognizance was taken of the aftermath. A trailer camp is not in the same category with a wealthy suburb. However, attendant municipal problems were secondary to the prime objective of producing tools of war in the arsenal of democracy. Bomber plants and powder factories were designed to hasten the day of victory; suburban problems which they created were for the time being a social and secondary matter. The ultimate use of war plants to make civilian products was a subsequent decision which localities could not make. They

could only adapt themselves to this alteration in the basic economy of the area.

Economic Causes of City Growth

As in the case of cities, ancient and modern, American cities have in their growth responded to fundamental economic factors. Early in our history as a country, most of our population was concerned with clearing the land, raising food, and building shelter. Specialization in trades and skills had not yet come. In 1790, only five per cent of our population lived in cities and villages of over 2,500 population. Contrast this with the 1940 figure when 56.5 per cent lived in the cities. Originally a struggling young nation, agricultural in character, the United States has become a world power, industrial in economy.

The basic factors in urbanization are economic: commerce and industrialization. The handloom kept people scattered in their small home enterprises; the power loom brought them to the factories. With the application of steam power to industry, it was possible to replace the skill of the individual artisan with the quantity production of the machine. Steam power required coal, and industrial centers grew at first close to the sources of coal. Improved methods of transportation, the building of great railroad networks, permitted the fanning out of industry over wider areas. Water transport became more efficient; the steamboat opened new eras in water transport. The Civil War accelerated industrialization in the North. Developments of transportation made it possible to bring materials greater distances to the factories and to sell the finished products over widening areas. So today, steel can be manufactured in Detroit using the coal resources of Pennsylvania and West Virginia and the ore from Minnesota. Yet, great industries such as steel hug the coal fields in the Pittsburgh area even now. It has been said that steam, steel, and credit built the great cities of the United States in their present locations and that electric power may eventually bring about a deconcentration of urban areas. Dispersion on a vast scale, for other reasons, seems still remote, in spite of the threat of the atomic bomb to sprawling, industrialized, metropolitan areas. It remains to be seen how far deconcentration will be brought about in the face of the dangers which atomic warfare would present to urban society of today.

The Industrial Revolution which began in England during the eighteenth century and brought profound social and urban changes during the nineteenth has been running its course ever since. The United States has felt its impact intensely. Yet, urbanization is a complex phenomenon and does not rest solely upon the Industrial Revolution. Commerce and trade have long been the builders of cities. Port cities have depended upon the transhipment of goods from ocean commerce to inland commerce for part of their economic life, supporting

a portion of their population. Cities located on inland lakes and rivers are similarly resultant in part from interstate commerce flowing by water carrier. One need only mention the Great Lakes and Detroit and Cleveland. Traffic by railroads adds another strand to the web of commerce. More recently, our national highway system and motor transport have contributed to the economic base of the cities. Wherever there is a break in trade routes from ocean to inland commerce, from water to rail, from rail to motor carrier, commerce plays its part in building the city. One has only to study the maps of ports, railroads, and motor transport to see the effect of commerce upon urbanization. The factory, however, is a big magnet. For how large would Detroit be without the Chrysler, Ford, Hudson, and other plants in the metropolitan area? What would happen to Flint, Michigan, if the Chevrolet plant of General Motors were relocated? The Pontiac motor car was a big factor in the growth of Pontiac. Name your industry and look for the city. Industry also creates commerce in the inflow of raw materials and the outflow of finished products. Large cities will be found to have a diversified base in commerce and industry, for that is what makes them great.

Varied Sources of City Growth

Industry and commerce are not alone in the upsurge of cities. Political centers, whether it be Washington, D. C., the state capital, or the county seat, are all contributory to urbanization. One of the big forces which has stood against the consolidation of counties has been the importance of retaining the county seat in small cities. No community likes to lose part of the political backbone which contributes to its stability. The possession of a political center, whether it be a state capital such as Madison, Wisconsin, or a county seat such as Roscommon, Michigan, is a prize of varying degree for any city. One value of these political capitals is that they do not have the profound swings in employment which may be felt in private industry. There is a reasonably constant flow of employment. War, of course, brings wide fluctuations even in government employment. Now, federal administrative bureaucracies have grown so large that the location of federal administrative field centers throughout the United States is probably as big a factor in contributing to urbanism as are state and local administrative units.

Large educational institutions cast their influence over cities. The University of Illinois and Urbana are always linked in one's mind. Smith College for women and Northampton, Massachusetts, are likewise paired. The phrase: "that's a college town" is familiar to all. It does not mean that the community is solely a university or a college. It implies that the town is known primarily as a center where the next generation struggles with the accumulated wisdom and training of the ages to discover a pattern for the future and to acquire skills for their place in society.

With the GI Bill of Rights, education after World War II became such a large business that it jam-packed the college towns and sent administrators scurrying to find temporary housing for academic masses. So to a long series of boom towns in our dynamic treks of populations, one must add the educational boom towns in the immediate post-war period.

The lure of the city encompasses much besides educational advantages. There are also the attractions of art, music, and other cultural opportunities. This is what is described as the lure of the city. Some people thrive on the hustle and bustle, the cultural advantages of the city, just as others are satisfied with the country lane. The sum total of human satisfactions is certainly more diversified in the cities. Whether it is more profound is another question. Certain cities have peculiar resort and climatic factors which contribute to growth. Atlantic City is synonymous with the famous boardwalk and the selection of the many-titled beauty queens. The advantages of Florida in the winter bring resort business which means temporary fluctuations of resorters and a permanent segment of population made up of those who make their living from the tourist and the winter resident. Southern California has been a mecca for the retired Middle Westerner. New England mixes up its advertising for summer vacationists with notes about its historic past, the shrines to be visited. Michigan and Wisconsin play up their lakes and streams for the benefit of the jaded summer tourist who helps to support permanent populations in towns and small cities. Our mobile population on wheels alternately seeks sunshine, warmth, cool breezes, fashionable and unfashionable resorts, a thousand and one scenic and other attractions.

As one considers these secondary factors of growth, primary for a few cities to be sure, one can not forget more fundamental sources. Locate your factory in New England along the line of the Boston and Maine railroad. This is fundamental in advertising. Always there will be reference to low tax rates in local communities, to available sites, to good labor-management relations, to the proximity of thriving markets ready to absorb finished products, to available labor, to the successes of like or divergent enterprises in similar locations. This is the root of urban growth. The scene shifts and the manufacturer is being urged to locate in the growing Southwest where natural gas and oil resources are close at hand, where growth is on the march. It is the old story over and over again of the textile mills of New England as against the textile mills of the South. Industry begets industry. The automobile factory has drawn parts and accessory plants into the Detroit orbit, and so it goes.

American cities have also felt the impact of mass migrations of people from the continent of Europe. The flood tide of this movement was reached from 1880 to 1914. Of course it began earlier. There is a connection between the Irish-American politicians in American cities today and the Irish potato famine in the eighteen-forties. That famine brought Irish migration to our shores. Immigration has run its course from the

English, the Irish, the Scotch, and the German to the Southern European migrants who came later. The great land of opportunity absorbed them all. While some of these immigrants moved out to the Great Plains to help fill the bread basket of America, many in the last decades of the trend never got beyond the cities of the Eastern seaboard or trekked to the cities beyond the seaboard. World War I cut off this flow and national legislation after that war curtailed immigration so that it ceased to be a compelling factor in city growth. After the armistice which intervened between 1918 and 1939 came World War II which again brought immigration to dead center. After 1914, immigration from foreign shores never again played so decisive a part in the growth of American cities.

The clanking and whirring machines of the Industrial Revolution drew the wage earners into the factory towns. Still other trends made the American city, and particularly the great city, possible. As there was an Industrial Revolution, so was there an Agricultural Revolution. American farms became larger and mechanized. As the tractor, the reaper, and the thresher released men and women from the soil, they could yield to the lure of the city without a critical effect upon agricultural production. This mechanization of the farm is only part of the process. Better seed, use of fertilizers, crop rotation, and planning of land use have played their respective rôles in increasing agricultural production. Average weights of cattle, hogs, and sheep have increased in response to more scientific breeding. As the county agricultural agent worked assiduously with farmers to produce more for less human effort, he had a hand in the release of men from the soil to satisfy the maw of industrial production.

There must be a coördination of factors to achieve urban growth. It is not only the release of people from the soil which produces urbanization. Adequate food supplies to meet the needs of urban as well as rural centers will not automatically bring further urbanization. This was the situation in the nineteen-thirties. Yet urban growth was slow from 1930 to 1940 because of the industrial depression. The economic promise of the city was not great enough to pull masses of people away from the farms and villages. World War II with its intense industrial activity and labor shortage brought sharp increases in wage rates, and the flow back to the cities began anew in the 'forties, and shortages developed in farm labor.

During wartime, the military commander never has enough men; the industrialist lacks skilled labor; and the farmer seeks for hands to plant and harvest crops. Because the rural birth rates average higher than urban, cities depend upon rural resources not only for food, but also for human replacements in their mature years if there is to be rapid urban growth.

Urbanization, to the extent achieved, rests also upon achievements of medicine and public health administration. Technology on the farm

could make millions available for city streets, but this population concentrated in cities would be shortly reduced if subject to widespread epidemics. Advances in public health administration have protected city populations from epidemics which formerly delimited their growth. The pubic health administrator has played a part in urbanization.

Although economic causes lie at the root of American urbanization, many secondary factors such as immigration from foreign countries and employment provided by governmental and educational centers have played their respective rôles. The development of long-haul transportation has permitted the people of great cities to be fed by distant agricultural areas. Technology on the farm has made the essential food available to support urban agglomerations. Rural areas have provided some of the human resources out of which urban growth could accrue. Once drawn to the city by the opportunities of commerce, industry, and by other forces, the individual has been protected in this new environment by advances in medical science and public administration.

The forces of urbanization were well summarized by the National Resources Committee some years ago as follows: "The underlying conditions making possible such an urbanization movement as we have experienced in the West [1] are: (a) an improvement in agricultural efficiency, (b) the development of power-machine industry, (c) the application of power to transportation, and (d) the development of modern sanitation. These four factors have made possible not only a revolutionary regrouping of the population of nations and continents but also a vast increase in the numbers that can be supported on a given area." [2]

Urban Occupations

In our urbanized society, divergent ways of making a living have developed. Most of these are specialized operations or services which people have demanded and for which they have been able to pay. To take an elementary example, the automobile has necessitated local sales organizations, garages, and gas stations which are retail trade and service functions. The diversity of the economic lure of city life can be seen in part from an analysis of some 45 million employed persons. The Bureau of the Census found them to be distributed widely in 1940.

It is evident that the economic base of city populations does not derive solely from manufacturing and commerce. Substantial groups are engaged in finance, insurance, and real estate; business and repair services; personal services; professional services; and government employment. Luxury trades and luxury services are in the cities. When the lean years come, cities slough off some of this social fat as city growth

[1] In Europe and the United States as compared with China and India, for example.

[2] National Resources Committee, *Population Statistics: 3. Urban Data* (Washington, D. C., 1937), 1.

TABLE 1

MAJOR INDUSTRY GROUPS OF EMPLOYED PERSONS: 1940 [3]

Major Industry Group	Total
Agriculture, forestry and fishing	8,475,432
Mining	913,000
Construction	2,056,274
Manufacturing	10,572,842
Transportation, communication, and other public utilities	3,113,353
Wholesale and retail trade	7,538,768
Finance, insurance, and real estate	1,467,597
Business and repair services	864,254
Personal services	4,009,317
Amusement, recreation, and related services	395,342
Professional and related services	3,317,581
Government	1,753,487
Industry not reported	688,836
Total Employed (except emergency work)	45,166,083

diminishes. From the diversity of occupations in industry, commerce, and related services, it is easy to understand how a prolonged industrial depression is accompanied by a reduction in rates of growth for cities. Correspondingly, it can be seen how boom times such as the nineteen-twenties and again the nineteen-forties fostered the growth of communities.

Certain causes of growth or decline are not general but particular. The individual city has its ups and downs depending upon the state of industry and trade, the trend lines in its educational and other attractions. In metropolitan areas, the central, core cities have increasingly felt the shock of settlement in suburban areas, bedroom cities where people prefer to live even though they gain their livelihood in the metropolis. So, for example, it is no longer the growth of Boston, but the growth of the Boston metropolitan area which is most significant. This has repercussions upon the valuations and finance of the central city. Boston must support many services such as traffic control in the manner to which the metropolitan area has become accustomed, although the growth of population and valuation is on the periphery. Lumbering and mining areas which become exhausted in resources spell declining populations to cities originally developed by exploitation of those resources, unless enterprising citizens can find industrial, service or resort functions to support what may otherwise become a stranded population.

Planning for growth enters into this problem. In the narrow sense, there can be planning for projected growth. The necessary arterial highways, bridges, parks, and plans can be put on paper to meet the ultimate

[3] Sixteenth Census of the U. S. (1940), *Population*, Vol. III, pt. 1, p. 11.

estimated population of an area. The Federal Government alone has the resources to plan and bring about any extensive relocation of urban population. Our cities have developed in their present locations in response to the hard facts of economic life and urban occupations. The states have incorporated the cities where they developed; they have not exercised any positive control over their location and their development. The planned city is a rarity in the United States. To be successful, it must rest upon governmental dictation as to the location of industry or industrial coördination with proposed new locations. To date, economic factors have been more significant than governmental planning in urban growth.

Growth of American Cities: Census Data

The definition of a city used by the United States Bureau of the Census divides into three categories. About 97 per cent of the population listed by the Census Bureau as urban was made up in 1940 of cities and other incorporated places having 2,500 inhabitants or more. In other words, as to incorporated places the Census draws the line between urban and rural at 2,500. An incorporated village or city with less than that population figure is listed with the rural population.

A second type of urban area is limited to three New England States: New Hampshire, Massachusetts, and Rhode Island. In these states it is not the practice to incorporate as cities places of less than 10,000 inhabitants. The Census Bureau lists as urban the towns in which there is a village or thickly settled area of 2,500 population or more and comprising by itself, or in combination with other villages within the same town, more than 50 per cent of the total population of the town. According to the 1940 census, this second type of urban area comprised 7 towns in New Hampshire, 83 towns in Massachusetts, and 12 in Rhode Island.

A third type of urban area is made up of townships and other political subdivisions (not incorporated as cities and not containing any areas so incorporated) with a total population of 10,000 or more and a density of 1,000 or more inhabitants per square mile. Under the special rule establishing this type, urban classification was designated in 1940 for subdivisions as follows: 4 towns in Connecticut, 1 town in New York, 12 townships in New Jersey, 11 townships in Pennsylvania, 2 election districts in Maryland, 1 county in Virginia, 1 militia district in Georgia, and 1 township in California.[4]

The basic definition which accounted for 97 per cent of the urban population in 1940 was that of an incorporated place of 2,500 or more inhabitants. Other special definitions used by the Bureau of the Census encompassed 3 per cent of the urban tally. The total urban population

[4] Sixteenth Census of the U. S. (1940), *Population*, Vol. I, p. 10.

in 1940 was found to be 56.5 per cent of the total population of continental United States.

In the years from 1790 to 1950, the United States progressed from an agricultural to an urban society. Starting with an urban ratio of one out of twenty in 1790, it was not until 1870 that the figure of one out of four was attained. The rapid increase in urbanization after 1880 brought us in four decades to the first census in which urban people were in a majority. By 1920, slightly more than one out of two persons were city dwellers. From a percentage figure of 51.2 urban in that year, the prosperous 'twenties produced a sharp increase to 56.2 per cent urban in 1930. During the decade 1930-1940, when a prolonged depression struck with severe impact upon our industrial society, a marked slowing down of the rate of urban increase occurred. The resultant urban percentage in 1940 was 56.5. In 1947, the Bureau of the Census, estimating the effects of urbanization during World War II, indicated that the urban ratio had attained approximately 60 per cent of our civilian population. Table 2 shows the growth of urban population by selected decades from 1790 to 1940.

TABLE 2

URBAN AND RURAL POPULATION OF THE UNITED STATES. 1790 TO 1940 [5]

Census Years	Population	Urban Population	Rural Population	Per cent Urban	Per cent Rural
1940	131,669,275	74,423,702	57,245,573	56.5	43.5
1930	122,775,046	68,954,823	53,820,223	56.2	43.8
1920	105,710,620	54,157,973	51,552,647	51.2	48.8
1910	91,972,266	41,998,932	49,973,334	45.7	54.3
1890	62,947,714	22,106,265	40,841,449	35.1	64.9
1870	38,558,371	9,902,361	28,656,010	25.7	74.3
1840	17,069,453	1,845,055	15,224,398	10.8	89.2
1790	3,929,214	201,655	3,727,559	5.1	94.9

Table 3 relates population to groups of cities classified by size. It demonstrates that the 3,464 places determined to be urban in character in 1940 comprised 74,423,702 persons to make up 56.5 per cent of total population. Only 5,025,911 urban dwellers were in the 1,422 places of 2,500 to 5,000 population. At the other extreme, 15,910,866 persons lived in the five cities of more than 1,000,000 population: New York, Chicago, Philadelphia, Detroit, and Los Angeles. While the rural population was divided between incorporated and unincorporated areas, the overwhelming majority resided in unincorporated territory. Only 7.1 per cent of our total population resided in 13,288 incorporated places of less than 2,500 population; some 36.4 per cent were resident in unincorporated areas.

[5] Sixteenth Census of the U. S. (1940), *Population*, Vol. I, p. 18.

TABLE 3

POPULATION IN GROUPS OF PLACES [6]

Area and Class of Places	Number of Places	1940 Population	Per cent of Total
United States		131,669,275	100.0
Urban territory	3,464	74,423,702	56.5
Places of 1,000,000 or more	5	15,910,866	12.1
Places of 500,000 to 1,000,000	9	6,456,959	4.9
Places of 250,000 to 500,000	23	7,827,514	5.9
Places of 100,000 to 250,000	55	7,792,650	5.9
Places of 50,000 to 100,000	107	7,343,917	5.6
Places of 25,000 to 50,000	213	7,417,093	5.6
Places of 10,000 to 25,000	665	9,966,898	7.6
Places of 5,000 to 10,000	965	6,681,894	5.1
Places of 2,500 to 5,000	1,422	5,025,911	3.8
Rural territory		57,245,573	43.5
Incorporated places of 1,000 to 2,500	3,205	5,026,834	3.8
Incorporated places under 1,000	10,083	4,315,843	3.3
Unincorporated territory		47,902,896	36.4

Classification of our urban population would not be complete without reference to metropolitan districts, totalling 140 in 1940. Agglomerations of central and adjacent cities, towns, and suburban unincorporated territory make up our metropolitan districts such as New York, Chicago, and San Francisco. To find these districts, the Bureau of the Census used the following formula in 1940: "A metropolitan district has been set up for use in the 1940 census of population in connection with each city of 50,000 or more, two or more such cities sometimes being in one district. The general plan is to include in the district, in addition to the central city or cities, all adjacent and contiguous minor civil divisions or incorporated places having a population of 150 or more per square mile. In some metropolitan districts, a few less densely populated contiguous divisions are included on the basis of special qualifications." [7] In 1940, these 140 metropolitan districts had a total land area of only 44,626 square miles, but contained 62,965,773 of our 131,669,275 inhabitants. The distribution of population between the central and the satellite cities in the metropolitan areas can be studied in Table 4.

While the metropolitan districts have a very high density of population in the central cities, people are spread out with a much lower density outside the centers. Density within the central cities brings frictions and difficulties at the core which lead to the more rapid growth of the periphery in population. During World War II many defense plants

[6] Sixteenth Census of the U. S. (1940), *Population*, Vol. I, p. 25.
[7] Sixteenth Census of the U. S. (1940), *Population*, Vol. I, p. 11.

TABLE 4

METROPOLITAN DISTRICTS [8]

	Population	Land Area in Square Miles	Population Per Square Mile
Total:			
140 Metropolitan districts	62,965,773	44,626.0	1,411.0
In central cities	42,796,170	5,477.5	7,813.1
Outside central cities	20,169,603	39,148.5	515.2

were located in the outer ring of metropolitan areas. The continuation of these plants for the manufacture of civilian products should bring us new shifts in the population of metropolitan regions in subsequent census tabulations.

Migration During World War II

During the war years, 1941-1945, a marked migration of individuals within the United States occurred. In 1945, the Bureau of the Census estimated that from December 7, 1941 to March, 1945 some 15,300,000 civilians were uprooted in addition to the 12,000,000 called to service in the armed forces. The number of wartime civilian migrants was very great. More than 12 per cent of the civilian population was living as of March, 1945, in a different county from the county of residence on the day of the Japanese attack on Pearl Harbor. The volume of civilian migration was greater by roughly two-thirds, on an annual average basis, than it was during the years 1935-1940.

Many of the wartime 15,300,000 civilian migrants traveled long distances. About 7,800,000 crossed state lines. Approximately 3,600,000 migrated from one to another of the great regions: the North, the South, and the West. The trend of long-distance migration was predominantly westward. In the years 1941-1945, the West made a net gain of some 1,200,000 in the exchange of civilian migrants between regions. In the process the South and the North lost respectively 900,000 and 300,000 persons. The war accelerated two basic trends: the movement of population from the rural South to the urban North; and the growth of the West at the expense primarily of the South and secondarily of the North. These tendencies were likewise apparent, although less marked in the years 1935-1940.[9]

[8] Sixteenth Census of the U. S. (1940), *Population*, Vol. I, p. 58.

[9] U. S. Bureau of the Census. *Population—Special Reports*, "Civilian Migration in the United States: December, 1941, to March, 1945," Series P-S, No. 5 (September 2, 1945).

A subsequent sample survey taken in February, 1946, compared each civilian's county of residence as of that time with that of April 1, 1940. The number of civilians whose county of residence in 1946 differed from the county of residence in 1940 was 19,500,000.[10] This wartime trend of population was primarily from agricultural to urban areas as families were attracted by the wage levels of industrial employment. Moreover, it was patriotic to move into congested war centers and help produce the sinews of war for the fighting men. Many war centers such as the Portland-Vancouver, San Francisco Bay, Los Angeles and San Diego, and Detroit-Willow Run areas were the recipients of large-scale in-migration, which in the case of ten of the more important centers was estimated at 27 per cent of the combined 1940 populations.

The wartime migrants made economic gains, but their life was rugged in the war-congested centers. Rapidity of growth in population, especially in the so-called "fringe" areas, produces intense social problems and local administrative difficulties. Henry S. Shryock, Jr. has depicted this situation in vivid terms: "Despite these economic gains, the lot of the migrant was often a hard one. The hearings before the Tolan Committee and the journalistic exposés of Agnes Meyer, for instance, depict the crowded, substandard housing; the lack of sanitary facilities; the inadequate schools and play-space for children; and the strained transit systems in the boom towns. Migration itself was an arduous process because of our overburdened railroads, bus lines, and transfer companies." [11]

The war accelerated the growth not only of cities but also of fringe areas around the periphery of urban boundaries. Many of these "rurban" colonies developed in unincorporated territory near war plants which have since been retooled for civilian production. For instance, the great bomber plant at Willow Run, Michigan, has become a center of manufacture for automobiles. The fringe problem which the war engendered remains as an unsolved issue of the peace.

The characteristics of fringe areas and so-called "rurban" population are worthy of note. Adjacent to cities but not legally a part of them, they are usually comprised of small homes without the usual amenities of municipal administration. Public water supply and sanitation being too costly, each house has its own well and septic tank. Streets are surfaced with low-cost materials or not at all. Sidewalks, curb and gutter, and street lighting are not available. Police protection, public health administration, fire protection, and other services, are obtained either from county or township, but, in any event, on a limited scale. The schools in the local districts are often overcrowded, with a capital improvement

[10] U. S. Bureau of the Census: *Population–Special Reports*, "Internal Migration in the United States. April, 1940 to February, 1946," Series P-S, No. 11 (December 6, 1946).

[11] Milbank Memorial Fund, *Postwar Problems of Migration* (New York, 1947), 148.

program needed. The private automobile in the back lot is the necessary link to transport the family to work, to shopping centers in town, and to schools.

The growth of suburban population during the war has left vital issues for today and tomorrow. Are these fringe or "rurban" areas to be annexed to adjacent cities or must they seek incorporation as new villages and cities? Can cities service their most elementary needs in water supply and sewage disposal by sale of services to individuals or to special district corporations? Is the answer to be found in the creation of metropolitan districts providing water, sewage disposal, and other functions for city and rurban areas? Shortly after the war, the trend to annex territory to cities began again, but, in many states annexation by no means kept pace with or absorbed suburban growth around municipal boundaries. In Flint, Michigan, for example, thousands of lots were still vacant within the city after the war, but thousands of migrants settled outside the corporate limits were dependent upon county and township for local services. All this indicates that cities tend to grow around the periphery as well as within their existing boundaries. While the fringe dwellers are not legally part of the municipality, they constitute potential areas of annexations or new incorporations.

Has urbanization ceased or will it continue beyond the level of 56.5 per cent reached in 1940? The war increased the trend to urbanization. The Bureau of the Census estimated in 1947 that 60 per cent of the civilian population was then living in urban areas. These changes suggest that there has been a restoration of the more rapid rate of increase in urban population that was characteristic before 1930 but temporarily suspended during the decade 1930-1940. According to the Bureau of the Census: "Between 1940 and 1945, while the civilian population decreased by more than 4,000,000 as a result of the expansion of the armed forces, migration to urban areas was heavy enough to maintain the urban population at approximately its 1940 level. Between 1945 and 1946, while demobilization reinforced by natural increase enlarged the civilian population by almost 11,000,000 (8.7 per cent), the urban population increased by 8,000,000 (11.2 per cent). These figures indicate that the movement to cities continued after the end of the war."[12] Postwar trends were a marked contrast to the doldrums of the nineteen-thirties.

It is always interesting to speculate about the future of urbanization. Taking the figure 153,375,000 as our population for 1960, Philip M. Hauser and Hope T. Eldridge have projected urban growth lines to suggest a figure of 104,448,000 or 68 per cent urban in 1960 under sustained conditions of high production and employment. "Under conditions of low production and employment, the 1960 urban population is

[12] U. S. Bureau of the Census: *Population*, "Urban and Rural Population of the U. S., by Age and Sex: 1946, 1945, and 1940," Series P-S, No. 19 (February 20, 1947).

estimated at 93,000,000, or slightly more than 60 per cent of the total; and under conditions of medium production and employment at about 99,000,000, or 64 per cent of the total." [13]

Concentration and Deconcentration of Population

The growth of cities and the piling up of population in the metropolitan areas bringing some 47 per cent of our people into a very small land area has brought numerous arguments for dispersion. Even before World War II, it was suggested that electric power made it feasible to deconcentrate population into the smaller communities. This argument was usually based on assertions as to the desirability of the village or small city as a way of life. The large city brings frictions and difficulties which are certainly not as pronounced where population is less dense.

The threat of the atomic bomb renewed the urge to deconcentration with even greater vigor. The extreme concentration of industry and population in cities, especially in the metropolitan districts, is vulnerable to aerial warfare, missiles and bombs of all types. The atomic bomb tops the list of possible horrors for the city dweller if there ever is a World War III. The glum estimates as to the proportion of population which could be wiped out and of industry which could be destroyed by atomic attack spurred the pamphleteers to write more about deconcentration. To the early arguments about getting the people back to a simpler urban-rural environment has been added the question of national defense.

The vexing problems of a wholesale dispersion of our population cannot be cast aside lightly. Urban society has evolved in large measure without planning or governmental orders dictating the course of movements in population. The cities have grown where industry and commerce located to supply the economic needs of population. While there has been some control of real estate subdivision and other limited restraints, at no time have we embarked upon a general scheme of laying out in advance the location, the optimum size, the industrial base, and the transportation links for cities. This would require governmental planning and dictation beyond anything heretofore experienced. It would mean a tremendous loss in the capital investment already made in our urban communities.

The best hope for deconcentration lies in the voluntary relocation of industry. Dispersal is exemplified by the small factory in the small town as a supplier of parts to the large industrial center. Over many decades, it would be possible to bring about a gradual deconcentration which would not be as disruptive as a frantic effort to spread population over larger regions. In the metropolitan districts, the central cities have already felt the effect of the more rapid growth of the satellite communities. That

[13] Milbank Memorial Fund, *op. cit.*, 165.

limited dispersion will take place on a voluntary basis is conceivable. That it will take place on a large scale and in response to governmental determination of sites and industrial location is unlikely.

The automobile and rapid transit have already accomplished much in the limited dispersion of population in the satellite communities of metropolitan areas and around the fringes of cities. This, however, is not a basic deconcentration of our population, such as that envisioned by the planners. One popular theory is that limited dispersion has already begun. It is common knowledge that the percentage increase of population in central cities compares unfavorably with increases in surrounding areas. The development of suburban, fringe areas is more properly viewed as a product of the concentration of population. Cities have always grown by accretion around the periphery; they have either annexed these new territories, found themselves walled in or partially surrounded by new municipal corporations or by suburban communities which remain unincorporated. The use of a legal definition of urban population based primarily on incorporation fails to give a true picture of urbanization.

It is to be anticipated that "urban" growth will be more rapid on the periphery of individual cities and in the outer rings of metropolitan areas. In the absence of a plan for large-scale deconcentration of population, economic forces will continue to concentrate and suburbanize population at one and the same time. This is limited dispersion within and around urban centers rather than large scale decentralization of population in independent cities and villages. Where cities fail to follow up these limited dispersions by annexation, new corporations evolve which in turn count on the urban side of the census ledger. In any event, urban population will increase, although the units of local government tend to become more complex rather than integrated. The legal instrumentality of the city lags behind the urbanization of territory surrounding corporate boundaries.

Political Significance of Urban Growth

The significance of the city in our economy today cannot be understood solely in terms of population figures. The United States has become an urban community. The urban 56.5 per cent of our population produced about 73 per cent of our income. In spite of the growth of urban population and the predominant position of the city in our national economy, the cities have had to battle for their position in relation to the state governments and the Federal Government. Because they were newcomers to the scene, relatively speaking, cities have had to struggle to get proportionate representation in state legislatures when compared with the rural counties. They have had to fight for home rule in the writing of their charters and for limitations against special-act legislation. They have sought to piece out their revenues by appealing to rural state legislatures for grants-in-aid and state-collected, locally shared taxes.

During the depression of the 'thirties, the cities literally had to pass the hat to get funds for the unemployed. Ultimately, the Federal Government came to their rescue with public works programs, grants, and loans. The great mass of the unemployed were taken on the federal payroll in the Work Projects Administration. Direct federal-city relations emerged out of the incapacity of the states to recognize or their inability to finance the needs of the cities in the emergency. The conclusion is inescapable that we have yet to feel the full impact of the growth of cities upon politics and governmental institutions. The cities yearly become more vocal in their demands for more representation in the state legislatures, for more assistance from the federal and the state governments.

The cities which have come to be so large a factor in our economy and in our administrative problems have long remained under-represented in state government. Political institutions respond slowly to profound economic and social changes. The rural people have witnessed the growth of the urban concentrations with mingled feelings of pride and fear, fear that cities would become dominant in state politics. In addition, the rural people have their interests in high farm prices and low costs for industrial products. They look askance at the demands of urban labor for higher wages and lower prices on food. Since this natural antipathy permeates the whole gamut of questions in state and local administration, the state legislatures must compromise out the conflicting demands of urban and rural people as to the tax structure, the division and allocation of tax monies to support functional services. Politically, cities will never be content until they have won a greater proportion of representation than is now the case. The situation in the House of Representatives, due to the decennial reapportionment of the Congress of the United States, is more realistic in terms of the growth of cities. Growth has brought cities many problems, and acute ones, in providing services and paying for them. Until their present plight is at least ameliorated, the agitation of the cities for more political power and more federal and state recognition of their situation will not cease.

With the growth of cities to their present dominant position in our economy, the political consequences are becoming more evident. Throughout the closing decades of the nineteenth century, cities struggled against legislative interference by special act. The home-rule movement began and was carried over into the twentieth century. Cities were seeking freedom to design their own governments without recourse to state legislatures and a range of municipal power over local affairs. Surely this home-rule movement was a great advance, judged by legislative meddling in the nineteenth century.

Cities have always been faced with the necessity of getting from rural state legislators a sympathetic hearing for their problems and needs. That was obvious in the strife for constitutional home rule. In the nineteen-thirties, the demands of cities for financial aid in their dire straits spilled

right over the dam of state barriers and brought new federal-city relations. The administration of Franklin D. Roosevelt was more sympathetic to the municipal problems than the average state legislature over many decades. While that is a broad statement, the evidence lies in the Public Works Administration, Work Projects Administration, and other emergency measures to take care of the unemployed. What the states either would not or could not do financially, the Federal Government actually did. The urban pluralities in the presidential elections paid off handsomely.

The constitutional provisions as to the representation of area as well as population and the failure of many states to reapportion have left urban majorities in a minority position as to representation. That is true in Michigan, where the urban majority does not control a majority of seats either in the house or the senate. Urban centers which produce so much wealth and contribute so heavily to state tax systems are virtually placed in the position of supplicants, asking the rural state legislators for aid, shared taxes or, at least, the legal power to levy more diversified taxes. If democracy means anything, it means a representation of a majority of the people whether they are rural or urban. The fact that the rural people were once in a majority in a state does not entitle them to sit on the lid indefinitely at the state capitals. This is the real political consequence or battle line drawn by the emergence of the urban population.

Part of this picture is a hangover from the social characteristics of cities, or what are alleged to be their social characteristics. Part of it is sheer inertia. The rural people are amassed behind their state constitutional redoubts and the cities have to wage offensive warfare all the time. Decades ago it was popular to argue against urban representation by saying that the cities had a higher proportion of foreign-born populations, that ignorant city electorates were the prey of the bosses. To put it bluntly, they were not fit to govern; they had to prove themselves. In recent decades the cities have demonstrated capacity to govern themselves in state after state and city after city. The old fear of the dominance of the city is still with us. The urban population must have a better deal in state legislative apportionment. The fiscal problems of the city must have a better hearing, if our urban democracy is to survive. At some time we must admit that a nation which has become urbanized must accept a greater degree of urban representation in the states.

Cities have reached a majority, numerically speaking. They have not yet reached their political majority. That issue still lies ahead. Statistical growth does not add in automatically on the political account. Unquestionably, the differences between the urban and the rural way of life and between the social characteristics of urban and rural people have contributed to the deep-seated antagonism which outstate usually has as a normal reaction to any large metropolitan agglomeration whether it be New York, Chicago, Detroit or Los Angeles.

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CHAPTER IV

Development of Municipal Functions

Municipal government exists to provide services to an urban population and to establish the necessary ordinances and regulations for an orderly community. Home-rule charters, state optional-law plans, and special charters are the legal means by which the municipality is organized to exercise regulatory powers and to provide services. The electoral process of selecting councilmen, mayors, and other elective officials and the selection of employees under civil service are designed to "staff up" the city hall, police and fire stations, and other operations so that services may be efficiently rendered and regulations enforced. In any discussion of organization or electoral processes, the end result must be kept in mind. Electoral, organizational, and administrative procedures must be designed to produce an administrative machine capable of performing the complex range of functions demanded of the modern city and the intricate system of regulatory ordinances.

One explanation of the emphasis in cities on non-partisan elections and administrative management is the multiplication of technical functions. When a city has expanded its functions to include police and fire administration, public health and welfare, public works, parks and recreation, and municipally owned public utilities in the modern urban environment, a wide variety of technical skills are demanded. Government by party politicians primarily interested in national party lines and administration by amateurs is not enough. The work of the detective and traffic officer in the police force, and the technician in the public health laboratory are illustrative of the skills demanded in municipal administration. The modern municipal waterworks system and sewage disposal plant call for engineering skills and well-trained operators.

In the early decades of the twentieth century, municipal functions had already multiplied and become highly technical. This accounts for the great upsurge of interest in non-partisan elections, council-manager government, appointment of qualified key administrators, the merit system for employees, the executive budget, and many other advances designed to promote administrative management. In fact, administrative management became a key problem in many cities before it arose as an outstanding issue in state government. Cities were experimenting with the council-manager plan as early as 1914; state administrative reorganizations did not come on any wide scale until the nineteen-twenties.

Agglomeration of population in any area produces human frictions

which demand regulation. Problems of water supply and sanitation usually can be solved only by some form of municipal incorporation. While it is true that some urban towns in New England and certain urban townships in the Middle West manage to serve an urban population without incorporation, these are the exceptions which prove the rule. The basic solution for the densely populated area is municipal incorporation. Once a city is incorporated and organized, citizens will often demand more and more services and officials will be running a race between functional costs and financial revenues. Part of this elaboration of services is merely the response of the city to our industrial and complex mechanical environment. The traffic signal and the parking meter are part of our mechanized lives. The city, like the individual in his home, is increasingly dependent upon engineering skills. This is the kind of a civilization which we have built, and it calls for administrative management and technicians.

Increased Demand for Functional Services: Police

In the colonial period, police administration was limited to constables elected in wards and some paid and unpaid members of a "watch." Even in New York City, a permanent "watch" was not established until 1762, the year in which the legislature authorized a tax for this purpose. Development of city-wide police administration with a uniformed force did not occur until the eighteen-forties. In 1844, the state legislature established for New York City a police force under a chief to be appointed by the mayor. With action in New York, the stage was set for the evolution of police forces as distinct from the day and night "watches" in the larger cities. A struggle ensued as to whether state-administered or locally administered police units should enforce the law in American cities. The New York legislators began this subsequent movement also by providing for metropolitan police under the control of a board appointed by the governor, this force to have jurisdiction in New York City and Brooklyn. Throughout the nineteenth century, state *versus* local control of police in the larger cities was a real issue; but ultimately local control prevailed with few exceptions, such as Baltimore, Boston, and Kansas City, Missouri.

Today police administration in the modern city is a multiple activity. Some years ago, Lent D. Upson made a study of the growth of functions in Detroit. He pointed out that in the period from 1865 to 1929 the following police functions were developed: organized patrol, detectives, sanitary patrol, medical service for police officers, river patrol, police alarm, mounted patrol, rogues' gallery, truancy police, pensions for policemen, Bertillon identification, civil service selection of police, auto pound, fingerprint identification, traffic control, motorcycle patrol, police training school, property identification, probation of offenders, traffic signs, crime records, police recall lights, traffic lights, police booths,

auto patrol, registration of complaints, women police, radio control of auto patrol, psychiatric examination of offenders, safety zones, accident investigation, traffic violation forfeitures, traffic engineering, scientific police laboratory, and police teletype.[1]

In the larger cities, police organization has now become so complex that the uniformed patrol force is only the beginning. Foot patrol must be supplemented by use of mounted police, motorcycles, and two-way radio patrol cars. A traffic division is called for, with provision for everything from fixed posts to schoolboy safety patrols; motorcycle squad to accident prevention bureau. The detective force has such components as identification, investigation, and criminal correspondence units. A crime prevention division will utilize policewomen and juvenile officers. A separate morals division deals with vice, liquor control, gambling, and narcotics. A director of personnel may be required to handle inspection, training, medical service for policemen, and other personnel problems. Provision must also be made administratively to maintain buildings and property, including motor vehicles. A signal section must operate police radio and other communication systems. Record-keeping in and of itself has become a large administrative operation for city police forces including: complaint, arrest and disposition, personal identification, property and administrative records. So complex is the police organization in large cities that it calls for administrative management engineering. Police administration is variously subdivided according to purpose, process, area, clientele, and time. Many large police units have undergone extensive surveys and analysis of their organization, personnel, procedures, and operations.

Fire Protection

Multiplication of function is also obvious in fire protection. Fire administration began with hand pumps, leather hose, buckets and volunteer fire companies which raced each other to the fire. The modern city must have a specially recruited and highly trained force of full-time, paid firemen. With the development of industrial and residential hazards, the city must have not only firemen but highly trained companies capable of dealing with chemical, electrical, and other hazards, adequate to meet large fires in skyscraper structures and stubborn fires in extensive warehouses and lofts. Pumpermen, laddermen, salvage crews and other specialized units are necessary. Skull practice must be held on street and hydrant layouts, building structures, technique of fire fighting, including alert plans for large fires in specified, strategic areas. The fireman now must go to school along with the rest of us.

Equipment has assumed expensive proportions. The hose cart which

[1] L. D. Upson, *The Growth of a City Government* (Detroit, 1931).

carried hose to the fire has yielded to the pumper which can throw 750 or 1000 gallons per minute. The simple hook and ladder has been replaced or supplemented with 75 foot or 100 foot aerial ladders. Water towers have become standard equipment. More recently, high-pressure equipment capable of throwing "fog" on a fire has become available and is being used in cities. The chief no longer needs to ride the first vehicle to learn all about the fire. Increasingly, fire department vehicles are carrying two-way radio equipment tuned to police radios. In 1947, one of my advanced seminars held its Monday conference at a fire station so the "chief" could conduct the discussion. In the midst of the session, an alarm came in; but the chief did not roll to the fire; he stayed to finish the seminar. The assistant chief took the run and maintained radio contact with the chief. The fire turned out to be a small one of no great consequence. Had it been a serious one, the chief and reserve equipment could have been summoned at will by radio.

To fight fire in American cities, departments have been equipped with everything which human engineering and industrial skill could produce. As a general rule, Americans may be careless about fire; but they have tried to compensate by fire-fighting equipment and personnel. As cities grew, it became necessary to expand from the central fire headquarters into substations, to develop signal alarm systems, to buy more expensive equipment, to build new and larger stations, to use more personnel, to train them more thoroughly. As population, incorporated area, and burnable values increased, municipal administration had to keep pace with the demand.

Public Health

Few fields of administration demonstrate the growth of public administration in response to advances in scientific knowledge more clearly than public health. Massachusetts authorized by law, as early as 1797, the establishment of local boards of health. Two years later, Boston under a special legislative act formed a board of health. As local boards of health were developed in Massachusetts and in other states, they were marked by concern with the abatement of nuisances. Local public health administration in the United States was first concerned with control of the physical environment. Little attention was paid to the individual to preserve him from infection or, if he became infected, to restrain him from spreading disease. In a few cities, efforts were made to control smallpox by isolation, quarantine, and immunization. Early in the nineteenth century, the public health committee in New York City (then 75,000 in population) was engrossed in such things as: pure water supplies, construction of sewers, drainage, interment of the dead, habitation in damp cellars, planting of trees and vegetables. Although the United States grew rapidly in population from 1800 to 1850, this period was marked by no corresponding development of public health administration. The public

health boards lagged behind the increasing problems. At the half-way mark in the century, no state had established a board of health, but about a score of cities had more or less energetic health departments. Massachusetts, in 1869, was to achieve the distinction of setting up the first state board of health.

In 1872, a group of pioneers in public health administration formed the American Public Health Association. This energetic group soon demonstrated an interest in more than mere control of the environment. Their early records indicate an interest in: vital statistics; the germ theory of disease; typhoid fever and the relation of water supply to this disease; control of specific diseases, especially cholera, smallpox, and yellow fever; quarantine and public health education. On the environmental side, they promoted interest in water purification, street cleaning, and scavenging. Administratively, they discussed and urged state and local boards of health. The formation of the American Public Health Association marked the trend toward modern health administration in American cities.

From this time forward, local health administration became increasingly involved in the mastery and delineation of communicable disease. Typhoid fever was related to its cause and spread; public health measures were instituted. With the advances in public health administration, diphtheria, malaria, smallpox, and tuberculosis declined as causes of death. Hospitals specializing in communicable diseases were constructed and operated. By 1900 many communicable diseases were declining through more adequate public health control of the individual.

After 1900, more emphasis was placed on positive improvement of individual health as well as public health regulation of individuals to prevent the spread of communicable diseases. This meant emphasis on infant hygiene, public health work in the schools, public health nursing, and educational campaigns directed to the general public.[2] By turning attention to public health measures called for by the germ theory of disease and by positive health programs, municipal health administration emerged from its primary and early attention to environmental sanitation, garbage collection, and street cleaning. The latter were recognized as basically related to the public works departments and gradually passed under the administrative control of such units.

The expansion of public health functions means that municipal administration must span the following activities: collection of vital statistics; general sanitation; food and milk control; communicable disease control (inclusive of venereal disease and tuberculosis control); child hygiene extending from prenatal and maternity programs to infant, preschool, and school hygiene; maintenance of a public health laboratory; and public health nursing. This is a minimum basic program. In addition,

[2] W. G. Smillie, *Public Health Administration in the United States* (New York, 1940), 12-19.

municipal health departments are becoming increasingly involved in adult hygiene, especially cancer control, heart and other degenerative diseases. A progressive health department will also deal with problems of industrial hygiene and control, in our complex society, of nervous disorders.

What this means in terms of public health administration can be seen from any annual report of a public health director. From the 1945 report for the City of Kalamazoo, Michigan, the following excerpts throw light on operations:

> In order to keep the governing boards, cooperating agencies, medical and dental societies and interested citizens informed as to the activities and thoughts of the Health Department, a monthly "Health News" bulletin has been published by the Director.... Another major activity of the Department as a whole has been the sponsoring of an x-ray survey of industrial workers.... There were 9,964 miniature x-rays and 440 large rerays taken. Thirty-eight suspected active and 79 apparently arrested cases of tuberculosis were discovered.... The Director gives consultation service to all physicians on suspected cases of communicable disease. He or a nurse sees all cases of major contagion.... Communicable disease was our heaviest program and a total of 965 home calls were made. All cases of major contagion, such as diphtheria, scarlet fever and poliomyelitis, have been seen by the public health nurse.... Our venereal disease clinic case load has decreased since last year.... The purpose of the maternity program is to contact all prenatals as early as possible and to assist them in arranging for medical and hospital care.... Emphasis in the infant health service was placed on need for continuous medical supervision of all babies in the community.... The pre-school health service was conducted in the same manner as the infant care program.... [Division of laboratories] Following an all time record of specimens received and reported, attained during the year 1942, a downward trend occurred which was again interrupted during the past year.... The present staff consists of five workers: a bacteriologist, acting as director; an assistant bacteriologist-serologist; two technicians; and a laboratory helper. [3]

But this is not the end of the functional activities, for no mention has been made as yet of environmental sanitation, industrial hygiene, dental care, vital statistics. Continuing with the same report:

> In the interests of sanitation the City of Kalamazoo provides in its budget for a Public Health Engineer, a part-time Sanitarian, one plumbing inspector, two food inspectors, two milk inspectors, two full-time and three part-time meat inspectors.... During the war years, the Bureau of Industrial Health of the Michigan Department of Health, aided by the U. S. Public Health Service, assigned an industrial hygiene engineer to the area, with headquarters in Kalamazoo, to assist industry in the control and prevention of occupational disease.... The dental program ... is limited to indigent patients.... The City School System supplements this Department's work with a much broader program of dental health education, examination of the children's teeth and dental correction.[4]

[3] Kalamazoo, Michigan, *Annual Report* (1945), 50-56.
[4] *Ibid.*, 60-66.

It is indeed a long road in the multiplication of functions from the Boston Board of Health (1799) to public health administration in Kalamazoo, Michigan (1945).

Public Welfare

Public welfare administration is one of the functional fields in which tremendous changes have taken place in municipal, state, and federal responsibilities. During the depression of the nineteen-thirties, the cities were overwhelmed by the relief loads which were placed upon them by mass unemployment. They were unable to carry the financial burden of millions of unemployed upon their relief rolls. In addition, the expansion of administration entailed by the supervision of individual and family "cases" on relief was far beyond the capacity of the individual cities. For decades, public assistance to the needy had been met by private charitable organizations and by municipal public welfare departments. In fact, the emphasis had been very generally upon the former rather than the latter.

As late as 1926, Lent D. Upson commented as follows:

> In the United States the public has not taken kindly to the extended intrusion of municipal government into the field of public charity, *i.e.*, charity administered by some local governmental agency. Unlike education, that was once a private, and is now almost completely a public activity, municipal charity continues as substantially a matter for private endeavor.

He explained the reasons for limited welfare administration on the part of local units in the following terms:

> Because of the large outlay of capital required and the small number of cases to be found in any local community, the state has generally assumed institutional responsibility for the insane, feeble-minded, epileptic, blind, deaf and dumb and occasionally for alcoholics, and dependent children. In a similar way the county government ordinarily provides for mother's pensions and for indoor institutional relief for the aged poor. This leaves to the city and township government and to private charity the almost universal necessity of providing for outdoor poor relief, and usually for the relief of dependent children, vagrants, and care of the sick.[5]

In the late nineteen-twenties, the common characteristic of municipal welfare administration was outdoor relief. This meant that individuals and families in need were given direct relief in the form of food, clothing, fuel, and rent or cash relief to cover such items as food and fuel in relation to their immediate requirements. This type of relief was designed to keep the family together and to prevent distress, presumably until the family unit could again become self-supporting. The granting of relief involved investigation by case workers to determine the origin and causes of need and the necessary amount of relief from public

[5] L. D. Upson, *Practice of Municipal Administration* (New York, 1926), 309.

funds. A progressive administration of outdoor relief required not only an investigation of the causes of individual and family dependency upon public funds, but also an effort to take whatever steps might lead to rehabilitation and employment. The presumption during this period was that most of those on relief were unemployables or marginally unemployables, that any person who wanted to and was capable of working could find a job. In many instances, sickness and other family misfortunes placed families temporarily on relief. Inevitably, stigma was attached to being on municipal poor relief.

In the nineteen-thirties, millions were unemployed and many of these millions were clearly employables who were thrown on relief due to the depression in trade, industry, and agriculture. In the cities, the unemployed walked the streets, stood in breadlines, and forged an administrative problem which the cities eventually could not meet. Ultimately, federal and state governments had to use their superior financial resources to assist the local governments in relief and work relief administration. Under the New Deal, the Federal Emergency Relief Administration and, in 1935, the Works Progress Administration (later known as Work Projects Administration) were organized. The Federal Government from 1933 to 1935 poured out financial assistance to the hard-pressed state and local emergency relief administrators. Later under W.P.A. the Federal Government undertook a national work relief program for the employable unemployed. Cities cooperated by submitting projects for lesser public works, by defraying part of the costs, and by certifying individuals to federal W.P.A. rolls.

At the same time, P.W.A. (Public Works Administration) encouraged cities to build water supply, sewage treatment, and other public works through federal grants and loans. The larger public work projects were constructed under municipal authority and became part of the physical plant of the cities. During the 'thirties the cities, assisted by federal and state programs, were forced into an extensive program of relief and work relief which far exceeded functional operations of the previous decade. It had always been recognized that urban populations were vulnerable to the downswings in industry and trade. By 1933, it was clear that public administration must close the gap between private employment and the number of employables. The problem was met by a whole series of federal-state-local policies as all levels improvised to meet the "relief" crisis of the Great Depression.

Out of the turmoil of the depression-laden years came the Social Security Act of 1935, which became our long-range program of public welfare administration.[6] The Federal Government undertook to make funds available to the states on a grant-in-aid basis for public assistance to the aged, the blind, and dependent children. Second, a federal

[6] For a more detailed analysis, see Chapter XXIX.

program of old age insurance was established as a contributory system to cover most of the industrial and commercial workers of the country. Third, the Social Security Act provided for the development of state systems of unemployment insurance to make compensation available to unemployed workers for limited periods of time. The Federal Government levied a payroll tax to provide for unemployment insurance, but employers could offset 90 per cent of the federal tax by payments to a state for a like purpose. This readjustment of federal-state-local responsibilities in public welfare administration was occasioned by the crisis of December, 1933, when 7,000,000 households and almost 25,000,000 persons were dependent upon public assistance, relief, work relief, or other emergency employments financed from federal, state, and local funds. As late as 1937, the figures still stood at 5,390,000 households and 15,605,000 persons.[7]

With the war, some 12,000,000 men and women were mustered into the armed services. War industries drew millions into the production of planes, tanks, ammunition, and guns. Rather than unemployment, the major issue was how to find employees. Public welfare administration was no longer the crisis factor in public administration. The bottlenecks were production, labor, housing, public works for newly developed suburban and urban areas. Immediately after World War II, unemployment was still one of the lesser administrative problems. Reconversion to civilian production was achieved without mass unemployment. With the Social Security Act in operation, the United States was better prepared to handle mass unemployment should it arise. The cities were back in their traditional rôle of providing (with assistance from state funds) outdoor poor relief for those needy individuals and families not financed by categorical grants to the aged, the blind, and dependent children, unemployment compensation, or old age insurance. In many states, public welfare administration had been largely transferred to a state-county system of administration except in the large, metropolitan cities. The latter maintained a wide range of social services and institutional care.

Where departments of public welfare exist in American cities today, the terminology often covers a multitude of administrative operations. Care must be exercised to determine whether this applies to public assistance and related activities or to such operations as licensing and regulating, often handled by police departments. In 1937, a survey of public welfare administration in cities of over 100,000 population indicated a composite range of functions of amazing diversity. Within the framework of public assistance were: home relief, old age assistance, aid to the blind, aid to dependent children, veterans' relief, transient relief, charity burials and distribution of surplus commodities. Social service

[7] Marietta Stevenson, *Public Welfare Administration* (New York, 1938), 38.

and other special services for adults included family case work, adult probation, supervision of parolees, legal aid, psychiatric service, shelters for homeless men, crime prevention, cafeterias for homeless men, vocational rehabilitation and others. Child welfare services spanned such activities as: child placement, foster home supervision, children's institutions, care for handicapped children, juvenile probation, summer camps for children, supervision of illegitimacy cases, child guidance clinics, and school lunches. Institutional, operational responsibilities encompassed tuberculosis sanatoria, institutions for dependent adults and the chronically ill, general hospitals, contagious disease hospitals, jails, workhouses, and correctional units. The function of approving admissions to state and county institutions also appeared.

In 1937, there were also included in this composite of large city operations the sponsorship of W.P.A. service projects and certification of persons as eligible for W.P.A. Some departments reported licensing and regulatory functions dealing with newsboys, scavengers, peddlers, employment agencies, public solicitations of funds as well as supervision of public amusements, dance halls, private welfare agencies, and motion pictures (censorship). Even these did not exhaust the list, for some units reported functional operations in public works, public health, and recreation.[8] This is a composite of functional operations in cities of more than 100,000 population at a time when welfare administration was very much to the fore. It indicates once again the perennial problem of diversification and multiplication of functions in American municipal administration.

Public Works Administration

In our colonial cities, public works administration was simple and rudimentary. Some streets were paved with cobbles, often at the expense of abutting property-owners. Sidewalks were a rarity. Street gutters were used all too frequently as rudimentary sewers, and the sanitary sewer was apparently unknown. Street cleaning was performed by municipal scavengers or individual householders. Water was supplied from private wells. It was not until the period 1830-1850 that American cities began to develop public water supply systems, sanitary sewers, and street lighting by gas illumination on any important scale. Public works administration developed much more extensively in the latter half of the nineteenth century, and has been elaborating and diversifying ever since.

In this twentieth century, even the smaller cities have extensive public works facilities. The director of public works in the American city today must span a number of administrative divisions. A street is hardly regarded as a street today unless it has been developed with sidewalks,

[8] See Marietta Stevenson, *op. cit.*, 92-94.

curbs and gutters, concrete, macadam, "black-top," or some other form of pavement. Water mains and sewer lines follow the urban lot lines to provide the vital utilities of water supply and sewage disposal. Either a combined storm and sanitary sewer system is constructed or separate storm and sanitary sewers.

The municipal force account (the labor force employed by the city in public works) is concerned with maintenance of sewers, streets, and sidewalks. New construction must either be let out to contract by private firms or met by an enlarged municipal labor force. Streets are no longer cleaned by the householder; the machine sweeper paid for from city funds and operated by city employees does the job. Snow removal is an annual winter campaign for the department of public works in any northern city. Increasingly, citizens expect snow removal operations to be extended to include sidewalks as well as streets. Garbage must be collected and disposed of by feeding to hog farms, by incineration, or sanitary fill methods. Rubbish and trash of all kinds must be collected, hauled, dumped, burned, or salvaged. While some American cities today still leave the collection and disposal of garbage to private contractors, the trend is increasingly to municipal operation, using municipally owned equipment and the city's own labor force. Streets must be illuminated at night, and gas illumination has given way to electric lighting.

The modern city street is a complex of sidewalk, curb and gutter, water and sewer lines, storm sewers, street lighting, street cleaning, traffic lights and signs, and other municipal services. Downtown many cities now sell parking space by means of meters which provide one hour for five cents or twelve minutes for a penny. To keep the streets freer for traffic, municipally owned downtown parking lots are now required. The department of public works stakes out the city with signs relating to traffic control, speed limits, left and right turns, U-turns, route directions, stop, caution, school crossing, and others. The ordinary street-name sign is only the beginning of street paraphernalia today.

City residents will not tolerate untreated river water pumped into the city's water mains. Costly rapid-sand or slow-sand filtration plants are required to purify the water derived from natural sources. If the water comes from artesian wells, the citizens want it softened. So water is no longer water, but a manufactured product which often has been processed through slow- or rapid-sand filtration, softened and chlorinated. Even then the public may not be satisfied, for some citizens are vocally allergic to a safe chlorine content in the municipal water supply. The water plant must include water sheds to protect the source, storage reservoirs for the finished product, distribution mains, pumping stations, street mains, water meters, to say nothing of over-all administration, billing and collecting water rates from householders. Water supply is one of our oldest and most widespread municipally owned and operated utilities. Municipal ownership of electric power and distribu-

tion systems rose sharply during the era of the New Deal, but still lags far behind municipal ownership of water supply.

The time when all cities could discharge raw sewage into rivers, lakes, and harbors is now past. Stream pollution is now widely subject to state administrative supervision. During the nineteen-thirties, P.W.A. sponsored the development of many long-needed municipal sewage treatment plants. A modern activated-sludge sewage treatment plant for a city of 40,000 population represents a necessary investment of several millions of dollars at current prices. It must have primary settling tanks, aeration tanks, final settling tanks, sludge digesters, lagoon beds, and trained operators on 24-hour duty around the clock. Departments of public works often gained another administrative division and citizens learned about revenue bonds and sewer surcharges on water rates when sewage treatment plants were built. The effluent which flows from the outfall of the sewage treatment plant is chlorinated before it reaches the neighboring stream or lake, especially in the summer months when bathing in rivers and lakes is popular.

Municipal public works departments cannot operate without equipment: trucks, graders, rollers, garbage trucks, air compressors, pneumatic drills, snow plows, loaders and so on *ad infinitum*. A central motor equipment pool in the department for service and maintenance of vehicles is essential. This unit may take care of police and park departmental vehicles as well and the police department budget is charged for this service, or the park department as the case may be, provided the central motor equipment pool services all departments. The fire department is usually an exception with its own master mechanic for the repair and maintenance of vehicles. In public works and utilities many standard items from pipe to water meters must be kept in stock. So the issue of a central storehouse inevitably arises in municipal administration. Public works may also be required to enforce the building, housing, electrical and other codes, or these basic ordinances and their enforcement may be entrusted to separate administrative units. Somewhere in the administrative mechanism provision must be made for inspections to control such matters as: building safety, plumbing, electrical wiring, boilers, elevators, smoke, and weights and measures.

In summary, the public works function in American municipalities encompasses street improvement and maintenance, street cleaning and snow removal, street lighting, water supply, treatment and distribution, sewerage and sewage disposal including sewage treatment plants, refuse collection and disposal; airports; construction of public works by contract or force account; equipment management; central stores. Administrative problems of planning, organization, personnel management, measurements, records, reports, and public relations must also be met by auxiliary departments to the chief executive or by the internal structure of the public works department. In some cities the municipal ownership

of utilities other than water supply necessitates not only departments of public works and water boards, but also other administrative units related to electricity supply and distribution, or, in a lesser number of units, gas utilities and street railway systems. The city engineer who supervises public works and the superintendent of the water department play a prominent part in municipal administration today.

Parks and Recreation

The urban environment with its monotonous gridiron layout of streets and compression of individuals within restricted land areas for single dwellings or apartment house quarters in multiple dwellings has required the development of open areas or municipal parks. The day is long past, however, when cities can rest the case with provision for public parks with trees, shrubs, flowers and lawns where people can congregate to enjoy the beauties of nature—the first touch of spring, the lush pattern of summer, or the brilliant colors of autumn. Even the park and the zoo no longer suffice, although they have much to offer to adult and child alike. They are still basic, and any city without a park is like a family without a yard. The municipal park has been and still is a necessity in the American municipal scene, but the park is not enough today. The "park" approach to the problem of recreation is passive. Now there must be both parks and organized recreational programs.

Present-day recreation systems include many different types of properties developed for a variety of purposes. Playlots or block playgrounds are necessary for children of pre-school age. Neighborhood playgrounds are deemed essential for children of elementary-school age. For older children and adults, more extensive play fields ranging from 12 to 30 acres are necessary if an adequate recreational standard is followed. Next in line are the large "recreational" parks and reservations. The modern city park is not only a place of beauty where people may relax away from city traffic and pressure, but also an active arena for athletic sports, picnics, water sports, and day camping. Since such recreational parks should run over 100 acres at a minimum, it may be necessary to go beyond the corporate limits for adequate area and appropriate environs. Reservations are large park areas kept primarily in a natural state for hiking, camping, picnicking, sports, and other activities. For those who wish to take their recreation on motor wheels, the parkway or elongated park serviced by a roadway is demanded. In town, neighborhood or landscape parks are formalized, small park areas which provide breathing space within the confines of urban walls. These are some of the types of municipal, recreational areas which urbanites and suburbanites have demanded. In larger cities, other service needs must be met. Municipal golf courses, swimming pools, bathing beaches, camp sites, and recreational buildings round out the composite offerings in this field. Yet there

still come to mind zoölogical and botanical gardens, museums, community gardens, bird sanctuaries, and other special-purpose areas.

The multiplication of recreational activities can be seen from an abbreviated list of functions in almost any large city. In 1944-1945, Hartford, Connecticut, maintained in parks and attendance centers the following illustrative operations: arts and crafts, baseball, basketball, beach front, bicycling, boating, bowling (miniature), camping, caroms, checkers, chess, community centers and gymnasiums, coasting, croquet, dances, football, gardens, golf, handball, horseshoes, movies, nature study, needlecraft, paddle tennis, picnics, playgrounds, pool, ringtoss, shuffleboard, skating, skiing, softball, spray pool, story telling, swimming, tennis, volleyball, woodcarving. In other words, areas must not only be set aside for park and recreational purposes; organized leadership must also be developed for sports, games, all manner of joint leisure-time pursuits.

This outcropping of the organized recreational program in municipal administration has caused a tripartite administrative solution. In some cities, as in Detroit, the park department has been expanded to encompass both park and recreational administration. In others, as in Cincinnati, a separate recreation commission with a full-time director has been organized. In still others, as in Milwaukee, municipal recreation has been related to school administration, with the recreational director and his subordinates serving as a special division within the public school system. Other arrangements include multiple administrative units: one serving under the city, another under the school authorities. Each supervises a defined portion of the recreational needs and programs, as in Oakland, California.[9] Again, school and municipal authorities may appoint members to a recreational commission to which a single director reports. There are not only three fundamental ways but many interrelated administrative arrangements. Recreation is generally a three-pronged problem in which park, school, and recreational authorities must be represented or at least coördinated one with another.

A composite list of recreational activities shows how much is expected of municipal administration aside from such basic protective services as police, fire, and public health administration. First there are low-organized games such as playing tag and bull-in-the-ring. Then there are individual and dual games including croquet, handball, marbles, scooter racing. Gymnastics and stunts call for everything from bag punching to group calisthenics. Organized groups play many games: baseball, basketball, volleyball, and water polo. Sports range from archery to wrestling. Social activities begin with banquets, barbecues, and barn dances and end with table games and wiener roasts. Musical programs must, of course, provide for vocal, instrumental, and miscellaneous activities, to say nothing of special performances such as band concerts and festivals. Arts and

[9] International City Managers' Association, *Municipal Recreation Administration* (Chicago, 1945), 329-334.

crafts call for bead craft, crafts of all descriptions, right down to weaving and woodworking. Next come the drama activities, the specialized dancing programs, nature and outing arrangements, and many others. Apparently, Americans are happy only when they are active, and municipal recreation must be organized to cater to a wide range of leisure-time participations. It is understandable why some 500 cities reported in 1945 that they were using 4,870 full-time recreational leaders and a total of 35,500 leaders, including seasonal and part-time employees.[10]

Housing

Until 1933, housing was generally regarded in the United States as a function for private enterprise rather than a responsibility of municipal government. The cities had slum areas which absorbed more in governmental costs for police, fire, public health, and welfare services than they returned in local taxes under the property tax. No evidence existed that private enterprise had solved, or would solve, the complex cycle of blight, slums, and social deterioration. The Federal Government moved into this vast field during the New Deal by building, under Public Works Administration, federal housing projects. This brought the national government into local communities in the difficult rôles of builder and landlord. Whatever the criticisms directed against this federal "intervention" in housing, it must be granted that the New Deal had the courage and skill to make a major, governmental attack upon the problem of public housing to eliminate slums.

In 1937, the United States Housing Act reversed the federal policy from one of federal construction and operation to federal assistance for local communities prepared to undertake public housing in conformity with state statutory authorizations. Thus another major municipal function emerged out of the Great Depression. The Housing Act of 1937 was designed to assist local communities in elimination of slums and to remedy acute shortages of decent, safe, and sanitary homes for low-income families not served by private enterprise. It authorized federal financial assistance to any state, county, city or other governmental entity empowered to engage in the development or administration of low-rent housing or slum clearance.

The agencies assisted have been public bodies called local housing authorities created by communities under state law. In most instances the local housing authority has been a separate, corporate entity apart from the city. Federal assistance has been in the form of loans and annual contributions. Federal loans were authorized to finance not more than 90 per cent of the capital cost of low-rent housing and slum clearance projects. Also allowed and made were annual federal contributions to

[10] *The Municipal Year Book* (Chicago, 1946), 475.

reduce rents from economic rents based on project costs to social rentals which low-income tenants could afford. In return for annual federal contributions, local housing authorities have been required to make local contributions.

Initially, this program was administered at the federal level by the United States Housing Authority. During World War II, a National Housing Agency was created by Executive Order of the President. Within this Agency, the Federal Public Housing Authority operated as a major component and exercised the functions previously entrusted to the United States Housing Authority. On March 1, 1947, the National Housing Agency announced that there were 579 developments operated as low-rent housing with a total of 171,574 dwelling units. In addition, there were 50 former P.W.A. developments containing 21,611 dwelling units which had been transferred to the Federal Public Housing Authority for administration.[11] These developments involved communities of all sizes in both urban and rural areas of 36 states, the District of Columbia, Hawaii, and Puerto Rico. In addition, two other states and the Virgin Islands had former P.W.A. housing which had been transferred to F.P.H.A.

The issue of the responsibility of the local community for public housing was well stated by the Federal Public Housing Authority as follows:

> Public housing, as conceived in the U. S. Housing Act, is not Federally built, operated and controlled housing. It is housing initiated, built and managed by the local communities with financial help from the Federal government to meet their housing needs for low-income families. The Act limits the Federal function to providing financial aid, seeing that the purposes and requirements of the Act are carried out, and assisting communities, in an advisory capacity, to build and operate their projects at the lowest cost consistent with the purpose of the housing. Public housing is subsidized housing. Since local communities, with their limited powers and sources of income, cannot bear the full cost of such housing, the Federal government, with its broader powers and revenues, helps to cover the deficit.[12]

After World War II, federal housing authorities were again reorganized; in 1947, a Housing and Home Finance Agency was developed as a single, permanent agency for the housing programs of the Federal government. Within this new agency, Public Housing Administration took over the functions of the Federal Public Housing Authority. Public housing is here, and here to stay, in many American cities of widely ranging size. This represents further multiplication of functions, for public housing through local housing authorities brings many attendant

[11] Office of the General Counsel, *The National Housing Agency* (March 1, 1947), 4 pp.

[12] National Housing Agency, *Public Housing: the Work of the Federal Public Housing Authority* (Washington, D. C., March, 1946), 38-39.

administrative problems in planning, finance, management and operation of projects.

Summary

The expansion of municipal administration in such fields as police, fire, public health, public welfare, public works, public utilities, parks and recreation, and housing, is illustrative of the multiplication of functions in all phases of city operations. Whether you are talking about basic protective services, public works, or the general social welfare, the evidence is conclusive of the growth in number and intensity of functions. All local administration has felt this service demand and has responded. The county, often referred to as the dark continent of American politics and generally equipped with an archaic organizational pattern, except in those rarities, the county-manager counties, has likewise responded in recent decades to multiplication of functions.

The independent school district with an elective board or a governing board appointed by the mayor is characteristic of American local administration. School administration is rarely merged as a department of city administration; it is generally a special district with an independent or semi-independent board. The school districts have felt the surging demand for more schools, more elaborate curricula. They have had to face the impact of increased enrollments in high schools and local needs for two-year junior colleges.

The municipality, like other units of local government, the state and federal governments, has been responding to the demands for a "service state." Over the last fifty years it has become clear that the demands for service as well as police regulation have made a tremendous impact on municipal administration.

The will of the voters to pay for these services at the local level, especially under the general property tax, has not been as firm as their demands for the multiplication of functions. As a result, municipalities in many states have been put in a position of dependency on state grants-in-aid and state-collected, locally shared taxes. Increasingly, municipalities must also broaden out the local tax base through such diversification as excise taxes to carry the service load. New functions cannot be developed and old ones intensified without increased costs, for municipal officials are not magicians.

Since 1930, trends to deconcentration have spilled urban population in the satellite communities of metropolitan cities and beyond the corporate boundaries of our cities. Many cities are now faced with "fringe" problems created by populations close to their corporate limits, but served only by township or county governments or both. These fringe populations soon find that they need water supply and sewerage, fire protection, and other basic municipal services. So cities have faced another multiplication of functions, demands of fringe dwellers for water and

sewer service and fire protection from the municipal corporation. Numerous cities have been virtually forced into the business of selling water and sewer utilities to individual householders "over the line" or to lesser units of government which then retail the service to individual households. The fringe dweller may not like municipal taxes, but he certainly wants city services. This demand must be met by annexation, by separate municipal incorporation in the fringe, or by municipal sale of services.

Our society has now become an urban one. Only 20 per cent of our people now live on farms. The urbanite and the suburbanite have become thoroughly adjusted to the growth and intensification of governmental functions. When a traffic accident happens on his street intersection, his pioneering instincts do not cause him to dash forth, succour the wounded, and rush them to hospitals. He picks up his telephone and dials the police; he knows his call will go out to the patrol cars. A police vehicle will be at the scene in a matter of minutes; the police will go into action, control the incident, summon ambulances by radio, see that obstructions are removed and traffic resumed—at his intersection. Fighting a fire—that too is the business of a municipal unit. It is much easier to criticize the firemen's techniques of fire fighting than to fight fire yourself. The family down the street, or more likely on another street on the wrong side of the railroad tracks, with illness and financial difficulties—that's not a problem for neighbors. Call in public health and public welfare. The children of the block, in the ward, need organized recreation—provided by the city. Let public works worry about the holes in the street, the crumbling sidewalk, the stopped-up sewer, the burned out street light, the twisted street name sign which pranksters broke last night. Let the city do it,—so functions have multiplied.

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CHAPTER V

Urban Economic and Social Characteristics

Assuming that the population figure of 2,500 marks a reasonable dividing line between an urban and a rural incorporated place, the population of the United States in 1940 was 56.5 per cent urban and 43.5 per cent rural. An incorporated village of 3,000 population is classed as urban territory; and an incorporated village of 2,000 is considered to be rural territory. Actually, one would not expect to find any material divergences between the "rural" people of a village of 2,000 residents and the "urban" people of a small city of 3,000 population. When mention is made of urban-rural differences in social characteristics, one usually has in mind the variations between large cities and the rural-farm population.

Variation in Characteristics of Cities

Since every incorporated place from the hamlet of 2,500 population to the metropolis is classed as urban, the term encompasses a wide variety of small city, city, and metropolitan centers. The relatively isolated city in the rural county will vary in characteristics from the industrial satellite city in the metropolitan district. Similarly the satellite industrial city will show marked differences when compared with the high-class, residential suburb of the metropolitan region. Between the small city within a rural county and the metropolitan satellite there may appear not only marked sociological differences but wide ranges in attitudes toward municipal administration. Cities come in many varieties: industrial, trade, and transportation centers; governmental, educational, and resort communities; and mining towns dependent upon the extraction of resources.

In addition to the difficulties of generalizing about urban populations because of the variety of communities, there are also striking internal differences within individual cities. Within a city are high-class residential, central business, neighborhood business, and industrial, districts. Urban populations are housed in everything from tenements to *deluxe* apartments and single family dwellings. Wide differentials exist economically between industrial worker and management; between clerical employees and professional people.

Some of our population now lives in what might be called a twilight zone between urban and rural. Since 1920, there has been a tendency for population to "scatter" in our metropolitan areas with rapid growth in the satellite cities, villages, and suburban areas. Correspondingly, growth of the "core" or central city of metropolitan districts has been at slower

rates or static. This phenomenon is not confined to the metropolitan city alone. During the nineteen-forties population spilled outside the corporate limits of our cities as in-migrants from rural territory took up residence beyond the limits. In ancient times people necessarily lived within the walls of a city for reasons of defense and protection. This is no longer necessary today. The paved highway, the automobile, and the telephone have been keys to living in a suburban "fringe" area. Home-seekers scatter out where land is cheaper, traffic is less intense, and garden space is available. In a sense they "live off" the city in which they earn their livelihood without actually casting in their lot with the city.

The "fringe" dwellers are usually living in unincorporated township or county areas, dependent upon the county or township for police, roads, public health, and public welfare administration. If they can't buy water supply and sewage disposal from the city, they get along by drilling their own wells and building their own septic tanks. Often they will continue to live for years in this state of "rurban" transition until major water and sanitation problems drive them into annexation or separate incorporation as a small city. In a sociological sense, these "fringe" dwellers are part of the total urban community, the natural community, and have many urban characteristics such as occupational dependency upon industry, trade, and transportation. They are not a typical part of rural population if one is thinking in terms of rural-farm groups. Technically, they will often appear in the census as rural non-farm when actually they are urban non-city population.

Classification of Cities

Cities may be classified according to the economic or special services which they perform. Such a process of classification will produce a variety of types such as the following:

1. Trading centers comprise those in which persons engaged in buying and selling are in terms of working population above the average percentage for all cities. For example, in 1937, William F. Ogburn reported that the average city had 17 per cent of its working population busy in buying and selling. He classified as trading centers any city with more than 20 per cent of its workers occupied in trade, including such communities as Cedar Rapids, Iowa, and Lincoln, Nebraska.

2. Factory towns contain a heavy percentage of working population earning their livelihood in manufacturing establishments. Ogburn placed Pontiac, Michigan, in this category because it had more than 45 per cent of the working population in factories. Each of the cities which he classified as a factory town had more than 45 per cent working in manufacture, less than 18 per cent engaged in trade and less than 10 per cent, in transportation. Among the factory towns were also York and Bethlehem, Pennsylvania; Jamestown, New York; and Muncie, Indiana.

3. Transportation centers possess a significant, greater than average percentage of working population engaged in occupations involved in the transport of goods and people. Such centers include, for example, strategic railroad towns: Altoona, Pennsylvania; Cumberland, Maryland; and Galesburg, Illinois.

4. Mining towns have an economic life derived largely from coal, iron, oil, copper, or quarrying. Illustrative communities are: Anaconda, Montana; Rutland, Vermont; Hibbing, Minnesota; Ironwood, Michigan; and Carbondale, Pennsylvania.

5. Pleasure resorts are localities which attract tourists and temporary residents such as Atlantic City, New Jersey, and Miami, Florida. The smaller resort centers are illustrated by Aiken, South Carolina; Biloxi, Mississippi; and Lake Placid, New York.

6. Health centers specializing in care of the ill and the infirm are represented by such communities as Saranac Lake, New York, and Rochester, Minnesota.

7. College towns constitute another type of special service community. Ann Arbor, Michigan; Princeton, New Jersey; and Iowa City, Iowa will serve as examples.[1]

Attempts to classify cities by predominant types of occupations among inhabitants cannot obscure the fact that most cities tend to be diversified: trade, manufacturing, and transportation centers at one and the same time. Cities come in a variety of combinations: large college, small industry, health and resort; mining and manufacturing; and so on. The small agricultural trading center, factory, or mining town gives way to the diversified industrial city with a wide spread of occupational groups.

A study of 33 American cities between 25,000 and 50,000 population made also by Ogburn gives a picture of what city dwellers do to earn a livelihood. Some 37 per cent of the people were engaged in manufacturing. Another 17 per cent were buying and selling to make a livelihood. About 10 per cent were working in the field of transportation, while an additional 10.7 per cent performed clerical services. Some 11.6 per cent were rendering personal services such as food preparation, laundry, and cleaning. The professional services of law, teaching, medicine and dentistry absorbed 8.7 per cent. Only one in fifty was found to be normally engaged in governmental service.[2]

Attention is called to the classification of cities according to major economic base in *The Municipal Year Book*, published by the International City Managers' Association: (1) manufacturing, (2) industrial, (3) wholesale, (4) retail, (5) diversified, (6) dormitory, (7) educational centers, (8) governmental centers, (9) mining towns, (10) transportation centers, and (11) amusement or health resorts.

(1) Manufacturing cities are classified as those in which manufactur-

[1] William F. Ogburn, *Social Characteristics of Cities* (Chicago, 1937), 41-46.
[2] *Ibid.*, 37.

ing is 50 per cent or more of aggregate employment in manufactures, trade, and service establishments; employment in retail trade is less than 30 per cent (Thomasville, North Carolina). (2) Industrial cities have a manufacturing ratio of more than 50 per cent and retail trade ratio of over 30 per cent. (Newton, Iowa; Grand Rapids, Michigan). (3) Wholesale cities have a number employed in wholesale trade amounting to at least 25 per cent of aggregate employment. (Wilson, North Carolina; Wenatchee, Washington). (4) Retail cities have a greater percentage employed in retail trade than in any other category and less than 20 per cent in manufacturing. (Ponca City, Oklahoma; Belmont, Massachusetts). (5) Diversified cities are of two types. In one, manufacturing is predominant and retail trade is secondary; in the other, the reverse is true. Manufacturing-retail diversified cities have less than 50 per cent employment in manufacturing, but a greater ratio of manufacturing as against retail employment. (Chicago; Buffalo, New York; Goldsboro, North Carolina). Retail-manufacturing diversified cities have a predominant retail employment and a range from 20 to 50 per cent in manufacturing. (Boston; New Orleans; Stockton, California).

Turning to the more specialized cities, their classification in *The Municipal Year Book* is based on certain, predominant economic characteristics. (6) Dormitory cities have an employment-residence ratio of less than 40 per cent. For the most part, these are suburban communities in metropolitan districts and a few independent cities outside such areas. (Maywood, Illinois; Panama City, Florida). (7) Education centers are classified by the ratio of college enrollments exceeding 20 per cent of 1940 city population. (Ames, Iowa; Columbia, Missouri). (8) Governmental centers have more than 15 per cent of the labor force employed in governmental positions. (Harrisburg, Pennsylvania; Frankfort, Kentucky). (9) Mining towns are so classified if 15 per cent of the labor force reports mining as an occupation. (Shamokin, Pennsylvania; San Buenaventura, California). (10) Transportation centers have more than 25 per cent of resident labor engaged in transportation and related functions. (Council Bluffs, Iowa). (11) Amusement or health resorts have less than 15 per cent engaged in manufacturing and more than 10 per cent of the residents employed in eating and drinking establishments, hotels, amusement, recreation, and related services. (Atlantic City, New Jersey).[3]

Social Characteristics of Cities

The city is the environment of a larger proportion of people who are in the prime of life or middle age. The rural area proportionately has more old persons who are over 65 and more children and youths under 20. Within the United States there are significant regional fluctuations,

[3] G. K. Ohlson, "Economic Classification of Cities," in *The Municipal Year Book* (Chicago, 1948), 35-37.

for the Southern cities have the most young people and the fewest aged persons, while the Pacific coast cities demonstrate the reverse within our urban statistics. The generalization that cities are the habitat of a higher proportion of young and middle-aged adults needs little elucidation. The city attracts youth at the prime of life in search of a career; it forces him to live at a rapid pace, to compete earnestly and long with many others. If he stands the pace until the age of retirement, he may well retreat to the country for a different set of satisfactions to round out the years of life. The rural boy or girl, after many years of battle in the urban way of life, can ultimately assuage his or her nostalgia for the quiet country lane at the time of retirement.

Because of earlier marriages and larger families, the number of children on farms is relatively higher than in cities. For all age groups under 20 years, the percentage in rural areas is higher than that in the urban centers. "Conversely," according to John A. Kinneman, "between the ages of 20 and 65, the percentages in the urban areas exceed those in the rural. This means, therefore, that the average age in the open country is lower than the urban districts. It is verified by the fact that the median age, by states, is lowest in the South and highest in the industrialized North and Far West." [4]

In age composition, cities, especially the larger cities, differ from the rural areas. Particularly the great cities grew by the influx of immigrants either from the rural areas or from abroad. People at the time of migration are predominantly young adults. As a consequence, the age composition of cities is quite different from that of rural areas. For example, in 1930, in cities of more than 500,000, 32.7 per cent of their population was 0-19 years of age; 62.9 per cent was 20-64; and 4.3 per cent was 65 and above. On the other hand, in rural areas 44.1 per cent of the population was 0-19 years of age; 50 per cent was 20-64; and 5.8 per cent was 65 and above.[5]

Cities contain more women than men, whereas the reverse is true in rural areas. This rule that cities have more women than men is generally true with the exception of some of the largest cities to which many foreign-born males migrated before the nineteen-thirties, and those cities in which heavy industry presents an unusual demand for manpower. Governmental centers make large demands for women to work the typewriters and keep the files of endless records. The city offers many secretarial, executive, and professional opportunities for women. During World War II, women moved in from every state of the Union to man the typewriters in Washington, D. C.

Specialized, diversified, professional, and clerical employment in cities

[4] J. A. Kinneman, *The Community in American Society* (New York, 1947), 129-130.

[5] National Resources Committee, *Population Statistics: 3. Urban Data* (Washington, D. C., 1937), 15.

provides a strong attraction to women workers. In 1940, with the exception of Detroit and San Francisco, females exceeded males in each of the 14 cities of more than 500,000 population. Taking all the 92 cities of more than 100,000 population in 1940, the only ones which had an excess of males over females were: Camden, New Jersey; Canton, Ohio; Detroit and Flint, Michigan; Duluth, Minnesota; Gary, Indiana; Norfolk, Virginia; Sacramento, San Diego, and San Francisco, California; Tacoma, Washington; and Youngstown, Ohio.[6] On the other hand, women outnumbered the men in such cities as Albany, New York; Columbus, Ohio; Des Moines, Iowa; Hartford, Connecticut; Indianapolis, Indiana; and Richmond, Virginia.

The City as a Melting Pot

American cities have long been known as the melting pots of diverse races and cultures. The cities have had the task of educating millions of European immigrants in the ways of American democracy. In the last half of the nineteenth century and into the early decades of the twentieth century, the urban boss made supreme efforts to regiment these new masses. World War I, beginning in 1914, was the shut-off valve to the great tides of European migration into the American city. This mass movement was never again resumed on such a scale, for shortly after World War I Congress introduced the quota system for immigrants.

The melting pot came down from a boil to a simmer. To this day, the influence of immigration on our cities is marked. Boston is noted not only for the Brahmin but also for the Irish-American. Chicago is distinguished for large numbers of persons of German, Polish, Swedish, and Czech descent. Cincinnati, Milwaukee, and St. Louis have long been associated with German-American traditions. The foreign-born have been concentrated in the northern industrialized states from New England across New York, Ohio, Michigan, Illinois, Wisconsin, Minnesota and into the western states of Washington and California. The South is predominantly native-born American, whereas the North—particularly from Massachusetts to Minnesota—is the region where persons of foreign birth have concentrated.[7]

As late as 1930, only 54.6 per cent of our native white population was urban, whereas 80.3 per cent of our foreign-born white population lived in cities. In the same year in the cities of more than a million population, the foreign-born and their children comprised 63.7 per cent of the population. It was not until 1930 that the native whites of native parentage constituted as much as half of the population in cities of 25,000 to 500,000.[8] National policy and two World Wars have restricted im-

[6] U. S. Bureau of the Census, *Statistical Abstract* (Washington, D. C., 1947), 23.
[7] J. A. Kinneman, *op. cit.*, 137.
[8] National Resources Committee, *Population Statistics: 3. Urban Data* (Washington, D. C., 1937), 14.

migration, so that in the future cities will increasingly contain more native whites of native parentage and Negroes percentage-wise in relation to the foreign-born whites.

Since 1890, the largest American cities have increased the numbers of their Negro populations at the expense of the rural and small-city areas. Our internal migrations have been marked by the trek of the Southern Negro to the Northern city. The movement of the Negro from the rural and small town life of the South to the largest cities was accelerated after 1910. This added to the heterogeneity of the cities and brought new problems requiring positive municipal programs to promote racial tolerance. Two factors set in motion the movement of Negroes from the rural South to the industrial North. World War I brought an end to the influx of labor from Europe to the industrial cities of the North. When American participation in World War I brought increased demands for manpower, Negroes concentrated in such cities as New York, Chicago, Detroit, Cleveland, and Pittsburgh. From 1910 to 1940, New York City expanded in Negro population from 91,709 to 458,444; Chicago from 44,103 to 277,731; Philadelphia from 84,459 to 250,880; Detroit from 5,741 to 149,119; Cleveland from 8,448 to 84,504; and Pittsburgh from 25,623 to 62,216. This indicates that the trend set in motion from 1910 to 1920 has continued in subsequent decades.[9] Urbanization of the Negro, although at a slower rate, has also occurred in such Southern cities as Atlanta, Birmingham, Houston, Memphis, and New Orleans. The Negro population has been attracted by the magnet of city growth.

The net result has been that American cities still show a heterogeneous agglomeration of native whites of native white, foreign or mixed parentage; foreign born whites; and Negroes. The diversified composition of certain large cities as late as 1940 is indicated in Table 5 which follows.

TABLE 5

PERCENTAGE DISTRIBUTION OF POPULATION: 1940 [10]

Cities	Native White	Foreign-born White	Negro	Other
New York	65.7	27.9	6.1	0.3
Chicago	71.9	19.8	8.2	0.1
Detroit	71.0	19.8	9.2	0.1
Cleveland	69.9	20.4	9.6	—
Boston	73.2	23.5	3.1	0.2
Pittsburgh	78.1	12.6	9.3	—
Cincinnati	82.1	5.7	12.2	—
Indianapolis	84.0	2.7	13.2	—
Atlanta	64.0	1.4	34.6	—
Richmond	66.5	1.8	31.7	—

[9] J. A. Kinneman, *op. cit.*, 147.

[10] U. S. Bureau of the Census, *Population* (1940), Vol. II, pt. 1, p. 116.

American cities have been the products of rapid growth from powerful economic forces. They have been developed by diversified migrations from foreign and internal sources. As the National Resources Committee has expressed the problem: "Never before in the history of the world have great groups of people so diverse in social backgrounds been thrown together in such close contact. It is not in the least surprising that American city life has left so much to be desired from the standpoint of unified social action and the development of integrated personality. It was impossible that there could be any considerable measure of social cohesion under the existing circumstances. Indeed, the wonder is that racial and nationality antagonisms have not been a greater source of friction in our urban life than they have." [11]

Urban Dependency on Rural Population

On the fateful balance sheet of births and deaths, large American cities suffer from a failure to reproduce their present populations. Municipal growth has in the past been sustained by immigration from abroad and by internal migration from rural to urban territory. The outstanding fact is that city populations are failing to reproduce themselves. Urban women have fewer children on the average than rural women, whether they are native-born whites, foreign-born whites, or Negroes. The larger the city, the greater the failure to sustain a birth-rate capable of reproducing the urban population. Taking the figure 1.0 to indicate that a city in 1930 had sufficient children to maintain present numbers, the index for cities over 100,000 in population was 0.76; that for cities of 25,000 to 100,000 was 0.88; that for cities of 10,000-25,000 was 0.97; that for cities of 2,500-10,000 was 1.04; that for rural areas was 1.54. Only in the smallest cities would present population be reproduced without immigration from rural areas.[12]

Crowded living quarters in cities are not conducive to the size of family found in the American small town and on the farm. The standard cartoon in American magazines depicts the urban couple who are denied leases to apartments because they have—of all things—children. In the city, marriages are delayed and the raising of a family has more severe economic consequences upon the pocketbook of the man in the family. On the farm, children are an asset as soon as they can help with the chores, the plantings, and the harvests. Urban families are on the whole smaller and more often childless than the rural ones. Mothers are more likely to be employed beyond the home, as household functions are transferred to the neighborhood laundry and other establishments. For many reasons, the urban environment tends to late marriages, smaller

[11] National Resources Committee, *Population Statistics: 3. Urban Data* (Washington, D. C., 1937), 15.

[12] National Resources Committee, *Our Cities* (Washington, D. C., 1937), 10.

families, separation and divorce, contrary to the pull of the rural environment toward earlier marriages, larger families, and greater marital stability.

Although many assume that church membership thrives in the rural areas and not in the cities, the facts do not bear this out. In cities, the percentage of adults who are church members is higher than that for adults in rural areas. Older and established cities tend to have higher ratios of church membership than the more rapidly growing communities. With increase in the size of cities, Protestant church membership decreases and Roman Catholic and Jewish membership rises. This reflects in large measure the absorption of the stream of European immigrants from 1890 to 1914 into the cities. The native population and older immigrants are predominant in the rural areas and belong more heavily to the Protestant churches.[13]

Urban populations in the United States have long been and still are more heterogeneous than country people. In the cities, females predominate, whereas in the rural areas, males hold the majority. City dwellers are composed proportionately of fewer children and aged persons and more adults in the prime of life and middle age. Large cities are dependent on migration rather than natural increase for survival and growth.

Variations in Characteristics of Cities

The general cleavage in characteristics between city and country must not blind us to the wide diversities between cities and the extremes within individual cities. Some years ago, William F. Ogburn made a study of the social characteristics of industrial suburbs and wealthy suburbs. On the one hand, he surveyed twenty-nine industrial communities such as Bayonne, Camden, Clifton, Garfield, Perth Amboy, Passaic and Kearny, New Jersey; Cicero, Granite City, and Waukegan, Illinois; Chicopee, Holyoke, and Salem, Massachusetts; Massillon and Warren, Ohio; and Dearborn, Hamtramck, and Wyandotte, Michigan. On the other hand, he studied the ten wealthy suburbs of Brookline and Newton, Massachusetts; Cleveland Heights and Lakewood, Ohio; East Orange and Montclair, New Jersey; Evanston and Oak Park, Illinois; University City, Missouri; and White Plains, New York. In the wealthy suburbs, professional men and women comprised 15 per cent of the working population. This figure was three times the percentage in the professions in the industrial communities. In the industrial suburbs, only one out of three inhabitants was native born white of native parents; in the wealthy suburbs, the ratio was one in two. With regard to the young under 20 years of age, the wealthy suburbs had less than the average for suburbs; the industrial centers had more than the average.

[13] National Resources Committee, *Our Cities* (Washington, D. C., 1937), 23.

Families in the industrial suburbs were about 12 per cent larger than those in the wealthy communities. The family in the wealthy areas was smaller, older, with more widowed persons and females. The family in the industrial suburbs was younger, with more children and less school attendance, and more members of the family at work outside the home. The comparative studies indicated that income is a powerful factor in producing social differences.[14]

Specialization of cities into trading centers, factory towns, transportation centers, mining towns, pleasure and health resorts, and college towns also influences social characteristics. Atlantic City is a pleasure resort; Rochester, Minnesota is a health center; Gary is a steel mill town. Therefore, certain characteristics are obvious. Atlantic City has many hotels; Rochester has clinics and hospitals; and Gary has many mill workers. But these generalizations which come from observation are more marked than the cold statistics of social characteristics. Moreover, only a few cities are truly specialized. Many are mixed trading centers, factory towns, and transportation centers.

Within cities, the outstanding divergences in social characteristics are between the blighted areas near downtown business districts and the outlying residential areas. The decayed residential areas, run-down business districts, the slums of the city are the central problem in contrasting urban and rural characteristics. The blighted areas are the places of material decline and human corrosion which pull the urban averages down or up as the case may be. This is where the city fails in contrast to the country.

Social Problems in Cities

The city is the locale of extreme ranges between the wealthy and the poor. The presence of large numbers of underprivileged persons living in blighted slum areas has posed a problem which cities are unable to solve financially. American cities have been dependent upon federal grants and loans to defray part of the costs of rehousing the people of the slums. Local housing authorities cannot go forward with this program, unless they have continued support from the Federal Government. Blighted areas call for heavy municipal expenditures for police, fire, public health and welfare administration with no corresponding return from property taxes because assessed valuations for slum areas are inevitably low. The American city must tax its high value districts to defray the cost of public administration in blighted areas.

Because of industrial swings in mass employment and unemployment, urban populations have been unusually vulnerable in the past. The depression of the nineteen-thirties brought severe relief burdens to cities. In 1935, one-fifth of the employable persons on relief were lo-

[14] W. F. Ogburn, *Social Characteristics of Cities* (Chicago, 1937), 56-60.

cated in the 10 largest cities; they were largely unskilled workmen. The federal W.P.A. program to sop up unemployment in small-scale public works programs sponsored by cities but defrayed largely from federal funds was necessary. This vulnerability of urban problems led to the Social Security Act in 1935, so that the urban worker would be protected by unemployment compensation and old age insurance.

Municipal life contains basic environmental factors which tend to make divorce and desertion more prevalent than on the farm. Women may more readily find employment outside the home and become independent of family ties. The municipal social-case worker must be more highly trained to counterbalance this tendency to family disintegration. While municipal administration seeks to meet the problems through social case work, provision for organized recreation, and prevention of juvenile delinquency, the public administrator alone cannot redress the problem of family relationships. This is a task for the church, the voluntary associations of churches and clubs, the many agencies of the community funds, and similar urban forces.

City police forces must constantly deal with the tendency of urban populations to commit crimes against property. They face the problems of commercialized vice and the wide opportunities for juvenile delinquency. Rackets in which gangsters preyed on legitimate business for tribute have unhappily been part of our urban environment. So there must be highly trained police agencies capable of crime repression and crime prevention.

With the return of millions of veterans from World War II, cities have suffered from an acute shortage of housing units. Prices of houses rose sharply from 1945 to 1948. Many who had expected to have that "dream" home once the war was over, found that they were priced out of the market. Due to shortages of materials and the high cost of labor and materials, private industry moved slowly to close the gap between supply and demand. Municipal governments did little to meet this problem, which is national in scope. Some cities did revise building codes to permit the erection of prefabricated homes and steel houses. Because of the lag in housing construction, over-crowding increased; families remained "doubled up"; population tended to scatter outside municipal corporate lines in search of cheaper land and lower taxes to compensate for increased building costs.

Municipal administration must continue to exert strenuous efforts to combat problems which accrue from concentrations of industry and people. Smoke ordinances and adequate enforcement are essential to eliminate the tons of soot which fall on the cities, giving rise to respiratory diseases and grime-colored buildings. Highly expensive sewage treatment plants have been built, and more must still be constructed, to deal with the pollution of our rivers, streams, and harbors by industrial and human waste. Equipment and personnel are placed in a never-ending

battle to clear the cities of garbage, rubbish, and litter of all kinds. The city must exert itself by ordinance and enforcement to eliminate unnecessary noise and strain to which urban populations are subjected. The New York City police must even take to the air to serve a ticket on low-flying planes disturbing an area by advertising through high-powered amplifiers. Only by reducing blighted areas, by extensive campaigns against grime, noise, traffic frictions, and urban waste can the cities become again sufficiently attractive to prevent the dispersion of population around urban boundaries.

The small city and the high class satellite city in the metropolitan region make for pleasant living. The large city is definitely a strain on the individual, calls for a complex pattern of municipal administration and high per capita costs. The great city has its compensations in highly remunerative positions for the few who rise to the top in industry and management. Usually they can and do afford to work in the metropolis and live in the fahionable suburb. The large city, in its educational institutions, art centers, musical programs, theaters and cultural attainments, possesses many advantages which the rural dweller can rarely obtain. With all its deficiencies and problems, the metropolitan way of life has attracted almost every other American. By the pragmatic test that millions have chosen to make this their way of life following big industry and big business rather than the farm and the tractor, the large city has demonstrated its capacity to compete thus far. Signs appear, however, that the core cities of the metropolitan areas have stiff competition ahead as people move out for sunlight and air, freedom from friction, noise, and grime. The testing time of the metropolis is now at hand apart from any trend to deconcentration engendered by the atomic age.

The year following World War II found American cities with old social problems intensified and new ones to challenge the municipal administrator. Outstanding among the social problems were the continued blight of slums and the shortage of housing. The urban way of life was marked by growing traffic congestion, as Americans again took to wheels following the drought of gas rationing. Yet urban life was buoyant; for times were good, employment at high levels. The high price level forced welfare agencies to reconsider the basic monthly allotments for the relatively small number of families, as compared with 1933, on relief. Many cities were primarily concerned, not with their social problems, but with the financial struggles essential to replace, maintain, and extend their public works after the war, while increasing salaries and wages for their employees. While police departments expanded to deal with post-war crime, fire departments fought a losing battle against mounting fire losses. The Federal Government, which had poured out billions in the nineteen-thirties to ameliorate the social problems of cities, was appropriating new billions for the European

Recovery Program. Liberal voices writing and speaking about urban social problems were not silenced but less pronounced. Throughout the land, the cities operated on a new peacetime plateau of economic activity. The jingle of the cash register in the nineteen-forties was loud and persistent from coast to coast.

Cities are agglomerations of population drawn together by fundamental economic forces. The economic trends in the specific locale exert pressures on the age, sex, and other social characteristics of the population. The urban environment, in turn, determines partially the behavior patterns of the family and of the individual. Large-scale social problems arise in the urban environment to challenge the municipal administrator. Because the social and administrative problems become so complex and technical in cities, urban attitudes toward the organization of public administration differ materially from rural views. Already, of our cities of more than 10,000 population, 16 per cent are central cities of metropolitan districts and 32 per cent are suburbs within metropolitan regions. Only slightly more than half of our cities over 10,000 population are so-called "independent" cities outside metropolitan areas.[15] This means that it is not only the urban but also the metropolitan-urban point of view which is often in conflict with rural groups.

Urban and Rural Attitudes: Public Administration

Governmental organization within local units of government reflects divergent rural and urban attitudes. In the rural county and town, emphasis has been placed on the elected amateur serving for relatively short terms of office. The township clerk, treasurer, supervisor, justice of the peace and other administrators are widely elected by the people for short terms of office. County clerks, treasurers, registers of deeds, prosecuting attorneys, sheriffs, and many other administrators are likewise generally elected rather than appointed. The election is usually partisan and results in the selection of a Republican or Democratic slate of administrators. The underlying assumption, developed during the nineteenth century when public administration was relatively simple, is that the elected amateur can administer a county or township office. In many county and township positions, the only possibility of a long tenure and professional administration is through the capacity of individual officers to get themselves reelected annually or biennially.

The merit system of selecting employees by civil service examinations and establishing tenure of employment is virtually unheard of in townships. It is used far less frequently in rural counties than in cities. County merit systems are to be found in large, urban counties where the personnel problem involves substantial numbers of employees. This lack of the

[15] *The Municipal Year Book* (Chicago, 1948), 37.

merit system in rural counties is often referred to as the dominance of the spoils system. County boards and county officers select the employees, using their own good judgment in the process of hiring and firing. This leaves the door wide open to spoils, but does not necessarily result in a given county in appointments based primarily on party loyalty without regard to efficiency or ability. Rural people have not urged the requirement of civil service tests for county and township employees upon rural legislatures having power to impose such systems. Hiring and firing of employees is done on an informal, amateur basis without regard to standards, testing, ratings, in-service training, and civil service regulations for dismissals which have become so characteristic of the city.

It is a rural habit of mind to avoid integrated power vested in a chief executive. The overwhelming mass of counties and townships conform to the no-executive pattern of public administration. Powers and duties have been parcelled out by state constitutions and laws to individual county and township administrators. In the sense of the strong mayor or the city manager, there isn't an executive to be found in any county in a majority of the states. Since the late nineteen-twenties tons of literature have been published to demonstrate the necessity and desirability of establishing county-managers. Only a dozen counties, by 1948, had succumbed to this idea and they were concentrated in a few states: California, Montana, New York, North Carolina, and Virginia.

By way of contrast, urban populations have come to rely on integrated, managerial patterns in public administration. Under the strong-mayor and council-manager systems, they entrust the selection of department heads to the mayor or manager. Merit systems have been introduced to govern the selection and tenure of municipal employees. Terms of office for mayors and councilmen have been lengthened in numerous cities to four years. Municipal charters rarely prescribe fixed terms for a city manager, but leave his tenure to the will of the city council. As a result, managers are extending their years of service well beyond the average tenure for elected mayors. Urban populations have been forced into a greater acceptance of administrative management by the professional administrator and away from the short-term, elected amateur. The city police, fire, health, and public works departments, for example, require technically competent administrators to serve as police chief, fire chief, public health director, and city engineer. Such city departments must necessarily be staffed by experts.

Many states which do not have municipal home rule have yielded to municipal demands for optional mayor-and-council, commission and council-manager plans passed by the legislature and subject to adoption by local referendum. While the same optional-law technique has been applied by some state legislatures to county organization, the counties have been notoriously slow in reacting to their legal opportunities. In Montana, New York, North Carolina, and Virginia, progress toward

county management under optional laws has been more rapid than elsewhere. California has experimented with county executives under county home rule. Greater pressure has appeared from urban populations for home rule and optional-charter systems leading to flexibility in basic administrative organization. Cities have been more prone to experiment with new organizational patterns and procedures.

Urban populations are familiar through industry and business in which they are employed with practical examples of assignment of individuals to managerial, professional, and technical positions on the basis of training and skills. They live in a world of techniques and of technicians who must be organized and directed by over-all management. Since this is part of their daily lives in private business, they are more prone to accept management and expertness in the public service.

The rural sheriff's organization, largely composed of deputies hired by the sheriff on the basis of an informal interview and maintained in employment because they are satisfactory to him, has so far met the service demands of rural people. In large cities, policemen enter the service through civil service tests, receive "vestibule" training before they pound a beat or man the prowl car; are evaluated in formal rating systems; develop skills through in-service training; pass upward through promotional examinations; and are suspended or removed pursuant to formal procedures. In the larger cities, police administration simply could not operate successfully on the old, informal hire-and-fire basis. The sheer numbers of police required and the additional training demanded to enforce a wide variety of municipal ordinances as well as state laws have made municipal police administration a professional career. In the urban counties, the impact of numbers, technical problems, and the competition of the state police have forced sheriffs to pay more attention to in-service training, two-way radio patrol and other advances. In general, however, the contrast between the modern, highly-trained, merit-appointed city police force and the small rural-county sheriff's organization exemplifies the fundamental gap between urban and rural populations as to professionalism in the public service.

The rural township assessor still evaluates property for assessment in many states by the "look and see" method. From his general comparative knowledge of what farms in the area are worth, he makes up the tax roll of properties and assessed values. In cities, the assessor has come to be a technician. His office force must be prepared to make block and lot maps; survey property and record its characteristics on data cards; classify properties into categories; establish reproduction values per square foot or cubic foot; evaluate deviations from standard classifications of buildings; establish and apply depth-rule factors and corner influences for lots; and establish front-foot values for land throughout the municipality. The urban property owner demands and gets advanced techniques in the assessment of property.

With the expansion of professionalism in auxiliary functions such as budgeting, assessing, accounting, purchasing, and personnel administration, and the elaboration of the line services such as police, fire, health, public works, and utilities, urban populations have been convinced of the necessity of trained managers to direct and coördinate municipal administration. It is a characteristic of the rural mind to demand that local administration be entrusted to local talent long resident in the area. Cities have demonstrated some capacity to go outside this traditional rut and to appoint distinguished managers from other cities and other states. This technique of picking an administrator from the field of available talent, wherever located in the United States, is contrary to rural traditions.

Urban and Rural Attitudes: The State

Urban and rural populations diverge sharply in their attitudes toward state legislatures. On a population base, it is well known that the urban communities are under-represented in our state legislatures when compared to rural counties. This condition has been maintained: (1) by failure of legislatures to reapportion state representative and senatorial districts; (2) by constitutional requirements for minimum representation of counties regardless of population in one house or the other; and (3) by specific limits on the total representation which any large county may have regardless of population. As a consequence, rural populations have felt that the state legislature could and would represent them adequately in the struggle for grants-in-aid, in the maintenance of tax systems designed to tap the wealth of the cities, and in the evolution of legislation conducive to their interests. They have been confident of the weight of their influence on the state solons through associations of rural officials and their representatives at state capitals.

In sharp contrast, the cities have reacted against state legislative control. They have demanded home rule as a constitutional principle, have fought against special-act legislation, and have insisted on optional-charter laws open to adoption by local referendum. They have more recently battled to obtain state aid and state-collected, locally shared taxes, pointing to the burden carried by municipal real estate under the general property tax. They have argued for legal power to levy locally diversified sales, excises, income and payroll taxes. Through state municipal leagues and the United States Conference of Mayors, they have sought to force attention to urban problems in the state legislatures and in the Congress.

This point of view, namely that the city does not receive the consideration warranted by size, economic significance and modern problems has been stated by the United States Conference of Mayors as follows: "Every competent commentator upon urban problems, almost without exception, points to urban-rural suspicion and antagonism as the funda-

mental, deep-seated cause of the city's financial and legal plight. The fact that most State Legislatures are dominated by senators and representatives with rural constituencies is almost always given as the basic reason why the cities do not receive the consideration which their population and economic importance merit." [16]

Citing instances from specific states, the United States Conference of Mayors pointed to California where Los Angeles County with approximately 39 per cent of the state's population had only one of the state's forty senators. Chicago had more than half the population of Illinois. Yet Cook County in which Chicago is located had only 57 out of 153 representatives in the lower house and 19 out of 51 senators in the upper house. Cleveland with approximately 16 per cent of Ohio's population had only 6.6 per cent of the state's representatives. Baltimore with more than half the population of Maryland had only 36 members out of 120 in the lower house and 6 out of 29 in the state senate. New York City, with some 60 per cent of the population of the state, was allowed 62 out of 150 members of the Assembly and 23 out of 51 of the state senators.[17] Figures such as these and failure of states to reapportion led the Conference of Mayors to declare: "Thus we do not have truly representative government in the 48 States. The figures prove it. And not only are urban areas *under-represented*, they are too often *misrepresented*." [18]

Mayor O'Dwyer of New York City expressed urban attitudes toward the state in no uncertain terms before the New York State Conference of Mayors and Other Municipal Officials in 1948. He told the conference that the time had come when cities must have more to say in state government. Asserting that the state had built up a $700,000,000 surplus during war years of record income, he pointed out that this surplus represented taxes mainly paid by urban people. "I consider it wrong that cities have to go begging for this," Mayor O'Dwyer said.[19] The mayor's attack on the state's handling of surplus was answered briefly by Deputy State Controller Archibald N. Galloway who argued: "When the state returns 55 per cent of all state-collected revenue to municipalities, the state is going as far as the state can go and certainly goes farther than any other state." [20] As there is an urban-rural conflict, it follows that there is also an urban-state struggle over representation, taxation, and expenditures.

Urban and Rural Attitudes: Summary

The outstanding divergence between urban and rural attitudes toward local government is the tendency of urban populations to demand and

[16] The U. S. Conference of Mayors, *You and Your City* (Washington, D. C., 1946), 33.
[17] *Ibid.*, 35-36.
[18] *Ibid.*, 34.
[19] *The New York Times*, June 17, 1948.
[20] *Ibid.*

to become more dependent upon services rendered by the municipal corporation. At the same time, one observes evidence that American urban and rural populations are becoming more alike in this reliance upon public administration. The urban population not only demands more services but also requires them in greater intensity. The telephone is used to call the fire department for fire control. In the public interest, it is essential that the run from fire station to fire be made in a few minutes. This means the allocation of equipment and personnel to central fire stations and to substations in accordance with area and fire hazards. A police prowl car is never more than a few minutes away when the telephone call comes into police headquarters and radio transmits the command to the cruising police in proximity to the emergency. In public works and utilities, the city dweller becomes utterly dependent upon the municipal corporation for constant supplies of water, for sewage disposal, traffic signals, garbage and refuse collection, street cleaning.

Not only are the basic services intensified in the city, but others are demanded to produce a good urban way of life. The municipal police are required to specialize in prevention of juvenile delinquency, in suppression of vice, and in ability to handle riots. The police woman is characteristic of the municipal force, but not of the sheriff's organization. In the cities, parks and playgrounds must be provided and organized recreational programs administered. The city golf course, the auditorium, the zoo, and the bathing beach are other examples of municipal specialization. These activities are not functions which city councils and executives thought up to keep municipal employees busy. They are services which the urbanite has sought and obtained.

The rural family has demanded neither the complexity nor the intensity of services. The farm family is much more the self-contained unit without public water supply and sewage disposal. The individual well and the septic tank take the place of municipal water supply and sewage disposal. The semi-professional sheriff's organization without intense specialization does most of the necessary policing, falling back on the state police in complex crimes and serious disorder. Fire protection is either absent or provided by a township fire truck and several paid employees plus volunteers. Organized recreational programs and special facilities are lacking. In many fields, the rural psychology runs to smaller service demands. Sometimes this is due to geographical isolation which makes intensified public works and utilities unnecessary. Other times it is the result of rural *laissez faire* which neither seeks nor wishes to pay for "frills" in public administration.

On the other hand, the rural dweller must have state and county highway systems, schools, public health administration and public welfare operations. In the services which are closest to his needs and interests, such as roads and schools, he is no less demanding than the urbanite. Urban and rural populations demand of the city and the county what they most

need, but urban groups have greater needs for a diversity and intensity of functions. That is why the per capita costs of municipal administration rise sharply from the small city to the metropolis.

Urban groups must of necessity subject themselves to a greater degree of governmental regulation. The traffic officer, the traffic light, the stop sign, the lines on the pavement, the "no parking" sign, the parking meter, and the traffic ticket for a $1.00 fine to be paid at headquarters exemplify this multiplication of regulations, control, and intensified public administration. The urban dweller must expect and is not disappointed by control over the burning of trash, disposal of garbage, removal of tin cans. His oil tank cannot be jammed close to his oil-burning furnace, for municipal ordinances will specify the number of intervening feet or the requirement of a fire wall of brick. Whether he can park all night in the public street will be determined by ordinance. All of these restrictive ordinances will be necessary to maintain public order, to promote the public safety, and to preserve the peace of the neighborhood. The city will tell him when he can and when he cannot use the municipal water supply to sprinkle the lawn. John Doe in the city cannot build what he wishes where he wills on a city lot, for the zoning regulations prescribe the height, area, and use of structures from zone to zone.

When it comes to regulation, the urbanite submits to much more than his rural confrere, of necessity and in the public interest. He is more docile to governmental regulation of his everyday life, because he knows that the absence of regulation could well spell anarchy when 50,000 people are packed into eight or nine square miles of land area. Because the rural dweller is more spread out over wider reaches of land, he has more freedom to do as he wills on his own property. He can be allowed a greater range of freedom without becoming a menace to his neighbors on the next 80 or 160 acres. He can keep a tidy farm or one in magnificent disorder. No city newspaper will tell him that a clean-up campaign is on and he had better get busy. If he unwisely tolerates fire hazards, the city fire department will not be there to inspect them.

Social Problems Demand Increasing Attention

Municipal administration is in a sense the response of organized government to problems created by congestion of people in a small land area and their social characteristics. Our cities have been great builders. The fact that the city councils have appointed so many professional engineers as managers indicates how much emphasis they placed on streets, bridges, water supply, sewers, and utilities. Americans know how to build and to maintain. They are pastmasters in dealing with steel, concrete, macadam, and black top. In meeting their physical problems, the cities have done a magnificent job. The physical equipment of the American city is certainly superior to English and French standards of local administra-

tion. In fact, only one nation on the European continent, namely, Germany before World War II, resembled in public works the American city. The traffic problem has been a highly complex one because so many American cities developed without reference to the automobile. The traffic burden thrown on American cities is unique in quantity because of the high density of automobiles. Here again, American cities have shown great ingenuity in meeting the problem by signals, markings, direction, personnel, and regulations.

The fire department is another example of a function well administered by the cities. They have gone in heavily for pumpers, ladder trucks, high pressure fog apparatus, aerial ladders, and vehicles combining many means of fire fighting. Generally speaking, the equipment and the capacity to fight fire is well above that of European countries. With some exceptions, American municipal administrators have not been as successful in dealing with people and alerting them to the problems of fire prevention as they have been with fire fighting forces and equipment. In police administration, no costs have been spared to motorize and otherwise equip the force. In fact, the stretching power of the tax dollar alone has been the only drag on public works, police and fire equipment. The ingenuity and the capacity to push administration to high performance levels in public works and utilities and in the use of motorized equipment in police and fire has been marked. These are outstanding achievements. They fit into the general pattern of mechanization and motorization of American life in general.

Whether American municipal administration has been as successful in dealing with people and broad social problems is another question. Generally speaking, American cities so extended themselves in debt for public works construction in the nineteen-twenties that they were unable to cope, at least financially, with the relief crisis of the nineteen-thirties. They were bailed out by the Federal Government. Under the New Deal, a broader social philosophy met the problem of public welfare at a time when the urban taxpayer would have screamed mightily against property tax increases to pay for relief. He paid the cost ultimately through other taxes.

Recent years have witnessed a new and enlarged emphasis in American municipal administration on programs to prevent juvenile delinquency and crime, and a more adequate recognition of the problems of youth. Organized recreational administration has been coming into greater prominence of late. These are evidence of an increasing tendency to meet at the level of local public administration some of the deteriorating influences of urban life.

Again, the first large-scale attack on the rehousing of slum dwellers was made through direct intervention by the Federal Government under the Public Works Administration in the early years of the New Deal. Later the Federal Government reversed its rôle, with emphasis on federal

loans, grants, and contributions to local housing authorities. Cities should not be unduly criticized, since they generally lacked legal authority from the state and local tax resources to enter the field of public housing. Yet, from comparative observations in England and Ireland before World War II, it seemed clear that English and Irish local administrators were more generally immersed in housing programs and were deeply imbued with the idea that rehousing of those in congested slum areas was a pervasive municipal problem which must be met. An American city official in those years might proudly show public works and utilities, fire engines and motorized equipment of all kinds. The English and Irish official was sure to show off the recent and older housing projects. Now, the American administrator likewise points with pride to public housing.

Zoning is another illustration of short-sightedness. It became popular in the nineteen-twenties after non-conforming uses had penetrated into residential areas. Zoning had to be fitted down over a patchwork of residences, business, commercial and industrial establishments. Private deed restrictions protected the better class neighborhoods, but zoning came too late to save the lower economic groups from living in admixed areas of residence and commerce. Too many sections of our cities, although softened by the play of electric lights on shadows at night, are still ugly by day. In this respect city administrations in earlier decades failed to foresee the necessity of zoning for the good life of the average citizen until it was almost too late. Now for twenty-odd years city administrators have struggled to catch up with this problem, but the non-conforming use is still with us.

Nowhere has the essential need for greater attention to the broad concept of social welfare been more succinctly stated than in the report of the National Resources Committee on *Our Cities* in 1937. "Dislocations, maladjustments, and other defects and deficiencies in the urban structure, congestion and excessive land prices, slums, blighted residential areas and deteriorating business sections, as well as premature and unnecessary subdivisions—and the economic losses and social ills resulting therefrom—are the price of inadequate attention to the development and welfare of the community as a whole—of not planning—and may be found in almost every large urban area. Serious as these defects may be, it is believed that they are but blemishes or infections which an otherwise healthy organism can check and which can be removed without danger to complete recovery." [21]

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CHAPTER VI

Patterns of Local Government

The municipality is only one of a variety and abundance of local governments which flourish on American soil. The county, township, town, village, school district and special district, together with the city, make up a diverse species. These governments perform, for groups of people within territorial areas, functions which constitute the sum total of local administration in the United States. Local units of all kinds, corporate and quasi-corporate, grew up for years without any national policy as to the appropriate number. Each state went its own gait. In the absence of national policy or uniform state action, these cells of political life within the states developed many forms. Common terminology now cloaks a multitude of purposes and functions. The New England town is a far cry from the incorporated town of the Middle West, just as the Southern county bears little resemblance to the county in New England.

Since the units coincide or overlap one another in territory and population, the picture is one of layers. In Michigan, for instance, the village is within the township; the township, village, and city within the county; the county within the state; and interlarded with them all are school districts and special districts. Since these units live by taxation and by borrowing, problems of the over-all tax systems and over-all indebtedness have arisen. In the depression of the nineteen-thirties, it became apparent that the local governmental field, like others, suffered from over-production.

Number of Local Governments

Before a careful count was made of local governments in this country, estimates of their number ranged from 150,000 to 200,000. Early in the nineteen-thirties, a tabulation was made by William Anderson on the premise of a five-fold definition. (1) The unit should have a separate continuing governmental organization. (2) The governing body should have power to provide some governmental or quasi-governmental service year after year on its own responsibility. (3) The governing body should be independent of other local governments; it should not be a mere board such as a park board or a department of a local government. (4) The area covered by a unit of local government might or might not coincide with the area of other local units. If areas coincide, the test

should be one of separate corporate existence of the local units involved. (5) A most important criteria was the power to raise revenue by levying taxes, by special assessment, or by establishing rates for services rendered.[1]

Based on these tests, the tabulation recorded 3,053 counties, 16,366 incorporated cities and villages, 20,262 towns and townships, 127,108 school districts, and 8,580 other (special district) units or a grand total of 175,369 units of local government. Areas used for purposes of public administration in connection with elections, tax collection, road administration, public health, judicial administration and also special assessment, utility or other local improvement districts without separate governmental authorities were not included in this total.

A subsequent tabulation by Professor Anderson in 1941 indicated a reduction in the number of units of local government by 10,369. As compared with the statistics for 1930-1933, the count for 1941 included: 3,050 counties, 16,262 incorporated cities and villages, 18,998 towns and townships, 118,308 school districts and 8,382 other (special district) units, or a grand total of 165,000 units of local government. The decrease in number of units was most marked in the case of school districts and towns and townships.[2]

For the year 1942, the Bureau of the Census made a count of the units of local government. The totals obtained included: 3,050 counties, 16,220 incorporated cities and villages (municipalities), 18,919 townships or towns, 108,579 school districts, and 8,299 special districts or a grand total of 155,067 units of local government.[3]

The difficulties of obtaining an accurate count of the units of local government in the United States have been summarized by the Bureau of the Census in the following terms: "The count, so far as possible, has been of active units only, although the only mark of life in some may be the winding up of financial obligations or the continued election of officers. Some units come into existence every year. Others, for one reason or another, expire each year. New concentrations of population become incorporated and proceed with full governmental operations. Some have only recently come into existence by way of incorporation, with the intention of proceeding to governmental operation immediately. These have been counted. Other municipalities, though incorporated, have ceased to elect officers or to raise revenue or to be active in any other way. These have not been counted, although legally the corporation continues.... The requirement that a unit be organized in order to

[1] William Anderson, *The Units of Local Government in the United States* (Chicago, 1934), 2.

[2] William Anderson, *The Units of Government in the United States* (Chicago, 1942), 2.

[3] U. S. Bureau of the Census, *Governmental Units in the United States 1942* (Washington, D. C., 1944), 1.

be counted has excluded dormant municipalities, school or other districts, and also certain areas bearing the designation of counties." [4]

From the tabulations by William Anderson and the Bureau of the Census, our knowledge of the numbers of units of local government has been sharpened. The exact total will always vary with the precise standards or definitions used, with the decisions of the tabulators in including or excluding so-called "dormant" units, and according to the year of report, since units come into existence and cease to be active from year to year.

The County

The county is the most ubiquitous among the local authorities. Found in every state in the Union, it is everywhere known by the same name except that in Louisiana the county is designated as the *parish*. Like other local bodies, this unit has a subordinate legal position in the state. Counties are created by the state and may be abolished by the state. At one and the same time they act as instruments of self-government and subdivisions of the state. Courts generally classify them as quasi-corporations, a distinction being drawn in a majority of the states between counties as quasi-corporations and cities as municipal corporations. This difference, pointed out in an early case in Ohio, prevails widely:

> Municipal corporations proper are called into existence, either at the direct solicitation or by the free consent of the people who compose them. Counties are local subdivisions of a state, created by the sovereign power of the state, of its own sovereign will, without the particular solicitation, consent, or concurrent action of the people who inhabit them. The former organization is asked for, at least assented to, by the people it embraces; the latter is superimposed by a sovereign and permanent authority. A municipal corporation proper is created mainly for the interests, advantage, and convenience of the locality and its people; a county organization is created almost exclusively with a view to the policy of the state at large, for purposes of political organization and civil administration. . . . With scarcely an exception, all the powers and functions of the county organization have a direct and exclusive reference to the general policy of the state, and are, in fact, but a branch of the general administration of that policy.[5]

Although most judicial decisions regard the county as an administrative district of the state with a legal status different from that of the municipal corporation, other considerations necessitate reservations. In fact North Carolina, Alabama, and Montana treat the subject of county government in their constitutions under the general topic of municipal corporations. In New York State, by an act of 1892, counties are declared to be municipal corporations. A broad view of the county based on its operations as a unit of local government and on the growth of its functions renders a purely legalistic definition inconclusive. As one

[4] *Ibid.*, 3.
[5] Hamilton County *v.* Mighels, 7 Ohio State 119 (1857).

authority has said: "Historical study of the county indicates that even in early days it acted to some extent as an organ of local government as well as an agent of the state. With the development of public services in recent years such local activities have increased, as in the maintenance of hospitals, libraries, parks and aviation landing fields. These developments indicate that the county, in fact as well as in law, is approaching more nearly the position of a municipal corporation." [6] The urban county, like the city, must respond to demands for more services.

The word *county* is one of the variables in the political lexicon. It connotes cracker-box politics, the horse-and-buggy era, and the administration of justice. Over and above all this, the county courthouse is still suffused in the light of patriotism and imbued with the essence of Americanism. Originally designed to look after the interests of agricultural regions and farmer folk, the county has managed to retain its old emphasis, while urbanization has brought to it new and different burdens. Most counties would still be considered as agencies serving in the execution of state policies by furnishing services to rural residents. On the other hand, counties such as Wayne County in Michigan and Cook County in Illinois are now exclusively metropolitan, enveloping as they do Detroit and Chicago.

The county, generically speaking, is equally broad in spanning wide ranges in population and extent. While Cook County, Illinois, embraces four million inhabitants, certain counties in Texas contain several hundred persons each. San Bernardino County in California covers 20,175 square miles, while Arlington County, Virginia, a suburb of Washington, D. C., is confined to twenty-five square miles.

The exact nature of the county as it exists today varies roughly in accordance with the section of the United States in which it is located. In New England, it has become largely a judicial district, and in one state of New England—Rhode Island—it is not classed as a local government at all, since there is no body to levy taxes or to carry on functions. In the South and Far West, the county goes to the other extreme as the primary local unit controlling, among other things, the courts, education, public health, welfare, public works, and roads. In the Middle West, townships survive and perform with the counties services rendered by the county alone in the South and West.

The American states have not generally followed the English practice of creating county-boroughs, although there are some city-counties in this country. Virginia is the only state with a consistent policy in this respect. Here, cities over 10,000 in population are independent and really constitute city-counties operating primarily as cities but retaining essential county functions. Elsewhere in the United States, counties and cities customarily overlap each other in geography and constituency

[6] C. M. Kneier, "The Legal Nature and Status of the American County," *Minnesota Law Review*, XIV, 156 (January, 1930).

and co-exist as local units. In a few of our metropolitan areas, city and county consolidation or separation has been achieved.

Because of the history of the American county, its growth to conform with regional requirements, its broad development on the basis of expediency, the use of the word itself requires caution. Only the addition of a descriptive label like rural, urban, city-county, metropolitan, New England, Middle Western, Southern, or Far Western can designate the exact variety of government.

Relation of the City to the County

Because of the lack of a general policy merging city and county when the former reaches a specified size, the typical city has become a unit within the county, a wheel within a wheel. The people within the urban limits pay taxes to support the administration of the county. So the urbanites are paying in the first instance to support a complex municipal administration of their own, and in the second instance to maintain county services, many of which overlap municipal functions. The city pays for its own police force, but also contributes to the county sheriff's organization which, in its police aspect, is serving chiefly out-city environs.

Cities and counties contrast with each other in regard to operating methods, with most counties lagging behind the progressive municipalities. Chief executive officers are rare among the counties. Integrated series of departments analogous to those in the cities are few. The use of modern techniques in budgeting, accounting, purchasing, and personnel is less frequent at the county than at the city level. Many of these factors, particularly the lack of executive unity and of adequate departmentalization, are not faults of the county *per se*. In state after state, constitutional limitations bind the free movement of county government in a strait-jacket. Nevertheless, the plain fact is that city-dwellers find themselves contributing to county costs which pay for certain duplicating functions, support antiquated procedures, benefit the rural districts more than the urban, and are controlled by non-city representatives. So much of the attention of the urban voter is directed to municipal government that the county, so far as he is concerned, is a poor second. The rural elector takes more interest in county government.

The Township

Townships, found for the most part in the Middle Atlantic and North Central States, are political subdivisions of the state, smaller in geographical extent and of less power than the county. They provide a few services for people in rural areas, although adjacency to cities and density of population may lend the area an urban character. Classified by

the courts as a quasi-corporation, "township" is nevertheless a loosely used term. Among the Middle Atlantic and Midwestern States, some use town and others township to describe this political subdivision within the county. The town or township of the Middle West is by no means the equivalent of the New England town, which has qualities and characteristics all its own. Further confusion arises when the word town is applied, as in a few states, to incorporated villages.[7] Through many social changes, townships have survived to the atomic age.

The township is very different from the New England town. A civil township was one organized to meet the needs of a preexisting settlement of people. A Congressional township was a mapped area of thirty-six square miles as surveyed under the famous Ordinance of 1785. In New York, Michigan, Illinois, and Wisconsin, the township has unusual significance as the basis of representation on the county boards. Townships generally serve as election districts in county, state, and national elections. They commonly assess and collect the general property tax for their own purposes and for the county and state as well. Through the offices of justice of the peace and constable, they serve as judicial districts for maintenance of the peace and adjudication of minor civil cases. Although townships in some states still maintain their own highway systems supplementary to those of the state and county, this responsibility has in some states been transferred to the county, as in Michigan. Popularity of county and multi-county health units has deprived many townships of their former participation in public health administration. Administration of relief is likewise being moved upward from the township to the county.

Towns or townships exist generally as local governments in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin. In Minnesota, mandatory deorganizations for townships with specific fiscal weaknesses were required from 1933 to 1937 by state law, and since 1937 at the discretion of county boards. Seventeen counties in southern and south-central Illinois have no township governments. In Missouri, Nebraska, North and South Dakota, organization of the township prevails in some counties and not in others. In Oklahoma, an amendment to the constitution authorized indirect abolition through removal of the power to tax for township functions, and the legislature finished the job in 1935 by transferring functions to county authorities. Even in those states which still adhere to the original organization, the township is becoming atrophied through the loss of functions to the county, a process more advanced in certain states like Michigan than in others like New York.

[7] Except for the New England town, the term *town* is here used interchangeably with that of *township*, according to the practice of the state under discussion, and not as a descriptive word for incorporated areas. In all such instances, reference will be made to the *incorporated town*.

The New England Town

The typical New England town is some twenty to forty square miles in area. Northern Maine has unorganized towns comparable in size and regularity to townships in the Middle West. The vital differences between the New England town and the Midwestern township go deeper than the mere question of territorial lay-out. The former, commonly irregular in shape, is the product of actual growth or settlement; the latter, mostly regular in outline, is the result of official land surveys. The one grew up first on the land itself; the other took shape on paper. Divergent policies as to small incorporated units within the boundaries make another difference. In the Middle West, the states have followed the practice of providing for the incorporation of villages and cities as distinct political entities apart from the township. The New England village is, with little exception, part and parcel of the town itself. In New Hampshire, Massachusetts, and Rhode Island the thickly populated regions of the towns, except for special district purposes, are not separately incorporated. Generally in New England, the village or villages are as much a part of the town as the rural fringes. Exceptions to this rule are in Maine, Vermont, and Connecticut, where some separately incorporated villages and boroughs are to be found. In town governments, special features are also found.

In the New England town, direct democracy finds one of its last redoubts. The voters not only elect their selectmen but also, assembled together in town meeting, pass local by-laws, make appropriations and levy taxes themselves. Preservation of direct popular participation from Colonial days, plus a range of functions, lack of overpowering county authority, and integration of villages with open-country areas in a single unit are factors which, taken together, distinguish the older institution from the Midwestern township.

Yet the New England town, due to its progressive urbanization, racial diversity, extension of functions, and financial problems, has undergone modernization and adaptation. One device, tried especially in Massachusetts, is that of the limited town meeting, whereby the voters select a considerable number of delegates to serve as the voting membership of the town meeting. Any voter may attend the town meeting and enter into debate, but only delegates can vote. Town management has made headway in Maine, Massachusetts, and Vermont. Under the council-manager plan for cities, the council appoints and removes the manager, who serves as the direct link between the council and administrative departments. In New England town management, the managerial office is customarily responsible to the selectmen, who are, in turn, responsible to the town meeting.

Under the optional town manager law in Maine, a town may vote to employ a manager or to form a union with one or more other towns

in the employment of such an officer. The manager becomes the administrative head of the government of the town, or of each of the several towns. He is responsible to the selectmen for the administration of all town departments over which the selectmen have control. The selectmen may require the manager to exercise the duties (or any part thereof) of the treasurer, tax collector, road commissioner, or overseers of the poor. Just how much integration can be achieved under town management is indicated by the experience of Fort Fairfield, Maine, which has operated under a special act. In Fort Fairfield, "the manager ... is the administrative head of all town departments except schools; in other words, is overseer of the poor, road commissioner, town engineer, purchasing agent, tax collector, building inspector, plumbing inspector; and in addition supervises the fire department, police department, and department of health, prepares the annual budget, and controls all town expenses, as well as the routine office work." [8]

Incorporated Places

Wherever economic forces have produced density of settlement, whether it be a cross-road village or a radiating metropolis, separate corporations have arisen to meet the needs of these foci of population. Scattered throughout the states, they cover a proportionately small land area, and unlike the county, township, or New England town, they are not contiguous. Unlike the special district corporation limited to a single function, these cities and villages are municipal corporations and supply a variety of services: fire and police protection, public works, public health and welfare administration, municipally owned public utilities—to instance some of the most essential. Some such incorporations are to be found in every state, yet the range in number from state to state is variable.

For the larger incorporated places, the states commonly use the designation *city;* for smaller ones, *village* or *town* (incorporated). To this rule, Connecticut, New Jersey, Pennsylvania, and some other states make exception and use the word *borough* for small, incorporated places. In the South and West, it is the rule rather than the exception to call small municipal corporations *towns,* whereas the Northwest and Midwest refer to them as *villages.*[9]

Cities, villages, boroughs, and incorporated towns have much in common. Their land area is very small, varying from less than one square mile to a few hundred square miles. In the absence of city-county consolidation, most of these municipal incorporations remain under the

[8] O. C. Hormell, "Maine: a Pioneer in Town Management," *Nat. Mun. Rev.,* XXIX, 653 (October, 1940).

[9] This is not always so, for in Indiana and Iowa the small, incorporated places are towns, while the general political subdivisions within the county are townships.

jurisdiction of the counties within whose boundaries they lie. While they have their own governments, tax systems, and services, their populations also contribute a large share of the county taxes. Whereas counties and townships have been organized largely under state laws of general application, cities and villages are governed variously under special charters, home-rule charters, general laws for municipalities of a specified class, or optional state laws adopted by local referenda. Their governmental procedure has broken away from Jacksonian tradition and utilizes to a far greater degree the principle of an integrated executive. Their complex rules and regulations are diversified to meet the needs of dense populations crowded into small land areas. Although these urban and village units from the largest to the smallest may possess the characteristics of the municipal corporation, they actually have little in common because of variation in size and functions. Legally, city and village may be true municipal corporations, but there the resemblance between them ends.

School Districts

Most numerous among all local governments is the school district. School districts, however, come in more than one package. The little red school-house serving children who live within an area of five or six square miles satisfies the desire to have it close at hand and under neighborhood management. Thus, "to provide education, at least in the three essentials of 'reading, writing, and ciphering,' as expressed by Abraham Lincoln, and to bring that education within easy walking distance of every rural home, more than ten thousand school districts were organized in Illinois prior to 1870." [10] Aside from this small, independent type, other school districts may correspond to the boundary lines of towns, townships, villages, counties, or cities.

The unique American insistence upon separate units of school administration adds to the general governmental complexity. Persons who might otherwise devote their energies to municipal or village councils engross themselves in school boards. It is more difficult to view the budgetary needs of local administration as a whole when one of the major functions is administered independently. However, the school district bids fair to remain a separate entity. The peculiar emphasis given to the educational program is expressed in the retention of the school district, and it is unlikely that schools will be made a part of municipal administration like police and fire protection.

Twenty-six states use the small, one-room school district without relating it territorially to other local units. In some states, the rural school district coincides with other units; in twelve Southern states with the county; in New England and three other states with the town or town-

[10] Illinois Tax Commission, *Atlas of Taxing Units* (Springfield, 1939), 5.

ship.[11] The fact that there is a territorial coincidence rarely means that there is an administrative merger of local government and school government.[12] Delaware is the only state having a highly centralized system of state school administration. City or urban districts are found in all the states; they are often but not always coterminous with city boundaries. Because of their relative independence of municipal administration, urban school districts, like rural school districts, are usually classified as separate units of government.

Since, in the north central states rural school administration is organized on the small district basis, the question has sometimes arisen: should the township be retained, if for no other purpose than that it may serve as a consolidated school unit? Majority opinion is against such a trend, although the township has been so utilized in Indiana and elsewhere. Objections raised against the township as the medium for highway, health, and judicial purposes applies against it as a school district. It does not conform to natural community areas. Modern transportation has made the county instead of the township a possible nucleus in educational administration.

The schools' predicament becomes acute in areas sparse in population and low in assessed valuation. The matter is not purely local in its ramification. The small school district with insufficient equipment, high cost per pupil, and low-salaried teacher leads to demand for state aid in order to maintain minimum standards. If state aid to school districts continues at levels reached in many states, or if such aid is expanded, it might well be made contingent upon plans for reorganization of rural school districts.

Relation of City to School District

As state agencies, school districts are largely independent of municipal control. They have been able to keep on a footing of equality with other local authorities, for the American people have refused to place the schools in the subordinate position of administrative departments within municipalities. Fear of the intrusion of urban politics into educational management fires popular determination to retain the independence of the schools. It is only in exceptional cases, as in St. Paul and Chattanooga, that the school system is a department of the city government on a par with other functional activities.

School and city relationships in cities of more than 50,000 population have received special study. It was found that school board members were chosen by popular election in 139 of these 191 cities. In forty-three

[11] The town or township unit is used in New England and in Indiana, New Jersey and Pennsylvania.

[12] In Massachusetts the schools and civil administration are merged in a unitary system.

cities, municipal authorities were authorized to appoint school board members.[13] Other boards were variously appointed or self-perpetuating. In St. Paul and Chattanooga, the schools were administered as municipal departments. The high ratio of elective to appointive school boards and the rarity of departmental status make the independent school district the characteristic American way.

On the other hand, in cities of 50,000 or more the practice of municipal control over the school budget cuts somewhat into the theory of the independence of the schools. In 151 of the 191 cities, school officers had to submit their budgetary estimates to some other governmental authority —state, county, or municipal. In seventy-seven instances, the school budget had to be submitted to municipal officers. In eleven cities this brought no real control, for the submission was merely for the purpose of consolidating the school budget with municipal estimates of expenditure for determination of the requisite tax levy. The school budgets were actually subject to review by municipal officers in approximately one-third of the cities of more than 50,000 population. In a majority of these cases the municipal representative entrusted with the review of the school budget could control only the total, not the detailed estimates.[14]

Independence of the school district, if measured by separate election of the school board and freedom from municipal budgetary control does not tell the whole story. Politics can and have entered into the elective as well as the appointive board. Politics can and have played a rôle irrespective of fiscal independence or dependence. The evidence is so complex that arguments are advanced for complete independence and for complete dependence of the school district.[15]

Special Districts

The mosaic of local government is not complete without the special districts which have been laid out to meet demands for functional services not at the time supplied in a given area by existing units. Such districts have been developed for water control, irrigation, rural roads and bridges, and urban utility services. In order to finance the cost of their specific undertakings—whether it be drainage, mosquito abatement, or electric power—they have recourse to taxation, special assessment, or charging of rates based on service costs. Where these special districts are true units of local government, they have their own governmental organization.

[13] Under this arrangement, the mayor made the appointments in twenty-six cities; the city council in eleven; the mayor and council in three; the city council and county commissioner in one; the mayor and voters in one; and the city manager in one.

[14] N. B. Henry and J. G. Kerwin, *Schools and City Government* (Chicago, 1938), Chap. 2.

[15] For further discussion, see Chap. XXXI.

The geographical incidence of special districts is uneven and spotty, although no section of the country is without some. Extreme variations exist between the states. Four—Illinois, Missouri, Arkansas, and Mississippi—abound in special districts, whereas Indiana, Kentucky, Oklahoma, and Alabama have few if any. Rural areas and metropolitan regions alike contain these *ad hoc* governments. Boom times in agriculture and industry have been more conducive to their spread, since people then stress the need for services and feel less perturbed about costs. In lean times when taxes press harder, services are more readily foregone, and special districts are frowned upon. For example, during the hard times of the nineteen-thirties this movement not only was suspended, but underwent retrenchment.

Not everything that goes by the name of district belongs to the family of local governments. Election districts—and there are thousands of them—are administrative areas pure and simple. Congressional districts, state representative and senatorial districts, city wards, county areas for the election of commissioners, voting precincts are all of this stripe. Districts laid out for execution of some function by the state, city, or county are not units of local government. State highway districts, county and multi-county health districts, police precincts, garbage collection districts, school attendance and supervision districts are merely areas of administration; likewise judicial circuits and the election districts for minor and general trial judges. The sum total of local governments is extensive enough without counting such areas.

Insistence upon any uniform or universal system of local government would violate existing trends in the United States. The policy of expediency, of devising a plan to meet an actual situation, was pursued from the days of the Mayflower Compact to the commission plan which resulted from the Galveston tidal wave. Such a history leaves room now for further revision in the light of changed circumstances. Consolidation, combination, dissolution, and deorganization are among the steps already undertaken, although complete realignment of areas and units to conform to modern theories of public administration is unlikely. Pragmatism will underline the reconstruction of local government, as expediency dictated its initial growth. With this reservation in mind, what is to be anticipated in the future?

(1) Separate school districts will remain, but consolidation of districts and adoption of the county-unit by additional states should reduce their number. (2) Special districts will not multiply unless boom psychology again pervades local administration. (3) Townships, already vestigial in places, may disappear from some states but will survive in others. (4) Little consolidation of New England towns and less of counties the country over is probable. (5) Although consolidation of city and county will hardly be a general policy in any state other than Virginia, in specific metropolitan areas efforts will continue to federate or consolidate cities,

villages and counties. (6) The number of incorporated places will increase slowly in spite of reduction through the dissolution of villages and small cities which have declined in population.

Summary of Types of Local Units

The incorporated city, village, town, or borough in the United States is classified as urban or rural population by the dividing line of 2,500 population. Whether these incorporated places are urban or rural by census definition, they have certain common characteristics. The incorporated communities vary, with certain exceptions, in geographical area from a fraction of a square mile to several hundred square miles. Their total land aggregate has been estimated between 2 and 3 per cent of the land area of the United States. Generally, incorporated areas have a much denser settlement of people than the surrounding unincorporated territory. They have been created as true municipal corporations to provide numerous and intensified local services. They are diversely governed by special charters, general laws, optional laws, or home-rule charters. As a rule, these incorporated places remain as part of the county or counties in which they are located. They have been given a separate legal existence for the provision of local services in densely settled communities.

Counties are the principal or largest territorial units of the state for the dual purpose of carrying out functions of state-wide interest and others of limited or local concern. Territorially speaking, counties are inclusive, because in a given state their combined areas comprise the area of the state. Originally, they were created to carry out uniform state policies in such matters as judicial administration, enforcement of state law, election administration, and registration of deeds. In recent decades they have taken on more and more the service characteristics of the incorporated places. In such matters as public health and public welfare administration, they are administering services which are of vital local concern as well as of state-wide interest. Local activities such as libraries, parks, and airports are increasingly becoming part and parcel of county administration. Unlike the incorporated cities, counties more frequently have their governmental organization prescribed by state constitutions and general laws. They have not kept pace with the trend of cities to home-rule charters and executive management.

In addition to the incorporated place and the county, a third type of local government is the town or township. These units are often described as subdivisions of the county for local purposes. Many of the towns or townships in New England, in the Middle Atlantic States, and in the Middle West are rural governmental units for the administration of services to rural people. On the other hand, numerous New England towns, and towns and townships in other states are becoming increasingly

urban in character and function. The Middle Western township which has been densely settled by fringe dwellers faces urban problems. So the towns and townships can no longer be described as universally units of government to serve rural population. In the South and the West, organized towns and townships do not exist within counties. Towns and townships generally remain as part of the county areas with their own separate corporate or quasi-corporate status. They administer functions both of local and state-wide interest. Their area is intermediate in size between that of incorporated places and the counties. The survey township of the Middle West is 36 square miles in area, whereas New England towns are usually from 20 to 40 square miles of territory. Their governmental organization is widely prescribed by state constitutions and general laws rather than by special charters or home rule. Compared with cities, they are less irked by state legislative control.

A fourth class of local units is comprised of the various special districts. Within this class, the school districts constitute the overwhelming majority in numbers and services rendered. They are the institutional representatives of the American determination to place school administration apart from the general units of local administration. Other special districts come in a variety of categories; fire, water, sanitary, drainage, park, and similar, special purpose units. These units come in a great diversity of sizes and populations. Often they cut across the boundaries of other local governments: incorporated places, counties, towns, and townships.[16]

A unit of local government will therefore be classified into one of four general categories: (1) an incorporated city, village, town, or borough; (2) a county; (3) a town or township; and (4) a special district, including the school district as a special purpose unit. The city is thus only one of four general types of local government. The individual citizen finds himself a resident of layers of local units. In Michigan, for example, one lives in a city, school district and county; or in a village, township, school district and county; or in a township, school district and county.

Interrelations of Municipal Governments

The modicum of recognition in state legislatures has impelled cities to league together for mutual interest. Indiana saw the first formal organization of municipalities in 1891. While the Indiana Municipal League has been inert at times, its objectives are shared by sister organizations: "(1) to bring about closer coöperation between cities for their mutual benefit and protection, (2) to collect and disseminate information on problems of municipal government and administration, (3) to hold annual meetings for the discussion of practical problems, and (4) to

[16] See William Anderson, *The Units of Government in the United States* (Chicago, 1942), 15-16.

promote legislation beneficial to the cities of the State." [17] By 1900, other associations of cities had been established in Iowa, California, Wisconsin, Michigan, Illinois, and Pennsylvania. Although there was a lull in the formation of state municipal leagues after 1900, they began to gather momentum again in 1910, and in 1947 there were municipal leagues in forty states.[18]

While some of the state municipal leagues are part-time organizations, most are full-time and are directed by an executive officer. He is chosen by the governing board of municipal officers elected at an annual meeting. The size of the staffs employed varies. Support comes primarily from a sliding scale of dues assessed against the individual cities and villages. In return for these assessments, the member municipalities obtain varied services including consultant and legal advice, periodicals, in-service training schools, and annual conventions. For specialized services such as charter and ordinance drafting, or assistance in personnel administration, the usual practice is to charge separate fees. The necessary administrative overhead for centralized, joint purchasing by localities of specific commodities has been furnished by certain leagues.

State municipal leagues, unlike citizens' civic councils, are composed of municipalities, with cities and villages as such, rather than individuals represented therein. Annual conferences of the leagues bring municipal officers together to discuss their mutual problems in general sessions and in detailed section meetings. When the league makes a representation before the state legislature, it does so as the spokesman of the municipalities. During legislative sessions, the leagues, through their executive directors or legal counsels, follow the course of bills and report to members on how their interests will be affected. The leagues seek to obtain legislative action favorable to the cities, to municipal powers, to the distribution of state grants-in-aid, and to the allotment of state-collected, locally shared taxes; and other action generally conducive to the welfare of the state's municipalities.

Activities of the leagues in consulting with city officers, in furnishing information and legal advice are particularly valuable to the small cities and villages. By sending consultants on field trips to explain federal or state administrative regulations, to indicate the cities' rights and obligations, the leagues save individual communities from unnecessary expense and confusion. Centralized purchasing of materials, begun experimentally in connection with the purchase of fire hose by the Michigan Municipal League in 1930, was later expanded to other commodities, including nozzles, fire extinguishers, traffic paint, water meters, fire

[17] National Resources Committee, *Urban Government* (Washington, D. C., 1939), I, 182. (Supplementary Report of the Urbanism Committee to the National Resources Committee).

[18] *The Municipal Year Book* (Chicago, 1948), 93-94. The exceptions were: Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, and Wyoming.

hydrant paint, street-name and traffic regulator signs. Other leagues have resorted to centralized purchasing services on a more limited scale.

The New York and Virginia leagues pioneered in the development of training courses for police and firemen. In-service training programs have been developed since 1928 in many of the states and have broadened out to include schools for assessors, building inspectors, city clerks, finance officers, food inspectors, park and public works officials, and other types of municipal employments. Many of the leagues maintain a close contact with municipal officers through a monthly magazine which carries articles on current policies of the league, newly-developed techniques in administration, and results of special research projects. This type of publication may be supplemented by specialized reports. Individual leagues furnish individual services as the need for them arises. In 1935, the leagues in California and Michigan began to assist cities in surveying personnel problems and in installing merit systems. In Minnesota, the league has provided charter-drafting and ordinance-codifying services.[19]

In 1924, the state municipal leagues joined forces in a national organization known as the American Municipal Association. Headquarters, at first centered at the League of Kansas Municipalities, were moved to Chicago in 1932. Support derives from dues of member leagues and from grants by foundations. The A.M.A. collects and exchanges information for municipalities from coast to coast. Agenda of the annual conference cover a wide field. With federal-city relationships intensified under the New Deal, the Association opened an office in Washington in 1934, where it played a part in the development of administrative relations between national and local government during the emergency. Municipal interests have been promoted before Congress and before federal agencies.[20]

In 1948, the American Municipal Association was aptly described as a national federation of state leagues of municipalities. It represented 9,500 municipalities in the United States. In that year, the A.M.A. issued a bulletin setting forth "A National Program for American Municipalities." This program presented the case of the cities for home rule, for more representation in state legislatures, for sufficient revenues to finance their activities, and for more federal-state-municipal cooperation. It called attention to existing major urban problems in transportation, housing, civilian defense, and urban redevelopment of blighted areas. It pointed to the need for corrective state legislation to meet many fiscal and social problems in municipalities.

In the early nineteen-thirties, with relief burdens rising, the plight of American cities grew desperate as the general property tax fell. A conference of mayors at the invitation of Mayor Frank Murphy met in

[19] National Resources Committee, *op. cit.*, 185-199.
[20] National Resources Committee, *op. cit.*, 201-205.

Detroit in June, 1932. During the following year, the United States Conference of Mayors was organized in a meeting at the nation's capital, the purpose being to find a vehicle for representation of urban interests before Congress and federal administrative agencies. Problems of federal-city relations with regard to relief and public works initially dominated the meetings of the mayors. The Conference of Mayors is primarily an organization of the larger cities, those with populations of more than 50,000. At first the conference relied on the secretariat of the American Municipal Association, but later set up its own. The secretariat does more than represent the cities wholesale in Washington. Individual cities can, through formal application, use the secretariat to appear for them before any federal department. The Conference acts not only in individual municipal problems, but also focus the views of the cities on pending or operative federal policies.

Need for an urban front in dealing with state legislatures and administrations has been answered by municipal leagues, which demonstrate the efficacy of collective effort in promoting progressive policies in individual communities. The American Municipal Association and the United States Conference of Mayors met the demand for adequate presentation of urban interests at Washington. The expansion of their activities coincided with the new and direct federal-city relations engendered during the New Deal.

Apart from organizations for mutual advantage, inter-city relations take the form of contracts for the purchase of services by one locality from another. Informal and formal connections between citizen groups and elected councils offer another avenue of cooperation. The National Municipal League, embracing as it does municipal officials, citizens, and citizen groups, has been influential. An outstanding association of professional municipal executives is the International City Managers' Association, consisting of individual managers.

Local Units—A Bumper Crop

The federal system of government makes demands upon the voters' time and attention in two directions, federal and state. Further demands are made upon the man-in-the-polling booth by the manifold ramifications of local government. Ballot fatigue takes its toll sooner or later when the average elector is expected to remain on the alert in village, township, school district, county, state and national affairs; or, to reverse the layers, in city, school district, county, state and national problems. When the long ballot is extended not only over candidates for representative bodies and chief executive posts, but also over various administrative offices, that straw may break the voter's back. The diagrammatic peaks and dips shown in electoral participation from year to year are not astonishing in consideration of the numbers of governments

to which the American citizen must direct his attention. Compared with the urban, American voter, the English participant in county-borough and Parliamentary elections has a smaller and less specialized task.

In Illinois, the citizens pay taxes to and receive services from the state, the county, the township or road district, and the school district, to name the minimum possibilities. A total of five, six, seven, or ten units is more common in this state. The Illinois Tax Commission has pointed out: "Usually the schools are operated by two independent districts. In addition there are cities, incorporated towns, and villages and a half dozen of special purpose or *ad hoc* units; especially is this true in metropolitan areas." [21] The long ballot multiplies the voter's responsibilities: "There are approximately thirty-six thousand elected school district officers and twelve thousand political township officers. To this must be added more than twenty thousand officials of other units including counties, cities, villages, and incorporated towns, bringing the total to nearly seventy-thousand elected officials, or one for every one hundred citizens of the state." [22] Illinois's set-up is the most perplexing, but it is not much more so than conditions in many other states. In response to diverse new demands, local units evolved; certain of them were created in order to avoid constitutional debt limits on existing bodies.

The responsibility of watching so many eggs in so many baskets strains electors sometimes beyond their capacity. The successful pressure of real estate groups for constitutional over-all limits on the general property tax is a confession of weakness. Instead of watching all units of government and keeping composite rates within reasonable figures, the voter resorts to a constitutional limit and leaves the respective local concerns to struggle along as best they may on constitutionally available revenues.

No political expert, starting fresh today, would plan the present array of towns, townships, boroughs, villages, cities, counties and special districts. Overlapping jurisdictional layers would not be cut so freely from whole cloth. Nevertheless, alterations in local government are usually readjustments. City planning proceeds by a street-widening here and a public park there, when it would prefer to raze some areas completely and build from the ground up. In the reconstruction of local governments, the procedure will be a consolidation here and a dissolution there.

Citizen groups and taxpayers' associations have hammered away for years on county and school district consolidation, township elimination, dissolution of the small incorporated places whose populations are declining. Potential changes still run far ahead of actualities. The stream of change has been interrupted and its force diminished by exigencies of the times. Administration of a large segment of relief, for instance, was transferred from state and local levels to the federal W.P.A. program

[21] Illinois State Tax Commission, *Atlas of Taxing Units* (Springfield, 1939), 6.
[22] *Ibid.*

in the nineteen-thirties, when the Federal Government accepted the burden of the problem of the employable unemployed. The trend to federal and state aid and to state-collected, locally shared taxes provided a stabilizing factor. Adoption of constitutional and statutory limitations on the general property tax was another. Steps like these relieved the financial burdens of local government and obviated the immediate necessity of drastic change.

Retention of the existing structure lies deeper than any of these factors. Legal intricacies impede consolidation and dissolution of units. The necessary financial readjustments are complex. Office-holders of each agency of government have a vested interest in it and do not relinquish their access to the payroll. In the face of the counter-forces at work, economic, legal and purely personal, sporadic agitations on the part of citizen groups fall short of the mark. The pattern of American local government has become traditionally intricate and extensive. The democratic process, while it offers no short-cut to efficiency, economy, and simplicity, gives promise of a gradual approach through public education and progressive alteration.

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CHAPTER VII

The Metropolitan Region

The economic forces which produced the compact city of the nineteenth century were blunted when people began to rub elbows too closely; when skyscrapers and apartment houses excluded all but the shadows of daylight. Expansion of the industrial system did not permit a return of millions to agricultural life or to the distant, small city. Population adjusted itself to these circumstances by moving to the outskirts of metropolitan cities, by getting along in unincorporated territory or forming satellite cities and villages. A limited movement toward deconcentration of population transpired.

By 1940, 47 per cent of all residents in continental United States were living in 140 metropolitan areas. When ownership of an automobile came within the reach of the factory worker; when the telephone put the housewife in touch with the stores; when rapid transport enabled the white-collar employee to cover more distance between home and office, suburban life became not only possible, but, to many, preferable to residence in the large city. The city began to grow outwards as well as upwards. The compressed populations, moving first to outskirts in search of space, then to farther-flung real estate developments, built themselves homes, and found that they could somehow combine the advantage of the country with the necessity of the city. They increased the tempo of urbanization outside the great cities.

Urban settlements after the turn of the century spread like drops of ink on blotting paper. For metropolitanization on the one hand satisfied the requirement of proximity to the industrial and cultural powerhouses, and at the same time gratified the desire for more breathing-space than penthouse or slum afforded. At the decennial stocktaking in 1940, it was found that the over-all increase in municipal population came not in the inner urban area, where existing congestion was marked, but within the outer metropolitan circles. Although economic and sociological in origin, the dilation of urban centers brought with it political implications. The metropolitan region extends over lesser cities, over villages, towns, boroughs, townships, counties, school districts, and special districts, for it is no respecter of political boundaries. In no sense of the word is modern regional expansion aimed at governmental integration of the area. Metropolitanization is not basically a governmental project. Growth has been economically and socially spontaneous and politically helter-

skelter. Urban regions which spread out into virgin territory, previously sparsely populated and unincorporated, did not immediately face the complications of existing corporations. Experience has demonstrated, however, that metropolitan populations tend to create new municipalities around rather than to annex to the central city. In time, the core city becomes surrounded by satellite communities.

Every great city, whether it is located in the eastern or in the western hemisphere, on one continent or another, faces the phenomenon of regionalism. Not only New York, but Tokyo, London, Paris, Moscow, and Shanghai—to mention only a few of the cities numbering more than a million inhabitants—are confronted with new complications. The "old city" in London has become a mere kernel. The international extent of the problem has not brought any international solution. There are municipal regions with populations larger than whole countries abroad or fair-sized states at home. The New York region outnumbers the whole island of Ireland several times. The Chicago area outstrips the state of Indiana.

Among the census-takers of the world, however, there is no universal, working definition of the metropolitan region. As one authority has indicated with reference to prevailing practice: "The German census speaks of the *Grosstadt*, but this term merely refers to the city of a hundred thousand or more inhabitants, and not to the metropolitan area. Some statistics have been presented in the English census for 'industrial areas' and similarly for *industriegebiete* in the German census which go beyond the established municipal limits, but the boundaries of each such district were arrived at arbitrarily on the basis of purely local circumstances. The French census presents figures for built-up or agglomerated population (*agglomérée*) and scattered population (*éparse*), but these take into account no factor other than spatial concentration of population and offer no definable limits for the metropolitan district."[1]

American Metropolitan Districts

The metropolitan zone cannot be defined as lying within any arbitrary radius such as fifteen, twenty-five, or fifty miles from the busiest intersection of the central city it contains. In the absence of official recognition or delimitation, the outside boundaries may remain imaginary. Driven by necessity to a working definition in 1930, the Bureau of the Census determined: "The metropolitan districts for the census of 1930, as here presented, include, in addition to the central city or cities, all adjacent and contiguous civil divisions having a density of not less than 150 inhabitants per square mile, and also, as a rule, those civil divisions of less density that are directly contiguous to the central cities, or are entirely

[1] Albert Lepawsky, "Redefining the Metropolitan Area," *Nat. Mun. Rev.*, XXV, 417-418 (July, 1936).

or nearly surrounded by minor civil divisions that have the required density." [2]

On the basis of this definition, the 1930 census compiled statistics for 96 metropolitan areas, each having a total population of 100,000 or more and including one or more central cities of 50,000 or more residents. The number of persons was out of all proportion to the space they occupied. Although the aggregate land area of these 96 metropolitan areas was only 1.2 per cent of that of the entire United States, their population was almost 45 per cent of the total population. Out of the total 122,775,046 inhabitants of continental United States in 1930, 54,753,645 were metropolitan district residents.

In 1940, the Bureau of the Census computed the population of metropolitan districts in connection with each city of 50,000 or more, two or more such cities sometimes being in one district. The general definition included in the district, in addition to the central city or cities, all adjacent and contiguous minor civil divisions or incorporated places having a population of 150 or more to the square mile. Some less densely settled contiguous divisions were included on the basis of special qualifications. Sometimes part of a civil division was included because a portion thereof constituted a densely settled area. According to the Bureau of the Census: "A metropolitan district is thus not a political unit but rather an area including all of the thickly settled territory in and around a city or group of cities. It tends to be a more or less integrated area with common economic, social, and, often, administrative interests." [3]

In 1940, the number of metropolitan districts was 140. These regions encompassed a population of 62,965,773 or 47 per cent of the total population of the United States. These agglomerations of population, drawn together by economic and social interests spread over a wide variety of governmental units. Tabulations for 1942 included 15,827 governmental units within the 140 metropolitan districts. Their enumeration follows: 272 counties, 895 townships, 1,741 municipalities, 11,822 school districts, and 1,097 special districts.[4] The complexity of units in specific metropolitan districts can be seen from Table 6.

Problems in Administration: Metropolitan Regions

Some of the metropolitan areas such as the New York-Northeastern New Jersey-Connecticut district transcend state lines. The economic and

[2] Fifteenth Census, 1930, *Metropolitan Districts* (Washington, D. C., 1932), 5-6. This was similar to the definition used in the census of 1910 and that of 1920 to determine the metropolitan area of cities of over 200,000 inhabitants, except that in those counts only territory within ten miles of the central city boundary was included.

[3] Sixteenth Census of the U. S., *Population*, Vol. I, p. 11.

[4] U. S. Bureau of the Census, *Governmental Units in the United States 1942* (Washington, D. C., 1944), 64

TABLE 6

NUMBER OF GOVERNMENTAL UNITS IN CERTAIN METROPOLITAN DISTRICTS: 1942 [5]

Metropolitan District	All Governmental Units	Counties	Townships	Municipalities	School Districts	Special Districts
New York	1,039	14	78	286	520	141
Chicago	821	5	42	115	593	66
Philadelphia	522	7	71	93	332	19
Los Angeles	353	3	—	56	254	40
Detroit	458	3	27	45	380	3
Pittsburgh	613	6	82	137	369	19
San Francisco	414	6	—	41	281	86
St. Louis	539	5	18	70	425	21
Cleveland	60	2	5	5	45	3

social concentration of the metropolitan area is divided by county, township, municipal, school, and special district lines. Common problems in police administration and fire-fighting, for example, must be met by a variety of local units working through divergent corporate and quasi-corporate forms of organization. The unity of the area in public administration cannot be achieved because of the compartmentalized, political units. Now that the metropolitan regions are organized into these many units of local government, the prospects for wholesale annexations and consolidations are not bright.

The fanning out of people to the suburbs complicates administration for the central city. Remaining as business and social headquarters for the area, the major city continues to serve large daytime populations. Although administrative responsibilities are relatively unchanged for the metropolis, the migration of wealthy property-owners to the suburbs adversely affects the tax base. Deconcentration of population into "dormitory areas" leaves the central city with a disproportionate amount of slums. Total assessed valuations in the core city tend to stabilize while administrative costs go up rather than down. Rural state legislators hold a tight rein over municipal taxing power and the central city may find itself in what is politely called "financial straits." Soon demands arise for municipal excise taxes which will reach the fringe-dwellers.

In the war boom of the nineteen-forties, plants were constructed near the circumferences of metropolitan areas. The Chrysler Tank Arsenal and the Willow Run Bomber plant in the Detroit region brought with them trailer camps and cheap construction reminiscent of the past episodes of American municipal expansion. Existing cities, villages, and townships were unprepared to supply utilities, protective services, health

[5] *Ibid.*, 64-67.

and welfare functions for mushrooming populations. Now as before, the metropolitan situation was the product of dynamic and uncontrolled economic forces rather than of planned and orderly development. The old struggle between economic forces and governmental planning was renewed.

The cellular structure of the vast metropolitan organism is diversified with municipalities, villages, towns or townships, school districts, and special districts. Corporate life of a region is broken down among this variety of large and small units of local government. With each functioning separately, the total number of elective officers is prodigious, and diffusion of responsibility inevitable. No single municipal authority exists with control over all governmental functions throughout the entire area. Because of the numerous units of local government in the metropolitan district, varied systems of finance, personnel, public works, public health, police and fire administration result. Such differentiation in management follows arbitrary, territorial boundaries, while the composite interests of the area are too often neglected. The multiplicity of intrametropolitan regimes imposes a heavy overhead, for each local unit exacts tribute for its support. Duplicating costs go hand in hand with governmental disunity. Vested, official interests here as elsewhere in local politics cling to traditional power and jurisdiction. Changes in the economics of modern life have caused geographical realignment of people, but consolidation of units lags far behind. Although a unitary, over-all government would not automatically function better, it could offer opportunity for services of greater efficiency and economy.

Economic and Social Characteristics

Perpetuation of corporate divisions and subdivisions rests also upon the diversified nature of the different residential sectors. Successful business and professional groups tend to settle in restricted, residential suburbs. Workers from the factories, on the other hand, assemble where lots are cheap and bungalows vie with trailers. Real estate restrictions and zoning laws accentuate this course of development. The distinction goes even further, as investigation of these divergent sections reveals. The superior financial capacity of better-class neighborhoods and the contrasting inability of the others to provide the sinews of local administration have obvious results: like home, like community. Every metropolis has its gold-coast.

A case by case study of selected suburbs, both industrial and non-industrial, within metropolitan boundaries furnishes the evidence of political consequences. During the nineteen-thirties, William F. Ogburn studied a group of wealthy, non-industrial suburbs having an average population of 53,300 each. The industrial suburbs and towns under review had an average of 48,300 residents. Monthly rentals computed at

the median averaged respectively $69.00 and $32.00 in the two types.[6] The respective tax-rates contrasted sharply: $73.00 per adult of 15 years of age and over for the wealthy, and $55.00 for the industrial suburbs. While the affluent communities spent $107.00 per pupil for education, the factory towns had to be content with $73.00 for the same purpose. Health administration, which might be regarded as less pressing for those individually able to pay doctors' bills, received an appropriation of funds one-fourth greater in the wealthy suburbs; for libraries, twice as great; for recreational activities (including parks and boulevards), three times as great.[7] Specific needs and gratification of those needs appear from these figures in inverse relationship. Governmental costs here, as in state administration, follow ability to pay rather than public need.

This ecological breakdown is evidence of basic diversification within the American metropolis. To those who have, much is possible in the way of local services. Persons of like incomes tend to segregate themselves within corporate walls. The walls may not be of stone like those which encircled medieval cities for purposes of defense, but they are none the less real, and likewise serve as barriers of self-protection. Compartmentalization has become a fixed feature of life within a given region, a feature which contrasts with nineteenth-century urban existence. The evolution of city into region has been accompanied by stratification.

Divergences in the tax-paying and service-supporting capacity of the local units impair the integration of the whole area, and apparently will continue to do so in spite of sporadic movements for annexation and consolidation. The community with high valuation, low indebtedness, and a heavy investment in public works handles its civic affairs readily. Its residents oppose governmental fusion on the grounds of immediate, financial self-interest. At the same time, the less fortunate communities with low assessed valuation, heavy indebtedness and high costs in relation to income of the population may be more amenable to annexation or consolidation.

Although region-wide residents differ in their circumstances, they possess other things in common besides their proximity to a center of industry, trade, and transportation. Water supply and sewage disposal are matters essential to all. Police and fire protection benefit from coördi-

[6] The non-industrial, wealthy suburbs selected for observation included: Brookline and Newton, Massachusetts; Cleveland Heights and Lakewood, Ohio, East Orange and Montclair, New Jersey; Evanston and Oak Park, Illinois; University City, Missouri; and White Plains, New York. The other type included: Amsterdam, New York, Bayonne, Camden, Clifton, Garfield, Perth Amboy, Passaic and Kearny, New Jersey; Central Falls, East Providence, Pawtucket and Woonsocket, Rhode Island; Cicero, Granite City and Waukegan, Illinois; Chester and McKeesport, Pennsylvania; East Chicago, Hammond and Mishawaka, Indiana; Chicopee, Holyoke, and Salem, Massachusetts, Massillon and Warren, Ohio; West Allis, Wisconsin; Dearborn, Hamtramck and Wyandotte, Michigan. W. F. Ogburn, *Social Characteristics of Cities* (Chicago, 1937), 56.

[7] W. F. Ogburn, *op. cit.*, 56-60.

nation. Public health concerns everyone, and its administration suffers from lack of coöperation and coördination as much as it gains from unitary administration over a large area. Parks and parkways should be mapped with a view to serving a region as well as a single unit. Private utilities—electricity, gas and telephone companies—have refused to be bound by antiquated limits, and have adjusted their lines to the dispersion of population. Housing is a matter more metropolitan than strictly urban in incidence, since it involves the availability of the best located, least expensive homes for all-income groups.

Over and above already accepted functions of local government which would benefit from integration, the future holds in store imminent demands. Acquisition of public lands in metropolitan areas is one significant phase. The Land Committee of the National Resources Planning Board reported in 1941: "Since land in a city means space and location, and control over space and location is all-important in urban readjustments of the next few decades, the ability to acquire land and plan its use effectively will become one of the most useful and versatile tools available to government, national and local alike." [8] From the local angle, this is a problem truly metropolitan in range. While the advantages of coöperation and metropolitan planning are recognized, the idea of merger of units usually precipitates popular opposition. Political integration would sweep from the board the authority held by many mayors and councilmen in the great game of local politics throughout the region.

Necessary as the central community, the "Wall Street" or "the Loop" may be to its commuting dependents, there is no love for the style of politics which it itself spells. Suburbanites fear that any scheme of metropolitan unification will taint them with old-school municipal politics. The core city is not always stigmatized by destructive partisanship; Cincinnati lies at the heart of a region and it has exemplified good government. To the contrary, a series of able administrations in a central city does not necessarily bring any move toward integration among the suburbs.

Avenues of Integration: Annexation

When metropolitan areas first took form, the original central city grew by simple accretion. An industrial or commercial crossroads, finding itself fenced in by populous residential outgrowths, annexed them. When new, peripheral settlements appeared, they too were taken over with or without the prior step of incorporation. Such a process was natural so long as it involved contiguous extension of built-up territory. With large-scale production of the automobile and with installation of rapid-transit facilities, the course of expansion, however, was not always contiguous. Separate villages and cities close to, but not necessarily

[8] *The New York Times*, May 14, 1941.

adjacent to, the "mother" city were incorporated. Unincorporated territory often lay in between, and whether this no man's land eventually was built up or not made little difference. In some instances, the original metropolis spread out and around until it engulfed lesser units. Detroit's boundaries came to enclose Hamtramck and Highland Park. Although these places maintained their corporate identities, they were governmental islands in the metropolitan city. Preëmption of outlying districts by annexation was no longer so easy with interposing buffer tracts. Suburbanites became community-conscious. They had taken upon themselves the rigors of commuting for the very reason that they might live in an atmosphere removed from the workaday world in which they earned their livelihoods. They had no intention of letting their hometowns be annexed or consolidated.

The problem of bringing near-by municipalities into the central orbit is indicated by the years of effort to make the incorporated suburb of North Milwaukee a part of Milwaukee, although public opinion was favorable. An advisory referendum on consolidation in 1922 showed the people to be in favor of it. However, the local officials of the smaller corporation for a number of years refused to negotiate with Milwaukee as to the necessary ordinance. Finally, in 1928, the North Milwaukee Civic Club succeeded in electing for mayor and council candidates who had publicly and in writing pledged to legislate themselves out of office through the process of consolidation. After they took office, they carried out their promises, entered into an agreement with Milwaukee, and submitted the requisite ordinance to the voters. The latter, both in North Milwaukee and in Milwaukee, approved the plan. This step, long anticipated by the suburban colony itself but blocked by local office-holders, was ultimately accomplished.[9] When both officials and suburbanites are adamant against annexations, the prospects for merger are not the same.

Suburbanites who stand for preserving separate identity in contradistinction to annexation find in their favor the general statutes of many states regarding annexation. When the people either of an incorporated or of an unincorporated territory seek by petition to obtain consolidation or annexation to another city, state laws often provide that the issue must be submitted to a referendum in the area to be annexed. The voters or the governing council of the city to which the new territory is to be annexed must also consent. Such provisions make annexation a doubly voluntary process, both with the core city and the area to be annexed.

Unlike the general laws, special acts of the states formerly proved more conducive to the expansion of municipal boundaries. The state legislature could by special act designate the physical limits of the greater city. Another method was to provide by law for enlarged boundaries of a central city, and to allow a single, local referendum throughout the old

[9] A. M. Werba and J. L. Grunwald, *Making Milwaukee Mightier* (Milwaukee, 1929), 14-15.

and the new territory. Allegheny City was forcibly consolidated with Pittsburgh by this device in 1906, but this is one of the last examples of this particular brand of compulsory annexation. As the employment of special acts by states declined at the end of the nineteenth century, the amount of territory annexed diminished.

Fluctuations and gradual decrease in the total number of square miles added by means of annexation was revealed by the study of some 35 cities over various decades. From 1881 to 1891, some 41 annexations by municipalities brought in an additional 242 square miles of territory. During the next two decades, 51 and 95 annexations produced respectively only 89 and 82 square miles. Some 135 annexations between 1911 and 1920 added 189 square miles. A high numerical total of 187 annexations from 1921 to 1930 acquired for these 35 cities a mere 67 square miles. [10]

The process of annexation did not keep pace with the increase in number of satellite communities. Involuntary inclusion of them is now probably out of the question. During the nineteen-twenties the residential environs, especially the better-class ones, opposed annexation, however much the hub municipality favored it. With the depression in the next decade came appreciation of a hard fact; industrial suburbs needing heavy expenditures for relief and public works looked more like liabilities than assets. Even the central city became less prone to annexation.

If annexation is to play any significant rôle in the solution of the metropolitan problem, something analogous to the Virginia plan of compulsory annexation will have to be applied to other areas. Virginia has several peculiar features in its system of local administration. For one, this state has systematically followed the English practice with respect to city-county relations. In Virginia, all first-class cities (those over 10,000 population) are at the same time counties. For another, a city in Virginia may bring an annexation suit before a special three-judge annexation court in order to acquire additional territory from an adjoining county. To obtain annexation of additional territory the city must prove a number of important points with regard to its needs for the area as a part of normal expansion; the municipal services necessary to the area but not possibly available through county action; health and other hazards present; and additional matters. [11] Citizens may appear before the court and experts in public administration are normally called to testify before the three-judge annexation court. The decision of the latter may be appealed to the Supreme Court of Appeals of the state. In spite of the rather extensive principles laid down to govern such annexations, the City of Richmond within twenty-five years twice acquired fifty per cent of the taxable values remaining within adjoining Henrico

[10] R. D. McKenzie, *The Metropolitan Community* (New York, 1933), 196.

[11] R. B. Pinchbeck, "City-County Separation in Virginia," in *City Growing Pains* (National Municipal League, 1941), 102.

County. Other counties have also lost territory as a result of annexation suits brought by cities.

In California, annexation has been fostered by liberal annexation laws. There, in 1939, the legislature provided for absorption of uninhabited territory by relatively simple procedures. (1) Either the city council or the property-owners in the outlying area may start annexation proceedings. (2) No referendum is necessary, and the action of the council of the annexing city determines the outcome. Annexation has been a significant movement among the cities in the nine San Francisco Bay counties. In this region, more than 300 annexations have taken place since 1900; 48 cities have reported a doubling of their collective area through annexation of 139 square miles. The depression of the nineteen-thirties brought a diminution in annexation but a sharp increase followed World War II.[12] Experience in Virginia and in the San Francisco Bay counties of California suggests that annexation is still a desirable device in metropolitan areas, and in cities generally, where fringe problems grow up around city boundaries. These bright spots must not obscure the fact that annexation is not likely to solve the metropolitan problem of core and satellite communities.

Avenues of Integration: Service Arrangements

Some regions, rejecting the idea of integration through annexation, have solved common problems by business transactions. The major municipality may sell water to surrounding villages and cities, thereby lessening competition for water resources and reducing overhead expenditure. Water is bought and sold, for example, in the metropolitan regions of New York, Chicago, Detroit, Cleveland, Baltimore, Cincinnati, and Portland, Oregon. In regard to the matter of sewers, the householders living beyond the city limits may have access to extension of municipal trunk-lines. Many of the larger cities, including Chicago, Cincinnati, Dallas, Kansas City, St. Paul, and Wichita, have entered into contractual arrangements with neighboring units for the provision of fire protection. It is common for cities to use their police radio systems to serve the police of outlying localities. Library service is provided on a contractual basis for Multnomah County by the Library Association of Portland, Oregon. The sale of services by a central body has its limitations. It is a voluntary procedure which can solve a specific problem between units. If controversy over rates and other details does not occur, the purchaser secures the advantage of metropolitan service without loss of local independence.

Voluntary cooperation as distinct from a strictly business proposition may be used also to offset administrative decentralization. Inter-municipal arrangements for mutual aid facilitate fire-fighting; in 1936 a number of

[12] J. C. Bollens, "Elements of Successful Annexations," *Public Management*, XXX, 98-99 (April, 1948).

fire chiefs representing communities within Milwaukee County, Wisconsin, formulated a scheme of reciprocal assistance. The plan goes into motion when a request comes from the chief of a community in need of help. Previous contracts calling for fees whenever apparatus was sent outside corporate limits were thereby superseded.

A specific activity within a region is sometimes conjointly supported. The City of Omaha and Douglas County, Nebraska, jointly constructed a police radio transmitter. The City of Augusta and Aiken and Richmond Counties in Georgia together operate a police radio system. Inter-city health services exist, as in the region of Birmingham, Alabama, and that of El Paso, Texas. Cities sometimes pool their efforts in the construction and maintenance not only of sewers, but of other public works. [13] Such trends are not confined to metropolitan areas. In rural sections, arrangements of mutual assistance between counties and between cities and counties have become more common in recent decades. The aim of such working relationships is to avoid the costly overhead of independent management, and to attack problems of common concern with maximum effectiveness. Many enterprises in public administration, if dealt with on a wide base both as regards territory and population, succeed better than if handled exclusively by individual corporate authorities.

In California, the metropolitan region of the City of Los Angeles and Los Angeles County are virtually coincidental. Rapidity of growth, multiplicity of units and resultant demands upon the public administrators have produced a variety of joint undertakings between the localities. There, in 1940, some two hundred intergovernmental contracts were operative in no less than ten major fields, resting either upon sale or concurrent support of services. Of all the major administrative functions, only police, purchasing, and public welfare were conducted without contractual agreements of some sort. Cooperative efforts characterized many phases of the regional program. [14]

In the Detroit metropolitan area, the development of cooperative action

[13] N. N. Gill, "Intergovernmental Arrangements," *The Municipal Year Book* (Chicago, 1936), 140-148.

[14] "In certain types of administration, such as sewage disposal, water and power supply, and civil service, the contract may set forth in considerable detail the specific administrative undertakings and charges covered by the agreement. In other types of administration, such as health, library service, inspectional services, and planning, the terms of the contract may be very broad. Some contracts state specific charges to be paid by the contracting parties, one to the other, or by both for joint administration. These charges may be stated in terms of actual payments or percentage of cost. The method of determining cost may be prescribed by the contract on the basis of meter flow, as in sewage disposal and water and power supply; on the basis of volume of money handled, as in tax assessment and collections, and inspectional services; on the basis of men, equipment and time, as in fire protection; on the basis of meetings for consultation, as in planning; and on the basis of proportionate areas served, plant capacities used, and surfaces owned by each jurisdiction, as in sewage disposal, and construction of roads and bridges." R. M. Ketcham, *Intergovernmental Cooperation in the Los Angeles Area* (Los Angeles, 1940), 4.

through sale of services and informal agreements has been marked. For instance, some cities adjacent to Detroit are served by the municipally-owned street railway system of the metropolis. In 1941, the Detroit water department was supplying water to persons in eleven cities, twelve villages and parts of thirteen townships. Coöperative arrangements had been worked out between various city departments and administrative agencies in other communities. For example, the Detroit police department was supplying information about wanted persons and making fingerprint files available. Numerous municipal facilities in Detroit including parks, recreational facilities, and zoo were used by residents of the metropolitan area. Necessity knew no boundaries in public administration in spite of the compartmentalization of corporate areas. [15]

In the final result, the difference between the sale of services and the exchange of services is inconsequential. In the one case, the nucleus city or county extends facilities to its neighbors for a financial return. In the other case, each community involved extends services to the others for payment in kind. The former device is a business transaction: the latter constitutes reciprocal agreement. Unified treatment of a region-wide need is the goal, whether the component units achieve it by sale of service, mutual support of an activity, or reciprocal agreements. Contractual or informal coöperation in regard to a function or functions is a method conspicuous for its flexibility. Unlike annexation, it does not upset local pride and prejudice.

Avenues of Integration: Special Authorities

Another means of securing unified treatment of administrative tasks without consolidating local units is through special districts, created as *ad hoc* bodies. Such a procedure does not lead to annexation and is in a class apart from either sale or exchange of services on a coöperative basis. The special agency constitutes a new corporate entity, undertaking for all or many units of the metropolitan region some particular function such as water supply, sewage disposal, or park administration. It is another governmental authority with its own territorial boundaries.

These special districts have been brought into existence by different means. One way of doing it is based exclusively on the authority of the state. A metropolitan district government is established and managed by the state for the benefit of the region. The costs of administering the activity or activities are assessed back upon the communities within the metropolitan area.

Another approach results in the organization of a local, quasi-corporation. Its governing body may be elected by the residents of the area. This type is an enlarged and elaborated version of the typical, special

[15] Laurence Michelmore, "Detroit—A Tale of Two Cities," in *City Growing Pains* (National Municipal League, 1941), 51.

district authority frequently set up in unincorporated territory for drainage or fire protection. The governing body of the local, quasi-corporation may not, perhaps, be elected by the people of the district, but may be composed of representatives of the communities which it serves.

In Boston, to meet problems which had outgrown the city limits, a sewer district, a park district and a water district were separately established by the State of Massachusetts before the twentieth century, and this exemplified state management of metropolitan affairs. These creatures of the state were placed under the control of commissions appointed by the governor, while the local communities were assessed to support them. Varying combinations of cities and towns were included under the authority of the commissions. Different methods were employed in levying the costs upon the various cities and towns for the services rendered them in the supply of water, in the disposal of sewage, and in the development of parks. This hegemony of special commissions was altered in 1919, when the three were combined under one state authority, the Massachusetts Metropolitan District Commission. The governor accordingly appoints one commissioner to serve as executive officer and four associate commissioners. Together, they exercise the duty of providing main sewers, water, parks and boulevards, each falling within respective districts which include different segments of the Boston region. Expenses are financed by assessments against the individual localities, and the state treasurer administers the funds.[16] The addition of a division of regional planning was accomplished in 1923. A separate Metropolitan Transit Authority was established by the legislature of Massachusetts in 1947.

The Port of New York Authority is another illustration of *ad hoc* action by state government, but of a different character from that of Massachusetts. The Port of New York Authority was established in 1921 by interstate compact between New York and New Jersey, and is outstanding as a special metropolitan authority. The governor of each of the two states appoints six members to the commission. Maximum use of existing facilities is promoted, but the commission also owns and operates its own bridges, tunnels, and other utilities. The Authority has undertaken comprehensive planning for the region, has built the George Washington Bridge and manages the Holland Tunnel, for example.

The type of special authority which is run not by the state but by a separate local corporation is illustrated by the Chicago Sanitary District. This sanitary district includes the city and most of the suburbs in Cook County. It is under the administration of a separately elected board of trustees. Of this special district it has been said: "The Chicago Sanitary District gained notoriety in the '20's for padded pay-rolls and the

[16] R. F. Fuchs, "Regional Agencies for Metropolitan Areas," *Wash. Univ. Law Quar.*, XXII, 67-68 (December, 1936).

McCormick Road bridle path but the district came through the '30's as one of Chicago's most efficient governments. Indeed its sanitary engineers have always been among the outstanding experts in the country. Under federal supervision its extensive P.W.A. grants and construction work have been effectively administered." [17] While construction and maintenance of sewerage and drainage works are the principal functions of this district, supplementary activities relate to highways, recreation, navigation and power production.

The manifold methods by which metropolitan special district authorities can be constituted are indicated further by experience in Cleveland. The Cleveland Metropolitan Park District is governed by a board of three members appointed by the judge of the Probate Court. The District operates a number of recreational areas including more than 11,000 acres surrounding the built-up section of the metropolitan region. It is supported by a separate tax levy. The Cleveland Metropolitan Park District, provided the cities concerned give their consent, may undertake the administration of municipal parks. Another regional unit is the Cleveland Metropolitan Housing Authority for slum-clearance and low-cost housing developments. Because of the peculiar provisions of state law in Ohio designed to make this Authority neither municipal nor county in nature, its power includes the entire area of Cuyahoga County with the exception of one city. The Authority operates low-cost dwelling-units for low-income families. The membership of the governing body includes five citizens serving overlapping terms. Appointments to the Authority are made by the board of county commissioners, the probate court judge, the common pleas court judges and the mayor of Cleveland, the latter having power to appoint two members. [18]

The *ad hoc* instrumentality, whether controlled locally or not, is by no means confined to the United States. London, for instance, is rich in illustrations of it. One of the early examples of a special metropolitan authority under the control of a central government exists in the Metropolitan Police District of London, first set up in 1829. The Home Secretary of the central government is responsible for this vast organization. The London region also harbors special districts locally controlled, in which the governing board consists of representatives of the councils of the local governments concerned. The Metropolitan Water Board provides water not only for the County of London, but for other units as well. In charge of this extensive system there is a large board. Representatives sit on it from county, city, borough, metropolitan borough, urban district, and other councils, either individually or in collective groupings without any effort to follow a systematic scheme of represen-

[17] Albert Lepawsky, "Chicago—Metropolis in the Making," in *City Growing Pains* (National Municipal League, 1941), 32.

[18] C. L. Larsen, "Cleveland—Potential City of a Million," in *City Growing Pains* (National Municipal League, 1941), 36-37.

tation in relation to population. The Thames Conservancy Board, which deals with pollution and navigation, is composed of a smaller number of members, but similarly represents the local government bodies within its jurisdiction.

Although there are certain large distinctions by which *ad hoc* organizations can be classified, each one is *sui generis*. Patterned to meet specific, local needs, special metropolitan districts present many variations. In general, they resemble the agencies devised to perform joint services between counties in rural areas. The multi-county, functional health district is a parallel case. Yet, the complexity of the metropolitan scene so affects the *ad hoc* authority that urban-rural comparisons do not go far. What underlies the development of special districts for administration of functions, when the country is already well supplied with local officials? Common problems of water supply, sewerage, and recreational needs necessitate some measure of metropolitan integration. If it is not achieved by cooperative action in the sale and exchange of services or by annexation, the development of a special district offers one recourse. It is an expedient which appeals to politician and administrator alike; the former is satisfied because no local authority is obliterated. The latter is encouraged to see broad-scale treatment allotted to one or more functions in the hope that this will lead further. The services so rendered accomplish piecemeal what otherwise might not be done at all. There are many roads to integration of metropolitan administration.

How important the modern trend has been to the special metropolitan district authority has been seen from such well-known units as the Boston Metropolitan District, the Port of New York Authority, the Chicago Sanitary District, and the Cleveland Metropolitan Park District. Other examples are as follows: American River Flood Control District (Sacramento, California); Des Plaines Valley Mosquito Abatement District (Oak Park, Illinois); East Bay Municipal Utility District (Oakland, California); East Omaha Drainage District (Nebraska); Milwaukee Metropolitan Sewerage District (Wisconsin); Salt Lake City Metropolitan Water District (Utah). The Hartford County Metropolitan District in Connecticut is concerned with water, sewerage, and regional planning. The Huron-Clinton Metropolitan Authority in Michigan deals with certain park and recreational facilities in five southeastern counties in or adjacent to the Detroit metropolitan region. The San Francisco Bay Region contains the Golden Gate Bridge and Highway District.[19] It is clear that our most significant trend to date in integrating public administration in metropolitan areas has been the special-district device. Although this adds still another unit to the agglomeration of local units in an area, it is one practical way of achieving metropolitan treatment of one or more functions.

[19] U. S. Bureau of the Census, *Governmental Units Overlying City Areas* (Washington, D. C., 1947), 17-31.

Avenues of Integration: Federation

The principle of federation, familiar from another level of government, has much to offer as a cohesive force. In its complete form, local authorities are combined under one regional directorate which assumes primary functions like roads and main sewers, while the units within the combination continue those activities not vested in the larger body. Often proposed, such federation is not often practiced.

A working example of the federated system is afforded by the London County Council. Twenty-eight metropolitan boroughs and the old City of London are welded into a federation within the County of London. As the vehicle of unified control, the county has enhanced its powers with the years, but nevertheless the boroughs and the city itself have considerable say over highways, public works, and public health. The division of labor between the London County Council and its component parts merits attention. Matters requiring uniformity of action throughout the county sphere belong to the county council, whereas those which can be diversely performed are reserved to the borough councils. The county council, for example, maintains Thames bridges; tunnels and embankments; fire protection; parks; new streets; street improvements and main drainage; housing; tramways; reformatories, industrial schools and asylums; as well as its own buildings and properties. The London County Council maintains some 400 miles of sewers. This body also handles all public assistance, while its medical officer compiles the reports of borough medical officers in order to appraise health administration in the entire area. The county council does not conduct the police system, which falls in a special category under the Home Secretary of the central government. The borough councils, for their part, are in charge of local health and sanitation; maintain, pave, and clean streets (except county bridges and the embankments along the Thames); collect refuse; provide libraries, markets and street lighting; and carry on social welfare projects such as children's clinics.

Although the London County Council does not envelop the whole length and breadth of Greater London, its jurisdiction covers some 117 square miles, the population of which approximates 4,500,000. Greater London, enclosing territory within a fifteen mile radius of Charing Cross, comprises Middlesex County and large portions of Surrey, Kent, Essex and Hertfordshire Counties, and its population totals more than 8,000,000.[20] The true metropolitan region of Greater London contains, beside the County of London, other counties, county boroughs, boroughs, urban and rural district councils. It is characteristic of the metropolis wherever found to fan out beyond the corporate limits designated at any given period to express it as a whole.

[20] Sarah Greer, *Outline of Governmental Organization within the Cities of London, Paris and Berlin with Explanatory Charts* (New York, 1936), 8-10.

The charter of 1898 for Greater New York led to a style of municipal organization which was neither a federated system nor a truly unitary one. Compromises in favor of localism resulted in the recognition of Manhattan, Brooklyn, Bronx, Queens, and Richmond as boroughs. No provision was made for borough councils or for borough authorities to determine policy, since these divisions were intended primarily for local administration. Each borough was provided with a president elected by the people. Through charter revision in 1901, borough powers increased, and the borough presidents gained in importance. Chosen by election, they exercised supervisory duties as to laying, constructing and repairing streets and sewers and in the maintenance of public buildings. Supplementary administrative duties such as the enforcing of building regulations were added. When the Board of Estimate and Apportionment was reorganized in 1901, borough presidents were included as members of this, the most important, administrative instrumentality of the greater city. The Board of Estimate and Apportionment, due to its powers and the ineptitude of the large, district-elected Board of Aldermen, became the real municipal legislature. Utilization of the borough as the unit of representation for this Board became the boroughs' chief significance. Fusion of executive and legislative power in the Board of Estimate and Apportionment was such that it acquired prestige out of proportion to its legal position.

The effect of the new and radically altered charter adopted in 1936 for New York City was to reduce the importance of the boroughs. Though the borough presidents were retained as members of the Board of Estimate and Apportionment, this group exercised no power over legislation, except to act as a check on the council in such fundamental matters as charter amendments and changes in the organization of the government. The object of the charter revision in 1936 was to enlarge the legislative powers of the representative council as to legislation and in relation to the Board of Estimate and Apportionment. Prior to 1936, the Board of Aldermen was a large, unwieldy council elected by districts. This was replaced by a small council elected from the boroughs by proportional representation. At the same time an effort was made to vest legislative power in the new council, and administrative functions in the Board of Estimate and Apportionment. The latter retained functions relating to the budget, appropriations and franchises, for example. Inasmuch as the boroughs retained representation on this Board, they continued to serve as representative units in one aspect and as administrative districts in another.

As administrative units, the boroughs have lost ground. The charter of 1936 retained within the boroughs local improvement boards with power to initiate local improvements; and also left under control of the borough presidents all local street and sewer improvements to the exclusion of intercepting sewers and sewage disposal plants. However,

construction and maintenance of public works not paid for through local assessments are placed under the central administration. The central Department of Public Works was directed to construct and maintain public buildings, while the supervision of private buildings was entrusted to the central Department of Housing and Buildings. [21] The general effect of this charter revision was to decrease the powers of the boroughs for the sake of integration.

Federation for the Pittsburgh region seemed imminent in the nineteen-twenties. The legislature of Pennsylvania was given power by a constitutional amendment in 1928 to pass and submit to referendum a charter for a consolidated city and county of Pittsburgh to replace the County of Allegheny. Accordingly, a Metropolitan Plan Commission early the next year sent to the governor a charter which was then duly introduced in the legislature. It proposed that the consolidated city exercise all powers of the County of Allegheny and possess broad jurisdiction in finance, health, welfare, planning, safety, public works, parks, and recreation. Existing municipal units were to retain those powers which were not thereby transferred. The state legislature passed the charter, but at the same time stripped away many of the powers proposed for the consolidated city. The constitutional amendment authorizing this federated scheme carried with it the requirement that, for adoption, a two-thirds majority must be obtained in each of a majority of the 122 units of local government to be affected. This elaborate plan failed to obtain the necessary extraordinary majorities in a majority of the units at the referendum in Allegheny County in June, 1929. Its significance lay not in its final fate, but in the speculation it aroused about a federated city and county government for a metropolitan region. [22]

The idea spread to Greater St. Louis the following year. To canvas their situation, four hundred persons acting as a regional group divided themselves into committees. Again general agreement was reached to leave intact the local governments, and to aim for a super-city with powers relating to public health, sewers, highways, public welfare, public utilities, libraries, parks, city planning, and recreation. Metropolitan treatment could then be extended to logical activities. Actual federation of St. Louis depended in the first instance upon a constitutional amendment. Such an enabling measure, when submitted to the voters of the state, was not adopted.

The interplay of constitutional, statutory, political, financial, and administrative issues is exposed by any scheme of federation. The more striking the scheme, the more sweeping are the changes involved. Heterogeneous people and governments must be brought into agreement

[21] New York City Charter Rev. Comm., *Proposed Charter for the City of New York* (New York, 1936), 14-21.

[22] R. A. Egger, "The Proposed Charter of the Federated 'City of Pittsburgh,'" *Amer. Pol. Sci. Rev.*, XXIII, 718-726 (August, 1929).

at one and the same time upon a project for federation. Even though the lesser cities and rural bodies preserve their corporate identities, the threat to their autonomy makes the outcome dubious in any referendum.

The federated approach excels from an administrative point of view as being more comprehensive and conclusive. Political obstructionism has impeded its consummation. Opposition, not so intense as that engendered by annexation proceedings, has so far been sufficient to discourage other efforts like those put forth in Pittsburgh and St. Louis. The federated principle may in the long run prove adaptable to American conditions and emerge triumphant. Its success rests upon judicious distribution of powers between the central and non-central authorities.

Interrelation of City and County

The urban taxpayers bear not only their own municipal expenses, but in addition they contribute to the coffers of the county in which their city is located. Since county administration overlaps that of the municipality, with many duplicating services, the county redounds to the benefit primarily of the unincorporated rural territory. Although England and Ireland have simplified this situation by combining large cities and counties into county-boroughs for the purposes of local administration, only Virginia among the forty-eight states has followed suit.

The theory of city-county consolidation is simple. Municipal boundaries are extended to coincide with those of the county, and the affairs of both are managed by one corporation: that is, by one legislative group and by one set of officers. So much for the theory which Philadelphia, as an example of city-county consolidation, practices with reservations. Since two brackets of executive officials exist side by side, one for the city and one for the county, the merger is a limited one. As long ago as 1854, the boundaries of the city were extended by act of the state legislature to encompass the whole territory of the county. The governing machinery of the county was abolished and its functions transferred to the city council. Provisions were made for the articulation of the county program into the administrative routine of the city. For the time being, the fusion of the two local governments was complete. The constitution of 1874, however, neglected to give adequate safeguards to the special arrangement of city-county consolidation which obtained in Philadelphia. As a result, county government has cropped up again through the granting of constitutional status to certain officers recognized by the courts as "county" officers.[23]

[23] "The legislature was greatly restricted in its power to deal with those offices. It could not abolish them or make them appointive or delegate to the mayor and the city council the power to control them. For these reasons it has been impossible to modernize the county structure so as to fit it more gracefully into the consolidated organization to meet advancing ideas of municipal government." Paul Studenski, *The Government of Metropolitan Areas in the United States* (New York, 1930), 195.

Although separation of city and county strikes at the same root difficulties as consolidation, this action follows a different tack. While there is usually some extension of the limits of the central city, they are not made coterminous with the county. The enlarged municipality is severed from the balance of the county. Within the city, a merger of city and county functions ensues. In the remnant of the old county outside the new city-county, the established county government continues operation. The city gains by elimination of the county's superstructure. On the other hand, experience has shown that the boundaries of the new city-county, though expanded, may prove inadequate. Population continues to settle beyond the city-county limits. The remnant of the old county, bereft of the assessed value of the central city, is hard put to support public works, particularly such roads as are demanded in the vicinity of a metropolis.

Baltimore, San Francisco, St. Louis, and Denver are cities which have all been separated from the counties formerly embracing them. Since the dates of these separations range from 1851 to 1903, conditions in none of them approximated the modern metropolitan dilemma. Involved in the city-county separations in San Francisco, St. Louis, and Denver were reform movements directed against extravagance and inefficiency. The immediate effect of these schemes was to save money, increase efficiency and diminish governmental overlapping in the urban centers; but the effect on the remaining shell of the old county was less fortunate.

In actual practice, other difficulties have arisen out of city-county consolidations and city-county separations and consolidation. Chief among these have been the difficulty of getting a constitutional recognition of the new city-county as a single unit of local administration. The courts, as in Pennsylvania, have recognized a duality in which certain officers remain as county officers in spite of the consolidation. As a result, the situation in Philadelphia has been described as two governments, city and county bound loosely together in a kind of personal union.[24] In St. Louis, certain officials, such as the sheriff, constables, circuit court clerks, and election commissioners were long considered to be state officers, and hence outside the scope of municipal home rule.

Again the long ballot in county administration has proved an obstacle to satisfactory integration and organization. This was a troublesome factor in San Francisco until the charter of 1931. Then the coroner was made responsible to the chief administrative officer; the recorder, tax collector, county clerk, public administrator, and registrar were integrated with the department of finance, and the entire administrative mechanism was integrated under a semi-manager responsible to the mayor.[25]

Denver as a city and county is probably the best example of a true unification into a single unit. There the charter of 1904 disposed of

[24] Victor Jones, *Metropolitan Government* (Chicago, 1942), 218.
[25] *Ibid.*, 161.

the county commissioners in favor of the city council and city departments. The county sheriff gave way to a chief of police. The county treasurer and assessor were consolidated respectively with the city treasurer and assessor. The county clerk and recorder, attorney, and surveyor were superseded by the following city officers: clerk, attorney, and engineer. Even the county superintendent of schools, although nominally retained, was practically superseded by the city superintendent.[26]

Over and above these structural problems of bringing about a true integration of county and city are the areal difficulties. Where relatively small land areas are separated out to become city-counties the metropolitan area marches along. St. Louis is caught within the confines of ancient city-county boundaries while "rural" St. Louis county has become an urban-rural complex within the region.

Fresh impetus was given to the device of city-county consolidation in 1947 by the merger of Baton Rouge and the parish of East Baton Rouge, Louisiana. This consolidation provided for a council of seven to govern the City of Baton Rouge. These seven city councilors, serving with two additional members, comprised the parish council. The latter was authorized to select a city-parish manager as the chief executive officer of the city and of the parish. A merger of the major activities of the city and parish was accomplished. This unusual plan of city-county consolidation was prepared by a city-parish charter commission with the technical assistance of Dr. and Mrs. Thomas H. Reed.[27] It was approved by the voters during August, 1947.

The City-State

The most dramatic proposal for the future of the metropolitan zone rides roughshod over all methods of integration, annexation, coöperative action, special authorities and even federation. Why not call into being a city-state, free and independent of any of the existing forty-eight states? Although regions like Los Angeles do not extend beyond the boundary lines of a single state, other metropolitan marches as those of Chicago in their extreme reach overlie three or four states. In either event, the massive metropolis is under the control of one or more state legislatures, and state legislatures are generally dominated by rural members. The urban-rural tug-of-war sunders many states. The metropolitan regions are caught in these continual conflicts.

If the largest concentrations of cohesive populations and interests could be removed from existing state authorities and granted separate status in their own right, one aspect of conflict with rural-minded solons would

[26] Paul Studenski, *op. cit.*, 182.

[27] E. A. Mauck, ed., "Baton Rouge City-County Plan Submitted," *Nat. Mun. Rev.*, XXXVI, 413 (July, 1947).

be terminated. With all the powers of statehood within the Union, the new city-state would be in a position to work out its own system of public administration. It might favor an internally federated system with uniform management of appropriate activities and retention by the local units of other duties. To pursue this tempting theory further, city-states would be represented in the Senate of the United States. There, they would help to counterbalance the representation of the states with small populations. The principle of city-states could hardly be extended to all metropolitan districts; the impact would unhinge the federal alignment. Chicago's predicament would make it a logical city-state, for its state, Illinois, is lacking in home-rule privileges. At the capitol in Springfield, the down-state legislator has the upper hand. Chicago's representatives have been outnumbered.

The city-state, for all its promise, is still a creature without a country. The concept, when broached from time to time, stirs popular imagination and captures newspaper copy, but its practicability is yet to be demonstrated. Urban resources are ample for the support of a separate city-state government. The financial results of the plan would favor the metropolitan regions, since a portion of the wealth which the states now collect in taxes from them is spent for grants-in-aid to rural sections. Looked at from another point of view, detachment of an autonomous and self-sufficient region would result in diminution of services in the remainder of the state. This is only one of the deterrents to the introduction of city-statehood. Another is the plain fact that such an innovation would require the consent of the state or states concerned. By provision of the Constitution of the United States, no new state can be formed within the jurisdiction of an existing state, or by the junction of parts of two or more states, without the consent of the legislatures of the states concerned as well as of that of the Congress of the United States. Until metropolitan influences gain ground in the national Congress and among the legislatures of the states, the city-state is a castle-in-the-air. Meanwhile, the metropolitan region remains within the framework of state government.

Conclusion

The twentieth century's metropolitan region with its stratified population, cross-currents of motion, and multiple governments is here and here to stay so long as modern, industrial civilization endures. Suburban domicile and urban employment form the last word in the mind of machine-driven man. Approach to the metropolis via train or automobile passes from isolated farm-houses and four-corner stores to factories, tenement towns, freight yards, neighborhood service centers, taverns, more factories, yards, and smoke. Ragged intermixture of field, farm, and factory soon gives way to a massed effect of industry and commerce against the skyline.

Somewhere not far distant is the Mecca of this daily pilgrimage. Within the heart of the city proper pulses the metro-urban way of life. Blocks of skyscrapers are surrounded by bottleneck streets and jammed with American people and American business on wheels, all obedient to the synchronized traffic lights and seemingly propelled by perpetual motion. The mass movement, beginning in the small hours with incoming farm produce, meets the last outgoing signs of night-life, and halts only one day a week. Not far away from this universal "Downtown" lie the slums. The city's blighted area, close by, was once exclusive. Formerly it housed only the topnotch families, whose descendants now shuttle back and forth by train, bus, and private car between business section and well-restricted suburbia. By infiltration, meanwhile, low-income families have found a roof for their heads, however ramshackle.

The dreamer and the visionary might like to see the metropolitan masses dispersed among small cities, designed for the good life with mills and railroads removed from residences and parkways. Model communities—America's greenbelts—can and have been built, a few of them; but what about metropolitan reform on the grand scale? Some working-class families have reared their children in garden colonies as the blueprints promised. What about the laborers, skilled and unskilled, those catapulted city-ward when war industries boomed? Is the lesser half of the over-size city the last resort for them? Here are problems which find no immediate answer, for local government, lacking the over-all authority of the state and nation, is a limited service institution. Even in its service function, local government has lagged after metropolitan agglomerations, failing to integrate, coördinate, and administer them as a whole. Local officials, harassed by day to day detail in their separate corporations, lack time, energy and often the disposition to look beyond the task at hand. Governmental difficulties are due to the necessity today of imposing some plan upon the unplanned growth of cities. The future of the region rests with the city planner, the engineer, the economist, and the sociologist, as well as with the governmental expert, for it is a nexus of human problems. Metropolitan regionalism defies all but the most imaginative minds in public administration.

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CHAPTER VIII

Legal Relations: State and City

Growth of an urban area brings to life a mass of problems in public administration. As population increases on a fixed situs, its needs accumulate. Water supply, sewage disposal, streets and sidewalks, police and fire protection, public health and welfare, planning and zoning, parks and recreation, and other services are needed. At first, urban requirements are few and far between, but as the rate of urbanization accelerates, they multiply and diversify. The composite population casts about for a legal instrumentality through which its demands can be met, and to which taxes must be paid in return.

Private or volunteer effort to meet the situation proves cumbersome, chaotic, and unreliable. Nothing short of official action offers the regulatory ordinances necessary to protect public health, safety, morals, and welfare. When adequate services are not forthcoming from the county, township, or any other existing local unit, agitation for separate corporate existence arises. The solution for the urban settlement lies in forming a corporate organization which, according to state law, may be known either as village, incorporated town, borough, or city of one class or another.

Methods of Incorporation

Prior to the American Revolution, charters for colonial cities were derived indirectly from the English Crown. After independence was won, the legislative assemblies of the various states granted and revoked municipal charters as they saw fit. Since only a few communities sought incorporation at first, individual cases were dealt with as they arose. When a place was chartered, its boundaries, its officers, its powers, and taxing capacity were specified in a special act applicable to a single community. This did not constitute a contract between the people of the local unit and the state legislature; it was merely a determination, for such time as the legislators saw fit, of the status of this local, corporate body. If the legislators wished to make some of the officers centrally appointive while others were locally elective, they did so. If the legislators felt moved to grant broad powers of taxation or narrow ones, they did so. In brief, legislative supremacy over incorporation of the city, its structure and its powers, was comprehensive and controlling.

After it was discovered that special acts afforded opportunity to play favorites in the chartering of cities, many state constitutions were

modified to require that incorporation be regularized by general laws. This meant that individual treatment was precluded by the erection of common standards to which settlements had to conform before they were admitted to corporate existence. For example, the constitution of Michigan (1908) requires that the legislature provide by general law for the incorporation of cities and villages. In pursuance of this, a general law has been enacted by the legislature. When an area in Michigan seeks to comply with the home-rule city requirements, a petition addressed to the county board must be signed by qualified electors to the number of at least one per cent of the population living in the territory to be affected. This document describes the proposed boundaries, which must encompass at least 2,000 inhabitants with an average of not less than five hundred people per square mile. The county board of supervisors is directed by the state law to see that the petition fulfills these and other detailed regulations. When the board is satisfied that all instructions have been observed, it submits the question of incorporation to the voters of the area at an ensuing general or special election. Under Michigan law, areas containing 750 to 2,000 population may seek incorporation as fifth-class, home-rule cities.

In most of the states where general laws apply, these are the three steps of incorporation: (1) the filing of a petition; (2) scrutiny of the petition by a designated authority; and (3) popular referendum. States designate varying agencies with which the petitions shall be filed such as the county board, the county court, or the judge of the circuit court. The number of signers required ranges from a few residents to two-thirds of the electors within the zone affected. Although it is generally stipulated that the officials with whom the petition is filed shall order an election in which the voters may decide whether or not to incorporate, this is not always the case. Sometimes the court or the board may declare by order that the community is incorporated.

Ways of determining if the petitioning district is suitable for incorporation are contained in the general laws. The minimum required population and its density are often prescribed. Some states insist that the area to be incorporated shall not exceed a given number of square miles. These and similar restrictions are designed to prevent the incorporation of territory which is rural rather than urban. Although some small areas meet the legal requirements for cities and villages, they lack specialized advice as to the feasibility of incorporation. The real future of a local district rests on something more than the minimal criteria contained in state statutes. Will the proposed local government be able to pay its way? Is it possible to obtain the desired services without incorporation? What effect will the step have on the surrounding area?

The urban problem does not always revolve around the simple question of creating a new unit from unincorporated territory. The

municipal pattern is not always cut from raw territory. The new corporation may have to spread over a village and unincorporated territory, for instance, or over a small city, village, and unincorporated territory.

The most significant aspect of municipal incorporation is that it usually proceeds under general law from the voluntary choice of local residents. State laws prescribe minimum standards of population and area as well as the legal procedures which must be followed. The petition to incorporate is ordinarily followed by a popular referendum. Thus, the initiatory petition and the final ballot rest with the people of the area. In the reaction from special acts of incorporation, many states accepted local self-determination in the creation of municipal corporations, pursuant to minimum technical and procedural standards. Under such a general law, any area which meets minimum standards, although it should more logically be annexed to another city, may establish itself as a new municipal corporation.

Mistakes may occur in organizing a city, in spite of legal precautions. In spite of legal defects, the community may sometimes be recognized as a *de facto* corporation. To qualify as such, a place must meet certain general conditions. Existence of a statute under which a *de jure* municipal corporation could have been organized is the first requirement. An attempt must have been made to qualify in good faith as a *de jure* corporation, and attendant corporate powers must have been assumed. When all these circumstances co-exist, a technical flaw in the process of incorporation need not prevent the unit from operating as a municipality. Courts are apt to hold that such a *de facto* corporation may perform all the acts which it might have executed as a true corporation, *de jure*. Although private parties cannot question the validity of such a corporation, it is subject to impeachment by the state in direct proceedings taken for the purpose. This follows from the subordinate position of the city in the state. Legal authority to create a municipality rests with a state, and likewise the power to test its validity. Whether the people of a locality have set up a valid corporate body under law is a matter of public interest; the state as the arbiter of the common interest is the appropriate party to investigate the municipal body which has allegedly been established. When the state actually recognizes a *de facto* corporation, this has the effect of changing its status from *de facto* to *de jure*. Whatever defect marred its origin is overcome.

When a community has acted as a corporation over many years, special judicial consideration of the case is likely. Courts have ruled that incorporation may actually have accrued to that place. Since the community is deemed to possess certain prescriptive rights, this is known as *incorporation by prescription*. It can take place only when there is in existence a law under which such a place might have been incorporated by formal proceedings.

Incorporation may also accrue by implication. When a state legislature takes certain types of action in regard to a locality, such as enlarging its boundaries, this action may imply that the place is a corporation even though it has never gone through the regular channels of becoming one. The state thereby recognizes the local unit by implication as being incorporated. Such acts of implication may involve annexation of territory, grant of additional powers, empowerment to issue municipal bonds, and so on. Legislative action recognizing an existing unit as wielding powers essential to a corporation may result in judicial acceptance of a corporation by implication in a test case.

States exerted domination over cities during the nineteenth century through the legislative arm; they dealt with the growth of populous centers by passing special acts for their incorporation and government. When this became unpopular, some legislatures were restricted to dealing with cities by general law only. As a further development came the idea, written into some state constitutions, of authorizing cities to draft their own charters and to exercise powers of local self-government; in other words, the idea of giving them home rule. To be eligible to receive home rule, a place must, however, be incorporated. The process of incorporation has to be accomplished by one of the various methods before a state's home-rule provisions can apply to it. Legislative paternalism has not been eradicated in all of the states which accepted the principle of local autonomy, for some of the constitutional grants of home rule wait upon subsequent legislative acts before they become operative, acts which have never been passed, as in Pennsylvania.

Legislative Control by Special Acts

Legislating for cities by special acts is an historical survival from the colonial days of royal charters. In adherence to this tradition, the powers of a specific city, instead of resting upon a plan common to all cities of the same class, are large or small according to a special legislative act. Powers vary from city to city and institutional forms are erratic. Methods of choosing officers, boards, commissions, and other administrative agencies correspond to legislative idiosyncrasies from act to act.

The special-act system persists in the United States even today. There are states in which the cities are governed chiefly by means of special charters. While general laws setting up optional forms of government are also found in some of these states, most of their corporations continue to operate under individual, legislative acts. In New England, there is only one exception to this traditional practice. Massachusetts, through general, optional legislation, permits cities to choose from five alternative plans. Connecticut, Maine, New Hampshire, Rhode Island, and Vermont rely chiefly on special acts. Other parts of the country, including Delaware, Florida, Georgia, Maryland, and Tennessee, follow suit. Delaware

exemplifies the use of special charters, for it has no general laws for cities; each one of some fifty incorporated cities and towns has been chartered by separate and distinct action of the legislature. As changes were needed, the original charters were amended. In Maryland, Baltimore governs itself under home rule, but all other incorporated cities and towns come under special charters. In Maine, city charters and amendments are accomplished by special act of the legislature, subject to local referendum.

From the local point of view, it is a question whether the special-act charter expresses the general community will or, instead, some particular element which has brought pressure to bear upon the legislators. The special-act system in its modern rôle has two faces. In its worst aspect, local pressure groups bring about legislative special acts which organize or reorganize specific city governments. Officials of Lake City, Florida, found out one day in 1927 that the legislature had by special act transferred the powers of the city manager to an elective mayor. A special act can be a ripper act.

On the other hand, the special-act system can work out reasonably well when "legislative courtesy" of the highest type prevails. After World War II, Hartford, Connecticut, set up a local charter commission by ordinance; the voters approved a modern council-manager charter. The legislature of Connecticut accepted the will of the people and presented Hartford with this modern charter by special act. In the same period, the legislature of Virginia provided Richmond with a modern council-manager charter to which the voters had subscribed. Authorities on local government in Maine indicate that legislative courtesy prevails in charter-making by special act, when local groups are united in asking for amended or revised charters. Nevertheless, legislative courtesy in making special acts conforming to local desires is not a substitute for a formal system of municipal home rule. It is a second or third best which has worked reasonably well in some states.

From the state's point of view, the time of the legislature can be frittered away in formulating individual charters. Concomitant with this procedure is the recurring demand by the localities for amendments or revisions to enlarge their powers or alter their structural commitments. When reiteration of municipalities' claims becomes insistent enough, issues are sometimes decided by default. Special charters or amendments presented by the legislator from a district are passed by the legislature. Real scrutiny may be lacking, on the assumption that the local representative knows what is best for his home town or for other cities in his district.

Before Michigan adopted home rule for cities in 1908, and with it a broad and effective limitation against special acts, enactment of special charters and amendments prevailed. Results were such as to turn public opinion in favor of home rule. Michigan's experience with local acts

has been described in these terms: "The cities of Michigan were afflicted by their charters with an assortment of governmental antiquities.... Some of the administrative officials were appointed and some were elected, and it appeared to make little difference which was one and which the other.... City government under these legislative charters was as loose jointed as possible. All sorts of officials and boards were given by charter, authority and independent tenure of office. They were under no common superior. There was no positive control, no discipline, scarcely any leadership.... Measures constantly became law before the people of the city had an intimation that any legislation was even contemplated. Anyone who could get the backing of a local member in the legislature might reasonably hope to put over even an inherently vicious measure. It does not speak badly for the individuals in the legislature that they did not make worse use of their opportunities." [1]

Not every special-act state has a past record like this. In Michigan, part of the difficulty lay in the tendency of the legislator to move a suspension of the rules so that his local bill could be put upon second and third readings at once. Unless some one was on hand to contest the allegations of the sponsor, the other legislators took it for granted that the bill included the preponderant wishes of his constituents. Consent was freely given to passage of local measures under suspension of rules. Michigan's way of playing the special-act game, though not universal, was not unique. The vagaries of the special act system led to constitutional moves in more than thirty states to remedy or restrict such a system of legislation.

Legislative Control by General Laws

During the nineteenth century, the practice of legislating for cities by special acts reached serious proportions. The cities were distinctly at the mercy of the legislators. The individual community had little to say about its form of government or its local affairs except as it was ably represented in the legislature by a state senator or representative. Log-rolling in the enactment of special acts became pronounced. Often the desires and the interest of the city were not consulted. Special acts setting up charters, interfering with individual municipal departments, or determining the use of streets by private corporations became political stock-in-trade in legislative halls. The usual American reaction to such a situation is to write another law. In this case, the law had to be a fundamental one, a state constitutional limitation which would be binding upon the legislature.

Constitutional conventions in Ohio and Indiana in 1850-1851 were the first to write restrictions into state constitutions prohibiting special legis-

[1] R. T. Crane, "Municipal Home Rule in Michigan," *Proceedings of the Fourth Annual Convention of the Illinois Municipal League* (1917), 62-65.

lation for municipal corporations. The Ohio constitutional provision of 1851 was a general one which restricted the assembly from passing special acts conferring corporate powers. The constitution-makers were directing the limitation against the abuses of special acts dealing with private corporations as well as in the field of municipal corporations. Today, it is an exceptional state constitution which does not have some restriction against special-act legislation for cities. However, the special act is not yet dead, and a few states in New England and in the South still legislate for cities in this manner.

It was soon evident that legislating for cities by general law was not entirely satisfactory either. To compress all cities large and small into a uniform pattern laid down by general law presented real problems in structural organization and powers. Partly because of this and partly because of the natural desire of the legislature to deal at least with classes of cities, a loophole was found in the constitutional requirement of a general law for cities. This took the form of a doctrine known as classification. Classification began first in terms of population. In this way, general laws were passed for all cities in a given population range, let us say from 50,000 to 125,000 population. The issue then arose as to whether such a law limited to municipalities within a given range of population satisfied constitutional clauses which required general legislation for cities. The answer was found by judicial review in the various states. Classification of cities by population was generally upheld by the state courts.

Encouraged by the judicial support for the doctrine of classification, some states next proceeded to expand the doctrine of classification to absurd lengths. They divided cities into so many classes that there was a separate, general law for a class which included only one city. So adept did the legislators become at classification that the doctrine of general laws was substantially undermined. Classification became so complex in Ohio that the state supreme court held in 1902 that the classification of cities for any purpose was unconstitutional.[2] In the emergency thus created, the legislature in special session passed a general law applicable to all cities.

Before the doctrine of classification had run its course, the states even experimented with the use of geographical factors in legislating for cities. The courts have generally found classification of cities based upon geography to be unconstitutional. It is a subterfuge, for geography does not change and a city cannot alter its location and escape from such legislation. On the other hand, classification based on population, unless the legislature tinkers with it from time to time, may be applicable to different groups of cities, as municipal growth brings a city out of one class and into another. The courts have quite properly held that geo-

[2] State *v.* Jones, 66 Ohio State 453 (1902).

graphical distinction in laws applicable to cities is in effect special legislation under another name. The validity of a system of classification based on population depends upon the good faith of the legislature and the attitude of the state supreme court. Classification of cities by population is not unconstitutional in and of itself, even in the face of a restriction against special acts. However, if the legislature abuses the principle of classification, it runs the risk that the courts will find the entire scheme of classification by population to be null and void.

The trend which required legislation by general law was an advance for the cities. Yet, they were not satisfied. Classification, as a device, dampened the enthusiasm of the cities for the simple restriction against special acts. Flexibility was needed by which cities could choose a form of government from a group of available optional laws. Like ready-made suits of clothes these optional laws would be available to cities wishing to use them.

Local Option under General Law

The term *optional-law system* refers to state legislation under which all cities, or cities within specified ranges of population, are free to accept by local referendum one of several possible charters. By choosing one or the other of the available options, the city adopts the general law and is governed according to its provisions. Alternative plans such as those of weak mayor and council, strong mayor and council, commission, or council-manager are available in about one-third of the states. In 1945, on the basis of analyses prepared by experts in the forty-eight states, some fifteen states were classified within the optional-charter group: Idaho, Iowa, Kansas, Massachusetts, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, South Dakota, Virginia and Wisconsin. In these states practically all of the cities were allowed options.[3]

Massachusetts is a good example, for this state proffers to its cities, except Boston, five basic plans. Plan A authorizes a strong mayor and council, the mayor having a veto power and authority to appoint and remove administrative officers without seeking councilmanic confirmation. Plan B provides a weak mayor and council, the mayor being under obligation to submit practically all of his appointments and removals to the council for its approval. Plan C prescribes a commission of five members who serve collectively as a council and individually as department heads. The voters elect one of the commissioners to fill the office of mayor for a two-year term. Plan D makes possible a council-manager charter, with a council consisting of a mayor and four others. As in modern home-rule manager charters, the council appoints and removes

[3] N. N. Gill and M. S. Benson, "Classes and Forms of Municipal Government," *The Municipal Year Book* (Chicago, 1945), 90.

the manager, and the manager appoints and removes administrative officers. Plan E is an improved version of Plan D and allows election of the council by the Hare system of proportional representation. In Massachusetts, the cities have been given latitude in determining the institutional pattern which they will follow. Alternatives allowed by general law give play to local preferences.

Nebraska, like Massachusetts, is an optional-charter state.[4] Any city with a population of more than 2,000 may establish a commission government by a referendum favorable to the appropriate optional act. Cities of 1,000 to 100,000 may install a council and manager by adopting this particular option under the general law. All cities that have not set up either commissions or managers must operate by mayor and council with variations prescribed for various population ranks. Nebraska, like Massachusetts, stipulates that a city which has accepted an optional act as the basis of its charter must give the plan a four-year trial before voting on the question of a change.

To type all the states as using exclusively either special acts, optional charters, or home rule is an impossibility. Some states such as Illinois have restricted optional-charter regulations. That is to say, they allow various options, but these are rigorously restricted to categories of cities by population. This way, full freedom to pick and choose from the options does not follow. Although Illinois makes the mayor-council plan generally available to all municipalities, the commission type is possible for cities and villages of less than 200,000 population, and only to municipalities of less than 5,000 population is the council-manager enabling act extended. Unlike Massachusetts, Illinois has a limited system of optional charters.

Though Indiana's cities are arranged into classes according to population, mayor-and-council government is the blanket prescription for all. In those communities having less than 35,000 people, the mayor is the presiding officer of the council. In cities over this limit, the council chooses its presiding officer. An optional law authorizing cities to adopt the council-manager plan by referendum has been held invalid by the state supreme court on grounds of defects in procedural provisions.[5]

Illinois and Indiana represent two types of states, neither of which can be completely and exclusively described by any one tag. Illinois typifies those states which permit some choice to limited classes of cities. Comparable regulations exist in Alabama, Arkansas, Kentucky, Louisiana, Missouri, South Carolina, Washington, and Wyoming. On the other hand, Indiana allows virtually no choice to cities as to their form of government under general laws. Mississippi and Pennsylvania follow a policy similar to Indiana's. However, in Mississippi, the commission plan may be adopted by referendum; in Pennsylvania, the commission

[4] Nebraska also has home rule, but this principle has been used by only a few cities.

[5] For detailed analysis of the classes and forms of cities in the forty-eight states, see *The Municipal Year Book* (Chicago, 1945), 90-123.

type is possible in third-class cities, and council-manager government in boroughs and first-class townships.[6]

There is one thing which the special-act system, the optional-charter system, and modifications of both systems possess in common. All comprise means of exerting legislative control over cities. Whether it is by special acts, by general optional charters, by optional charters limited to specified groups of cities, or by mandatory laws applicable to all or to various classes of cities, the state legislature thereby fixes the forms of city government. Excluding home rule, local discretion is greatest under general, optional laws. States legislating by special act or setting up strict limitations in their general laws permit little, if any, choice to the individual city. Only in states where there is home rule or broad optional laws are the local units free to select alternative organizational patterns for administration.

Interpreting Special, General, and Optional Laws

Courts proceed with caution in interpreting the powers vested in municipalities by special act or by general law. Even when a right is expressly granted to a city in so many words, and there is no question about it, issues arise as to the exact extent of the express grant. Most perplexing is the attempt to define those powers, if any, which may be said to be implied from an express grant. While a doctrine of implied powers exists in connection with cities, this is not on a par with the doctrine evolved by the Supreme Court of the United States with reference to powers which are implied from those expressly delegated to the Federal Government. The doctrine of implied powers on the federal level is a broad one. Under it, the Supreme Court has justified wide exercise of authority in accordance with the general statements as to express powers contained in the federal Constitution. At the municipal level, implied powers are another matter. The doctrine which has been applied by the courts to allow some municipal powers by implication is a narrow one. Expressly granted municipal powers are often so elaborated and detailed by the state's legislative acts that the opportunity for extension of them by implication is negligible.

A yardstick by which to measure municipal powers was set up many years ago by the man whose treatise on the law of municipal corporations was pioneer work. John F. Dillon, a justice of the supreme court of Iowa from 1862 to 1869 and long a United States judge for the Eighth Circuit, formulated a rule as to the interpretation of municipal powers which has stood the test of time. Dillon's rule indicates how clearly the municipality is the creature of the state: "It is a general and undisputed proposition of law that *a municipal corporation possesses and can exercise*

[6] *Ibid.*, 92-93.

the following powers, and no others: First, those granted in *express words*; second, those *necessarily or fairly implied* in or *incident* to the powers expressly granted; third, those *essential* to the accomplishment of the declared objects and purposes of the corporation,—not simply convenient, but indispensable. Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied." [7]

Dillon's rule is controlling today, and has been so for many decades. Unless power can be said to flow directly to the city from self-executing constitutional guarantees such as home rule, local power must be found in legislative enactment. Creation of a municipal corporation and its endowment with powers under state law is not a contract within the meaning of the contract clause of the federal Constitution. A municipal charter does not represent a contract which the state government must not impair. The state legislature, except for the limitations specified by the state constitution, may create and dissolve municipal corporations; grant, enlarge, or curtail their powers; and exercise administrative supervision over their affairs. Legislative supremacy over the city has been basically modified only in those states where self-executing grants of home-rule power have been extended to cities.

Apart from self-executing home rule, if a city cannot justify an action under powers of an express, implied, or incidental nature, the attempted exercise of authority will be regarded by the courts as lying outside the powers of the corporation; that is to say, as *ultra vires*. Thousands of cases in the state courts have demonstrated that any reasonable doubt with reference to the authority of the city to act will be resolved against the city. The implied powers doctrine is closely and narrowly construed on the local level.

The Doctrine of Home Rule

Local self-government enjoyed a resurgence during the last quarter of the nineteenth century. The popular demand was that the corporate community be free to select its own form of government and to practice home-rule powers independently of legislative action. Certain powers, it was felt, lay within the sphere of local competence and could be set apart from state intervention. Such convictions were embodied in the phrase home rule, and the new movement began to weaken the legislators' regime of special, general, and optional acts. Home rule, which was to sway a number of states, was achieved in one of three ways: (1) either by amending the state constitution so as to give cities so-called self-executing powers without additional legislative action; (2) by amending the state constitution to authorize or require legislation providing for home rule;

[7] J. F. Dillon, *Commentaries on the Law of Municipal Corporations* (5th ed., Boston, 1911), I, 448-450.

or (3) simply by passing a home-rule statute in the legislature without any constitutional proviso. When it comes to net results, much more was achieved when home rule was embodied in the constitution of the state than when it had no constitutional footing and stemmed from statute law. Illustrations of the three types of home rule indicated above are respectively: Ohio, Michigan, and Georgia.

A partial analogy for the movement in favor of home rule was at hand in the relationship between federal and state governments. The Federal Government, it was observed, exercised delegated and implied powers as would city government under home rule, while the states possessed the reserved powers. The comparison between the powers expressly granted by the Constitution to the Federal Government on the one hand, and the delegation of home-rule powers to cities by the state constitutions on the other reveals differences, although the state in each case retains the residue of power. The delegated powers of the Federal Government have been broadly interpreted by the courts and implied powers have flowed freely from them. The home-rule powers granted by state constitutions to the cities have been narrowly interpreted by the courts, for home rule or no home rule the city is still a creature of the state. Constitutional grants of power to cities do not extend beyond local affairs; these grants are in the last analysis what the courts recognize as of local rather than state-wide interest and no more.

Because of potential state-local conflicts, constitutions of the states have home-rule sections written in vague and general language. Phrasing home-rule clauses so as to avoid legal dispute is a conundrum. Recourse has been taken to such expressions as "powers of local self-government" (Ohio) and "municipal affairs" (California). Since many regulations lie on the borderline between state-wide interest and local concern, any over-all term written into a constitution gives rise to controversy and to judicial determination of the extent of the constitutional empowerment.

Accordingly, the limits to which self-executing home rule extends and the points at which the laws of the state become controlling are resolved in cases of doubt by judicial decision. The courts bear the brunt of deciding what the broad, constitutional grant of local autonomy means in relation to the constitutional necessity of conforming to the general laws of the state. Where constitutional home-rule articles are not self-executing, the scope of municipal power, that is to say the extent of local competence, remains primarily a matter of legislative determination and secondarily a question of judicial interpretation. It is still necessary for the courts, in such instances, to interpret the statutes which activate the home-rule authorization. Judicial review on the state-municipal level is as much part and parcel of the American system as on the federal-state level.

In drawing the line between municipal affairs and broader state concerns, the courts perform a thankless task. By common consent, the form of municipal organization belongs in the former category. Whether to

have a mayor and council, a commission or a council and manager is a problem that comes close to home for each city. With little exception, the courts have regarded this as fundamental to any concept of home rule. Judicial opinion differs as to the authority of a home-rule city over salaries, conditions and hours of work among its functionaries. Certain employees are involved in corporate or proprietary enterprises, while others such as health officers and policemen are partly engaged in administering state standards and laws. Many states regard policemen, for instance, as state officers, but their rates of pay have sometimes been treated as local matters. Appointment and removal of policemen is usually handled—under home rule—as a municipal problem except that in Missouri the state has from time to time, in St. Louis and Kansas City, assumed direct responsibility for police administration.

No agreement obtains among the courts as to whether home rule covers all details of municipal finance or not. In California, it has been indicated that the city may work out a complete tax structure for itself. In Ohio, on the other hand, the legislature has exerted real restriction over municipal discretion.[8] State constitutions and statutes contain many limitations on municipal borrowing power, both as to amounts and purposes. Home-rule powers give cities only minor advantages in the field of finance through charter amendment. Other fields, such as the establishment of courts and the regulation of rates and services of public utilities, have generally been regarded by the courts as lying within the province of state concern and not the municipality.[9]

Development of Home Rule

The first appearance of municipal home rule in a state constitution occurred in the year 1875 in Missouri. There was nothing new about a city's preparing its own charter since a few had done so in the past. Such local drafts had always been put into effect by legislative action. Nor was it original to provide that city charters be submitted to local referenda. It was the combination of these two factors which was now introduced for the first time and which was to become the starting-point of far-flung municipal reorganization. The Missouri constitution of that year contained one provision of a home-rule nature pertaining to St. Louis, and another dealing in general with cities of more than 100,000 population. Each of the provisions authorized the drafting of a charter by a board of thirteen freeholders, this document to become effective upon a specified affirmative vote at a local referendum. The home-rule principle in Missouri required that the local charter be consistent with and subject to the state constitution and the laws of the state. The generality of

[8] J. D. McGoldrick, *Law and Practice of Municipal Home Rule* (New York, 1933), 342.

[9] *Ibid.*, 320-328.

this empowerment led to doubt and confusion. Conflict was early enjoined in St. Louis over the power to frame and adopt its own charter on the one hand, and the necessity of making it comply with the constitution and the laws of the state on the other. What the state gave with the left hand, it seemed to take away with the right.

Missouri's early effort to turn the concept of home rule to account was followed by judicial review of the attempt. The courts were by practical exigency led to the interpretation that, if home rule was to mean anything, charter provisions must be consistent only with those laws which dealt with general or state-wide matters rather than with those laws which were only of application to a particular city. "From the beginning," it has been noted, "the practice of home rule in Missouri has been made exceedingly difficult because of the confused ambiguity of the law. The actual powers possessed by municipalities under the constitutional grant have never been certain. It is necessary, therefore, continually to seek judicial assistance in order to determine the extent of the city's powers and to adjust questions of conflict between state laws and home-rule charters. In an era of ever-widening functions of government, the competence of the city to exercise this or that power has been frequently questioned." [10] In 1945, Missouri extended the home-rule doctrine to any city of more than 10,000 population.

Other states followed when Missouri's action changed the pattern of state-local legal relations. Sixteen states since 1875 have at one time or another written effective municipal home-rule provisions into their constitutions, as the following list indicates.

TABLE 7

HOME-RULE STATES

Missouri, 1875	Arizona, 1912
California, 1879	Nebraska, 1912
Washington, 1889	Ohio, 1912
Minnesota, 1896	Texas, 1912
Colorado, 1902	New York, 1923
Oregon, 1906	Wisconsin, 1924
Oklahoma, 1908	Utah, 1932
Michigan, 1908	West Virginia, 1936

The home-rule provision of the Pennsylvania constitution has never been implemented by legislative action. In Maryland, municipal home rule applies only to Baltimore.

Some of the constitutional provisions are self-executing, as in Ohio. In this state, municipalities are granted authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other regulations as are not in conflict

[10] T. S. Barclay, "What Municipal Home Rule Means Today," *Nat. Mun. Rev.*, XXI, 314 (May, 1932).

with general laws. The procedural steps by which municipalities may frame home-rule charters are named. Although the adoption of a charter is desirable, it is not essential to the exercise of home-rule powers. The benefits of home rule can be achieved through ordinances without the formal drafting and adopting of a charter. One authority wrote in 1932: "Home rulers can hardly wish more freedom and more ample powers than Ohio municipalities have in respect of the structure and articulation of their governments, of the manner of electing officers, and other important affairs. The constitution not only promised local self-government, but actually broke the soil as well for its growth and development in ways and degrees which it would take many pages to recount." [11]

In the course of the years, however, judicial interpretation of home-rule powers in Ohio has led to a revised appraisal of the doctrine. Although the Ohio constitutional language is self-executing, municipal powers have been contained and restricted by judicial interpretation. As Harvey Walker indicated in 1947: "A reading of some of the decisions of the Ohio Supreme Court dealing with home rule should convince any candid person of the uncertainties under which Ohio city officials must labor. It is submitted that, in this respect, Ohio is neither the worst nor the best of the states in dealing with the interpretation of its home-rule amendment." [12]

The record in Pennsylvania offers a study in contrast. In this state the constitution was amended in 1922 so as to empower the legislature to grant home rule to cities. The amendment was not self-executing either as to substantive powers or as to procedural methods whereby cities might draft charters to exercise such powers. The legislature of the state has allowed this authorization to lie idle in default of necessary legislation. Although this situation is the exception rather than the rule, it demonstrates the dangers attendant upon constitutions which merely authorize home rule. Actual realization of home rule then depends upon legislative implementation.

That home rule can succeed even when the system is not self-executing, actual experience in Michigan shows. In 1908, a new constitution was adopted; special acts were curbed; and the legislature was directed to provide through general laws for the incorporation of cities and villages. This constitution with subsequent amendments provides that "under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter." [13] In 1909, the legislature passed a home-rule act, since frequently amended, outlining mandatory provisions, permissive powers, and certain restrictions. The

[11] E. L. Bennett, "Ohio-Local Self-Government with Exceptions," *Nat. Mun. Rev.*, XXI, 363 (June, 1932).

[12] Harvey Walker, "Let Cities Manage Themselves," *Nat. Mun. Rev.*, XXXVI, 627 (December 1947).

[13] Michigan, *Constitution*, Art. VIII, sec. 20-21.

original measure and its subsequent alterations have been reasonably liberal in the allotment of municipal powers. Although Michigan cities obtain their powers from legislative action and not from a broadly-phrased, self-executing constitutional grant, the home-rule act equipped them with substantial powers. Formerly, the supreme court of the state used Dillon's rules to interpret the powers of specific cities under special charters. Now the court utilizes these rules to construe the general provisions of the home-rule act as applied to all home-rule cities.

One way cities secure home rule is by a self-executing amendment to the state constitution. When this is the case, the constitutional provision is sufficient in and of itself. Home rule then becomes immediately effective, and cities do not have to wait upon subsequent acts of the legislature which may or may not be passed. This is true in Ohio. Where the constitutions provide for home rule without making it self-executing, the legislature is directed to make certain basic powers and procedures available to the municipalities. Actual operation of home rule is then dependent upon legislative action. In Michigan, the legislature followed through and made home rule available to the cities. To the contrary, a state legislature imbued with obstructionist tactics, as was Pennsylvania's, can forestall realization of the constitutional intention.

Model State Constitution

The Model State Constitution of the National Municipal League provides for a grant of home rule for cities. The powers of cities are set forth in general terms: to pass laws and ordinances relating to local affairs, property, and government, with specific enumeration of certain powers. This enumeration lists, for example: authority to adopt local police, sanitary, and other similar regulations; to levy, assess and collect taxes; to borrow money; to furnish local public services; to make local public improvements; to own and operate or lease public utilities; to issue revenue bonds; to organize and administer schools and libraries; to provide for slum clearance and public housing.[14] Cities are authorized to draft home-rule charters and submit them to referendum. The grant of self-executing home rule power and the partial enumeration thereof, however, does not preclude the legislature from passing laws of statewide concern applicable to all cities.

The Model State Constitution represents the views of many authorities in the field of state and local government. The National Municipal League has, for many years, advocated a broad, constitutional grant of home-rule powers for cities, followed by a partial but not an exclusive enumeration of municipal affairs. Even this technique leaves the ultimate delineation of municipal powers to judicial review. The constitutional enumera-

[14] National Municipal League, *Model State Constitution* (New York, 5th ed., 1948), sec. 804.

tion of powers is deemed preferable to a broad general grant without a specific listing of municipal affairs. The Model State Constitution provides for self-executing municipal power which need not be implemented by legislative action. It differs from the Ohio principle of the broad self-executing empowerment without any enumeration. It avoids the dead end which Pennsylvania reached through failure of the legislature to act. It further obviates the situation in Michigan in which municipal powers are still determined basically by a legislative home-rule act pursuant to a general constitutional principle. Because the legislatures in so many industrial states are rural in character, home-rule power is best assured by a substantial and self-executing constitutional grant to cities, Michigan experience to the contrary notwithstanding.

The difficulties facing the framers of state constitutional home-rule provisions for cities are complex. Where the constitutional principle is not self-executing, the legislature may fail to act as in Pennsylvania or may provide a reasonably liberal grant of local authority as in Michigan. If the constitutional language is broad, contains no detailed enumeration, and is self-executing as in Ohio, municipal powers may still be restricted by judicial interpretation. The Model State Constitution by making a broad self-executing grant with a partial enumeration of powers leaves less freedom to judicial interpretation. No constitutional language on this subject can finally settle all the issues of local concern as against matters of state-wide interest. The issues between the power of the state and the responsibilities of local self-government are not resolved once and for all time by fundamental law. They are settled over the years by numerous cases in the courts. The principles enunciated by the Model State Constitution are deemed to be the most practical in the light of American legislative and judicial history in the unending conflict over home rule for cities.

The Model State Constitution also authorizes the optional-law plan for cities which do not frame and adopt home-rule charters. Therefore, this document emphasizes two basic principles of state-municipal legal relationships: (1) constitutional self-executing home rule and (2) general optional laws to be made available by legislative action. Either of these principles is preferable to the special-act system of organizing municipal corporations. Freedom to devise a form of government and administration at the local level in the city is vital to local self-government. It stimulates and promotes local responsibility in the design of systems of public administration such as the council-manager plan. Home rule is the most effective constitutional method of promoting local experimentation with modern forms of city government. State optional laws are a second best method of authorizing local progress. Under optional laws, the legislature prescribes and communities can only choose among ready-made alternatives.

To summarize, a broad constitutional grant of self-executing home

rule power which need not be implemented by legislative action is a leading principle of the Model State Constitution. This is effective home rule. Because the legislatures in so many industrial states are rural in character through failures in reapportionment, it is essential that home rule be written as a substantial and self-executing constitutional grant of power to cities. The path is thereby opened to local experimentation and initiative in devising systems of municipal administration. If we are to continue our march forward to more council-manager cities, more states must provide effective home rule for cities. Indiana is an example of a state in which progress to city management is blocked by the absence of home rule in the state constitution. Those states which do not have effective home rule could do no better than to take a leaf from the Model State Constitution.[15] The value of constitutional, home-rule principles has now been demonstrated in many states.

Legislative Home Rule

Some states have experimented with another type of home rule, one that is not based on constitutional authorization at all. It is legislative home rule in the strict sense of the term, for the grant to the cities springs from legislative act alone. There is no guarantee that the legislature will not reverse its action and withdraw it at any time. The situation is further precarious because questions may well be posed as to the authority of the legislature to delegate home-rule power to the cities without constitutional warrant. In 1858, Iowa passed an act permitting change of existing city or town special charters either by petition of the voters, or by submission of the proposition by the local legislative council to a local referendum. In the period from 1896 to 1915, Louisiana, South Carolina, Mississippi, Connecticut, and Florida were among the states which extended legislative home rule to cities. Nevada has provided limited home-rule power over charter amendments to cities by statute and has conferred charter-making authority upon commission-governed cities, but has failed to pass a comprehensive home-rule act pursuant to a constitutional amendment adopted in 1924. In Michigan and Wisconsin, which passed legislative home-rule acts in 1899 and 1911 respectively, the statutes were held invalid by the state supreme courts as unconstitutional delegations of legislative power. In Connecticut, after West Hartford adopted a charter, this corporation went to the legislature for a special act to ensure its legality. Eventually, Connecticut repealed legislative home rule in 1929. Any legislature may at any time repeal or amend any or all legislative home-rule charters, so that the system is really one of limited opportunity and uncertain derivation, based on legislative sufferance. Georgia in 1947 retained the power to pass original charters

[15] National Municipal League, *Model State Constitution* (New York, 1948), sec. 801-806; see also A. W. Bromage, "Local Government," in *ibid.*, pp. 45-48.

in the legislature, but established a system of legislative home rule for subsequent charters.

Home Rule in Practice

In those sixteen states where the constitutions have effectively embraced home rule, not all municipalities have jumped at their chance. Cities in California, Michigan, Minnesota, Oklahoma, and Texas have been energetic in drafting and adopting their own charters. In each of these states, the home-rule cities numbered not less than fifty in 1938. By way of contrast, Arizona, Missouri, and Nebraska had only a handful of home-rule cities.[16] In 1949, California, Michigan, Minnesota, Oklahoma, and Texas were still outstanding in numbers of cities with home-rule charters. Arizona, Missouri, and Nebraska were close to the bottom of the list, while Utah had no home-rule city.[17]

California adopted home rule in 1879, and many cities in this state have welcomed the chance to rule their own affairs. Practically all of the larger urban centers have adopted new charters or have considerably amended old ones since 1916. Most of these set up council-manager government and several followed the Model City Charter of the National Municipal League.[18] Minnesota wrote the principle of home rule into her constitution in 1896, but left the actual distribution of powers to general law. The legislature took a liberal attitude in the conferring of powers. In spite of requiring an extraordinary majority of those voting on a charter, this state stands high in respect to adoptions. More than ninety per cent of its urban population lives under home rule. Only the smaller places under 10,000 have shown any disinclination to achieve such status.[19]

The voters of Texas in 1912 approved a home-rule amendment to their constitution which was conspicuously inexplicit. The following year, the legislature outlined the procedure for framing and adopting home-rule charters with lengthy enumeration of city powers. Home rule was made available to municipalities of more than 5,000 population, and most communities of requisite size drafted and adopted their own charters. In 1946 the situation was estimated as follows: "Despite the fact that legislative intervention and judicial decisions favorable to such legislative action have raised some doubts about the value of home rule, the home-rule procedure has permitted more latitude with respect to both powers and forms than have the general laws. Home-rule charters have been widely used by Texas cities. On the basis of the 1940 federal census, there are

[16] G. C. S. Benson, "Forms and Classes of Municipal Government," *The Municipal Year Book* (Chicago, 1938), 167.

[17] R. L. Mott, *Home Rule for America's Cities* (Chicago, 1949), 62.

[18] E. A. Cottrell, "What Municipal Home Rule Means Today: 1. California," *Nat. Mun. Rev.*, XXI, 12-13 (January 1932).

[19] William Anderson, "What Municipal Home Rule Means Today: 2. Minnesota: A Reappraisal," *Nat. Mun. Rev.*, XXI, 94-100 (February 1932).

102 cities in the state with more than 5,000 population. All but 23 of these have adopted home-rule charters; and the trend of adoption in recent years favors the gradual reduction of this number." [20]

It is clear that home rule is, legally speaking, a relative matter from state to state. Likewise the drive of cities to utilize home rule has been pronounced in certain states and less in others. These variations do not obscure the plain fact that municipal home rule can be made by practice a sound principle. First, it strengthens the confidence of the city in its self-governing ability. Second, it provides a maximum of flexibility in fitting a charter to the needs of a specific city. Third, a home-rule charter is framed by a responsible local authority subject to approval by the voters for whom it is designed. Fourth, the legislature is relieved of the burden of local legislation.[21]

Home-Rule Procedure

When the citizens of a city find that the road to home rule lies open to them, their first step in this direction is usually taken through a group of representative citizens named to act in the matter. These persons are usually designated as a charter commission. On petition of the voters or by action of the city council, the question of electing such a body is submitted at a local referendum. In Michigan, the referendum is held simultaneously with the election of nine commissioners on a non-partisan ballot. If the referendum is in the negative, the commissioners never meet; if it is in the affirmative, they proceed with the task of writing a charter. Nominees seeking one of the commissionerships file petitions signed by a required percentage of qualified electors. According to the different states, anywhere from nine to twenty-one members sit on elective charter commissions. In Minnesota, the charter commission is appointed by the district court, if a petition demanding its creation is filed by a specified number of voters. Commissioners need civic courage and vision to understand but not to bow to interest groups, if they are to write a charter along lasting lines. State municipal leagues and local lawyers are accustomed to act as consultants in writing the charter for the city. The work of the commissioners is analogous to that of a state constitutional convention in drafting a new or revised fundamental law for the state.

Charter commissions logically consider first the type of government most adaptable to local needs and most acceptable to the electorate which will eventually pass upon it. Planning on these lines has been revolutionized since the first part of this century. About four out of every five charter commissions now recommend council-manager government. The fifth commission proposes either a mayor-council charter of one type or

[20] W. D. Webb, "Home-Rule Doors Wide Open," *Nat. Mun. Rev.*, XXXV, 124 (March 1946).

[21] T. H. Reed, *Municipal Government in the United States* (New York, 1934), 146.

another, or, less often, the commission plan. In some states including New York, Oregon, and Wisconsin, the drafting of a charter may be done by the city council subject to a referendum. Most of the states allow the city council to propose amendments to a home-rule charter, although Colorado and Minnesota are exceptions. In West Virginia, the home-rule situation is peculiar in that general forms of government are specified and local charter bodies must work within these norms, having discretion only as to detail.

A simple majority of those voting on a new charter is usually sufficient for adoption. Minnesota's requirement of four-sevenths of those voting at the election for adoption and her prerequisite of three-fifths for amendment is a stumbling block. Action by the governor or by the legislature is included by some states as part of the process. In California, a resolution of the legislature is necessary. Prior to submission of the charter to the voters, Michigan requires approval by the governor or a two-thirds vote of the commission to override his veto. Arizona and Oklahoma have made the validity of home-rule charters subject to gubernatorial approval after popular adoption thereof. So strong has been the home-rule sentiment, however, that necessary state action usually follows.

Local talent has been released in home-rule cities. In the fundamental process of charter drafting, a local commission selected by the voters is allowed to try its hand. In the early nineteen-thirties, Saginaw, Michigan, found itself in one administrative tangle after another with an out-moded commission government. The people voted to establish a charter commission. Prominent citizens were elected to this body and with the coöperation of the Michigan Municipal League they evolved a simple, streamlined, council-manager charter. It won adoption at the local referendum and has served Saginaw well ever since. Home rule does not always guarantee such results, but local groups can do something directly for their communities without lobbying day and night in legislative committee rooms. The commission drafting the charter and the council or the citizens' group submitting or initiating an amendment are closer to the problems of the locality than the state legislator. They have a stake in the success or failure of any experiment which they propose.

As to varieties of municipal administration, home rule has permitted experimentation from city to city. The council-manager scheme received its impetus through the home-rule charter of Dayton, Ohio. Cincinnati, Ohio, gave it another boost, and it was home rule that paved the way again. In Michigan, Kalamazoo, Pontiac, Saginaw and many other cities can point to achievements in administration under home-rule, manager charters. So long as citizens can launch a campaign for a new or revised charter, local administrators keep on their toes. Where no alternative is possible except through recourse to special legislative act, the ruling clique may become arrogant.

Conclusion

Some of the advantages possible under home rule are also attainable through use of optional charters passed by the state legislature. A certain amount of experimentation is feasible, and legislative time is not consumed with the details of specific charters. To be sure, some home-rule charters are poorly conceived and badly executed. Many cities have shown no inclination to utilize home-rule opportunities at their disposal. Charter and structural arrangements never carry a community more than part of the way. Under the optional-charter device, some alternative to the status quo is always available. Optional charters, however, do not encourage local groups to think and act freely and constructively about municipal organization. Without the reformer's dream of a city freed from legislative special acts, without legal enablement to draft charters local in inspiration and experimental in structure, without home rule in short, municipal administration would not have advanced as it has in recent decades.

Certain states have made excellent use of optional charters; others have achieved brilliant results under home rule. Some have tried both systems, separately or simultaneously. The tendency nowadays among the states is to adhere to the general habits in which they have become settled. Home rule, as practiced in Michigan, has insufficient appeal for Massachusetts so long as the land of the Cape and the cod gets along well with its optional charters. To urge the charter options of Massachusetts upon Michigan would be another waste of time. Michigan is reasonably content with its home-rule system, and in recent years has developed some municipal charters which are models of simplicity. No amount of theorizing about the desirability of standardized models of local government available at option is likely to change Michigan's mind. Nor is any amount of talk about home rule likely to influence Massachusetts in the discernible future.

The course of true home rule has been beset with hazards from the start. When the constitutional provision is not self-executing, only legislative good faith—an uncertain quantity—can make it mean anything. When the grant is self-executing as in Ohio, a significant burden rests upon the courts. Vague constitutional language must be translated into the concrete realities of municipal authority. The courts pass upon the precise limits of home rule, particularly the amount of responsibility which is involved by self-executing, constitutional grants. Judicial precedents are laboriously established and modified only with deliberation. Judges are not necessarily cognizant of all the niceties of municipal and state affairs. It is no longer possible to draw one circle around local affairs and another around all matters of state-wide significance; the circumferences would intersect. For example, what about constructing sewage disposal plants? A state-wide interest exists in preventing stream pollution

and in ascertaining that such public works are soundly financed. The locality is concerned as to the organization and operation of the activity. State and local interests impinge upon each other.

Home rule grew out of the troublesome state-local relations of the nineteenth century. Many phases of opprobrium such as meddling in local affairs, legislative arrogance, and ripper legislation, blacken the era of legislative supremacy. Use or abuse of the special act was the stock-in-trade of state legislatures. The negative or restrictive approach to the situation was to require that cities be dealt with only by general law. The positive or constructive approach was to seek some form of liberation for cities. The concept of home rule is now many decades old in the United States, but its career is not yet fully fledged. In the first quarter of this century, the doctrine was supported not only by reason and argumentation but by a crusading spirit to free urban initiative from rural state legislators. This upsurge has faded and home rule is now regarded with more detachment.

Home rule developed in a period when state-local undertakings were not as intimately associated as they are today. There was less occasion for state administrative control. When home rule made its debut, control of local units was legislative in character. Since then, administrative control has developed materially in many states, and it cannot be said that legislative power knows no second. For the future, administrative controls appear to spell more real problems for the cities than resurgence of the legislatures.

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CHAPTER IX

Administrative Relations: State and City

The states threw a network of laws over cities in the nineteenth century. Legislative activity continued in the twentieth century, while home rule during the first three decades reached a plateau of growth which it has since maintained. The use and abuse of statutory power over municipalities led to many state constitutional inhibitions against special acts and to an effort to deal with municipal affairs in terms of general laws or home rule. In the twentieth century, new responsibilities were heaped on all governments—local, state, and federal. Cities faced the political consequences of mushroom expansion, intense industrialization, economic depression, war and post-war demands. Neither home rule nor legislative paternalism could resolve all the issues. Another brand of authority over local government emerged: state administrative control.

Administrative control—the latest phase—is a complex stage in state-city relations which goes beyond the simplicities of legislative control. When legislatures first determined the course of municipal action, the situation was regarded as static enough not to need frequent amendment of the acts from session to session. A typical piece of legislative control was one which required that municipal indebtedness should not exceed a fixed figure such as ten per cent of assessed valuation. Applied to all cities of a state or to a specified class of cities, this flat limit placed them all in the same Procrustean bed and sawed their legs off accordingly. Exigencies of modern municipal finance demand flexible treatment, and consequently supervision by state administrative processes has arisen in some states. Whereas under legislative fiat the municipal debt limit is set once and for all, under administrative control a state agency exercises discretion over borrowing by local units, as in North Carolina. If rigidity typifies legislative control, flexibility in dealing with individual cases is the aim of administrative supervision.

Through home rule's heyday, municipalities were vociferous in opposition not only to legislative control, but to central checks of any kind. They viewed the potential rise of administrative supervision as another encroachment on their freedom of operation. State legislatures had been imbued with rural ideologies and state administrative offices admixed with spoils. While municipalities were making intense local efforts through better organization, civil service, centralized purchasing, executive budgets, they resisted the development of control by state administrators.

In addition, other reasons served equally to postpone the immediate

growth of administrative control. State legislators, jealous of their powers over local units, were reluctant to invest discretion in state officials who were either independent or semi-independent of the legislature. Since all American state governments are predicated upon a separation of powers, the cleavage between legislator and administrator is often marked. None of the states uses the parliamentary or ministerial plan, whereby the chief executive and his cabinet are at one and the same time members of the legislature and heads of administrative departments. State representatives and senators therefore regarded with little enthusiasm the constitutionally-established, administrative officers, and even those offices which they themselves set up by statute. Moreover, decentralization of power among thousands of units of local government served the states' purposes for many decades. State legislatures enacted and municipal officers administered accordingly. Enforcement of laws affecting localities was generally left to the courts when individual citizens sought judicial remedies.

Urbanization of the United States eventually caused frictions which cut and dried laws could not eliminate without recourse to administrative handling. When the water supply of a down-river city is polluted by an up-river city's untreated sewage, specific administrative procedures are more effective than a law of universal application. In spite of legislative control and home rule, the states began to consider the value of centralized administrative control as it had existed for years in other parts of the world. Few general principles are invented in political science. Old concepts and techniques are adapted and refined. A thorough-going system of central-local administrative supervision characterized the Third Republic of France. It had developed early in Great Britain and Ireland. The United States came to the idea slowly and in its own way because of an emphasis on local self-government with a minimum of state "meddling."

By the end of the first two decades of the twentieth century, new channels of state-local relations were cut, and state administrative supervision was under way. The nineteen-thirties added something more of the same nature for cities when direct administrative relations between them and the Federal Government were opened by the New Deal. Prior to 1933, federal-city administrative relationships had been indirect in nature. The social policies of the Roosevelt administration produced a situation in which direct administrative relations between the national and local levels was deemed an immediate necessity.

When the state exerts administrative control, the city official must consider not only his obligations to pursue policies fixed by the council and the municipal executive, but must also effectuate the objectives or standards established by the state, as, for example, in budgeting and accounting. The methods used by the state to bring about administrative supervision vary from state to state, both in types used and in the

extent of control exercised. They are sometimes indirect and at other times direct. The former are less rigorous in operation than the latter, which are more binding in effect. As indirect steps, state officers may: (1) proffer advice and information; (2) require reports; (3) review local actions already undertaken; or (4) extend grants-in-aid with strings of administrative supervision attached. More direct methods are: (1) requirement of prior state approval before local action can be taken; (2) appointment and removal of local officers by state action; (3) issuance of orders and ordinances binding local governments; (4) maintenance of specified standards by inspection; (5) transfer of functions to central administration; and (6) temporary substitute administration. Administrative interrelationship of state and local administrative officers is not a one-way process. The state officer becomes responsible to the local units for rendering advice, giving information, and performing technical services. The main impetus in the growth of administrative control has been to develop state supervision over public administration at the local level.

Indirect Administrative Control: Advice, Information, Reports, Review

Initial contacts between the two levels of government may occur through the extension of advice and information from the higher to the lower. Cooperative relations are thereby engendered; the local administrator is given access to knowledge of specialized techniques at the state capitol. This approach has been of use to many communities in their efforts to improve fiscal procedures, public health, and public education. Such cooperative efforts have increased rapidly in recent years and are likely to develop even more in the future.

State administrative activity in rendering advice and information to local units of government touches a variety of subjects. One of the most common relates to the improvement of fiscal procedures in local units. How such action begins is illustrated by Alabama. There, in 1939, the state provided for a division of local finance within the Department of Finance. This division was directed "to assist, advise, and furnish information to municipalities and other local governments with respect to finance, taxation, revenue, indebtedness, accountancy, and budgeting."[1] Pennsylvania has a bureau of municipal affairs within the state Department of Internal Affairs. This bureau is authorized to serve in an advisory and consultative capacity to the municipalities.

In New York State, direct fiscal contacts between the state and municipalities were developed by the bureau of municipal accounts of the Comptroller's Department of Audit and Control. The bureau was given definite powers in relation to the installation of uniform accounting

[1] Weldon Cooper, *Municipal Government and Administration in Alabama* (University, Alabama, 1940), 230.

systems and the audit and examination of accounts. However, the basic objective of the bureau was one of advice and assistance. In 1938, it was said that "the primary purpose of this bureau is one of helpful service, and the seeking or prosecution of wrongdoers is an incidental though necessary part of its duties. A very large percentage of the local fiscal officers have worked in harmony with the bureau and have constantly sought advice and counsel as to ways of improving their fiscal affairs." [2] The responsibilities of the comptroller over municipal fiscal affairs are now exercised by a division of municipal affairs within the Department of Audit and Control. The comptroller is responsible for the supervision of the fiscal affairs of all cities except New York, Buffalo, and Rochester, as well as those of counties, towns, villages, school districts and special districts.[3] In Wisconsin, the Department of Taxation includes a division of municipal accounting and reporting. This division will install accounting systems for counties, cities, villages, towns, and school districts which so request. It will audit the accounts of local governmental units upon application. Moreover, the division is called upon on occasion by local officials for special help in problems of fiscal and accounting practice. By 1946, uniform accounting records had been installed in all counties except Milwaukee and in more than 100 cities. Accounting and installation services by the division are paid for by the municipality requesting service.[4] States have not all been quick in extending advice and information when such assistance was needed. As a result, individual cities organized themselves into municipal leagues with central secretariats to answer the desire they felt for self-improvement. By rendering technical advice in such fields as personnel administration and charter-drafting, the leagues have kept cities and villages abreast of the times. The Michigan municipal league exemplifies an association of cities compensating through their own organization for the lack of certain advisory and consultative services at the state level. Obviously, advisory and informational services, whether furnished by the state or through a municipal league, are more needed by small cities and villages than by large cities which can afford their own technicians.

Although there is nothing binding about the extension of advice and information, there is a more formal aspect to the state's administrative supervision of localities where definite reports are required. Numerous systems of reporting by local units relate to municipal and county finance, and most states require fiscal reports. In 1940, forty states required municipalities to furnish financial reports; comprehensive data were demanded by twenty-two states.[5] Comparative studies are then

[2] New York State Constitutional Convention Committee, *State and Local Government in New York* (Albany, 1938), 342.

[3] J. S. Mearns, ed., *The New York Red Book* (Albany, 1946), 313-314.

[4] Wisconsin, *Blue Book* (Madison, 1946), 353.

[5] Wylie Kilpatrick, *State Supervision of Local Finance* (Chicago, 1941), 18.

possible among the localities on the basis of a uniform series of figures. Not all states attempt publication of collected fiscal data; some publish only reports referring to certain units or to certain subjects such as debts. Publication or no publication, local reports familiarize the state administrators with local conditions. This experience may result in new legislative action or administrative techniques to overcome local difficulties or errors.

How pervasive the practice of reporting may become is indicated by the situation in Illinois where local school officials have been required to file reports with five different state agents, the chief one going to the superintendent of public instruction. Road construction and maintenance are the subject of statements to the state department of public works. Local officers, chiefly in the county, file accounts of their welfare activities with the department of public welfare. Vital statistics are filed with the public health department. Some local governments are called upon to send copies of budgets and related ordinances to the state tax commission. Various matters, dealing chiefly with elections, are reported to the secretary of state.[6]

In Wisconsin, the close connection between reporting and state administrative supervision is indicated by the work of the preventable disease section under the State Board of Health. Local health officers return weekly reports to the board of new cases of communicable diseases. When analysis of these reports shows that a disease, whether communicable or otherwise, has reached alarming proportions in a locality, administrative supervision and coöperation come into operation. Rules for the guidance of local health officers have been established and their enforcement in cities is required. Advice and assistance are available to local units through district health officers.[7] Reporting is an elementary or indirect method of administrative control, but it can pave the way for more drastic and direct methods when these are called for. Modern trends favor the growth of state administrative control.

By subjecting local action to close scrutiny or review, the state exercises another possible means of restraint. Assessment of property by local officials for purposes of the general property tax was early brought under supervision by state authorities. Local assessors often valued their areas at a small percentage of true cash value. Then when the state levied rates on general property values as assessed locally, the particular township, village, city or county presented a low valuation subject to state taxation. State boards of equalization were set up, some in the nineteenth century. These agencies sought to equalize assessed values between local units for purposes of state taxation. This was followed by the creation of state tax commissions or departments with broader powers to review local assessments and to supervise the work of assessors,

[6] S. E. Leland, ed., *State-Local Fiscal Relations in Illinois* (Chicago, 1941), 50.
[7] Wisconsin, *Blue Book* (Madison, 1946), 295.

either through advice and conference or by actual orders as to local procedures.

In Wisconsin, state policies in reviewing local assessments have been expanded to include supervision over the initial process of assessment. In this state, taxes are levied by cities, towns, and villages on the basis of assessed values established by approximately 1800 local assessors. The state Department of Taxation assists the local officials through supervisors of assessments. The state is divided into property districts with a supervisor of assessments in charge of each. These officers assist local assessors. Group meetings are held, bulletins are issued, and actual instruction in the field is provided in so far as time and staff permit.[8] This type of administrative supervision runs far in advance of earlier state practices in reviewing and equalizing local assessments for purposes of state taxation.

Quarantine regulations and health ordinances as established by local authorities may be reviewed by the state public health department. The removal or suspension of teachers in local school districts may be submitted to central review in some states. Since such cases usually involve hearings on steps already taken locally, it is not tantamount to direct appointment or removal. Regardless of the nature of the question at stake, the gist of this type of administrative process is that the local unit takes formal action in the first instance and then this action is subject to review by the central officials in the second instance.

Indirect Administrative Control: Grants-in-Aid

A contemporary phenomenon of government is the grant-in-aid, a payment by a central to a subordinate unit of government to underwrite in part the cost of a service operated by the latter. The beginning of the grant-in-aid system in the United States is usually traced to the federal grants of land from the public domain to the states and their local subdivisions. As early as the Morrill Act of 1862, provision was made for land grants by the Federal Government to the states for educational purposes. In the years from 1887 to 1920, federal aid was extended to: state agricultural experiment stations, instruction in land grant colleges, state forest subsidies, agricultural extension work, highways, vocational education and vocational rehabilitation. However, it was in the nineteen-thirties that emergency relief problems brought a prodigious growth of the federal grant-in-aid system for temporary state relief programs largely supported by federal monies from 1933 to 1935. In the latter year, the Social Security Act paved the way for public health and categorical welfare service grants such as old age assistance, aid to the blind, and aid to dependent children. State governments were

[8] Wisconsin, *Blue Book* (Madison, 1940), 342.

forced by circumstances of the Great Depression to expand greatly their grants-in-aid of local services such as education, health, and relief. While the grant-in-aid has been long established in our federal system, only within recent decades has it assumed such a significant and extensive rôle in our intergovernmental relations.

Oftentimes, a grant-in-aid has strings attached to it through the imposition of standards by the federal or state governments as the case may be. The degrees of control exercised range from virtually none to standards and inspection, and the threat of withdrawal of future grants. Where such concomitants do not follow upon the heels of a grant-in-aid, the device becomes merely a means of redistributing the tax burden. Local services are thereby financed out of certain state taxes rather than out of the general property tax or other local revenues. The most common objective is to institute minimum services in all localities without restraining the efforts of progressive and wealthy communities willing and competent to finance more ambitious enterprises for themselves.

Results over and above the maintenance of standards in existing activities accrue from this scheme of subsidization. It has been used by the federal and state governments to promote new functions, as for example the establishment of health departments in counties, or of specialized welfare services. In influencing the administrative process at the local level, the grant-in-aid has been and continues to be significant.

Grants-in-aid issuing from the state were originally designed with a view to assisting the rural subdivisions where low density of population, low assessed valuations and low income levels make administration on the basis of local resources inadequate. In so far as the state tax system bears heavily on urban incomes, the grant-in-aid system has the effect of shifting the burden of local rural government in part to wealthy and industrialized sections.

State subsidies serve primarily to readjust the incidence of state and local taxes, and secondarily to develop control over localities. The latter aspect arose as an incidental result of the former. Under federal grants-in-aid, which are generally more conditional in nature, federal administrative authorities have been more active in enforcing standards and procedures. State governments have used the grant-in-aid, for example, to promote schools and highways and, under the impact of the depression of the nineteen-thirties, to supplement local relief. Strong traditions of local self-government have impeded wide exercise of state administrative control in conjunction with the grants. The flow of grants from state capitals has sometimes preserved small and inefficient units of local government which would otherwise have been hard pressed for survival. Cities, on the other hand, have had to battle with rural state legislatures for consideration of urban needs in schools, streets, and public welfare through grants-in-aid.

The states often have staffs which are inadequate to provide the

inspection and advice necessary to effective central control. They lack the staff to know whether administrative rules are violated. If they do know, they suspect that violation is so pervasive as to make the suspension of aid in any single local jurisdiction appear as arbitrary action. The grant-in-aid is often so important fiscally that the local units would not be able to operate without it; suspension would be a more serious penalty than the local violation suggests.[9]

Direct Administrative Control: Prior Approval

Prior approval may be necessary before local action becomes possible. Under this system a local program is proposed, state permission is next obtained, and then, and only then, action follows. The state of North Carolina passes upon proposed bond issues, and its approval is a requisite before a bond issue can be sold. If the Local Government Commission of the state does not allow the bond issue, only a favorable referendum of the voters in the local unit can overrule its decision. Prior approval by state authority is increasingly the starting-point of local action on bond issues. It is becoming an accepted administrative device for local authorities to secure preliminary state sanction in such matters as the appointment of certain professional officers. This has been especially true in the development of public health administration at the county and district level.

Plans for the construction of municipal waterworks and sewage disposal systems are often submitted for state approval. For instance, in Wisconsin the sanitary engineering section in the Department of Health is concerned with the purity of water supplies and the disposal of sewage and garbage. Consent must be obtained from the bureau for plans to construct public waterworks, sewage and refuse disposal systems.[10] Whether prior approval relates to finance, personnel, or plans for construction, the result is a direct form of state administrative control over local operations.

Direct Administrative Control: Appointments, Removals

At the heart of local self-government lies the selection of local officials. Most municipal office-holders other than merit employees are either elected by the people or appointed by city councils, commissions, or executives. Resistance piles up against the state when it reaches out through administrative influence to the hiring and firing of a county, municipal, or school district officer. Antagonism to any such interference has confined the constitutional and statutory power of state authorities to

[9] H. J. Bittermann, in *State and Federal Grants-in-Aid* (New York, 1938), 204, takes this position with reference to public school administration.

[10] Wisconsin, *Blue Book* (Madison, 1946), 296.

appoint or remove local officers within well-defined limits. Short of outright management of a community by the state itself, there is no more unpopular infringement than state appointment of an individual to serve in a municipality. Even though the appointee is a native to the place and is paid from the municipal exchequer, outside influence may make him a marked man. Where the state in addition wields removal power, self-government is abridged if not impaired. As a matter of fact, state authority both to appoint and to remove local officials rarely appears in tandem formation. The two devices, designed to assume different ends, are most frequently separate and distinct.

In the selection of certain fiscal officers and public health administrators, the states have gone farthest. South Carolina provides for selection of township, town, and city boards of assessors by the governor. Because such appointments are made upon recommendation of the members of the county delegation in the general assembly, local preferences are not precluded. A number of states vest in the governor or administrative officers the power to remove local assessors from office. In Colorado, the governor may remove a local assessor after charges by the tax commission and a hearing, if he is convinced that the assessor has wilfully omitted taxable property from the rolls or has not assessed at true value. In other states as in Maryland, South Carolina, and Vermont, a more restricted removal power over assessors exists. Minnesota, on the other hand, authorizes the governor to remove any official vested with financial duties if it appears to him that the incumbent has been delinquent in the performance of his official functions. This is certainly one of the most extensive grants of power vested by any state in a governor with reference to the removal of financial officers.[11]

In public health administration, various states, including Illinois, Michigan, and New Jersey, participate in the appointment of certain local public health officers, at least to the extent of requiring that local appointees be first approved. The local registrar of vital statistics is in many places appointed originally by state administrative authorities. More generally, state appointment of public health officers is confined to the filling of vacancies resulting from removals, from neglect of local appointments, or from emergencies.[12] Local health officers who are negligent in performance of their duties may in some states be discharged by state direction. A chief of police or police board may be named by the governor or other state representative, as for example in certain cities of Maryland, Massachusetts, and Missouri. Sometimes police personnel can be removed by state order, as in New York and South Dakota. In many states, sheriffs and prosecuting attorneys are subject to removal by the governor.

[11] S. C. Wallace, *State Administrative Supervision over Cities in the United States* (New York, 1928), 87 ff.

[12] *Ibid.*, 121.

New York has lodged with the state civil service commission some responsibility for membership on municipal civil service commissions. If the local authority fails to appoint a commission, the state may act. In the event of incompetency or neglect of duty by a municipal commission, the state civil service commission may by unanimous voice and with gubernatorial consent remove a municipal commissioner, and the state commission may then fill the vacancy. In Ohio, failure of local authorities to fill a vacancy on a civil service commission leaves the state free to do so.

More common than state authority to appoint local officers is the power of the state to remove them. While the range of gubernatorial control of removals varies from state to state, it may be very inclusive: "Thus, in Florida it extends to all officers that shall have been elected or appointed, and that are not liable to impeachment. And in Maine 'every person holding any office, may be removed by the Governor, with the advice of the Council, on the address of both branches of the Legislature.' In Pennsylvania, all officers elected by the people, except Governor, Lieutenant Governor, members of the General Assembly and judges of courts of record 'shall be removed by the Governor for reasonable cause after due notice and full hearing, on the address of two-thirds of the Senate.' The removal power of the Governor of Michigan extends to all county officers, all justices of the peace and township officers, and city or village officers." [13]

In the abstract, gubernatorial or administrative right of removal from local ranks may be written on constitutional or statutory pages. On the other hand, a busy state executive rarely develops such a power into a pervasive and continuous process. In special cases, the big stick of removal is all important. Governor Donahey removed the mayor of Massillon, Ohio. Mayor Walker of New York City resigned in 1932 during a hearing on the issue of his removal by Governor Franklin D. Roosevelt. Such episodes are the exception, not the rule. The power of state officials to remove local officers plays its chief rôle only in the occasional outstanding example.

Direct Administrative Control: Ordinances, Orders, Inspection

In its advanced stages, state administrative surveillance includes the right to issue orders. Such authoritative directions issued by the state may be general regulations governing the actions of administrative officers in all localities, or they may be specific regulations applicable to a single unit. General regulations are known as ordinances, while specific regulations applicable to a single authority are known as orders. The ability to issue general ordinances or specific orders, both of which are

[13] C. M. Kneier, "Some Legal Aspects of the Governor's Power to Remove Local Officers," *Va. Law Rev.*, XVII, 355-356 (February, 1931).

binding upon local authorities, is most frequently lodged with those state administrative agencies dealing with public education, finance, and public health administration. The usual method of enforcing compliance with orders and ordinances is through recourse to the courts. The practice of state authorities in issuing orders or ordinances to local authorities has enjoyed a sustained growth.

State health departments exercise regulatory functions through the issuance of ordinances and orders. Such departments offer some of the best examples of this administrative technique. For example, in New York the Health Department sets up basic rules in its sanitary code. This is only one element in its supervisory capacity over local health administrations. In addition to establishing regulations through the sanitary code, the department gives aid and advice, and maintains a general watchfulness, participating in actual local health administration only in time of emergency.[14]

Health department orders or ordinances may also relate to the construction, management, and operation of local waterworks. Supervising officials enact rules and regulations concerning the construction and operation of these utilities. Basic principles may be determined and fundamental errors avoided.[15] Construction, operation and maintenance of sewage disposal systems and treatment plants by local units are frequently subject to the orders and ordinances received from state administrative agencies.

Action may be taken by departments of education in issuing regulations for the construction of school buildings. Even broader regulatory powers are vested in various educational state agencies. In New York, the Board of Regents has a general regulatory power over local school systems second only to that of the legislature. "The powers of the Regents are wide. As the legislative body for the educational system of the state, they may determine its educational policies, and make regulations for carrying into effect the State Education Law and their own rules.... They may visit and inspect educational institutions in the state, conduct examinations in them and require reports from them...."[16]

While the growth of administrative control through such devices as specific orders and general ordinances has often been opposed in the name of home rule, centralized control has been gaining. Orders and ordinances need not be destructive of local initiative. Compared with legislative control by special or general acts, administrative control when developed along professional lines has the advantages of flexibility and competence.

The result of statutes, orders and ordinances is to set up standards

[14] New York State Constitutional Convention Committee, *State and Local Government in New York* (Albany, 1938), 234.

[15] S. C. Wallace, *op. cit.*, 131.

[16] New York State Constitutional Convention Committee, *op. cit.*, 246.

which guide local authorities in various aspects of the administrative process. Whatever the field in which standards are established—public health, education, finance—the rules laid down might remain ineffective without inspection. Progressive communities run well in advance of basic standards created by state law or administrative order, so that the state is really in the position of prodding the laggards while doing nothing to impede progress elsewhere.

The systems of standards and of inspection are interdependent, as shown in financial administration. In 1940, twenty states supervised accounting systems in municipalities.[17] To be effective, state administrative control in fiscal standards must be followed up. In Indiana, the state Board of Accounts since 1909 has annually inspected the accounts and records of city departments. A staff of examiners determines whether the required forms have been followed and audits accounts. If shortages appear, charges are made to local prosecuting attorneys. In the first three decades which elapsed after the state undertook this policy, the Board of Accounts recovered more than six million dollars of public funds which had been either illegally or negligently diverted from local treasuries.[18]

Likewise, in New York, the authority of the State Comptroller, acting through the division of municipal affairs to formulate and install uniform systems of accounts in cities, is made effective through powers of audit and examination of accounts. The State Comptroller has authority to make such other investigations as may be necessary to determine the efficiency of administration of the fiscal affairs in the municipality.[19] Increasingly, city officials live within a system of state audits and inspections.

The device of inspection and examination is by no means limited to financial matters. Inspection is widely used by the states as a method of control over local administration of public health and sanitation. This includes inspection not only of the efforts of the local public health departments but likewise of water supplies, waterworks, swimming pools, and sewage disposal facilities. The work of the division of corrections in the Indiana State Department of Public Welfare covers the inspection of county jails, city jails, county infirmaries, and other public institutions. With the cooperation of local officials, the division uses its influence to obtain correction of unsatisfactory conditions at the earliest possible time. Included in its series of inspections are city lock-ups.[20]

The establishment of standards by statute, or adminstrative ordinance is not enough. If standards are to mean anything besides wishful thinking, inspection must ensue, and orders must be issued to correct violations. State administrative agencies must be adequately staffed to perform

[17] Wylie Kilpatrick, *State Supervision of Local Finance* (Chicago, 1941), 8.
[18] Harold Zink, *Government of Cities in the United States* (New York, 1948), 59.
[19] New York State Constitutional Convention Committee, *op. cit.*, 341.
[20] Indiana, *Year Book* (Indianapolis, 1946), 566.

this essential function. Public administration in this country has too often suffered from the idea that a rule or standard is self-enforcing.

Transfer of Functions and Substitute Administration

Like the indirect methods of administrative supervision, direct systems of administrative control serve to develop and improve services performed by local governments. All these types—advice, information, review, grants-in-aid, prior approval, appointment and removal, orders, ordinances, standards and inspection may on occasion be passed over in favor of a temporary or permanent transfer of functions from the local to the state or federal levels of administration. Recently, the most conspicuous instances of such transference have occurred in connection with highways and public welfare.

Separation and transfer of particular undertakings from the local to the state sphere of influence has, however, long been known. Assessment of public utilities and their properties, for example, formerly performed by local assessors, has now been placed in the hands of state tax commissions. Long ago, the state assumed responsibility for the care of the mentally deficient in state institutions. In assumption of once local obligations, some regions are more energetic than others. North Carolina, for example, early in the nineteen-thirties undertook the responsibility for road systems which had previously been administered by counties. Virginia, with the exception of a few counties, followed North Carolina.

In spite of considerable resistance, the trend toward state centralization has not halted. Some activities have necessitated from time to time a pattern of federal-state-local interrelations. The introduction of work relief found cities financially swamped with unprecedented loads between 1931 and 1933. State and federal governments came to their assistance with the Federal Emergency Relief Administration operative until 1935. Then, the Works Progress Administration was launched, and Washington, in a dramatic move, put work relief for the employable unemployed on a national basis. Division of American government into federal, state, and local levels has not precluded partial or complete, temporary or permanent, transfer of specific administrative functions.

Substitute administration of a local activity by state authority has a different objective from permanent and total assumption of an administrative responsibility. The latter is normally a long-term policy to be pursued indefinitely. In many instances, assumption of an administrative task by the state becomes permanent. Substitute administration, on the other hand, usually brings state forces into operation for a limited period, after which the duties will revert to the local unit. The time interval involved may either be a matter of a few months or it may extend over a span of years.

Most state departments of public health are authorized to take over

the control of public health administration in a given area when those locally responsible fail in the enforcement of state regulations or are otherwise inefficient in the discharge of their duties. When epidemic, flood, or other disaster rages, substitute administration may transpire regardless of the part played by the local instrumentality. In other words, an emergency in and of itself may justify the state's direct intervention in behalf of local health for the duration.

Substitution of the state administrative machinery for the local happens in other fields as well—that of finance, for instance. Massachusetts went to great lengths to cope with prolonged fiscal reverses in Fall River. During the nineteen-twenties, this city began to suffer from losses in its chief industry, cotton textiles. Political methods in local administration precipitated the crisis which, in 1931, led the state to place a state board of finance in control. The local governmental authority became subordinate to this arm of the state, since the board fixed the number and salaries of municipal employees. The city had no real freedom in charting its financial course. The inseparability of sound local finance and self-government showed itself in Fall River's plight. The straits to which the community had been reduced by an unhappy combination of economic and political circumstances received a cure which, since it was administered by the state, seemed to some city fathers as bad as the disease. For a period of years, decisions touching the vital spot of public finance were no longer within the local officers' hands. The state is obliged to protect the credit of local subdivisions within its boundaries. The fact is manifested by state after state in the limitations governing debts contracted by local units and in the extension of administrative control over their budgets, accounts, and bond issues. A crisis such as that experienced by Fall River precipitated an even further step when state discretion was substituted for local over a period of years.

An elastic arrangement whereby the state might interpose its authority came about in North Carolina in the nineteen-thirties as a result of local financial experiences. The state Director of Local Government was empowered, in the event of default on payment of the principal and interest due on any indebtedness within a local unit, to substitute state control. Under such conditions, according to the North Carolina Local Government Act of 1931, the director may appoint an administrator of finance for such a unit, whose duties include full charge of the collection of taxes, custody and safeguarding of funds, and disbursement of money for all purposes. He may retain under his auspices any city or county officers or employees for the performance of these duties or he may discharge them. The compensation of the administrator and the expenses of the director and the Local Government Commission arising from this act of administrative control become a charge on the local unit concerned.[21]

[21] North Carolina, *Public Laws* (1931), Chap. 60, sec. 35 (71).

The indirect and direct methods of state control so far developed are not the last word. Old methods will be extended and new techniques may be employed. Centralization through administrative control has been on the march for some years now. So long as it is professional in character and designed to improve the administrative process in local units of government, it need cause no alarm.

From humble beginnings, state administrators often acquire extensive influence. Their control is wider in some directions than in others; in matters of finance, health, welfare and education they are extensive. Their first step in exerting surveillance is apt to be in proffering advice or in supplying information. The state may start by designating an authority with which local reports are to be filed. From such opening gambits, administrative moves have in many states gone on to include specification of budgetary and accounting procedures; inspection to ensure that local standards meet the state's minima; approval and review of local action; and even to the appointing and removing of a few local officers. As the final step, administration of a particular function may be taken over by the state from the locality as a temporary measure to guarantee the execution of state policy. Local units have been somewhat more amenable since the growth of state grants-in-aid, and since the increase in state-collected, locally shared taxes.

Development of State Administrative Control: Finance

As early as 1871, Ohio began to require local units to report funded and unfunded indebtedness to the state auditor. Missouri in 1872 called for the registration and endorsement of bonded indebtedness by the state auditor, as well as financial reports from the counties and municipalities. Most early instances were limited to local reports to one of the state officials, generally the auditor-general. Such simple measures were superseded by regulations that the state attorney-general should pass on the legality of the proposed bond issue. Texas in 1893 made it necessary to secure approval by the attorney-general before bond issues could be registered by the state comptroller.[22]

Only in recent decades have state officials been invested with authority to pass on the expediency or feasibility of local bond issues. The Indiana plan of 1921 gave the state Board of Tax Commissioners control over local tax levies and bond issues pursuant to a petition from the local taxpayers.[23] The latter could appeal against proposed bond issues, excepting temporary obligations, provided the amount exceeded five thousand dollars. Once an appeal had been made, the state Board of Tax Commissioners could pass on the broad questions of the expediency of the bond issue itself and of the amount of the issue. The scope of

[22] L. D. White, *Trends in Public Administration* (New York, 1933), 52.
[23] Indiana, *Acts* (1921), Chap. 222, secs. 3-4.

administrative competence in the Indiana plan curtailed local self-government more than earlier statutes which were limited to reporting of local bond issues to a state authority, or approval of their legality by the attorney-general. How far state administrative checks can be carried in such things as local indebtedness appears from the legislation of North Carolina. There an administrative agency of the state was given a general and compulsory power to review proposed local bond issues, and also authority in specified circumstances to undertake substitute state administration of local finances. The progression from some states' early requirement of reports to North Carolina's action illustrates the trend.

A large number of the states remain content with ordering cities to submit fiscal reports to central authorities. Although this is elementary, it signifies much as an "educative measure for accounting, as a means to review fiscal operations in lieu of or supplementary to audits, and for statistical purposes in comparing communities and in developing statewide needs." [24] More penetrating than the collection of fiscal reports are state controls directed at local budgetary practices, accounting, and audits. Various states have prescribed executive budgetary programs for local units, and compulsory installation of accounting systems, the former being much more general than the latter. A small minority of the states regularly audit municipal accounts. Control over budgets, accounts and audits is more frequent at the county level than at the municipal level, partly because of the more dependent position of the county as an administrative subdivision of the state, and partly because of the lag in administrative methods between run-of-the-mine counties as compared with progressive cities.

Only sixty years—years crowded with demands for constitutional guarantees of the home-rule principle—span the period from the Ohio legislation of 1871 requiring local units to file reports as to bonded indebtedness, until the North Carolina act of the nineteen-thirties creating extensive state administrative supervision. In the course of these decades, certain states attained power to pass on the legality of bond issues, on the necessity thereof on petition of taxpayers, and finally on the expediency and wisdom—in every case without a prior local petition. Central administrative scrutiny has increased slowly but surely, and in the face of an American penchant for local autonomy.

In the realm of finance, many of the state's administrative potentialities have already been realized. Since the city is a creature of the state, protection of its credit redounds not only to local residents, but to the state as well. No state can allow local units, even municipal corporations, to indulge in loose fiscal habits which may end in widespread defaults on legally incurred debt, in inability to pay the salaries of local officers, or in the abandonment of essential functions. The bad comes along with

[24] Wylie Kilpatrick, "State Administrative Supervision of Local Financial Processes," *The Municipal Year Book* (Chicago, 1936), 341.

the good in this partnership, for the states are not infallible in dealing with local finances. In Ohio and West Virginia, for instance, state constitutional, over-all tax limits were directed against the general property tax. Here the state through its superior authority directed a body blow at a tax which had long been the backbone of local revenue. No amount of cant about the values of state administrative supervision in matters of municipal finance can undo the mischief resultant from such attacks on the tax which lies at the base of municipal solvency.

Development of State Administrative Control: Personnel

As far as hiring, supervising, and removing local governmental employees is concerned, the states have, with a few reservations, kept hands off. Traditionally, cities have operated under codes of spoils or merit as they saw fit, although the states have been alive to the necessity of authorizing municipalities to establish either under state law or home rule their own civil service systems. As a matter of fact, progressive cities have often outstripped the states in this matter. Detroit had a merit system in operation for years before the state of Michigan.[25] Even when civil service is entrenched at the state level, it does not always carry jurisdiction over personnel in local units of government. For example, in California, Colorado, Illinois, Maryland, and Wisconsin state personnel agencies exist, but local personnel authorities are not subordinate to them.

The absence of a supervisory or coöperative tie-up between state and local personnel agencies is dictated by expediency rather than theory. During the nineteen-thirties, the privately sponsored Commission of Inquiry on Public Service Personnel recommended cooperation between federal, state, and local administrations through such things as the joint use of eligible lists, joint preparation and conduct of examinations, and joint development of technical studies. "In the states similar coöperation should be established as between the state and the local personnel agencies, and there should be developed, either by the state or by the leagues of local governments, central technical services available to the units of government which cannot maintain complete personnel agencies of their own." [26]

For some time Massachusetts has combined state-local personnel control, whereby it is mandatory for all cities to submit to a state-administered merit plan. Acceptance of this is optional with towns by vote at town meeting. Advantages adhere in following such a dual approach. A large city has the fiscal capacity to maintain the overhead costs of a

[25] Michigan swung belatedly into line with its civil service act of 1937 which, due to a ripper act of 1939, gave way to a merit system by constitutional amendment in 1940.

[26] Commission of Inquiry on Public Service Personnel, *Better Government Personnel* (New York, 1935), 7.

merit system. In small cities, the administrative overhead of a personnel agency may be heavy in relation to the number of positions to be filled and the examinations to be held. Economies accrue from combination of state and local needs, but disadvantages may appear, as has actually been the case in Massachusetts. Political antagonism aroused in the past has precluded progressive policies such as the preparation of state-wide eligible lists. The state commission has been criticized for its tendency to be a "watchful duenna" of employee rights in local units rather than a personnel agency serving the governing bodies.[27]

New Jersey first provided for state-local civil service administration in 1908. The state did not see fit to impose such a plan, but left the adoption of it optional with local governments. By 1940, twelve of twenty-one counties, thirty-seven of 565 municipalities, and one of 542 school districts had voted it in by referendum. It was estimated that the state-administered personnel arrangement applied to about 65 per cent of the local government service in point of number of employees.[28] Under the New Jersey plan, the state pays the costs of conducting civil service in those localities electing the scheme, which is regarded as entirely justified in view of the growth of state grants-in-aid. The State Civil Service Commission from the very beginning "moved from consideration of state problems to municipal problems and back again as a matter of routine and as if the questions affecting either level of government were merely a part of the whole problem. That same attitude and procedure on the part of the state body has continued during the entire life of the merit system law notwithstanding the extension and enlargement of the authority and the responsibility of the commission over the state service which has developed in the past ten or fifteen years." [29]

New Jersey has worked out a compromise between forcing local units under a state agency and allowing local units to go their own way without any opportunity for personnel service from the state. By making this service available, New Jersey has emphasized the need for sound principles of employment at the local level. It has relieved smaller units from the dilemma of either going without civil service or setting up a local agency which could not be adequately staffed and financed for a well-rounded program of personnel administration.

Another compromise between the mandatory state-local system and the complete severance of municipal civil service from state administration has been worked out in New York. In this state, the mayor or other appointing authority in each city is required to name a local civil service commission. The rules and regulations of the local body cannot become effective until they have been approved by the state civil service

[27] G. C. S. Benson, *Civil Service in Massachusetts* (Cambridge, 1935), 78-79.

[28] C. P. Messick, "New Jersey's Merit System Pattern," *Nat. Mun. Rev.*, XXX 188 (March, 1941).

[29] *Ibid.*, 148.

commission. Moreover, the latter body, by a unanimous vote and with the approval in writing of the governor, may remove any municipal civil service commissioner for incompetency, inefficiency, neglect of duty, and violation of state statutes or rules promulgated thereunder. When such a removal has been made and under certain other circumstances, the state commissioners may make an appointment to fill the vacancy in the municipal agency. In recent years, the New York personnel authority has had more funds and greater initiative in fulfilling its administrative responsibilities toward local units of government under the law.

State Administrative Supervision: Illustrative States

Is administrative control over local units of government successful? On what basis can its success or failure be judged? Reductions in local tax levies influence many people first and foremost. The Indiana plan of fiscal control has been argued pro and con almost since its inception. From 1921 to 1931 inclusive, the Indiana Board of Tax Commissioners ordered reductions in local tax levies amounting to $21,000,000, or some 1.7 per cent of the total local property tax load. On the other hand, "of the tax levy reductions on a state-wide basis totalling $15,768,352 claimed during the seven-year period, 1923 to 1929, $8,370,196 came as a result of the tax board's action on the Indianapolis school budgets."[30] For one thing, the state board has been understaffed. In the nineteen-twenties, the psychology of spending pervaded the affairs of local governments as well as those of private citizens. Any attempt to bring about drastic reductions through state administrative action would probably have accentuated local political pressures. The temper of the nineteen-thirties changed; taxpayers' organizations became belligerent. New problems were heaped at the doors of the Indiana plan.

When a tax limitation law was passed by the Indiana legislature in 1932 and amended in 1933, it set a maximum rate of $1.50 per $100 of valuation on taxable property inside corporate limits, and a maximum rate of $1.00 on property outside such limits. If an emergency arose in any municipal corporation, the statutory rate could be exceeded. A tax adjustment board was set up in each county to decide when an emergency justified rates in excess of the statutory limits. Right of appeal to the state Board of Tax Commissioners by local taxpayers was still maintained. The tax limits proved flexible when tax adjustment boards acknowledged many pressing emergencies. As a result, the tax limitation law was liberalized in 1937 to $1.25 outside and $2.00 within corporate cities and towns with exception for debt obligations and county welfare services. The county tax adjustment boards were given power to revise and reduce budgets and tax rates and to authorize rates beyond

[30] C. R. Dortch, "The 'Indiana Plan' in Action," *Nat. Mun. Rev.*, XXVII, 526 (November, 1938).

the statutory maximum. Local units of government were allowed to appeal (like individual taxpayers) to the state Board of Tax Commissioners. All budgets were automatically referred to the state board where county boards authorized rates above these new limits.

Budgets from 1,577 taxing units were placed before the state tax board in October of 1937, and all but ten of these involved rates beyond the tax limits. Appeals from taxpayers were registered in twenty-seven units and from local officials in ninety-three units. Most of these appeals related to rates which had already been automatically referred to the state tax board because of the failure to keep levies within the established maximum tax rates. By the end of November of the same year, in other words in the space of a few weeks, the state administrative agency had made a final order in each of the 1,577 cases.[31] Even with regard to the budgets of the larger cities, the state Board of Tax Commissioners seems to have been limited to a few hours of deliberation.

Valid judgment for or against the whole concept of state administrative control cannot be based solely on such systems as Indiana's. Defects of this plan appeared in operation: the tendency of the Board to reverse its own established rules to fit specific cases; the amount of budget-padding indulged in by local authorities to offset potential reductions; and the lack of time necessary for adequate, detailed examination of local budgets. For many years, Indiana has moved in the direction of state administrative control without home rule for cities. The state can not even lay claim to an authentic set of optional laws for cities.

The North Carolina act of 1931 created a Local Government Commission consisting of the state auditor, treasurer, commissioner of revenue and six others appointed by the governor. One of the latter was originally designated by the governor as the Director of Local Government, but a subsequent act made the state treasurer the director ex officio. The Commission has supervisory authority over local bond issues; its approval is essential to the validity of any bond or note issued by county, city, town, incorporated village, township, school district, school taxing district, or other district or political subdivision of the state. The commissioners are directed to make an order approving the proposed bond issue, if on the basis of information and evidence received they are of the opinion: "(a) that issuance of the proposed obligations is necessary or expedient and (b) that the amount proposed is adequate and not excessive and, except as to funding and refunding bonds, (c) either that adequate sinking funds have been maintained or that reasonable assurance has been given that thenceforth they will be maintained to the extent required by or under the authority of law, and (d) that the increase in tax rate, if any, that will be necessitated for the proper maintenance of sinking funds as so required will not be unduly burdensome and (e)

[31] C. R. Dortch, "The 'Indiana Plan' in Action," *Nat. Mun. Rev.*, XXVII, 525-529 (November, 1938).

that the unit is not in default in the payment of the principal or interest of any of its indebtedness and (f) that the requirements of law for budgetary control have been substantially complied with and (g) that at least eighty (80) per cent of the general taxes of the unit for the preceding fiscal year has been collected. . . ." [32]

When the Commission is not satisfied on these points, the bonds can be issued only in such manner and amount, if any, as it may approve, unless the voters of the local unit concerned overrule its decision. Furthermore, in the event of any default in the payment of debt by a local unit, the director of local government may appoint an administrator of finance to take charge of its tax collections and the custody and expenditure of its funds. In this manner, state administrative supervision over local bond issues is assured and state administration may, in case of default, be substituted for local administration.

The work of the Local Government Commission has been noteworthy. From 1932 to 1940 the net reduction of bonded indebtedness of local government amounted to $56,000,000 or more than fifteen per cent of the 1932 indebtedness. Acting under powers vested in it by statute, the commission has centralized the marketing of local bonds, thereby widening the market and lowering interest rates. In directing the refinancing of the indebtedness of various local units, the commission has obtained reductions in interest rates and rearrangement of debt maturities to equalize and distribute the annual payments of principal. Unsound bond and note issues have been eliminated in the early stages by conferences between members of the commission's staff and representatives of the local unit. On the other hand, the commission had not in the years from 1932 to 1940 utilized the drastic administrative power vested in it to appoint an administrator of finance for a local government. The commission had emphasized techniques of persuasion and coöperation. There were grounds for assuming that in the future the commission could prevent the recurrence of conditions prevailing in local finance during the early years of the Great Depression.[33]

In 1938, New Jersey provided for a Department of Local Government to administer the laws dealing with local finance. Within this Department is a Commissioner of Local Government and a Local Government Board, the former serving as chairman of the latter. The commissioner has duties in handling the detailed work of the department, prescribing its organization, and in administering state law as to local governmental finance. The board has a general power to study local units, to hear appeals from decisions of the commissioner, and to promulgate rules and regulations interpreting the laws.

The important features of the New Jersey laws of 1938 are the grant

[32] North Carolina, *Public Laws* (1931), Chap. 60, sec. 13.

[33] J. W. Fesler, "North Carolina's Local Government Commission," *Nat. Mun. Rev.*, XXX, 327-334 (June, 1941).

of general regulatory power and of specialized, supervisory functions which may be invoked whenever a municipality [34] is in an unsound fiscal condition as defined by law. The general regulatory powers include the authority of the state board to prescribe uniform accounting systems and forms on which financial statements and other reports shall be made. Taking into account size, population and other factors, the board may also decide upon systems of financial administration for municipalities.[35] Here is another instance of increasing state administrative control.

Special supervisory functions accrue to the Local Government Board when unsound financial conditions exist in a municipality. However, these powers are not invoked until notice has been given and local officials have had an opportunity to be heard. This increased authority of the board is made dependent upon the existence at the end of a fiscal year of any of these conditions:

(1) A default exists in the payment of principal or interest upon bonded obligations or bond anticipation obligations, for which no funds or insufficient funds are on hand and available. (2) Payments due and owing the State, county, school district or special district, or any of them, are unpaid for other than the year just closed and the year next preceding that year. (3) An appropriation for "cash deficit of preceding year" in an amount in excess of five per centum (5%) of the total amount of taxes levied upon real and personal property for all purposes in such preceding year, was required to be included in the budget for both the year just closed and for the year next preceding that year. (4) Less than fifty per centum (50%) of the total amount of taxes levied for all purposes upon real and personal property in the taxing district, in the year just closed and in the year next preceding that year, respectively, were collected during the year of levy. This subsection shall apply only if more than twenty-five per centum (25%) of the amount of such taxes for such year next preceding remained outstanding at the end of the year just closed. (5) The appropriation required to be included in the budget for the next year for the liquidation of floating debt in accordance with sections 40:2-21(d) and 40:2-23(b) of the Revised Statutes exceeds twenty-five per centum (25%) of the total amount of the local budget (except appropriations for schools and for floating debt) for the year just ended.[36]

The obvious intention of these precautions was to provide legal authority for additional state administrative supervision when a municipality for one reason or another was becoming insolvent. The point was to inject additional state control before the situation deteriorated too far.

Once the Local Government Board determines that one or more of these conditions exists and that this act applies, then a number of limitations are thrown around the municipality involved. These encompass a blanket restriction on the issuance of obligations and a fixed requirement

[34] This term includes a city, town, village, borough, township, special district, or other municipal corporation other than a school district or county. New Jersey, *Laws* (1938), Chap. 127, sec. 2.

[35] See New Jersey, *Laws* (1938), Chaps. 127, 128 and 158.

[36] New Jersey, *Laws* (1938), Chap. 127, sec. 3.

that the tax levy on real and personal property shall not exceed by more than five per cent the amount levied in the preceding year with specified exceptions. The state board exerts administrative discretion as to the policies to be followed in liquidating the floating debt of the city concerned. As soon as the conditions which invoked these additional regulatory powers are remedied, the enlarged authority of the state board is dissolved.

New Jersey's Local Government Board decided early in 1939, after hearings, that unsound fiscal conditions existed in fifty-one municipalities and brought into play its additional regulatory powers. Of these early hearings it was said: "The proceedings are informal and it is impressed upon those who attend that the board is there not to injure or embarrass but to guide and assist them, to the end that matters may be improved and the jurisdiction of the board terminated as speedily as possible." [37]

Many of the early cases concerned the failure of municipalities to collect the minimum percentage of taxes prescribed by law. The board has explored these conditions with a view to finding remedies. In some instances, economic conditions of the inhabitants were responsible; in others, physical conditions such as vacant land in the city; and in still others, the administrative conduct of officials.[38] New Jersey has passed another milepost on the road to state administrative supervision. The New Jersey legislation was a product of the stresses and strains of the hard-pressed nineteen-thirties.

Conclusion

As a natural growth rather than a planned and coördinated development, administrative control has developed in numerous state departments. Administrative control over budgetary, accounting, and other fiscal procedures was divided among old and new state agencies. Responsibility for state control over local health officers fell logically enough to state departments of public health. Education has traditionally been entrusted largely to an independent or semi-independent district at the local level. State administrative control over local educational officers gravitated naturally to state departments of public instruction. No single department of state administration has been able to collect a sufficient number of strands of administrative supervision to become the paramount state instrumentality in dealing with local units. A vertical thrust of supervision downwards to the local level has come from the respective state departments in such fields as health and education. On the other hand, North Carolina and New Jersey point the way to an integration of control over problems of local finance by creating state local govern-

[37] S. D. Hoffman, "A State Department of Local Government," *Nat. Mun. Rev.*, XXIX, 351 (May, 1939).

[38] *Ibid.*

ment commissions or departments, concerned primarily with fiscal administration.

As one reason why the elements of state administrative control over local units have never been coördinated into unified state departments of local government, state administrative authorities themselves were very much decentralized. Not until the Illinois reorganization of 1917 was this reversed in favor of principles of integration. The states have never developed any integrated, supervisory agency analogous to the Ministry of the Interior in France, or to the Department of Local Government and Public Health in Ireland. In the scattering of administrative controls, the states have adhered to the English system more than to any other. Even in England, however, the Ministry of Health has accumulated a group of administrative powers which make it more nearly resemble a central department of local government than does any agency which we have at the state level. From the point of view of the state, certain disadvantages have been inevitable in the dispersion of supervisory functions among a series of departments, boards, commissions, and officers. Control has been less cohesive and pervasive. Any effort to incorporate all aspects of administrative control in a single department would have precipitated outcries in favor of home rule, local self-government as against bureaucracy and centralization.

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CHAPTER X

Federal-City Relations

Introduction

Revolutions are not always brought about by pikestaves and guns. Sometimes government yields peaceably to such forces of change as the existence of hunger and want. The United States endured for more than one hundred and forty years without direct administrative relationships between the Federal Government and the municipalities. Under our federal system, cities are units of government within the states. Legally, they are subject to the power of the state legislatures except in so far as state constitutional limitations against special acts and home-rule provisions give them protection and freedom of local action. Administratively, they are increasingly subjected to control by state officers in a number of fields.

As late as 1932, the delegation of the United States at the International Congress of Cities in London was the only one of more than forty countries represented to report no direct administrative relationships between the central or national government and its cities. Indirect contacts whereby federal departments and bureaus made various services available to cities had been developed, it is true, for a number of years. For example, the work of the Bureau of the Census in collecting statistical information and that of the Bureau of Standards in testing materials provided sources of technical information for cities. By publishing and recommending a model zoning law, the Department of Commerce encouraged the states to vest municipalities with broad authority to prescribe use, height, and area restrictions within their corporate boundaries. These are only a few illustrations of the many federal activities which had long been of indirect benefit to cities.

The Federal Government was making no real impact upon municipal affairs. It was from the state capitals, and not from Washington, that cities were accustomed to receive directions. If municipal officers went to the District of Columbia, it was primarily as sightseers. Looking back over the record, it is curious that the cities went so long without demanding federal aid and assistance in their problems. Before the New Deal, state and local governments were decidedly more separate and compartmentalized than afterward. As cities had continued their growth, assessed values of property had risen, and this had produced municipal

revenues capable of sustaining activities at the local level. True, this was also due in part to the rugged independence of American municipalities. In addition, Washington, D. C. was remote in terms of time.

If in recent decades the federal capital came nearer to all parts of the country, it also became more necessary. With the nineteen-thirties came depression, and property values in communities, instead of increasing or even holding steady, went down the long toboggan of deflation. Tax "strikes" and ensuing tax delinquencies beset municipalities across the continent. As many factory wheels ceased to turn, the workers, idle and restless, thronged city halls for aid. When the relief burden became intolerable for the localities to carry alone, the Hoover administration moved cautiously by setting up a federal loan fund to assist state and local governments. Relief was still viewed as a state and local problem. Theories ultimately gave way to hard realities, namely, that neither state and local revenues nor borrowing power could cope with the unprecedented demands for public assistance. With the coming of the New Deal in 1933, a net of federal-city, direct administrative relationships was spread over the old legalistic concept of the municipality as a creature of the state.

The Federal Government began to deal with municipalities. Public Works Administration was established by the Roosevelt Administration and encouraged the building of new public works such as sewage treatment plants and water supply systems—facilities which stood localities in good stead when the urbanward migrations of war workers later taxed city capacities to the limits in the nineteen-forties. The Work Projects Administration, first known as the Works Progress Administration, led to direct contacts between cities and the Federal Government. The local units sponsored projects and paid for materials; the Federal Government employed the labor and provided the administrative supervision. Not all of the federal-city connections developed since 1933 fall under the heading of relief and unemployment, but the impetus was furnished by the crying needs of depression-laden years.

The Break with Tradition

Relations of the direct type, established between the federal and local governments, did not interfere materially with legal control of states over cities. Nor did they jeopardize the span of state administrative control. Upon the existing pattern of state-local relationships new federal programs were superimposed. They afforded a new line of attack on perplexing problems, local in origin but national in effect, without supplanting the basic position of the state in creating and controlling municipalities. Federal-city relations were functional and "projectural" in nature. P.W.A. grants and loans to local units for the building of public works projects could not be said to disrupt or undermine the position of the state.

In fact, the states, on recommendation of federal authorities, enacted revenue bond laws to facilitate municipal participation in the nation-wide public works program which characterized the decade of the nineteen-thirties. Through such action, in effect, federal and state in nature the objective of raising the level of local services and reducing unemployment was attained. Only if the Federal Government encouraged local units to undertake public works to an extent that endangered their credit in contradiction to state policy could any just charge of interference arise.

Much of the drive to direct federal-city relations was local rather than national in origin. The plight of the cities in the troublesome 'thirties drove them to seek expanded interrelationships. From the point of view of population and governmental costs, cities bulk large in national life. As the matrix of American industry, commerce, and culture, the metropolitan areas in particular were especially in need of assistance, federal as well as state. It was inevitable that at some stage of development the cities would break through the state level into direct relationships with Washington, D. C. Factors of state organization and attitude were as influential as the crying needs of an emergency.

When many states neglected to reapportion their legislatures over a period of years, over-representation of areas and under-representation of people became notorious. In Illinois, Chicago tried every conceivable way to climb down from the limb onto which rural domination had forced her—even to claiming that refusal to reapportion the state legislature precluded a republican form of government. Rural control of legislatures in industrialized states was one thing when the approach to state-local relations was legalistic in nature. Cities fought for home rule and, in many states, achieved such a status. They sustained their local functional services in large measure through the resources of the general property tax.

In the crisis of industrial depression, cities needed more from the states than home rule and authority to levy the general property tax. Positive help was demanded in the form of financial assistance, power to levy new taxes, and state support of specific functional activities. In view of rural domination of state legislative assemblies, such positive policies were often too little and too late or non-existent. The cities had no alternative but to see what the Federal Government could and would do. In justice to the states, it must be acknowledged that their revenue systems and their limited borrowing powers were likewise unable to withstand the shock of unprecedented demands in the years 1931-1933. The reservoir of federal credit appealed to the states as well as to the cities.

As the depression lengthened and deepened from 1929 to 1933, private charities in cities, municipal welfare departments, and eventually the cities and the states together proved incapable of meeting the relief load which expanded month after month. State and municipal taxing and

borrowing powers were strained beyond precedent. The Federal Government, with a great reserve of borrowing power which it could use to underwrite state and local functions, seemed a logical participant in resolving a problem so basic to the national welfare. Assistance in the form of grants and low-interest bearing loans was demanded; whether or not federal administrative controls developed as a corollary was at the time inconsequential.

The magic arts of politics must not be forgotten in this shift to direct federal-city relations. From its inception the New Deal, according to Franklin D. Roosevelt, was designed to remember the "forgotten man." Millions of these forgotten men were residents of urban areas. They could be reached and assisted only by a program of federal aid to the cities, direct or indirect, or by a transfer of relief loads to federal support and administration. Democratic strength began in the Solid South, but it burgeoned into national majorities in the metropolitan and urban areas. President Roosevelt, astute politician and leader, knew that he could no more escape from the issue of doing something for the cities than from that of aiding the farmers. As a master strategist, he recognized the urban unrest within the framework of a state-local system which had long been relatively static. No better sweeping illustration could be cited than this one to indicate the interrelations between national politics and local administration.

Federal Advice, Assistance, and Reports

From many quarters of the Federal Government, it is possible to get technical advice and assistance. The National Bureau of Standards of the Department of Commerce, for instance, develops quality standards for such materials as rubber, leather, textiles, paper, and plastics. These specifications are available to cities. Such standards facilitate the work of municipal purchasing agencies. The Bureau coöperates with state and municipal officials not only in making purchasing practices more effective but also in the preparation and utilization of safety standards. It sends to municipalities and other tax-supported agencies lists of manufacturers who certify the compliance of their products with federal specifications and commercial standards. It also coöperates with cities by making tests of a wide variety of materials and equipment used by municipal departments.

Of outstanding importance has been the work of the National Bureau of Standards in formulating model zoning laws, building, plumbing and electrical codes, and similar regulations. In the broad field of city planning, cities have been assisted by this Bureau, by the National Resources Planning Board, and by the National Park Service. A model milk ordinance, devised by the United States Public Health Service, has been adopted by hundreds of cities. Representatives of the federal Bureau of

Dairy Industry consult with local milk inspectors on methods of inspecting milk plants and making examinations. Cities which do not have adequate laboratories in connection with their police departments may submit evidence to the Federal Bureau of Investigation for analysis. The national collection of fingerprints maintained at Washington is at the service of the state and local police forces, who, in turn, contribute to this central file. To the experts on the staff of the Food and Drug Administration local public health officers may submit foods for analysis.

Reports and compilations made by the Federal Government are often of prime significance to local governments, for instance, the publications of the Division of Financial Statistics of the Census Bureau. The Bureau's *Financial Statistics of Cities* is of substantial value to local officials. For comparative purposes, this publication is indispensable. *Uniform Crime Reports* are prepared by the Federal Bureau of Investigation in coöperation with municipal governments through the International Association of Chiefs of Police. Employment and payrolls in state and local governments have been surveyed on a nation-wide scale by the Bureau of Labor Statistics. Reports prepared by Social Security Administration, Public Health Service and the Office of Education go to local officials in welfare, health, and educational administration. How technical reporting can become is indicated by the work of the Vocational Education Division of the Office of Education in assembling materials on city fire alarm systems and the problems involved in their operation. Publications of the Bureau of Public Roads (now Public Roads Administration) on the construction and maintenance of highways and analysis of costs are of service to municipal public works departments. From federally-sponsored research and reporting, cities thousands of miles apart derive equal benefit and are enabled to make substantial savings.

To find the best qualified city employees, it is no longer possible to depend on personal acquaintance or political indebtedness. Within the United States Civil Service Commission, the Research Division conducts studies to improve personnel procedures and administration, including standardization of examination material and developing of testing techniques. The Research Division maintains contacts with local governments by making the results of its findings available to municipal personnel agencies, by making available lists of eligibles, and by advising as to plans of classification and compensation of employees. Through funds made available by the Congress, the Public Health Service has provided for instruction of local health officers in the field and at regional university centers. The individual city's policemen, firemen, and other employees have had special training under the auspices of the Federal Board for Vocational Education. This program of specialized education and in-service training involves coöperation between federal, state, and local governments.

The Federal Bureau of Investigation has opened its schools to a selected

group of state and local law enforcement officers. The advantages of this coöperative program accrues not merely to those local officers to whom such an opportunity is afforded, but also to their local forces when they bring back the latest scientific methods and techniques. Moreover, such efforts enhance the coöperation of federal, state, and local law-enforcing agencies by promoting personal contacts between the personnel of the different governmental levels—a highly desirable condition of affairs. In bringing together representatives of the federal, state, and local services, such a program enhances the coöperation between agencies of these different levels of government.[1]

Relief and Work Relief

The Congress in 1932 recognized partially the claims of the cities upon its attention. For relief payments, cities and states were authorized to borrow up to $300,000,000, and for self-liquidating public works up to $1,500,000,000 by the Emergency Relief and Construction Act of 1932. Mayors gathered together in Detroit had appealed to President Hoover for assistance. When Congress responded in this manner, a precedent was established. The Federal Government had conceded some responsibility for relief in urban areas. By the time Franklin D. Roosevelt took office in 1933, most of the states had asked for loans to support the relief burden.

The plan for loans by the Reconstruction Finance Corporation to cities and states for self-liquidating public works projects did not produce all the desired results. The chief difficulty arose over the definition of a self-liquidating project. Furthermore, in most states, legal empowerment was lacking for the issuance of municipal "revenue bonds" payable out of the revenues accruing from the operation of such a project as a water works system or a sewage treatment plant. Yet, this was the only type of bond which the Reconstruction Finance Corporation could accept under the terms of the 1932 legislation. So, because of legal technicalities, the R.F.C., which had played such a big rôle in making loans to industry in the crisis, found itself unable to assist states and cities materially in the development of public works. Confronted by this impasse, the states proceeded to enact legislation authorizing cities to issue revenue bonds for self-liquidating public works. Such acts paved the way for extensive federal-city cooperation in the financing of projects when the Public Works Administration later hit its stride in making grants and loans to cities.

With the New Deal functioning, the Federal Government acted to close the gap between itself and cities. Municipalities were designated as

[1] For a review of federal relations to cities, see Wylie Kilpatrick and staff, "Federal Relations to Urban Governments," in *Urban Government* (Washington, D. C., 1939), I, 55-160.

units eligible for grants and loans by the National Industrial Recovery Act of 1933, which authorized a sum of $3,300,000,000 for public work projects. Upon terms fixed by the President, cities could obtain grants amounting to 30 per cent of the cost of labor and materials on public work projects and loans of 70 per cent protected by reasonable security. Allotments were made to local governments for construction of schools, waterworks, and sewerage systems. The administration of the gigantic program was assigned to the Public Works Administration in the Department of Interior. Creation of P.W.A. for long-range undertakings, however, did not solve the immediate problem. The program did not develop with sufficient despatch to relieve the distress of unemployment in the winter of 1933-1934.

To prime the pump of recovery more rapidly, the Civil Works Administration was speedily set up. It employed both relief clients and self-supporting unemployed on small and useful work projects under federal direction and with federal money. Both state and local authorities co-operated with the Federal Government in suggesting suitable enterprises for C.W.A. workers. Meanwhile, the Federal Government was underwriting the relief business in a big way.

Under the Federal Emergency Relief Administration created in 1933, federal funds flowed out to the states to subsidize relief and work relief. For two years, the F.E.R.A. assisted and underwrote state and local efforts. Emergency programs which had already been set in motion in various states were adjusted to conform to the F.E.R.A. This federal agency operated on the principle that relief and work relief should be controlled by the states and localities with extensive federal aid and some administrative supervision. In states where organizations for emergency relief were not in existence or did not satisfy the F.E.R.A., pressure was exerted for the establishment of suitable agencies. Federal action went further in a few states—Georgia, Louisiana, Massachusetts (in part), North Carolina, Ohio, and Oklahoma, where the F.E.R.A. took over administration of relief. Inconsequential in comparison with subsequent war expenditures in the nineteen-forties, the relief costs of the 'thirties were then considered large. From January, 1933, to August, 1935, emergency relief costs for all units of local government amounted to almost 3.7 billions of dollars of which approximately 71 per cent came from federal funds.

The F.E.R.A. was an agency to make grants to the states and through them to promote local relief operations. Direct relief, work relief and special programs were administered under local auspices. It was the cities which were on the firing line. Local administrators were in direct relationships with persons either securing relief or seeking it. Contrary to the C.W.A. and to the subsequent activities of the W.P.A., actual day-to-day operations in relief and work relief were left, under the F.E.R.A., to the individual communities. Broad policies were delineated

by F.E.R.A. to fix minimum standards and to assure appropriate expenditure of funds. Via the state relief authorities, such policies and regulations filtered down to the local administrators.

There was sparring over methods used to determine the extent of need in states and localities and comparative, fiscal capacities of those governments. Decisions were made in large measure by the federal assistant administrator on the basis of evidence submitted by the states or collected by field agents of the F.E.R.A. However, in cases of doubt the assistant administrator consulted the head of the F.E.R.A., Harry Hopkins, before making a final allocation to a specific state.[2]

The problem of distribution and allotment under which the F.E.R.A. labored was forty-eight times multiplied. In addition, this was a new field of operations for the Federal Government, and flexibility in method permitted improvements. The crisis was acute and the first consideration was to place the money where it would supply purchasing power to the unemployed. In the long run, had there been one, the F.E.R.A. might have regularized the process of allocating funds and might possibly have arrived at a more scientific formula for measuring need on the one hand and state and local ability on the other. After several years, however, F.E.R.A. yielded to a federally administered program of work relief.

Work Projects Administration

In 1935, the Federal Government shifted its techniques again, and W.P.A. was evolved. Originally known as the Works Progress Administration, this later became the Work Projects Administration. Butt of many critics, the W.P.A. continued on its course from year to year and only the "defense" prosperity of 1941 and that of the war years brought it to a conclusion. W.P.A. was founded to transfer some employable 3,500,000 men and women from relief rolls of F.E.R.A. and place them at work on small, useful projects designed to assure a maximum of employment in communities throughout the United States. The unemployable unemployed were regarded as the responsibility of the state and local governments.

The Emergency Relief Appropriation Act of 1935 provided $4,880,000,000 for direct relief, for work relief, and for increase of employment in useful projects. Under this act, the President issued an executive order creating the Works Progress Administration and the head of the F.E.R.A., Harry Hopkins, was slated for a big rôle in this new program. He traveled down to Jacksonville with President Roosevelt on the first leg of a fishing trip. Before arrival at Jacksonville the question of organization was discussed. The President gave the relief administrator some instructions on the back of an envelope. On Mr. Hopkins' return to

[2] E. A. Williams, *Federal Aid for Relief* (New York, 1939), 197-200.

Washington, aides planned the details in accordance with the President's suggestions.[3]

Under W.P.A., a variety of work relief activities already started by the F.E.R.A. were maintained and expanded. The W.P.A. program differed materially from the F.E.R.A. It was a federal program, federally financed, and federally administered. Although suggestion of work projects came from a variety of sources including federal bureaus, the Civilian Conservation Corps, and the Public Works Administration, they were sponsored primarily by state and local governments.

The municipalities were drawn into the program through sponsorship of and payment for materials used on local works projects. Nor did the responsibility of the local government end with sponsoring and defraying part of the cost of the project. W.P.A. workers, drawn mostly from persons determined to be in need of relief, necessitated the participation of local relief agencies in the process of certification. In addition, local governments had to supply engineering and legal experts as well as other personnel requisite to planning undertakings. Although in large cities, where public works departments possessed sizable staffs, supervision of projects could be provided locally, W.P.A., as a general rule, provided trained supervisors and foremen.

Local governments, without being in the driver's seat of this program, managed to do a good deal from the back seat. Through August, 1937, approximately 45 per cent of the projects were sponsored by cities; 29 per cent by counties; 17 per cent by state agencies; and 9 per cent by townships.[4] The cities soon came to rely on W.P.A. as a means of constructing lesser public works and improving existing facilities. Whatever charges were made that work relief consisted of leaf-raking, boondoggling and shovel-leaning, the plain fact is that municipalities reaped benefits. If they did not get returns, it was in large measure due to their own failure to propose satisfactory programs. Cities which were able and willing to pay for schemes involving higher percentages of costs for materials obtained more permanent and lasting benefits.

Public buildings were remodelled; parks improved; local streets repaired; sidewalks laid; recreational areas developed; new sewer systems and other utilities installed and old ones modernized. Local airports were constructed in many communities, and facilities for health and sanitation extended. For special classes of employable unemployed persons, white collar projects were instituted to compile records and conduct research. Red, white, and blue W.P.A. signs erected the length and breadth of the land indicated that the Federal Government was on the job, that millions on relief were none the less at work, and that communities were taking on new aspects thereby. Arguments flourished as to whether W.P.A. was

[3] A. W. Macmahon, J. D. Millett, and Gladys Ogden, *The Administration of Federal Work Relief* (Chicago, 1941), 70.

[4] A. W. Macmahon, J. D. Millett and Gladys Ogden, *op. cit.*, 304.

supplanting normal municipal functional activities which would have provided "regular" employment, but this federal program lost little if any of its original momentum.

Congressional plans to cut the federal appropriations and to reduce the number on W.P.A. rolls brought speedy objection from municipal executives. No one was completely satisfied with the program, but no substitute offered itself. By many, it was regarded as an "emergency" program which would melt away under the sun of prosperity. In the upswing of industry in 1936 and 1937, the average W.P.A. employment fell from 2,545,853 in 1936 to 1,795,734 in 1937. In the fall of 1937, a "recession" retarded private industry and 1938 again saw an average of 2,764,365 on W.P.A. rolls. As late as 1940, more than 2,000,000 people were drawing W.P.A. checks from the Federal Government. In 1941, when the war boom created labor shortages in industrial areas and on the farms, W.P.A. was drastically cut. Manufacture of tanks, guns, airplanes, shells, war gear of all kinds brought, ironically, "prosperity" which had for so long been around so many corners.

In 1941, the problem of relief had been divided and subdivided. There was work relief under the W.P.A., direct relief as administered by the state and local governments without federal assistance, and, under the Social Security Board, old age assistance, aid to dependent children and aid to the blind. Local units of government were acting as sponsors for W.P.A. projects. General relief was being administered by some 10,000 local units. While many of these units were branch offices of state agencies, county welfare departments or governing bodies, others were cities, villages, and towns. Administration by cities, villages and towns was concentrated in the New England States and in Illinois, Indiana, Minnesota, New Jersey, New York, and Wisconsin.[5] In the remaining thirty-six states, the predominant type of organization for general relief administration was a county department of welfare or the governing board of the county. State control ranged from complete domination of local policies and practices to the use of fiscal controls and intermittent supervision. The degree of state administrative supervision was roughly proportionate to the amount of fiscal participation by the state in the general relief program. The disparity in state expenditures ranged from a mere two cents per inhabitant in Mississippi to $9.50 in Pennsylvania.

The Council of State Governments, through its special committee on relief, examined the problem of general relief and public assistance in five regional conferences. Out of this, the Council recommended in 1941 a series of proposals embodying the experience of administrators as to the reorganization of relief, work relief, and public assistance. Direct relief should be added as a category to the federal security program to be administered by the states. All work relief should also be administered

[5] *The Book of the States, 1941-1942* (Chicago, 1941), 177.

by the states as part of a general relief program, with expenses shared by the Federal Government. The rate of federal reimbursement should be the same for each shared program of public assistance. This rate of reimbursement should vary from a 50 per cent minimum to a 75 per cent maximum. Consideration should be given in determining rate of reimbursement to such factors as volume of unemployment, costs of living, and per capita income. All administrative costs of state and local welfare agencies should be remitted by the Federal Government at the same rate as that applied to other reimbursements.[6] These recommendations were not acted upon, however, and work relief, although greatly diminished in volume by the war effort of 1941-1942, continued to be federally administered with local governmental sponsorship of the projects.

The Commissioner of Welfare in New York City argued in 1941 that the W.P.A. should not be discontinued by the Federal Government: "In some communities it is the only form of help available. Through the W.P.A. we have achieved what amounts to a national minimum standard of assistance, at least to those who are employed, by means of standardized wages. It is more than likely that some states and localities which now have W.P.A. programs would give up work relief altogether if the federal government turned over the W.P.A., even though there were a plan of over-all federal reimbursement." [7]

The Works Progress Administration had been established by Executive Order 7034 of May 6, 1935, under authority of the Emergency Relief Appropriation Act of 1935. It continued by yearly emergency relief appropriation acts to carry out the program of public work projects which gave employment to employable, needy persons. Its name was changed on July 1, 1939, by Reorganization Plan I to Work Projects Administration, which was consolidated within the Federal Works Agency at that time. The Great Depression resulted in W.P.A. and a great war, World War II, terminated it. A letter of President Roosevelt, dated December, 1942, authorized the Federal Works Administrator to liquidate W.P.A.[8]

In the course of operations from 1935 to 1943, W.P.A. provided employment at one time or another for 8,500,000 different individuals. Peak W.P.A. employment was reached in 1939, when it averaged over 3,000,000 persons. Major construction achievements included the building or improving of 651,000 miles of roads, the erection or improvement of 125,110 buildings, the installation of 16,110 miles of water mains and lines, the development of 24,300 miles of sewerage facilities, and the construction and improvement of airports. Service projects varied from

[6] Report of the Special Committee on Relief of the Council of State Governments; *The Book of the States, 1941-1942* (Chicago, 1941), 23.

[7] William Hodson, "The Case for Retaining the Federal W.P.A.," *Public Administration Review* I, 240 (Spring, 1941).

[8] *U. S. Government Manual* (Second edition, 1947), 642.

hot lunches for school children to child health centers, recreation centers, and literary classes. Sponsors' contributions provided $2,837,713,000, and the federal share for W.P.A. projects totalled $10,136,743,000.[9]

Public Works

Direct federal-city relations in the construction of public works were forecast by the second title of the Emergency Relief and Construction Act of 1932. The Reconstruction Finance Corporation was authorized to make loans to or contracts with states, cities, and public subdivisions of the states to aid in financing projects self-liquidating in character. Thereby, cities were able to deal directly with a federal instrumentality, the Reconstruction Finance Corporation. At that time, self-liquidating public works projects as defined in the law of 1932 were not common in cities. Support for most public works developments at the local level, even in such corporate enterprises as water works, was obtained, in part at least, out of general taxation. Under these conditions, municipalities were generally not in a position to accept loans financing self-liquidating public works. As a result, only $38,530,000 became available to cities for projects under the terms of this act.

With the coming of the New Deal to power in 1933, the stage was set for the revolution toward direct federal-city relations as a broad-scale attack on the depression. The theory was to prime the pump for recovery by promoting the construction of municipal and other public works. The incentives were a federal grant of money and federal loans. The National Industrial Recovery Act of 1933 authorized an expenditure of the sum of $3,300,000,000 for public works projects. Municipalities, on terms specified by the President, could receive federal grants up to 30 per cent of the cost of materials and labor and federal loans of 70 per cent protected by reasonable security for their public works projects. The federal P.W.A. (Public Works Administration) within the Department of the Interior was originally directed by the Secretary of the Interior as the Federal Administrator of Public Works.

Out of these funds for public works, some $800,000,000 was actually granted to state, municipal, and other public bodies for such projects as waterworks, sewerage systems, and schools. While the Emergency Relief Appropriation Act of 1935 continued the principle of direct federal-city relations and the prime-the-pump philosophy, an important modification in policy was made. Now the Federal Government stood ready to grant 45 per cent of the total cost of the project. Since the previous grants were based on 30 per cent of the cost of labor and materials, this new policy practically doubled the amount of assistance tendered to state and local governments in this field.

[9] *Final Report on the W.P.A. Program 1935-1943* (Washington, D. C., 1947), III.

The P.W.A. program did not follow familiar grant-in-aid lines. There were no state quotas based on area, population, or other formulae; there was no intermediate action by the state. Municipal public work projects were submitted to the P.W.A. and contractual relations were made directly between the P.W.A. and the cities and other units of local government. These direct contacts included submission of the project application for federal grants, arrangements with the federal agency for collateral and repayment of the loan, agreement that the labor and material standards prescribed by the P.W.A. would be observed—in other words the whole range of intergovernmental relations could and did bypass the states.[10] From year to year, additional funds were made available to the P.W.A. for grants and loans. Under the Public Works Administration Appropriation Act of 1938, allotments were made for some 6,200 non-federal projects, making a total since 1933 of more than 16,700 and a grand total of P.W.A. loans and grants to public bodies of $2,395,000,000.[11]

One of the most important impacts of the P.W.A. program related to the broadening of the powers of state and local governments. At the suggestion of P.W.A., many states authorized the issue of revenue bonds distinct from general-obligation bonds. This brought a shift in the method of financing the development of public service enterprises by cities, specifically such utilities as waterworks, sewage treatment plants, electric power plants and distribution systems, and street railways. The self-sustaining charges levied for such functional activities made it possible to issue bonds to be paid out of the income of the utilities themselves. For municipalities already heavily encumbered with general-obligation bonds, this was a necessary alternative, for it permitted them to undertake large projects and obtain federal grants and loans, which in turn contributed to the reduction of unemployment in the area. At the same time, worthwhile capital improvements of a revenue-producing character were constructed. The state revenue bond laws authorized the localities to issue obligations payable entirely from the income or revenues of the project. Since these revenue bonds were not a general obligation of the cities, they did not constitute an indebtedness within the meaning of state constitutional and statutory limitations on municipal debt. Consequently, such revenue bonds could be issued even though the city had exhausted its borrowing power within constitutional or statutory limitations.

The P.W.A. Appropriation Act of 1938 was the last in a series of authorizations for P.W.A. expenditures. This authorized a fund of $965,000,000 to be used by the P.W.A., together with $400,000,000 from the revolving fund of the Reconstruction Finance Corporation. The rule of a 45 per cent federal grant in support of the projects of states, cities, or other

[10] J. K. Williams, *Grants-in-Aid under the Public Works Administration* (New York, 1939), 50.

[11] *Ibid.*, 56.

governmental agencies was continued. This 1938 action of Congress was instigated in part by the recession which occurred in the summer and fall of 1937. To speed up the expenditure of funds, Congress required that no application could be accepted after September 30, 1938; projects must be under construction by January 1, 1939. As amended, the Public Works Administration Appropriation Act of 1938 authorized the continuance of operations until June 30, 1943. From the initiation of P.W.A. through the 1938 program, some 16,700 allotments were made to non-federal projects. The leading types of projects in point of numbers were for secondary schools, water systems, sewer systems, hospitals and institutions, colleges and universities, court houses and city halls, roads and highways, bridges and viaducts, flood control, water power and reclamation, subways and tunnels. A total of 37,000 applications had been received from states, counties, and municipalities.[12]

During 1939, no additional program of public works projects based on federal grants and loans was authorized by the Congress, although the President proposed a program which would have eliminated grants while fostering local self-liquidating works through extensions of federal-lending powers. Likewise in 1940 no legislation was forthcoming for a new public works program.

By 1941, the gigantic expenditures for the rearming of America in the midst of a world crisis made previous efforts to prime the pump of recovery by encouraging local public works projects seem relatively small indeed. In fact, new forces had been set in motion, inflationary in nature, which necessitated a curtailment of capital improvements in state and local units unless they were necessary to the "defense" effort. Even consumer purchasing of automobiles and other products had to be restricted. The United States was rapidly turning to a war economy in which federal-city relations in the field of general public works had ceased to be an item in the federal effort. But ample precedents for such activities had been set, and it seemed inevitable that any major depression would bring a return to the policies of the depression-laden 'thirties. The cities have learned the advantages of federal-city relations.

The President's Reorganization Plan No. 1 effective July 1, 1939, transferred the Federal Emergency Administration of Public Works to the newly-created Federal Works Agency. It was provided that the Public Works Administration headed by a Commissioner of Public Works should be under the supervision of the Federal Works Administrator. The Public Works Administration within this new administrative framework undertook the task of closing out the old programs. Later, in 1943, by Executive Order 9357, the powers of the Public Works Administration and the Commissioner of Public Works were transferred to

[12] E. D. Mallery, "Federal-City Relations in 1938," *The Municipal Year Book* (Chicago, 1939), 154-155.

the Federal Works Administrator for the continuation of their liquidation. So ended P.W.A.[13]

On May 24, 1941, the President by letter approved joint action by the Federal Works Agency and the National Resources Planning Board in sponsoring a Public Work Reserve. This Reserve was designed to assist cities, counties, and states in developing a long-range program of useful public works to meet the shock of post-war unemployment. The project provided "for obtaining and preparing information, data and estimates, to be used in the establishment of a reservoir of useful public projects to absorb post-war unemployment and to utilize the full potentialities of the Nation to provide needed public services and facilities." [14]

The mushroom expansion of war industries in 1941-1942 made a national defense public works program necessary for the development of community facilities in many areas. Under the Lanham Act of 1941 and subsequent amendments, the responsibility for this national program for provision of local needs in defense areas was entrusted to the Federal Works Administration. The Defense Public Works Administration, originally organized under the Public Works Administration, was transferred in 1941 to the office of the Federal Works Administrator.

Housing

Living conditions for that portion of the American electorate which was ill-clad, ill-fed, and ill-housed were spotlighted during the first two terms of Franklin D. Roosevelt. The work relief and public works programs played their part in promoting purchasing power so that there would be more food and clothing for the employable unemployed. The problem of shelter was not so much in the foreground until the United States Housing Authority was created by legislation in 1937.

As early as 1917, Charles A. Beard had urged that stock arguments for non-partisanship in cities needed to be examined in the light of specific realities. He pointed out that such significant questions as overcrowding, unemployment, and low standards of living in municipal areas could not be solved by municipal action alone. Such issues called for the coöperation of state and national governments, and this in turn necessitated national and state political parties.[15] It was then true, and it is still true, that the problem of the slums is hardly one that can be solved successfully by cities alone. For decades slums developed, but municipal action was restricted by legal and financial limitations which made local governmental ventures in the field of low-rent housing impractical. Moreover, American public opinion was prone to regard construction and operation

[13] *U. S. Government Manual* (Second edition, 1947), 620.

[14] *U. S. Government Manual* (Spring, 1942), 341.

[15] C. A. Beard, "Political Parties in City Government," *Nat. Mun. Rev.*, VI, 202 (March, 1917).

of low-rent housing units by governmental authorities as one of those socialistic experiments suitable to European, English, and Irish experience, but a method apart from the American way of life. However, the unfortunate slum-dweller is ill-housed, whether he lives in a European or an American blighted area. Municipal administrators long ago became cognizant of the hard fact that a slum area eats up costs in police, fire, health, welfare, and other services, but contributes little to the tax rolls.

A survey of a Cleveland slum area made with the counsel of Howard W. Green, consultant to P.W.A.'s division of housing, indicated in cold figures that costs far exceeded taxes. The slum area studied contained 2.47 per cent of the population, but absorbed 14.4 per cent of fire department costs and 6.5 per cent of police costs. With a tax-rate income of $225,000 this area in 1932 cost the city, county, and board of education some $1,357,000, not to mention an additional $615,000 from charitable organizations. As a general principle, this slum area with all its squalor and poverty cost the city in services more than double the figures for average metropolitan areas of equal population. The logical answer was rehousing.[16]

How to break the log jam of federal, state, and local inaction was a fair question in the early nineteen-thirties. The trend of commuter populations to better-class residential suburbs contributed to the blighting of older residential areas in the central cities of metropolitan areas. Expenditures for good roads and suburban transit facilities made the path of the commuter easier, but left the central city with the low valuations of old and new slums. Early state experiments with the remission of local taxes to encourage rehousing by limited dividend housing corporations were all to the good, but scarcely put a good-sized dent in the over-all problem. The problem was a broad, political one involving national and state action. It was not for the municipalities alone.

In Great Britain and Ireland, the responsibility of the central government to subsidize low-cost housing by local authorities was recognized for years before public opinion forced comparable developments in the United States. The coming to power of the New Deal brought sweeping political action. The Roosevelt administration was left of center, and governmental housing is one of those left-of-center policies which conservatives have not cherished. The first approach of the New Deal was through federally constructed and federally administered low rental housing projects under the Public Works Administration. Satisfactory as this policy may have been as a means of providing an actual demonstration of low-rent housing, it was open to criticism, for it made the Federal Government a local landlord. It soon became apparent that such a vital activity so closely related to local problems belonged within the jurisdiction of a local housing authority. It was equally obvious that the

[16] See C. M. Kneier, *Illustrative Materials in Municipal Government and Administration* (New York, 1939), 432.

financial burden involved in bringing the cost of shelter rent below economic levels had to be assumed by a governmental level other than the cities, if low-rent housing projects were to be encouraged throughout the country.

Once again, federal-municipal interrelationships were engendered. In 1937, the United States Housing Act laid the groundwork for a new type of direct federal-city relationship. This established the United States Housing Authority, vesting the powers of the Authority in an Administrator appointed by the President. The Authority was empowered to make loans to local housing agencies for the financing of low-rent housing projects to be constructed and operated by them. To the United States Housing Authority, 800 million dollars were appropriated to be loaned to state and local authorities for the development, acquisition, or administration of low-rent housing or slum clearance projects. Additional millions were made available to provide annual subsidies which would defray in part the annual carrying charges of the projects. Federal loans on local housing projects were limited to 90 per cent of the total cost where federal capital grants or annual contributions were made. According to the act of 1937, the amortization period for loans was fixed at sixty years. The interest rate could not be lower than the current federal rate, plus one-half of one per cent.

The objective of the United States Housing Authority was to assist state and local authorities financially in providing sanitary and safe dwellings for low-income families. This meant families of the lowest income group—people who could not afford enough rent to motivate private enterprise in constructing an adequate supply of decent, safe, and sanitary dwellings. The act of 1937 provided that projects subsidized by the U. S. Housing Authority must provide as a counter-balance for the demolition, closing, or compulsory repair and improvement of a substantially equal number of unsafe or unsanitary dwellings. To be eligible for shelter rents in housing projects, families must have incomes less than five times the rental, this item being an inclusive one covering heat, light, water, and fuel for cooking. The object of an annual contribution by the U. S. Housing Authority was to bring the rental scales within the reach of these low-income groups. Another device to reduce rents was the requirement that annual federal contributions be matched at least to the amount of 20 per cent by state or local housing authorities either by cash, tax remissions, or tax exemptions.

The projects already constructed by the Housing Division of the Public Works Administration were transferred to the U.S.H.A., and the Authority, in turn, gradually transferred them to local housing authorities. In fact, the Authority was directed by law to carry out such a policy as soon as practicable.[17]

[17] William Ebenstein, *The Law of Public Housing* (Madison, 1940), 23-27.

The intricate nature of the federal-city relations engendered by the act of 1937 are hardly indicated by the term *federal-city*. To begin the process, the states had to pass appropriate legislation providing the legal basis for state and local (particularly the latter) housing agencies. Actually, the U.S.H.A. did business with a quasi-public corporation, the local housing authority. The members of the local housing authority were appointed like other city officials, often by the mayor and generally served without compensation. Although they served for fixed, overlapping terms to provide continuity of policy, they were usually subject to removal. The U.S.H.A. made loan contracts with these housing authorities. These contracts arranged the terms of the loan; provided for the elimination of unsafe and unsanitary dwelling units by the city; and required that the state or local political subdivision involved must provide the normal municipal services free or for a payment in lieu of taxes not to exceed five per cent of the total of shelter rents which the project entailed. Another contract between the U.S.H.A. and the local housing authority fixed the terms of the annual federal contribution designed to assist in lowering the rents. A trust indenture set up procedures for securing debts of the local authority and for control of accounting.[18]

Under the U.S.H.A., the attack on the slum problem was very wide, but it must be remembered that in a country as large and as urban as the U.S.A. there was a lot to be done in slum-clearance. By the end of January, 1941, some 147 low-rent projects of the U.S.H.A. program were partially or completely occupied; at the same time, loan contracts had been signed involving low-rent projects with an estimated development cost of $771,505,000. These contracts entailed the construction of 514 large-scale projects for a total of 162,015 dwelling units in 236 localities. They were to be available to very low income families from sub-standard quarters.[19] Likewise, early in 1941, forty of the housing projects built under the program of the Housing Division of the Public Works Administration had been leased to local housing authorities.

The sweep of the defense program which created additional housing problems of great magnitude led to an amendment of the 1937 act in June of 1940 whereby homes built by local housing authorities with U.S.H.A. assistance might be rented to defense workers regardless of their income and previous housing conditions. Thus the local housing authorities in such areas as Newport News, Corpus Christi, Montgomery, and Pensacola became of vital significance in the national war effort.[20]

[18] T. H. Reed, *Municipal Management* (New York, 1941), 510.

[19] Coleman Woodbury, "Housing," *The Municipal Year Book* (Chicago, 1941), 326.

[20] B. J. Hovde, "The Local Housing Authority," *Public Administration Review*, I, 171 (Winter, 1941). Under the Lanham Act approved October 14, 1940, the Federal Works Administrator was authorized through the Public Buildings Commissioner or the U.S.H.A. to use local housing authorities as agents for the development and management of the defense housing projects. *Ibid.*

A good working relationship prevailed between the local housing authority and the U.S.H.A. In the inception of the program the U.S.H.A., staffed as it was with most of the country's housing experts, dominated all but a few local agencies. Paternalism, however, led to friction with vigorous local authorities who had ideas of their own as to local policy. The weaker authorities came perhaps too readily to heel from the point of view of good public policy in decentralization. In 1941, it was said: "The give-and-take relationship between local authorities and the U.S.H.A., with many small irritations and adjustments on both sides, may be expected to continue; it is inevitable when earnest, vigorous personalities and agencies try to do things together. But the trend is definitely in the wholesome direction of increasing local autonomy." [21] Once more, direct federal-city relations were on the march.

Federal-City Relations: World War II

World War II set in motion the latest trek of population to cities and suburbs. Overcrowding of workers in fringe areas and lack of community facilities became common denominators of the war boom. The migrants needed and demanded housing, schools, streets, and other services. While local authorities had to do the best job possible in public administration under the circumstances, federal and state aid was soon required. Federal Public Housing Authority, the successor to the United States Housing Authority, played a large rôle in the housing problems of war and demobilization.

During World War II, the functions of the United States Housing Authority were transferred to the Federal Public Housing Authority. By Executive Order 9070 of 1942, a National Housing Agency was created, with the F.P.H.A. as one of the major administrative components.[22] The Federal Public Housing Authority was vested not only with the functions, powers, and duties of the U.S.H.A, but also with public housing which had been undertaken by other agencies, such as the Division of Defense Housing of the Federal Works Agency. The contracts which the U.S.H.A. had entered into for capital loans and annual subsidies to aid local public housing agencies operating low-rent and slum-clearance projects were continued under F.P.H.A. The F.P.H.A. was also responsible after the war to reactivate low-rent housing and slum-clearance projects which were planned by U.S.H.A. but deferred because of shortages in materials and labor. Projects intended originally for low-rent housing but used temporarily for housing war workers were gradually converted to low-rent status. The F.P.H.A. was authorized to dispose of temporary war housing when it became surplus to the needs of war and demobilization. So far as permanent war housing

[21] *Ibid.*, 170.

[22] See *supra*, Chap. IV.

projects were concerned, the policy was to convert to low-rent housing projects under management of local housing authorities.[23]

Another example of federal assistance in municipal problems during World War II was the activity of the Federal Works Agency, under the Lanham Act, in providing necessary public works and services by loan or grant to local governments and, if necessary, by direct federal action. In operation, the Federal Works Agency pursued a policy of loans and grants to local units of government.[24] Originally passed in 1941 as an aspect of our "defense" program, Title II of the Lanham Act had great influence toward wartime, direct federal-city relations. In 1947, the Bureau of Community Facilities of the Federal Works Agency could report that allotments had been made under the Lanham Act program for 1,239 schools, 875 general hospitals, 726 recreational facilities, 459 water systems, 446 sewer systems, and other facilities such as police and fire stations, streets and highways.[25]

The Federal Security Agency was active in federal-city relations through an Office of Community War Services. Executive Order 9338, dated April 29, 1943, transferred to F.S.A. the functions of the Office of Defense Health and Welfare Services which had previously been organized within the Office for Emergency Management. The Federal Security Agency, after the establishment of the Office of Community War Services in 1943, organized a program of direct coöperation between health, police, and other administrators to combat juvenile delinquency and reduce prostitution in cities. A recreational service to stimulate the development of organized recreational programs in communities was likewise undertaken by O.C.W.S. of the Federal Security Agency.

The Public Health Service, also an administrative unit of F.S.A., assisted war-congested communities with problems of health and sanitation. This Service during the year, 1944, had more than 400 health officers, doctors, and other personnel on assignment to state and local units, chiefly to cities.[26] Because of the large number of federal agencies involved in serving the local communities, coördination between them became essential as the war progressed. Accordingly, in April, 1943, President Roosevelt established a Committee for Congested Production Areas. During 1943-1944, this Committee operated a coördinating program dealing with all phases of community services in a few areas which were hot spots of production and congestion.

At the time of Pearl Harbor, the Office of Civilian Defense was operating in an advisory capacity to state and local defense councils. Executive Order 8757 (May 20, 1941) established O.C.D. in the Office for Emer-

[23] *U. S. Government Manual* (Second edition, 1947), 77.

[24] I. M. Labovitz and J. W. Field, "Federal-City Relations in 1944," *The Municipal Year Book* (Chicago, 1945), 125.

[25] *U. S. Government Manual* (Second edition, 1947), 393.

[26] I. M. Labovitz and J. W. Field, *op. cit.*, 125.

gency Management. In January, 1942, Congress authorized the director of the office to make regulations and orders governing the wearing of official insignia, and appropriated $100,000,000 for the purchase of equipment such as fire apparatus. O.C.D. loaned equipment to communities on the basis of formal agreements, and emphasized the importance of building into city defense councils the administrators of such departments as police, fire, health, welfare, and public works. Civilian Defense was another instance where federal action produced results through the development of federal-state-municipal coöperation.

During American participation in World War II, federal-state-local intergovernmental relations were extended in scope and intensity. The Federal Government collaborated with state and local administrators and assumed responsibilities in dealing with emergencies in health, welfare, housing, schools and public works in war-congested centers. State and local officials assisted in the administration of federal programs and policies requiring their efforts. Intergovernmental relations are a two-way avenue in public administration. Local volunteers by the millions participated in the administration of civilian defense and rationing programs. Without intergovernmental relations and citizen action, large-scale, war-winning federal policies could not have been successfully administered on the home front.

Direct federal-city relations were a depression-made experiment. Outstanding examples were the Public Works Administration and the Work Projects Administration. With the war, the great social factor of unemployment which had spurred federal-city coöperative efforts in public works yielded to war and shortages of labor. Emphasis shifted to public works for war-congested areas. The Lanham Act, with its reliance upon loans and grants and federal-local interrelations to provide public works, followed in the patterns made familiar by the New Deal. The war modified but did not break the development of federal-city, direct intergovernmental relations in public housing. Depression and war have provided a pattern of direct, federal-city relations which will inevitably be called into play in future emergencies as well as in the routine of peacetime public administration.

Federal-City Relations After World War II

Federal-city relations continued after World War II in a complex of direct and indirect administrative relationships. The federal housing agencies were again reorganized into a new administrative pattern. During July, 1947, the President's Reorganization Plan 3 of 1947 became effective. This established the Housing and Home Finance Agency as a single permanent agency responsible for the principal housing programs and functions of the Federal Government. Within this new agency, the Public Housing Administration was vested with the management and

disposition of federal public war housing. This included permanent war housing to be transferred to management by local housing authorities and temporary war housing to be disposed of when it became surplus to needs of war and demobilization. Public Housing Administration was also authorized to administer federal contracts with local housing authorities in the field of low-rent housing and slum-clearance. These contracts, originally entered into by U. S. Housing Authority, had been administered during World War II by Federal Public Housing Authority.[27]

Federal aid for municipal airport development was made available. The Federal Airport Act of 1946 authorized appropriations up to $500,000,000 for airport aid over a seven-year period beginning July 1, 1946. Under this program, cities considering new airport projects or certain expenditures on existing facilities may apply for aid to the Civil Aeronautics Administration of the federal Department of Commerce. For small airports, aid was fixed at 50 per cent of the allowable cost of construction; for major airports federal aid could be extended up to 50 per cent; for large air terminals, aid was made contingent on approval by Congress.[28] The Civil Aeronautics Administration of the Department of Commerce not only administers the federal aid airport program, but also develops and fosters the coördination of a national system of airports.[29]

Federal aid for highway improvements was continued after World War II, with a new emphasis on express highways through cities. The Federal Aid Highway Act of December 20, 1944, authorized funds for needed highway improvements during the first three post-war fiscal years. These authorizations amounted to $225 millions for what has come to be known as the federal-aid system of highways; $150 millions for secondary, feeder, or farm-to-market roads; and $125 millions for a federal-aid system in urban areas to provide express highways. This program is administered at the federal level by the Public Roads Administration, headed by a Commissioner.[30] In post-war years, federal programs for housing, airports, and roads continued federal-city and federal-state-city relationships. In the immediate post-war years no critical need arose for the revival of federal programs analogous to the Work Projects Administration and the Public Works Administration which had been so dominant in the nineteen-thirties.

Indirect and incidental services to municipalities continued likewise to be part and parcel of federal-city relations. The publications of the Bureau of the Census on municipal population, finance, and units of government constitute a source for comparative analysis. Cities must also turn to the Bureau of the Census for basic materials dealing with the economic and social characteristics of their populations. The Bureau of

[27] *U. S. Government Manual* (1948), 424.
[28] L. A. Bryan, *Municipal Airport Management* (Urbana, Ill., 1947), 5.
[29] *U. S. Government Manual* (1948), 314.
[30] *Ibid.*, 409.

Standards in the Department of Commerce provides a significant testing laboratory for materials and equipment purchased and used by cities. Model civil service examinations have been prepared for hundreds of types and grades of positions by the United States Civil Service Commission. Municipalities are encouraged to examine these models and adapt them to their own needs.

Other agencies illustrative of federal-city relations are the Office of Education, the Food and Drug Administration, the Federal Bureau of Investigation, the Bureau of Mines, and the Public Health Service. The Office of Education in the Federal Security Agency advises school and city officers as to the improvement of school administration. Its publications provide a wide range of statistical and general information on schools and their administration. The Food and Drug Administration coöperates with city officials in the enforcement of regulations governing the manufacture and sale of food and drugs. The Federal Bureau of Investigation continues to maintain a clearing house for criminal records, finger prints, and Bertillon measurements. The F.B.I. likewise participates in the training of selected police officers from cities and other local units in the National Police Academy. Uniform Crime Reports published by the Justice Department afford a major source of comparative statistics. Studies of the Bureau of Mines in the Department of the Interior afford cities technical advice in preventing sewer gas explosions, controlling the storage of gasoline, and eliminating other hazards of our complex technology. The Public Health Service assists communities in a variety of ways through publications, surveys, and technical consultation. Other agencies, too numerous to mention here, afford information, advice, and service invaluable to city administration. Even the U. S. Weather Bureau is a necessary agent for storm warnings which set municipal forces in motion to meet such common phenomena as snow storms and freezing weather and extraordinary disasters by wind and hurricane.

Federal-city relations, direct and indirect, have grown more complex with the years. Circumstances of depression, war, and post-war adjustments have cast their long shadows over these administrative skeins. The cities are still creatures of the states, but increasingly, since 1933, alert to direct programs of aid and indirect services which can be obtained from Washington, D. C.

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CHAPTER XI

The Electoral Process

The history of municipal suffrage has been largely parallel to the trends in state government in fixing qualifications for voting. In most states, the qualifications for voting in state and municipal elections are identical. Municipal electorates have expanded over the years as the states have moved toward universal suffrage.

The individual does not have an inherent right to be a voter. He acquires the privilege of being a voter by meeting the qualifications prescribed in state law. Because voting is treated as a privilege rather than a right, qualifications for voting have been altered from time to time, usually in the direction of an expanding electorate. Since the framers of state constitutions and state legislators have been predominantly rural, cities have had little to say about the expansion or contraction of the municipal electorate. Let us first consider the qualifications which the states require of voters, since the general rule is that a person who qualifies as a voter under a state constitution and laws may participate in all elections, both state and local.

Basic Qualifications of Voters

Citizenship has been a qualification for voting in all the states since 1926. When the frontier was being settled, the states vied with each other to attract settlers. It was common to accord the privilege of voting to aliens who had declared their intention to become naturalized citizens. At one time, approximately one-third of the states allowed aliens to become voters. This arrangement persisted in a few states until the nineteen-twenties. The wave of Americanism following World War I swept the remnants of these liberal provisions away. Finally, in 1926, Arkansas which was the last state to allow alien declarants to vote, yielded and established the requirement of citizenship in the United States.

All of the states require a period of residence in the state, varying from six months to two years, as a qualification for voting. Three-fourths of the states also prescribe a period of residence in the county. More than three-fourths of the states have additional specifications as to residence in city, township, voting precinct,—in other words, in some district area other than the state and county. For the settled citizen and resident, these rules of residence are of no great consequence. During World War II, millions of migrants to war industry areas found themselves

disfranchised for the time being unless they could obtain absentee voting ballots from their state of previous residence.[1]

The age requirement for voting is 21 in all of the states except Georgia, where it was reduced to 18 in 1943 by constitutional amendment. During World War II, interest was developed in lowering age limits for voting by reason of the drafting of youths 18 years of age. It was argued that anyone old enough to be drafted should be allowed to vote. With the cessation of hostilities in 1945, the issue received less and less attention and it is now relatively dormant. The historic origin of the 21-year rule lies deep in the common-law doctrine of adult legal competency. The force of tradition seems likely to keep the age limit at 21. To the contrary, it is argued that war or no war, youth should vote at 18. For those who leave school either before or after completion of high school, a gap of years intervenes between the teaching of citizenship and political participation. The argument that youths from 18 to 21 are not mature enough to vote seems rather fragile, judged by the emotionalism and prejudice which sometimes enters into voting by people of all ages.

State requirements as to citizenship, residence, and age are basic qualifications for voting. They are the fundamentals which are found in some form in all the states. Together, they constitute a minimum set of qualifications for voting. While the states have power to prescribe requirements for voters, they do not possess an unlimited authority. The Fifteenth Amendment to the Constitution of the United States prohibits the states from denying the right to vote on account of race, color, or previous condition of servitude. The Nineteenth Amendment prohibits the states from denying or abridging the right of citizens of the United States to vote on account of sex. Of these basic requirements and limitations, the greatest controversy has been provoked by the efforts of Southern States to disfranchise the Negro by indirect methods, and especially by the device of the white primary. In its Texas version, the Supreme Court of the United States, in 1944, held the white primary to be unconstitutional.

Other Qualifications

Beyond the simple requirements of citizenship, residence, and age, the states have experimented with a variety of qualifications. More than one-third of the states have used a literacy test as an absolute or alternative qualification. Prior to 1860, only Connecticut and Massachusetts demanded a literacy test of voters. From 1890 to 1910, eight Southern States established literacy as a required or alternative voting qualification: Mississippi, South Carolina, Louisiana, North Carolina, Alabama, Virginia, Georgia, and Oklahoma. Reading and writing tests have not been limited

[1] *The Book of the States, 1948-49* (Chicago, 1948), 96.

to the South alone. In the years from 1889 to 1924, the literacy test was also adopted in Wyoming, Maine, California, Washington, Delaware, New Hampshire, Arizona, New York, and Oregon.[2]

In the states which employ literacy tests for voters, a common regulation is that the voter be able to read a specified number of lines or a section from the state constitution. In some states he must also write his name or give other evidence of writing ability. A common practice is to hand the applicant for registration a copy of the state constitution and ask him to read several lines. Outside the South, the practical effect of the literacy test on the number of registered voters has been slight.

New York has experimented with a more scientific type of literacy test. A new voter may offer as evidence of literacy either a certificate of graduation from an elementary school in which English is the language of instruction or a certificate of literacy issued by the state Board of Regents. One way to obtain a certificate from the state board is to pass the New York State Regents literacy test. The test consists of a paragraph of about one hundred words in English. After reading this material, the applicant must write down answers to simple factual questions based on the paragraph. The tests are approximately equivalent to the reading ability of a pupil in the fifth grade of the public schools. Unlike traditional literacy tests which are administered by election officials, the Regents' examination in New York is supervised by school authorities.

Our state literacy tests are so elementary in nature that their contribution to an enlightened electorate in states and cities is probably small. A majority of states have not even taken the trouble to adopt them. In the South, where literacy tests have also taken the form of understanding tests, the door has been opened to administrative variations in the enforcement of the qualifications. Variations in administration make possible disfranchisement of the Negro by a test which avoids, on its face, discrimination on the grounds of race, color, or previous condition of servitude. This is the tawdry side of the literacy test. On the positive side, what proof does a low standard of literacy offer as to capacity of a voter? One point of view questions whether a state literacy test is worth the time and expense of administration. Where it is still used to discriminate against the Negro through biased administration, it can only be condemned as undemocratic. On the other hand, the census of 1940 showed that out of almost 75 millions 25 years of age or over, more than 10 millions had never gone beyond the fourth grade and approximately 2.8 millions had never attended school. Thus, the literacy test efficiently and honestly administered is one device to trim the electorate at the edges. It means that the way to the ballot box must be through the little red school house.

As indicated, more than a majority of the states do not have a formal

[2] *The Book of the States, 1948-49* (Chicago, 1948), 96-97.

literacy test. However, approximately one-fourth of them compromise on the issue. While they do not have a formal literacy test, they make no provision for the assistance of illiterates at the polls. Thus, the illiterate is put at a disadvantage unless the state or municipality has a party column ballot, with a party circle and emblem identifying the party.

In most of the states which have a literacy test, it is a separate and distinct requirement. Some of the states, especially in the South, waive the literacy requirement if the person alternatively can show ownership of property and tax payments. In Alabama and South Carolina, the alternative to the ability to read and write is the ownership of and payment of taxes on property assessed at $300. In Georgia, the literacy test is waived for those who own $500 worth of taxable property. One may also classify in Georgia as a voter because of honorable war service, descent from those with honorable war service, or good character and understanding of duties and obligations under a republican form of government. In Mississippi, all property taxes must have been paid to date for one to qualify as a voter.

Prior to the Civil War, property and taxpaying qualifications for voters had been common among the states but were gradually eliminated. Today, except in Mississippi, property and taxpaying tests survive as an alternative to the literacy test or as a special requirement for voting in referenda on bonds or special assessments, as in Arizona, Michigan, Montana, Nevada, Texas, and Utah. They also appear in the poll tax requirement for voting in Southern States.[3]

The poll tax still remains as a qualification for voting in seven Southern States—Alabama, Arkansas, Mississippi, South Carolina, Tennessee, Texas, and Virginia. This tax amounts to one or two dollars annually and is levied partly to aid school or other special funds. It is one means of diminishing the Negro and the "poor white" vote. The poll tax is regressive in operation upon the poor and a small revenue producer. It has been one of the techniques by which Southern States have restricted the Negro electorate. Although the poll tax was originally designed to cut into the poor white voters who had become interested in Populism, it had a double-barreled effect and struck at the Negroes as well.

A basic Southern technique of restricting the franchise was for many years the white primary. Since the Democratic primary is all important in a solid, Democratic state, the exclusion of Negroes from this primary accomplishes as much or more than literacy and understanding tests, poll taxes, and property-owning requirements. From 1927 to 1944, the white primary of Texas had a checkered career as cases were carried to the Supreme Court of the United States. Finally, in 1944, the Court ruled that the Texas white primary for selections of Democratic candidates was contrary to the Fifteenth Amendment. The Court held that a state law

[3] *Ibid.*

which, although it imposed no restrictions, intentionally opened the way for action of a private organization (a political party) to adopt restrictive regulations based on race, had the effect of making this party act an action of the state itself.[4] On many points, Texas regulated parties and party primaries by state law. The Court held the party to be an agency of the state in so far as it determined the participants in a primary election. In effect, Texas had endorsed, adopted, and enforced the discrimination against Negroes practiced by a party entrusted by state law with the fixing of qualifications. This was regarded by the Court as state action contrary to the Fifteenth Amendment.[5]

After 1944, the only line of action left for the Southern States was to repeal all state legislation dealing with direct primaries, on the theory that the Supreme Court might then regard the Democratic party as a private club or organization which could make its own rules barring Negroes. The first state to take such action after the Smith *v.* Allwright case in 1944 was South Carolina. In 1947-1948, another chapter was written in the long struggle over the white primary. Subsequent to South Carolina's action in repealing state legislation governing the primary, Negroes were deprived of voting on account of race in the Democratic primary under the party rules. In Elmore *v.* Rice, a federal district court in South Carolina decided in 1947 to invalidate the white primary rules. Later this decision was sustained by the Fourth U. S. Circuit Court of Appeals, and, in 1948, the federal Supreme Court refused to review the latter ruling. Of the most recent phases of the white primary issue, O. Douglas Weeks has written: "The closing chapter in the history of the white primary in the South has seemed since 1944 to be in process of being written. In that year, the United States Supreme Court, by invalidating in Smith *v.* Allwright the white primary rule of the Texas state Democratic convention, dealt a stunning, if not immediately mortal, blow to this most significant political custom or practice of the Southern States. The refusal of this court on April 19, 1948, to review a federal circuit court decision invalidating the white primary arrangements of South Carolina, created in 1944 to circumvent the effect of the Allwright decision, seems to have administered the judicial *coup de grâce.* It would, however, be unsafe to predict when 'finis' may be set down for all states, political areas, counties, and voting precincts where by one means or another the Negro has long been barred from participation in the all important primaries of the Democratic party." [6] The road to universal suffrage has had many turnings.

The long history of qualifications for voting among the states has been

[4] Smith *v.* Allwright, 321 U.S. 649 (1944).

[5] This decision by the Supreme Court in 1944 overruled an earlier case: Grovey *v.* Townsend, 295 U.S. 45 (1935).

[6] O. D. Weeks, "The White Primary: 1944-1948," *Amer. Pol. Sci. Rev.*, XLII, 500 (June, 1948).

a march from adult, male white suffrage restricted by property-owning and taxpaying tests to universal suffrage for adults, meeting a prescribed period of residence and possessing citizenship. The literacy test, except in so far as it was used in a discriminatory way against the Negro, was a minor retreat in this long march. The recent battles over the poll tax and the white primary indicate that the Negro has been the special target for discrimination in Southern States. Taxpaying and property-owning tests for voters strike one as antique in a day when sales taxes and excises of all kinds, income taxes, gas taxes and other diversifications of our tax structure have shifted the emphasis from the general property tax. The only qualifications for voting today which seem to square with democratic principles are: citizenship, residence, age and, possibly, a literacy test operated along the lines of the New York Regents literacy test.

In addition to qualification for voters, the states also prescribe disqualifications. By constitutional or statutory provisions, felons, idiots, and the insane are generally disqualified by the states. Bribery and election offenses disqualify a person in approximately half of the states. Other disqualifications include betting on elections, dueling, malfeasance in office, teaching polygamy, and desertion from military and naval service. Persons under guardianship, paupers, and vagrants are debarred from the electorate by some states. The state constitutional and statutory provisions eliminating paupers and vagrants were the product of a "poor relief" doctrine held widely prior to the depression of the nineteen-thirties. Except in scattered instances, no attempt was made to apply these older disqualifications to the widespread masses of the unemployed on relief during the 'thirties.

The Municipal Electorate

In most states, the qualifications for voting in state and municipal elections are identical. This means that the individual who can meet the qualifications specified by state constitutional and statutory provisions may apply for registration. Once a person is legally registered, he or she may participate in state elections and in municipal elections. The same standards apply to the municipal electorate as to the state electorate. In Michigan cities, for example, the same permanent registration lists are used to determine the qualified voters in city elections and in state elections. For voters, Michigan has the basic qualifications of age, residence, and citizenship. However, in 1932, the Michigan constitution was amended to limit the electorate in certain referenda as follows: "Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money or the issue of bonds, only such persons having the qualifications of electors who have property assessed for taxes in any part of the district or territory to be affected by the

result of such election or the lawful husbands or wives of such persons shall be entitled to vote thereon." [7]

While, in most states, all persons qualified to vote by the terms of the state constitution are eligible to vote in both state and local elections, some variances from this practice have appeared. As a general rule, if the state constitution contains no restrictions against such action, the legislature may prescribe different qualifications for voters in municipal elections. The legislature of Illinois in 1913 provided for woman suffrage in city and school elections. The Supreme Court of Illinois ruled that different electoral qualifications could be set up for offices established by statute. The constitutional qualifications for voters were held to apply only to those offices provided for in the state constitution. Therefore, woman suffrage was sustained to the extent of participation in elections to city and school offices. In 1893, the Supreme Court of Florida ruled that constitutional language conferring the right to vote at all elections under the state constitution did not apply to municipal elections. On the other hand, in 1894, the Supreme Court of Minnesota held that constitutional qualifications as to voting for any office elective by the people applied to constitutional and statutory offices and to state and municipal elections.[8]

In Nevada, a state statute provided that only taxpayers could vote upon the question of issuing bonds to purchase a municipal waterworks. The state constitution prescribed qualifications entitling one to vote for all officers and upon questions submitted at elections. When a legal voter not a taxpayer attacked the state statute which restricted him from voting on a bond issue, the state supreme court upheld the law. The constitutional qualifications entitled one to vote for officers and on questions of a governmental nature. However, provision of a water supply was held to be a private or proprietary function of cities for which the legislature might limit voting to taxpayers.

Some state constitutions specifically permit the legislature to prescribe additional qualifications for voting in local elections. Under the Virginia constitution, the legislature may by special act establish a property test not exceeding $250 for voters in any city, county, or town. In Mississippi, the legislature has a broad discretion to enact qualifications for municipal voters in addition to those established for participating in other elections.[9]

Effects of Expanding City Electorates

Cities have had little impact upon voting qualifications. The great battles over taxpaying and property-owning tests were fought out in an era of frontier democracy before the Civil War. Suffrage for Negroes,

[7] Michigan, *Constitution,* Article III, section 4.
[8] C. M. Kneier, *City Government in the United States* (New York, 1947), 381.
[9] *Ibid.,* 382-383.

as exemplified by the Fifteenth Amendment, was a national movement imposed upon the South and against which the South has fought a rear guard action by literacy, taxpaying, and other tests. Suffrage for women received impetus from the Suffragettes in the cities, but it took the cataclysm of World War I and the contributions of American women to that conflict to bring about the Nineteenth Amendment, prohibiting the states from denying suffrage to citizens of the United States on account of sex. The foreign born element in the population of New York City was, in part, the target for the development of the literacy test in New York State. Since the federal Constitution has left the determination of voters' qualifications to the states except for such limitations as the Fourteenth, Fifteenth, and Nineteenth Amendments, the states have established their own standards of what constitutes a qualified electorate with relatively little reference to the effect of basic requirements on municipal administration. The end result has been, by and in the large, that the persons who register to vote may participate interchangeably in state and municipal elections. Our ever expanding electorate has made cities exert themselves to design organizational forms, procedures, and services to satisfy this broad base of universal suffrage.

In the period from the Civil War to the first decade of the twentieth century, many American cities were plagued by bossism. One of the factors in boss control was our rapidly growing cities with expanding electorates. As new migrants came by the millions to our shores and took up residence in cities, they found the boss and the machine friendly in directing them into proper channels leading to citizenship and voting. This is not to say that bossism was the result of immigration. The immigrants were one facet that the boss could play on to line up votes in return for small favors. The boss knew other techniques such as "repeaters" casting more than one ballot, bribery, and corruption. The absence of proper systems for registration of voters opened the door to fraud and sharp practice. Disintegrated administrative structures of many municipal governments invited boss control from without rather than centering responsibility on a strong mayor or manager within the framework of government. The rapidly growing electorate, regimented by ward and precinct leaders, was part of the stock-in-trade of bosses. In the twentieth century, the reformers have been in full cry, arguing for the short ballot, integrated administrative structure, adequate registration of voters, and fool-proof election administration. They have educated hundreds of American cities away from civic lethargy and bossism to enlightened self-interest and city management.

Growth in Registration Requirements

A technical but a significant reform was the requirement by state law of periodic or permanent registration of voters. In the absence of

systematic registration, city machines could and did resort to fraud. Investigations revealed practices of voting under the names of persons who had died or moved out of precincts and voting under fictitious names. In some cities, repeaters were toted from precinct to precinct casting a vote for the machine in each ballot box. Floaters were moved into rooming houses just before election day, lined up to vote at the polls, and shortly thereafter removed themselves from the precinct. Such operations made democracy a fraud and a mockery. It was not the democracy of the legal electorate but a democracy inflated by enough non-resident, floating, repeating, and fictitious voters to turn the tide for the boss. These malpractices were just short of the out-and-out chicanery of stuffing the ballot box and led to the same result. It was not until the period from 1860 to 1880 that the Northern states began to fall into line with New England in requiring registration of voters in their large cities prior to election. By 1900 the movement had extended into the South and the West. Yet, many of these early laws were experimental, short lived, and so defective as to permit machine manipulation. It was not until the twentieth century that the device of registration for votors was brought to fullfillment on a nation-wide scale.[10] This reform, like many others, moved forward slowly.

Establishment of an effective system of registration is especially necessary in cities and suburban areas. Wherever population is dense, people lose the personal touch. No longer can one depend upon personal identification of people at the polls. The growth of fraud in cities made state legislatures cognizant of need for periodic or permanent registration in large centers of population. While voting frauds and election scandals also occurred in rural areas, it was primarily malpractices by municipal machines which motivated state legislators into passing registration laws. Even today, in some states laws governing registration apply only to cities and counties of a specified population, or provision is made for a more elaborate system of registration for urban as contrasted with rural areas.

The types of registration employed among the states are generally classified as: (1) personal; (2) non-personal or indirect; (3) periodic; and (4) permanent. Personal registration is required when the individual must make an appearance before a city clerk or other designated official and apply to be placed on the register. Personal registration as a term is also applied to state laws which alternatively to personal appearance permit a prospective voter to apply for registration by written affidavit. Wherever an individual has a responsibility in seeing that his name is placed on the lists of voters, the system is designated as a personal type of registration. This is the plan most frequently used in cities, especially in conjunction with permanent registration.

[10] H. R. Penniman, *Sait's American Parties and Elections* (New York, 1948), 600-602.

Non-personal or indirect registration is used to describe a procedure in which responsibility for making up the lists of voters is vested in an official agency. For many years, Vermont has used indirect registration. The selectmen of each town make up a list of qualified voters, post the list, and hold hearings for revision thereof. This is a system which can serve adequately in rural states or in rural areas.

Periodic registration refers to the practice of making up new lists of registered voters annually, biennially, or at some other time interval. Under periodic systems, the old lists are discarded and new ones are compiled at intervals specified by law. When periodic registration is combined with the statutory requirement of personal registration, the burden is thrown on the prospective voter of presenting himself or herself annually, biennially, or at some other specified time to ensure registration. Since the old list is abandoned, the prospective voter starts all over again each time in the task of registration. Where the process is periodic and non-personal, the effort of providing a new register every year or every two years, as the case may be, falls on the designated local officials. When registration was first introduced by state law as a requirement for cities, the most frequently used system called for personal and periodic registration.

Permanent registration is a term applied to the maintenance of a continuing register of voters. The lists are first compiled usually by personal registration. Thereafter, the individual who continues in his place of residence remains on the permanent register year after year. To the permanent record, new names are added as new voters apply. The lists are purged of old names by a variety of techniques: death notices; failure of individuals to vote over a period of time; house-to-house canvass; and other appropriate devices. Permanent registration has many advantages: (1) economy in operational costs; (2) reduction in the burden of registration; (3) increase in numbers of registrants since voters are not omitted from the list by failure to make a personal, periodic effort; (4) elimination of fraud except in a few areas where machine politics has been so dominant as to infiltrate even the protective devices of permanent registration.

Under permanent registration, improved methods of administration have greatly advanced its effectiveness. Registration is carried on throughout the year at a central office and at designated, decentralized points other than voting precincts. The process is undertaken by permanent employees rather than by precinct inspectors and temporary employees as is the case in periodic registration. Large bound volumes giving the alphabetical list of registrants in a precinct have generally been discarded in favor of cards or loose-leaf folders. Before election day, an alphabetical list is supplied for each precinct using cards or loose-leaf folders. The voter signs his name on duplicate cards, one of which can be supplied to the precinct. The advance signature has come to be an essential feature

of the permanent system. Before obtaining the ballot or using the voting machine at the polls, the voter makes a fresh signature on an application blank or in a register. Comparisons of old and new signatures supplies the best available means of identification to prevent fraudulent voting. At the time of initial registration, a record is generally made of a brief personal description, including height, weight, color of hair and eyes. This is another possible means of detecting fraud. The fact that to vote under another name than one's own can be accomplished only by the forging of a signature at the polls is a powerful deterrent.[11]

Registration Systems

Some form of periodic or permanent registration is now found in all the states with the exception of Arkansas and Texas. Arkansas has a state constitutional prohibition against a system of registration. The fundamental law of Texas authorizes the establishment of registration for cities over ten thousand in population. In the absence of such a system in Texas, poll tax receipts are used to determine the eligibility of voters. In all other states, permanent or periodic registration has been established, although in some states the laws apply only to cities of specified population or populous counties. In most states having such systems, registration is an absolute requirement for voting. Unless the individual is registered, he may not vote. In other words, a person may meet the constitutional qualifications to vote, but lack of registration is conclusive and final. In other states, where registration is not an absolute rule, an unregistered elector may swear himself in as a voter on election day. He must make an affidavit supported by witnesses who are legal voters. Party organizations in machine-controlled communities or precincts have been known to encourage this practice of swearing in those voters who have failed to register. Otherwise, individuals who have been too lazy or indifferent to register (or to determine whether or not they are properly registered) are not likely to bother about swearing in their vote at the polls on election day.

The courts of most states have upheld systems of registration which make registration an absolute requirement for voting. In other words, the courts have regarded registration as a means of determining whether or not a person is properly qualified as a voter, not as an additional qualification over and above state constitutional specifications as to age, residence, and citizenship, for example. There is a minority view held in a few states that a qualified voter cannot be deprived of the ballot because of failure to register.[12]

More than a majority of the states require permanent registration in all areas. More than three-fourths have a system of permanent registration in

[11] H. R. Penniman, *op. cit.*, 608-613.
[12] C. M. Kneier, *op. cit.*, 411.

effect in all or some areas of the state.[13] As early as 1929, Professor Harris insisted that permanent registration, accompanied by sound techniques of administration, had come to be accepted as a model and was likely to be adopted throughout the United States.[14] In several decades, tremendous progress has been made among the states in the establishment of permanent registration. This technical reform has gone a long way to eliminate fraudulent voting. It has relieved the voter of the perennial problem of re-registration which occurs under the periodic system. It is a technical reform, but a most important one for urban populations.

Nomination and Election: Partisan Direct Primary

The original method of nominating city aldermen was in a caucus, sometimes known as a primary assembly. This was a meeting of the voters of a party in a village or city ward to select party candidates for the city council. The candidates nominated by the respective ward caucuses of the parties then entered the general election. Mayors were nominated by city-wide caucuses or conventions, depending on the size of the city. Used widely from 1830 to 1900, the party caucus has now been generally supplanted by the direct primary of the partisan or non-partisan type. Sharp practices in local caucuses led to a reform trend.

The direct primary is now the customary method for making nominations in cities. In the partisan tradition, it means that individuals circulate petitions in their wards or in the city at large to have their names listed in the direct primary of their party. The number of required signatures on petitions is determined by state law or municipal charter. If the post is for a city-wide office such as mayor or councilor elected at large, the direct party primary is held throughout the city's precincts. If the post is one in a ward-elected council, then the direct party primaries are held in each of the city wards. The usual rule is that the successful candidate is the one who polls the highest number of votes in the direct primary. He or she then becomes the party candidate in the general election, and runs for the office under a Republican, Democratic, or third party label.[15] The party candidate for mayor polling the highest number of votes in the general election then becomes mayor. In the ward, the party candidate for council polling the highest number of votes then becomes city councilor from the ward. If the election is one for a city council of seven

[13] *The Book of the States, 1948-49* (Chicago, 1948), 96-97.

[14] J. P. Harris, *Registration of Voters in the United States* (Washington, D. C., 1929), 18-19, 30.

[15] In the Solid South, with the exception of Virginia, provision is made for run-off primaries in state elections due to the dominance of the Democratic party. If no candidate has a majority in the primary, a run-off primary is held. The victor in the Democratic run-off primary is so generally successful in the general election, that the run-off primary decides the issue, except for the formality of the ensuing general election.

elected at large, then the seven candidates having the highest number of votes are elected.

Under the partisan direct primary and partisan general election, a Democrat will rarely have a chance in a city with a strong Republican organization and a Republican will have an equally slim chance in a city dominated by a Democratic organization. Where the ward system is used, the vagaries of ward boundaries and the lineup of party strength in the various wards will often determine the outcome rather than the merits of candidates as prospective city councilors.

Beginning with the Wisconsin direct primary law of 1904, the movement for nomination of state and local officers by direct primaries swept through the states one after another. By 1940, only Connecticut and Rhode Island were standing pat with the caucus and convention system, with no provision for direct primaries in state or local elections. Forty-six states had provided by law for some form of direct primary in state or local nominations. However, in some states of the South the holding of a direct primary was optional with the party committees.[16] The use of the direct primary is optional for municipal offices in Florida and in city and town offices in Massachusetts.[17]

Two major types of direct primaries exist: the open and the closed primary. Under the open partisan primary, there is no test of party allegiance. In general, the voter obtains the ballots of all the parties, votes the party primary ballot of his choice and discards the others. Three distinct types of open primaries are used.

In some states the voter in an open primary obtains the ballots for all parties, votes the one of his choice, and places the remaining party ballots in a box for unused or blank ballots.[18] In other states, a consolidated ballot is used with the party primaries arranged in parallel columns. The voter then places a cross in the circle over one of the columns and then proceeds to register his choices among the candidates in this column of a single party.[19] In Michigan, the party primary ballots are printed on a single paper with one of the political party tickets printed on each side. If three or more parties are represented, the additional parties must be printed on foldover extensions of the primary ballot. To cast a valid primary ballot, the voter can indicate his choice of candidates in one party ticket only.[20] In Washington, the primary ballot is arranged by offices and the candidates with their party affiliations appear within each office block. The voter is not confined to participation in one party primary, but may shift from party to party under the various offices. The chief merit of the open direct primary is that the voter does not have to

[16] Arkansas, Delaware, Georgia and Virginia.

[17] H. R. Penniman, *op. cit.*, 303.

[18] Montana, Utah and Wisconsin illustrate this type of balloting in open primaries.

[19] Idaho, Minnesota and North Dakota are examples of this arrangement of the open-primary ballot.

[20] Michigan, *Public Acts* (1947), No. 353.

disclose his party allegiance. On the other hand, it is open to raiding of a party primary by voters of other party affiliations.

The closed primary is most common among the states. It is distinguished from the open type by the imposition of some test of party membership before the voter obtains a party primary ballot. One technique of establishing a closed primary is to require the voter to enroll as a member of the party prior to the primary election. The other basic method is that of challenge. If challenged at the primary, the voter must make an affidavit that he held allegiance to the party in the past, that he now holds, or in future will maintain party allegiance. The tests employed singly or in various combinations may be best described as: past allegiance, present affiliation, or future intention. The difference between the enrollment and challenge method is largely this: under enrollment plans, the voter indicates his allegiance in advance; by the challenge method the voter may be required to indicate his allegiance at the polls. The flaw in the challenge method is that the "raider" seeking to vote in a party primary other than that of his true allegiance may go unchallenged.

The closed primary is based on a test of party allegiance enforced strictly or loosely by enrollment or challenge. One authority has observed: "Such a test is an essential feature of the closed primary which is used in most of the states, and which means a primary closed to all but those who can prove their bona fide affiliation with the particular party concerned.... It is a system, in other words, which permits Republicans to participate in Republican proceedings only, Democrats in Democratic proceedings only, Socialists in Socialist proceedings only, and so forth. By contrast, the open primary imposes no test of any sort, and it is, under that system, open to any voter to affiliate at will with any party at any time without any questions being raised as to the bona fide character of such affiliation." [21]

The emphasis in the closed primary is on party discipline and allegiance. For those who sincerely believe that party regularity and allegiance is an essential part of the democratic process, the closed primary has great appeal. Where the objective is to secure a non-partisan approach as in many of our progressive cities, the closed partisan primary and even the open partisan primary have been abandoned.

Arguments for Non-partisan Nomination and Election

Americans for decades have been divided into two major parties: Democratic and Republican. These parties have their roots in city and county organizations. In the past, and even into the present, this basic division of our people has had an impact upon municipal administration. The non-partisan nomination and election of municipal mayors and

[21] C. E. Berdahl, "Party Membership in the United States I," *Amer. Pol. Sci. Rev.*, XXXVI, 21 (February, 1942).

councilors means that the ballot in primaries and general elections carries no party emblems and designations. Yet, the use of a non-partisan ballot does not mean that party organization within a city will disappear or exert its influence only in state and national elections. For years in Cincinnati, where the non-partisan, Hare system of proportional representation has been used to elect a council, the struggle for a majority of seats has been primarily between independent candidates and others who are known to be Republican. In 1947, Detroit elected a new non-partisan mayor, but everyone knew that the defeated four-term Mayor Jeffries was a Republican. He had campaigned unsuccessfully in the 1946 Republican state primary for governor of Michigan. His opponent who bested him in the general, non-partisan election for mayor was a Democrat.

Many arguments have been advanced for non-partisan nominations and elections in cities, and an overwhelming percentage of our commission and council-manager cities use non-partisan nominations and elections for their city councils. Yet, the party tradition in municipal affairs dies hard. Non-partisan nomination and election in cities assumes that the business of municipal administration ought not to be a football between Republican and Democratic candidates in national and state elections. Many of the issues of foreign and domestic policy which divide the national electorate into Republicans and Democrats have no bearing upon municipal administration. A large percentage of voters are traditionally and habitually Democrats or Republicans and hold a life-long allegiance to the party. Why encourage this type of person to go on voting his prejudices in municipal affairs by nominating municipal officers in partisan primaries and holding a final election contest between Republicans and Democrats? The reformer has long insisted that there is no such thing in municipal administration as a Republican water main or a Democratic pavement. He has contended, therefore, that municipal ballots should not carry party labels.

These persuasive arguments have led to the non-partisan election of many city councils and mayors in the odd years apart from influences of state and federal elections. In 1948, 59.8 per cent of cities over 5,000 population had mayor-council government; 15.1 per cent, commission; 21.3 per cent, council-manager; and 3.8 per cent, some form of town meeting.[22] Non-partisan nominations and elections for councilmen had been established in 82 per cent of the council-manager cities; in 74.4 per cent of the commission-type cities; and in 42.9 per cent of the mayor-council communities.[23] This represented a long march forward to non-partisanship in local elections with the mayor-council cities bringing up the rear. Modern commission and council-manager charters established

[22] Town meeting types were all located in Connecticut, Massachusetts, New Hampshire, and Vermont.

[23] *The Municipal Year Book* (Chicago, 1948), 41, 45.

a trend to non-partisan elections which has influenced even the older mayor-council type.

Partisan nomination and election was the traditional method in municipal government; non-partisan direct primaries and elections are now beyond the experimental stage, but have not yet gained universal acceptance. Nor have non-partisan elections automatically diminished party organizations and excluded them from seeking the non-partisan mayoralty or council post. The only practical way to move forward toward non-partisanship is to abolish the partisan, direct primary in more cities and to strengthen the forces of independents in municipal, non-partisan, direct primaries and elections now in existence.

Non-partisan Direct Primary

Many states have provided for the establishment of non-partisan direct primaries and elections in home-rule cities, in cities of specified populations, or in all cities as in California, Missouri, Minnesota, North Dakota, Ohio, Washington, and Wisconsin.[24] Where the non-partisan direct primary is used, the names of candidates are placed on the ballot by petition. They appear on the ballot without party designations. The primary is a means of eliminating all but two non-partisan candidates for a single office. For example, in a non-partisan primary for mayor the two persons having the highest number of votes are nominated for that office. Their names will then appear on the non-partisan election ballot without any party designation. A non-partisan primary is followed by a non-partisan election in which the voters elect one of the two remaining candidates as mayor.

The non-partisan direct primary is most frequently found where cities have drafted home-rule charters. Many state optional laws providing for commission and council-manager plans which cities may adopt by referendum also specify non-partisan nomination and election of city officers. Several states require the non-partisan type of nomination and election for cities of designated population classes. A few states, as we have seen, require this system for all cities. The trend to non-partisan nominations and elections is most evident in council-manager cities and least apparent in mayor-council municipalities. Approximately five-sixths of council-manager cities, three-fourths of commission cities, and more than four-tenths of mayor-council cities now use non-partisan nominations and elections of councilors. Large cities having non-partisan nomination and election of the city council include: Boston, Chicago, Cleveland, Detroit, Los Angeles, Milwaukee, and San Francisco. Great cities having partisan nomination and election of the city council are: Baltimore, Buffalo, New York, Philadelphia, Pittsburgh, and St. Louis.

[24] H. R. Penniman, *op. cit.*, 413.

The non-partisan primary is followed ordinarily by a non-partisan general election. However, the general election has sometimes been eliminated. In California, when a candidate in a primary obtains a majority of the votes cast for an office, he is declared elected. Los Angeles, in a primary held during 1933, voted majorities to four candidates for the common council, and they were declared elected. When no candidate for an office receives a majority in the non-partisan primary in cities of California, the two highest candidates are entered in the run-off election. Chicago has a similar rule governing the non-partisan nomination and election of candidates for the city council from the wards into which this metropolis is still divided: aldermanic candidates receiving a majority of all votes cast in the direct primary within the ward are declared elected without a run-off election.

Partisan and Non-partisan Nomination and Election

The opposing view to non-partisanship in cities has been stated emphatically by Edward J. Flynn, the Democratic leader of the Bronx in New York City for more than twenty-five years. In his book, *You're the Boss*, he argued in 1947 that political machines were as modern as the combustion engine and just as indispensable. Fighting "bad" machines with transient reform movements and "fusion" tickets he regarded as impractical. Let the majority of voters work actively inside a political machine, and you have an organization that represents the voters.[25] He also indicated the penchant of many people to call any party leader they don't like a "boss" and any party organization they don't like a "machine." For uniformly good government, in the local, state and national arenas, he insisted that a lot of men and women must get down off their high horses and "grub around" in practical politics as active members of political parties.[26]

The issue between the reformers and Edward J. Flynn is as old as the struggle for non-partisan nominations and elections in cities. He has stated emphatically the attitude of a party organization man who holds that municipal administration, like state and national administration, should be activated by party organizations campaigning for office. To accept the views of Edward J. Flynn on this dynamic issue would call for a reversal of fifty years of municipal history in the United States. The twentieth century has been marked by the march of commission and council-manager cities to non-partisan nominations and elections. The upsurge of non-partisan nomination and election in council-manager cities has had sufficient force to induce non-partisan amendments in older mayor-council cities and non-partisan provisions in the more recent mayor-council charters. Granting that in some cities the non-partisan form of balloting

[25] E. J. Flynn, *You're the Boss* (New York, 1947), ix-x.
[26] *Ibid.*, 231-233.

has not entirely, or even greatly, diminished partisan influences in cities, the non-partisan movement has been too broad in scope, too long continued, and too widely urged to be lightly brushed aside by the stand-pat argument that partisanship is inherently good for cities.

It is easier to develop a truly non-partisan attitude in the nomination and election of officers in small cities than in the great metropolitan centers. The vote of a large city is a high stake in national and state elections. Party organizations will therefore strive to maintain their influence in all elections, including municipal balloting of the non-partisan type, especially in the great cities. On the other hand, partisan procedures in nominations and elections are an open and well-used invitation to parties to involve cities in national and state partisan currents.

When Edward J. Flynn took to *The Atlantic Monthly* in May, 1947, to expound his philosophy of the party boss, Fiorello H. La Guardia, who served for twelve years as mayor of New York City, replied in an article entitled: "Bosses Are Bunk". In his analysis, La Guardia stated the essence of the need for non-partisan government in cities. He wrote: "The cost of government is constantly increasing. No city can afford the luxury of partisan, political, boss-ruled government. Many cities have already non-partisan elections of municipal officials. More and more people are taking active part in public affairs. The political boss cannot stand watching. Primary laws are being liberalized, giving more power to the voters in the selection of candidates.... It is not at all hopeless. It has been done and we must keep on doing it." [27]

Theories and Practices: Summary

In the approach to political life in cities, four fundamental points of view may be presented. (1) The person who believes in parties at the national, state, and local level argues that they are a means of developing responsibility for administration. Let the people divide into their national parties in local elections and direct their attention to securing outstanding party candidates for municipal offices. (2) Another type of party organization man argues that municipal elections should be partisan, but admits that the parties have often failed in the past to take a stand on municipal issues. Therefore, keep the parties in municipal elections, but develop party platforms on municipal issues. (3) Another approach stresses the importance of developing municipal parties in local elections. Let them be conservatives, liberals, progressives, labor, citizens, or "charterites." (4) Finally, the most accepted theory has favored non-partisan nominations and elections.

When these points of view are analyzed, it is evident that practice resolves itself into a conflict between the partisan tradition with little

[27] F. H. La Guardia, "Bosses Are Bunk," *The Atlantic Monthly*, Vol. 180, No. 1, p. 24 (July, 1947).

attention to municipal issues and the non-partisan trend. It is too much to hope that the major American parties, forced as they are to straddle many issues in national and state politics, will develop clear and sharp platforms in municipal affairs. The main interest of the party is more likely to be the strengthening of the organization in national and state affairs by ringing up a victory in a major municipal campaign. In supporting the candidacy of William O'Dwyer for the mayoralty in New York City, Senator Robert F. Wagner urged in 1945 that a Democratic victory in New York City would strengthen the Democratic party everywhere. He listed this as the first big issue in the municipal campaign.[28]

Many years ago, a distinguished historian, Charles A. Beard, argued that there is a vital connection between national policy and municipal administration. In 1917, he urged that significant municipal questions such as poverty, the high cost of living, overcrowding, unemployment, low standards of living, and other problems could not be solved or even approached without "coöperation of the state and national government, and the solution of these problems calls for state and national parties." [29] Some years later, in the period from the inception of the New Deal (1933) to World War II, the liberal federal policies sponsored by President Roosevelt in federal aid for local relief and work relief, municipal public works, and housing gave a practical demonstration to Dr. Beard's thesis of 1917. There has been since 1933 at the federal level a significant liberal-conservative battleline between Democrats and Republicans which has had an effect upon the course of municipal administration. This goes, in part, to explain why the supporters of partisanship in municipal affairs have not been completely obliterated by the trends to non-partisanship in municipal nominations and elections. The growth of direct federal-city relations, particularly on the scale of operations since 1933, gives argumentative weight to the supporters of the partisan tradition. At least, they have more ammunition than could be assembled in previous decades when federal-city relations were more remote and indirect.

To the contrary, the problem raised by out-and-out partisanship in municipal affairs is that municipal government becomes a one-way street. Only the members of the dominant political party in the city are likely to have an opportunity to govern and administer. The exceptions to this rule are so pronounced that they become newsworthy. On November 17, 1947, *The New York Times* gave a two-column spread to Mayor Stanley W. Church of New Rochelle, New York. One of the principal leads in this story was that Mayor Church, an ardent Democrat, was elected by a majority of 12,936 to 5,506 in a city which is normally Republican four to one. How did he get himself elected to the mayoralty in a

[28] *The New York Times,* October 14, 1945.

[29] C. A. Beard, "Political Parties in City Government," *Nat. Mun. Rev.,* VI, 202 (March, 1917).

Republican stronghold? "Campaigning is a year 'round activity for Mr. Church. Not the least of his assets in the seven-day whirl each week—he says he can greet 5,000 of the 70,000 residents by their first names—is his wife, a former model.... Mrs. Church helped her husband outfox his adversaries last June in cornering all available billboards here that could be used in the autumn campaign.... Quarterly tax payments instead of burdensome annual payments, a 25 per cent reduction in water rates, a $26,000,000 annual slash in power rates, stabilized railroad and bus fares, rent control, $6,500,000 public housing, and special state and federal houses for veterans are some of the achievements the Mayor cites as his own by virtue of early sponsorship." [30] You have to be good to be a Democratic mayor in a Republican community. The feat is so unusual that you become "news."

What does the future hold for municipal parties? The outlook is not promising. The Cincinnati Charter Committee which backed the council-manager charter and secured election of candidates to the city council is an outstanding example of what is, in effect, a local, municipal party. However, the Charter Committee in Cincinnati is exceptional in years of service and in attainments, and Cincinnati is an unusual city. The struggle between the Charter Committee and the Republican organization for control of the city council has been an epic in American municipal government. It is not to be anticipated that the fires of independent, citizen action will necessarily burn so brightly elsewhere. Charles P. Taft expressed his faith in local citizen action as follows: "I believe that a citizen organization can establish good local government and maintain it permanently on a business basis without patronage, without yielding to either national party and without injuring either." [31]

For more than 50 years the National Municipal League has been an independent organization of citizens working for efficient government and administration. The League has this to say about itself: "The National Municipal League, an independent citizens' organization has been showing how to get good government ever since 1894. The League is playing its biggest rôle today by supplying strategic counsel, expert surveys, model charters and model laws to the civic leaders who are carrying brooms to city hall. Calls for help reach the League office from all over the country. A group of Ohio clergymen telephoned. A Maryland legislator took the train to New York. Some visitors, fearful of retaliation from ruling machines, come by night. Others write, warning that their names must never be revealed." [32]

The *Model City Charter* of the National Municipal League is a council-manager charter. Article IX provides for the election of the city council by proportional representation. The names of all candidates

[30] *The New York Times*, November 17, 1947.
[31] C. P. Taft, *City Management: The Cincinnati Experiment* (New York, 1933), 5.
[32] National Municipal League, *They Come by Night* (New York, 1947), 2.

nominated for the council are to be printed on the official ballots "without party designations." Alternative provisions for election of the council are also indicated. "If proportional representation cannot be adopted for any reason, the non-partisan election-at-large system is recommended as the next best alternative." [33] The essential point here is not the complexities of argument between proportional representation and election-at-large but the clear support of a non-partisan type of ballot under either system. The National Municipal League represents years of thinking and acting by leading people in municipal reform. Its program calls for non-partisan nominations and elections in municipalities.

Ballots

In our municipal elections as in state elections, the use of paper ballots now conforms to the principles of the so-called Australian ballot. The Australian ballot derives its name from its early adoption by Victoria, Australia, in 1856. It is an official and secret ballot and has four principal characteristics. (1) It is printed at public expense by public authorities. (2) It is a consolidated ballot which carries the names of all candidates who have been nominated by law. (3) It is issued within the polling place and by officers conducting the election. (4) It is marked in secret in a polling booth, folded to conceal the voter's marks, and deposited publicly in the ballot box.

The Australian ballot was first prescribed in the United States by the State of Kentucky in 1888 for municipal elections in Louisville. On this Louisville ballot, the names of candidates were grouped alphabetically under the titles of respective offices to be filled. This was the origin of the "office-group" or "office-block" ballot conforming to the original Australian model. No party designations were used on the Louisville ballot. During the same year, 1888, Massachusetts made the Australian ballot a general requirement except in town elections. However, Massachusetts, while using the office-group ballot, provided that the name of a candidate be followed by the name of the party which had made the nomination. This type of the Australian ballot, namely office-group with partisan designation of candidates, became known as the "Massachusetts ballot."

Some seventeen states have adopted the office-group type of ballot, but several variations have been introduced modifying the original Massachusetts ballot. In Pennsylvania, the office-grouping is preserved, but in the left-hand margin the parties represented on the ballot are listed. A single cross opposite the Republican party name, for example, is counted as a vote for every candidate nominated by the party. Any voter can express a straight vote for his party's candidates in this simple

[33] National Municipal League, *Model City Charter* (New York, 1941), 71.

manner. New York follows the original Massachusetts ballot closely, but allows the party emblem as well as the party name opposite a candidate's name under the office-group arrangement. Seventeen states which have used some variation of the office-group pattern are: Arkansas, California, Colorado, Florida, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New York, Oregon, Pennsylvania, Tennessee, and Virginia.[34]

Indiana followed in 1889 with another version of the Australian model known as the party-column ballot. Each party was provided with a separate column containing the offices to be filled and under the offices the candidates of the party. At the top of the column was a party circle and the emblem of the party. The voter could vote for all the party candidates for all offices by merely making one cross in the party circle at the top of the column.

In recent years, thirty states have used some form of the party-column ballot. Fourteen states have used the party column, the party emblem and the party circle or square: Alabama, Delaware, Indiana, Kentucky, Louisiana, Michigan, Missouri, New Hampshire, New Mexico, Ohio, Oklahoma, Rhode Island, Utah, and West Virginia. Eleven states have favored the party column and party circle or square, but omitted the party emblem: Arizona, Connecticut, Idaho, Illinois, Iowa, Maine, North Carolina, South Dakota, Vermont, Washington, and Wisconsin. Georgia and Texas have employed the party column and party circle, but eliminated individual voting squares and required that split voting be accomplished by crossing out names of opponents of desired candidates. New Jersey, North Dakota, and Wyoming have accepted the party column without the party emblem and party circle.[35] The variations of the party-column ballot are legion.

With the exception of South Carolina, the Australian ballot of the party column or office-group type has become standard practice in state elections and in municipal elections where partisan ballots are still used. In 1948, thirty states still utilized some type of party-column ballot; seventeen used the office-block arrangement; and South Carolina was still without an Australian ballot of any type.[36]

From this analysis of forms of state ballots, it is apparent that great importance is still attached to party organization in state government. During the nineteenth century, cities followed rather blindly in this party tradition. To this day, a majority of the mayor-and-council cities are voting Australian ballots either of the party-column variety or the office-block type with party designations. The council-manager and commission-governed cities have widely broken with this older pattern in favor of non-partisan nomination and election, thereby eliminating

[34] S. D. Albright, *The American Ballot* (Washington, D. C., 1942), 51.
[35] *Ibid.*, 50-51.
[36] *The Book of the States, 1948-49* (Chicago, 1948), 98.

party circles, emblems, and designations from their official primary and general-election ballots.

Voting Machines

Approximately one-half of the states now make some use of voting machines rather than paper ballots, although the spread of voting machines is more common in cities than in rural areas. The advantages of the voting machine are numerous. (1) The machine avoids errors in counting by election boards making a tally of paper ballots. (2) The voter enjoys greater secrecy because his ballot cannot be marked in any way for purposes of subsequent identification. (3) The machine automatically prevents him from casting a void ballot through improper marks or by voting for two candidates for the same office. (4) Delay is avoided in the counting of ballots and in the announcement of the results. (5) It is more difficult to tamper with voting machines than with paper ballots.[37]

Voting machines are so designed that they may be arranged to accommodate either a party-column or an office-group arrangement. A party lever, if the party column is used, makes it possible to vote a straight party ticket with one pull. On the face of the machine are the offices to be filled, and the candidates' names with or without party designation depending on the type of election. Provision is also made for writing in names which do not appear on the ballot. Above the space containing the name of each candidate is a small lever or pointer. Unless a party lever is available, the voter can make a choice only by pulling the lever down over the candidate's name of his selection. If he wishes to readjust the levers, he may do so at any time before his vote is finally recorded. The machine also contains spaces where questions put to a popular referendum may be voted by pulling the lever over a "Yes" or "No" space. The voter begins the process of voting by pulling the large handle which closes the curtains behind him. He then arranges the levers to indicate the candidates of his choice. When he has all the levers in position, he throws back the large handle, and his vote is recorded as the curtains are opened.

In spite of its basic simplicity and efficiency, when machines are first introduced into a city, many voters seem to get "machine fright" just as actors get "stage fright." This can be overcome by placing voting machines or small models in city hall and other places prior to election day so voters can familiarize themselves with their operation. As soon as a community becomes adjusted to the voting machine, only the new voters need demonstrations and practice. This slight inconvenience to the voters is well repaid in the greater assurance of accuracy in the count

[37] M. J. Fisher and E. E. Starratt, *Parties and Politics in the Local Community* (Washington, D. C., 1945), 81-82.

over paper ballots. Once the voter is familiar with the voting machine, the paper ballot is soon forgotten. The great merits of voting machines are that: the election results are accurate; danger of fraud in counting is eliminated; since the totals are registered by the machine, the returns of the balloting are promptly available; and expensive and time-consuming recounts are avoided.

In installing voting machines, city officials must weigh the initial costs, which are high, and the annual amortization before obsolescence against the savings in election administration. Voting machines permit reduction in number of precinct officials and diminution in the working hours through elimination of the paper-ballot tally. In 1930, the Committee on Election Administration of the National Municipal League reported that actual savings made by using voting machines were very small.[38] The key arguments for voting machines relate to efficiency in election administration rather than to substantial economies.

The use of voting machines is now required generally in New York and Rhode Island. Machines are also employed extensively in Connecticut, Florida, Indiana, Iowa, New Jersey, Pennsylvania, and Washington. Voting machines are utilized in some urban areas in: Alabama, Arizona, California, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, Tennessee, Texas, and West Virginia.[39] Voting machines are common in the larger cities, including: New York, Philadelphia, Los Angeles, Detroit, Baltimore, San Francisco, Indianapolis, Des Moines, St. Paul, New Orleans, and Seattle, where they are used either on a city-wide basis or in some precincts at least.

Election Administration

Whether voting is by partisan or non-partisan methods, by paper ballots or by machines, provision must be made for the conduct of elections in the precincts. The polls must be manned, ballots distributed and counted, or operation of the voting machines supervised and totals read after the voting concludes. The precinct officers must check to see that those seeking to vote are legally registered or otherwise eligible to vote, and supervise administration of the balloting. In some cities a special election office has been established, but traditionally the city or county clerk has control over election administration. In more populous cities and counties, it is common to create a special board of election commissioners entrusting to them some or all of the functions previously maintained by city and county clerks and legislative bodies. Special election boards are used, for example, in New York City, Philadelphia, Chicago, Boston, Baltimore, Pittsburgh, Cleveland, Cincinnati, St. Louis,

[38] *Nat. Mun. Rev.*, XIX, 653 (September, 1930).
[39] *The Book of the States, 1948-49* (Chicago, 1948), 98.

Kansas City, Milwaukee, Denver, and San Francisco. These boards are chosen by a variety of methods, but selection by the city mayor, by the governor, or by the secretary of state is most common. Some cities, such as Rochester, Omaha, and Los Angeles use a single commissioner of elections. In Detroit, the election board is made up *ex officio* of the city clerk, the president of the common council, and a judge.

Since the same precinct officers and lists of voters are generally used in both state and municipal elections, it might be presumed that the states would exercise a high degree of administrative control over election administration. Actually, election administration, like registration, remains quite decentralized in local units of government with relatively little state control, but state control is increasing. The most common type of state control is still legislative rather than administrative. Long and detailed statutes have been passed to govern the work of the election officers. Beyond legislative control lies the development of authority for the governor to appoint election boards or single election officials, at least, in populous cities and counties as in Kansas, Louisiana, Maryland, Missouri, New Jersey, and Pennsylvania.[40]

In spite of trends to state control, election administration is still primarily a function of counties, cities, and towns. The usual arrangement is to provide by state law for special county or city election boards in populous cities and counties. Joseph P. Harris found in the nineteen-thirties that nine states had required special county boards of elections or registration for all counties and three states had so provided for all cities.[41] Where special boards of election commissioners are provided, they are usually bipartisan by legal requirement or by custom, and the mayor or governor in making appointments takes this rule or custom into account. Where special election boards are not used, the most common practice is to have city or county clerks serve *ex officio* as election officers. County boards, city councils, election boards, or single officers have the power to appoint the election officers for the respective precincts into which the city is divided. Positions as precinct officers have too often been regarded as legitimate "spoils" for the party organizations.

The most important cog in election administration is the precinct officer. Whether you have a special city election board, a single election official or an *ex officio* election officer, the acid test of administration is the conduct of the elections by the precinct officers. Their number ranges usually from approximately three to ten in each precinct which serves from 400 to 600 voters. Frequently, the precinct officers are bipartisan, having been recommended for appointment by their respective parties. Some cities, such as Detroit, have broken away from the ancient tradition

[40] J. P. Harris, *Election Administration in the United States* (Washington, D. C., 1934), 100.

[41] *Ibid.*, 110.

that precinct inspectors, judges, and clerks should be representative of parties and residents of the precinct. By state law, minimum qualifications for precinct officers and clerks are generally prescribed but rarely rise above such prerequisites as residence in the county or precinct, good character, and ability to read and write.

Some years ago, Joseph P. Harris outlined a program for future developments which may well be repeated now as a model. He urged: "First, provide for a single election commissioner or place the administration in the hands of one of the regular officers of the city or county; second, do away with all requirements of bipartisanship all along the line; third, eliminate the requirement of residence in the precinct for precinct officers; and fourth, place full power and responsibility for the administration upon the chief officer, with the hope that he will shoulder this responsibility and refuse to turn over the office to the political machines." [42]

An effort has been made in various states to improve the capacity of inspectors in precincts. Baltimore and St. Louis illustrate selection of election officers without reference to political affiliations or residence in the precinct. Detroit, Rochester, New Orleans, and San Francisco have no local residence requirement, but attempt to secure officers from the precinct in which they will serve. Consideration is given to appearance, occupation, penmanship, and standing in the community. In New York State, written examinations are given in cities to determine whether candidates for positions as election officers have the general knowledge of the duties required by law. In Milwaukee, the election commission has used the civil service commission to hold examinations to fill vacancies in precinct offices. St. Paul and Duluth have exercised their authority under an optional law of Minnesota to establish civil service tests for precinct election officers.[43] Thus, evidence accumulates that cities are gradually under mandatory or optional state laws seeking to improve the quality of precinct election officers. The cost of registering voters and conducting elections is usually paid by the cities, and this explains, in part, the widespread decentralization in administration of elections.

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CHAPTER XII

Parties, Bosses, and Reform

The trend to non-partisan nomination and election in cities has marked the decades since 1900. During the nineteenth century, and even today, in many of our cities party organization is the most important key to an understanding of the community and its government. In a few cities, the rule of the boss is still a force to be appraised and countered.

Four fundamental situations should be noted. (1) The community has achieved a non-partisan tradition in which parties do not dominate municipal administration. This has been the goal of the "Charter" group in Cincinnati, but they have encountered stiff opposition from the Republican organization. Over the years, Detroit has achieved a measure of the non-partisan tradition in elections to the city council. (2) The city has non-partisan nominations and elections, but party organizations are still vital forces in elections. Chicago has had non-partisan nomination and elections for city councilmen, but the struggle between the Democrats and the Republicans overshadows the formalities of non-partisanship. (3) The municipal elections are conducted by partisan balloting and the party organizations are dominant in municipal government. Philadelphia has long been in the grip of the Republican organization. Only for interludes of years does New York City evade the control of the Democratic party. You may call this rule by a party organization or by a party machine. The former is the term preferred by the party in power; the latter is the derogatory definition applied by the minority. (4) Boss rule or rule by a small oligarchy of bosses has supplanted the normal functioning of parties from time to time. New York City in the heyday of Boss Tweed was a flagrant example. The Gas House Ring in Philadelphia in the eighteen-eighties was a classic of oligarchy or ring domination. Pendergast was the boss of Kansas City, Missouri, during the 'twenties and 'thirties of this century.

Every political or non-partisan tradition in American cities follows one of these fundamental patterns or is a variation thereof. Cities never stay put; they shift from one category to another. After years of rule by Pendergast in the nineteen-thirties—a period which made a mockery of a home-rule, council-manager charter—Kansas City emerged in the 'forties with an able city manager. The rule of the boss had first been broken. The magic word in Memphis for years was Crump, a local boss whose power reached upward toward state and federal politics in Tennessee. In Jersey City, Boss Hague was dominant for many years until his volun-

tary retirement from public office-holding in 1947. The McFeely regime ran Hoboken until a civic uprising overturned the city commission in 1947. Bossism may be waning, but it certainly never dies everywhere at the same time in American municipal administration.

Why a Boss

Many theories have been advanced to explain the growth of bossism in the Dark Ages of American municipal government. After the Civil War, Tammany Hall in New York City and the Gas House Ring in Philadelphia became symbols of an era which endured until the first decade of the twentieth century. Bossism and corruption spread from city to city. Lincoln Steffens investigated, probed, and exposed this sorry state of affairs in his brilliant book: *The Shame of the Cities.*[1] Lord Bryce, writing in 1888, had labelled municipal government as the one conspicuous failure of the United States. Lincoln Steffens demonstrated the results of bossism in no uncertain terms. Muck-raking was not only done, but done well. The reformers were spurred to press forward with modifications in governmental structure; in nominations and elections; and in the time-worn techniques of throwing the rascals out. As early as 1894, the City Club of New York joined with the Municipal League of Philadelphia to sponsor a National Conference on Good City Government. Out of this initial meeting grew the National Municipal League, which has been battling for sound practices in municipal government ever since.

Why did the Dark Ages of Bossism precede the enlightened era of reform? Our cities had been growing rapidly, fed by an influx of immigrants who were exposed to the favors of the political machines. The suffrage had been expanded; no longer was voting a privilege for the property-owning few. The customs of the time accepted a spoils philosophy. When a party gained control of a city, jobs went to the faithful. Our developing cities needed public works and graft lay in lucrative contracts. Police forces were expanding without adequate technical training; police graft could be made to supplement the sums available in public works. Municipal governments before 1900 were noted for: the long-ballot; partisan, ward-elected councils; weak executives. Executive management in the modern sense did not exist anywhere in the administrative structure. The disintegration of formal power over administration involved integration of authority from without. Municipal elections were timed to coincide with national and state elections. The driving, building men of private enterprise were busy with the profit motive. Able and select citizens avoided, with some exceptions, the great game of politics at the municipal level.

[1] Lincoln Steffens, *The Shame of the Cities* (New York, 1904).

This analysis is inexact as applied to any particular city, but has reference to the many reasons, factors, and alibis advanced to explain the hold of bossism for some four decades following the Civil War. Bossism did not evaporate entirely as the rising sun of reform strengthened from 1900 onward; it was exposed and spotlighted. It became a term of opprobrium and reproach. It has lingered on in a few of our "fair cities." Reduced to more simple terms, bossism is party organization turned sour. The public for many reasons is often apathetic, hesitant, ineffective in expressing its will in party caucuses and conventions. Power in the party organization does not always flow from the rank and file of city voters upward to the party leadership. By reason of public indifference, a dominant personality works his way upward either inside or outside party organization. Power and authority become lodged in this leader (boss) who exerts control downward to the rank and file. The boss attains his position by work, skill, will, physical power. As a leader, he attracts followers and staunch supporters who ride forward with him over the years to authority and dominance. It has been said that a boss, like a modern dictator, seizes power. This is the case when the boss does not work his way up from precinct to ward and then to city-wide power through the formal party committees. When he develops within the party organization, the boss makes a career not of business but of ward and city politics.

Bossism is thus the successful effort of a single individual or a small ring to capture absolute control over the party organization either from within or without. Having made good on the effort to control the party, the boss or ring then, so far as possible, rules the city administration. The municipal authorities have the shadow of formal authority, while real power rests in the reins of control which the boss pulls from time to time. A strong mayor derives his power from his office, from the public following he has created, and from his own personality. A boss evolves power from personality and techniques; rarely does he seek and rarely does he hold an office, former Mayor Hague of Jersey City to the contrary notwithstanding. Boss Cox of Cincinnati expressed the traditional and customary situation when Lincoln Steffens asked him about the mayor, the council, and the judges. Boss Cox indicated that they had such officials in Cincinnati, but added that he had a telephone.[2] To hold power, but not office, is an old technique of bossism.

The Boss

Most Americans who read, write, and scan cartoons have a stereotyped, mental picture of a boss. This comes from a long line of cartoons which follow in the tradition of Thomas Nast's brilliant and scathing drawings

[2] *The Autobiography of Lincoln Steffens* (New York, 1931), 484.

of Boss Tweed of New York City.[3] The mental image of the boss is one in which coarse features, heavy jowls and diamond pin are counterbalanced by a paunch which protrudes like a grand piano in a small living room. The boss appears in the mind's eye as well but loudly dressed, a character likely to be out of place in a social gathering of nice people, or like a bull in a china shop. Along with the mental image of the large, overweight boss are many other souvenirs of American thinking about the typical boss as an Irish immigrant, illiterate, ruthless, ill-mannered, and corrupt.

Actually, according to Harold Zink, there is no such animal as a typical city boss. They come in many varieties of personality, education, taste and background.[4] On the basis of his studies, Professor Zink held that there were, however, qualities frequently encountered among city bosses. They tended to be large of stature and weight but rarely obese. A majority tipped the scales at two hundred pounds and attained a height of six feet. Beyond grammar school grades most of them were "educated" in that famous university known as the school of hard knocks. On the other hand, the more recent bosses, in keeping with the American trend, had more formal education. They had risen, for the most part, from comparatively poor homes, often assuming the rôle of a breadwinner at an early age. The Irish have contributed more than their share of city bosses in either first- or second-generation sons. Such names as Kelly, Croker, and Murphy of Tammany Hall have an unmistakable origin. It was not exceptional to find a boss who avoided personal indulgence in liquor or vice. Frequently, bosses displayed an interest in religious affairs. They exerted themselves for long hours, strenuously at their tasks. They mixed well, had above average ability in judging others, treated followers loyally, and took pride in carrying out promises.[5]

How the Boss Rules

Trust a newspaper reporter to do what is still the best analysis of American bosses of the 1900 vintage. This man was Lincoln Steffens. He obtained his training in municipal operations as a reporter in New York City. Out of his probings into police graft and other forms of corruption in New York City late in the eighteen-nineties, Steffens turned to the then expanding field of the popular magazine. He moved from city to city getting the facts, interviewing bosses, reformers, business men, big men and little men. He had the reporter's instinct to get the facts and to allow the theories to evolve out of the realities. Among the cities which

[3] See M. R. Werner, *Tammany Hall* (New York, 1928), 202 ff. Compare the boss of the cartoons with the photograph taken after his arrest. *Ibid.*, 246.

[4] Harold Zink, *City Bosses in the United States* (Chapel Hill, 1930). This study contains an analysis of twenty city bosses.

[5] Harold Zink, *Government of Cities in the United States* (New York, 1948), 209-211; see also *City Bosses in the United States* (Chapel Hill, 1930), 3-24.

he excoriated on his criss-cross tours were: St. Louis, Minneapolis, Pittsburgh, Philadelphia, and Cincinnati. Out of his muckraking magazine articles grew *The Shame of the Cities* (1904). Later, in a more mellow vein, he restated the problem and his findings in *The Autobiography of Lincoln Steffens* (1931). His first muckraking article was published in *McClure's Magazine* for October, 1902, in co-authorship with Claude H. Wetmore. It was entitled: "Tweed Days in St. Louis." In it is unfolded the clash between Ed Butler, the Democratic boss, and Joseph W. Folk, champion of reform and honesty.

From New York and St. Louis, Steffens turned to Minneapolis, where police graft was rampant. There he found that the mayor, himself, was the head of the graft organization. Dr. Ames, the boss-mayor, had made his brother, Colonel Fred W. Ames, chief of police. In this way the mayor, through the police chief, tried to direct police graft. It was a deliberate and detailed management, not to prevent crime, but rather to share with and direct the criminals under municipal protection.[6]

As he progressed from city to city, including such examples as New York, St. Louis, and Minneapolis, Steffens evolved a philosophy which went beyond the immediate problem of police corruption. This was only one symptom of a basic disease, the scourge of "boodle." In our rapidly expanding cities "boodle" was to be had in the granting of franchises, permissions, and contracts. It gave rise to the term "boodle" aldermen. The voters were innocent or apathetic dupes of the system. They voted solidly along party lines, thereby supporting bosses or rings who made "boodle" out of municipal administration. The voters in St. Louis gave their loyalty to the party machines by voting a straight ticket. They were supporting a bi-partisan or non-partisan gang who controlled both party organizations. The leaders of the party machines used the purchasable vote to swing elections to the worst ticket. Then they used their power to deal in such tangible commodities as franchises, permissions, and other grants to local or "foreign" business men.[7]

In Philadelphia, Steffens was forced to report that the reformer's ideal of a "strong mayor" as a solution for bossism had come a cropper. The Bullitt charter had been designed to make the mayor powerful and responsible for public administration. Back of this charter and working through it, Steffens found the boss, ring, and machine governing Philadelphia. It was the same old story as in St. Louis, Minneapolis, New York, and Pittsburgh.[8] After that, Steffens said he never bothered to read a charter; he wasn't interested in paper government that didn't count.

[6] *The Autobiography of Lincoln Steffens* (New York, 1931), 376.
[7] *Ibid.*, 394-395.
[8] *Ibid.*, 408-409.

Trend to Reform

Overlapping and outliving the Dark Ages of the bosses was the trend to municipal reform. Popular reaction was stirred even before 1900, and was more deeply moved by the muckrakers as exemplified by Lincoln Steffens. The reformers or the "goo-goos," as their opponents termed them, fought on many fronts. What were some of the objectives which they sought and some of the means which they employed?

(1) *Throw the Rascals Out.* Throw the rascals out was the simplest and most direct method. Stir up the voters, get out the broom brigades and torchlight processions, and substitute substantial citizens for boss-controlled officials. Effective municipal administration would then result, because men of good will and sterling character were serving as councilmen and mayors. Yet, no community maintains a fever-pitch of broom brigades for more than a limited span of years. A lower and a steadier flame of civic endeavor must be found. Otherwise, reform administration sputters out.

(2) *Structural Reform.* Then there was structural reform. This has followed many channels through the years. Initially, the strong-mayor plan was vigorously advanced to bring responsibility within and to cut off boss control from without. It worked for a time in New York City, with Seth Low as the reform mayor at the turn of the century. It has been succeeding off and on in American cities ever since. Mayor La Guardia gave a brilliant demonstration of what a strong mayor could accomplish in his three terms of office in New York City from 1933 through 1945. The strong-mayor trend was overlapped by enthusiasm for the commission type, which had a splurge of intense public favor from 1901 to 1914. Then came the council-manager plan. Originally, the reformer's "model," city management has now become an established method of municipal administration. In spite of Steffens' dim view of charters and paper government, the concern of reformers with structural organization and procedure did not miss the mark. They were groping for a satisfactory combination of representative government and administrative management. Richard S. Childs, the so-called "father" of the council-manager plan visualized the system, advocated it, and saw it translated into civic action. Since 1912, when Sumter, South Carolina, adopted council-manager government, the plan has gained adoptions in state after state. It has been marked by a diminution of partisan and factional influences in hundreds of American communities.

(3) *Home Rule.* To arrive at structural reorganization, it was often necessary for the proponents of progress to tackle the issue of state-local relations. Another phase of the era of reform was the demand for home rule to free cities from legislative domination by special act. Although home rule was first achieved in Missouri (1875), it scored its greatest advances from 1900 to 1925. Optional laws were also demanded and

obtained in many states from which cities could choose alternative types of government such as the commission and council-manager forms.

(4) *Technical Changes.* A number of technical changes in government were brought into operation. State legislatures responded to frauds in voting by requiring periodic or permanent registration of voters. Such popular control devices as the initiative, referendum, and recall were embodied in many state optional laws and in home-rule charters. Direct-action devices were designed to pull councils up sharply, for example, by petitions to recall members prior to the expiration of terms of office. They also authorized the voters to initiate ordinances and to petition for a referendum on ordinances already passed by councils. To combat the influence of spoils, the merit principle was urged and made the law in many cities. Whereas the merit system existed in only a few cities of New York and Massachusetts prior to 1888, it had become a standard feature of municipal administration by the nineteen-forties. Reforms in registration, in popular control, and in the methods of selecting and maintaining personnel by merit are illustrative of the more important technical advances. Together they encompassed the process of ensuring a legal electorate; provision for more popular control over councilmen and the legislative process; and a drive to break the back of the spoils system.

(5) *Civic Organizations.* In the era of reform, sporadic crusades gave way to more continuous citizen action. Permanent voters' leagues and citizens' organizations were formed to promote steady interest in and effort toward good government. In addition, municipal bureaus of governmental research were organized in many cities, generally supported by private funds. Some years ago, Thomas H. Reed classified the municipal reform organizations (as distinct from governmental research bureaus) into four types: (1) distributors of political information; (2) endorsing organizations; (3) municipal political parties and (4) city clubs. For example, the Municipal Voters League of Chicago, founded in 1896, distributed political information by studying and publishing records of candidates for public office, approving or disapproving their candidacies as the facts warranted. The Library Hall Association of Cambridge, Massachusetts, was one of the first organizations to endorse a slate of candidates selected from the nominees of political parties. The Citizens' Charter Committee of Cincinnati organized to secure the adoption of the manager charter in 1925, but continued as a municipal political party to support candidates of its own selection for the city council. The City Club of New York was the model for numerous social clubs. Avoiding the choosing of sides in elections, the City Club promoted intelligent and full discussion of controversial questions in municipal administration.[9]

[9] T. H. Reed, *Municipal Government in the United States* (New York, 1934), 120-121.

(6) *Administrative Improvements.* The reform era, especially under the influence of the strong-mayor and council-manager systems, broadened out into a number of technical, administrative improvements. The executive budget, prepared by a budget officer under the direction of mayor or manager became a hall mark of progressive cities. Second in point of time to the introduction of the merit system, the executive budget ranks as one of the most important reforms in the administrative procedures of American cities. This improvement in the preparation and submission of budget estimates, as early as 1926 according to Lent D. Upson, had been "expedited through its adoption by several hundred cities with city managers and by a few cities of the strong mayor type of government, both of which plans of organization place fiscal and administrative responsibility directly upon the executive." [10] The great value of the executive budget was that it introduced executive management in the planning of the estimated revenue and expenditure needs of cities for fixed periods, usually for a fiscal year. With the executive budget came other improvements in the techniques of administrative management such as: centralized purchasing of supplies; more scientific systems of assessment of property; improved treasury management of municipal funds; and pre-auditing of municipal expenditures to prevent disbursements beyond annual appropriations or quarterly allotments to departments. The whole machinery of fiscal administration was greatly strengthened by executive budget and budget control techniques.

(7) *Non-partisan Nomination and Election.* The trend to reform emphasized procedures in nomination and election which would help to divorce municipal government from national parties on the one hand and ward politics on the other. Non-partisan nomination and election of mayors and councils received a profound impetus from experience with the commission plan in the first decade of this century and later from council-manager adoptions. The ward system of electing councils received one body blow from the election of councilmen at large in commission cities. It received a second from the carry-over of election at large as the dominant method of electing councils as council-manager charters were adopted. In many cities the timing of municipal elections was switched from the even to the odd calendar years to avoid state and national elections.

(8) *Bureaus of Municipal Research.* The first bureau of municipal research was established in New York City in 1906. This movement spread to the larger cities and had a marked impact on administrative processes in our cities. Most of these organizations are supported by private subscription within the community. A full-time director and technical staff are then available to get the facts about municipal administration. The Detroit Bureau of Governmental Research, managed by a board of

[10] L. D. Upson, *Practice of Municipal Administration* (New York, 1926), 56.

trustees, is an example of this type of organization. In general, bureaus of municipal research do not have a membership list to be called into citizen action for the implementation of reform. They are basically fact-gathering and fact-publishing organizations. If the facts presented call for an action program, and they usually do, the push must come from the city officials themselves, or from citizen organizations. Not only do the bureaus publish lengthy reports, brief pamphlets, and short handbills, but also they ordinarily achieve considerable publicity for the "facts" through releases to the press. Once a good idea in budgeting, purchasing, or administering of a line department is "picked up" and pushed by public officials or citizen action, the bureau has accomplished its mission. Often before action results from one set of pamphlets, the bureau will be far advanced in the preparation of the next set of facts. Bureaus of municipal research ordinarily maintain a position of independence in relation to city hall. They are the critics, following financial trends, administrative procedures, and long range policies with a sharp eye. This is sometimes known as "sitting on the steps of city hall." In the larger cities, the bureaus exert the type of watchdog operation performed by individual citizens in villages and small cities. Their emphasis in the past has been on the administrative "how" of getting things accomplished. To the bureaus of municipal research goes a considerable share of the credit for the development of the executive budget in cities.

Not many decades ago, the bureaus as representatives of influential citizens had heavy-weight prestige in our cities. What they said, and how they said it, pulled many councils and executives up sharply. Now, new forces and pressures such as the labor unions have arisen and counterbalance to an unmeasured degree the shafts of the bureaus. Federal policies and the position of the United States in world affairs push many bureau items which used to be front-page copy over into the inside pages. As municipal administrators have become more skilled professionally, the bureaus cannot consistently find as many points for critical analysis as in the past. More and more, the issues of municipal administration relate to policy—such as housing, blight and rehabilitation where pressure groups rather than bureau "facts" influence decisions. Nevertheless, bureaus of research have played and still have an important rôle in their communities.

Observations on the Impact of Reform

If the period from 1865 to 1900 can be recorded as the Dark Ages of municipal government, the decades from 1900 onward may be properly tagged as the era of reform in municipal organization and technical advance in administrative procedures. Before World War II, American cities had gone a long way toward answering Lord Bryce's charge of 1888 that they constituted our one conspicuous failure. Bossism, the

shame of the cities, as brilliantly portrayed in 1904 by Lincoln Steffens, is not entirely a lost art in American cities. Fortunately, bossism has long been on the wane and professionalism in municipal administration on the make. The International City Managers' Association looms large in municipal administration today; it constitutes a professional organization for managers who are interested in the advancement of their skills in municipal administration. Municipal officers have formed other professional groups such as the Municipal Finance Officers' Association. In municipal administration, Bryce would have to revise his estimates sharply and upward if he were writing now rather than in 1888.

It is not only in the field of over-all management that cities have advanced in recent decades. They have moved forward on a sweeping front in such auxiliary operations as finance and personnel administration. Services have been greatly extended in police and fire administration, public health, public welfare, public works, and public utilities, parks and recreation. The governmental and administrative revolution has taken place, for the most part, since 1900. It developed apace between two World Wars from 1918 to 1941. After World War II came the greatest upsurge in adoptions of the council-manager plan in our municipal history. This suggests that the era of reform and technical advance has not yet run its course.

The underlying philosophy of this era has been that a strong and honest local self-government is indispensable to a democracy. Public service in city and village, county and township, provides a training school for democracy. The voter faces controversies and decisions about local needs, officers, and employees close to his home and fireside. It is well known that Mussolini and Hitler made inroads upon the Italian and German systems of local administration. Neither Mussolini nor Hitler at the height of his power could tolerate local self-government as we know it, or even to the extent that Italians and Germans had known it before totalitarianism swept over central Europe. Mussolini introduced the centrally-appointed *podestà* to run the Italian commune. Hitler decreed that city councils be appointed and only advisory.

In the United States, the reformers held to the doctrine of municipal government responsible to the people. They reacted sharply to the threat of local dictators—the bosses who thwarted and bent local government to individual ends of graft and corruption. Lord Bryce had granted in 1888 that American democracy had something unique in the sweep and force of local self-government, an essential, solid base. The tarnish of this essential base was to be seen in the abuses of bossism which had emerged in cities.[11]

The reformers with all their plans for structural and technical improvements were vitally concerned with the preservation of a local

[11] James Bryce, *The American Commonwealth* (London, 1888), III, 360-361.

democratic order responsible to and representative of the people. Did they succeed? In our American way of life, local self-government in the tradition which Bryce observed has survived. It has outlived the era of bossism in the cities. Local self-government has been a force in the preservation of our democracy. It has been a training ground for citizens and a school for elected officials and appointed public administrators. Talents developed at the municipal level became available for state and federal administration. Without the fulminations and achievements of reformers, democracy at the municipal level might have been permanently blighted by bossism. Reformers scored such advances that entrenched boss systems were uprooted in many cities. Yet, their work is not finished. There are always victories to be won in one city or another. Like the breadwinner and the housewife, the citizen's work is never done. There is an unending battle to maintain sound policy and scientific administrative management in cities.

Party Organization in Cities

At the one extreme is a truly non-partisan form and tradition in a city, with aroused citizen action exerting constant pressure through electoral and structural forms. At the other end of the scale is the rule of boss or ring. Is there an intermediate way of municipal government satisfactorily achieved through responsible party government? The issue was exemplified by the early years of the administration of Mayor O'Dwyer in New York City. He was undoubtedly forced in 1946 to resist extensive pressure from a party organization hungry for jobs after years of looking from the outside during Mayor La Guardia's administrations. Nevertheless, his appointments were not dominated by the party organization, and he acted vigorously in the removal of key subordinates whose demonstrated performance proved unsatisfactory. In one sense, the merit system, unless it has been undermined, makes it more feasible to have party organizations competing for control of cities without the lost motion and confusion of turnover in employment created by the spoils system in the past. At least, the rank and file of the employees protected by the merit system keep the wheels of administration turning. A majority of our cities fall in the intermediate range between non-partisanship and bossism.

In small cities, party organization is ordinarily quite informal. Precinct committeemen and ward chairmen of the parties are to be found, but they are rarely drawn together in a tightly-knit city central committee of their respective parties. Oftentimes precinct and ward party officers are cogs of the county central committee. Within a small city, there may not be more than a handful of precinct committeemen who have real influence in party councils and exert themselves to get out the vote in city elections. Oftentimes, no central party committee exists. A

fluctuating authority will be maintained by a small group of informal leaders without official party designation. Many small cities are still dominated by a party organization which exerts leadership in municipal affairs.

The Precinct Committeeman

In large cities, the foundation of the party organization is the electoral precinct. These precincts are generally established by municipal ordinance as divisions for the maintenance of polling places on election days. The party organizations, however, use these existing precincts embracing some hundreds of voters for the basic layer of their officers, widely known as precinct committeemen. The precinct officers often include a precinct committeewoman as well as a committeeman, since the advent of suffrage for women. The formal designations may be committeeman and vice committeeman, the latter being a woman or a younger party stalwart who is learning the trade as a party worker. Often, the precinct committeemen are selected by the party leadership in the higher echelons of the organization. Where precinct officers are elected by the party rank and file, as some states require, the ambitious young man or woman finds this the first rung on the ladder to party influence. Once elected as a precinct committeeman, the neophyte has a chance to prove capacity as a party worker. In 1940, there were some 127,245 precincts throughout the United States in urban and rural areas.[12]

Precinct committeemen make certain that party adherents are registered as voters. They are supposed to deliver the party's vote on election day, to bend their efforts to swell the total. During the polling, if the vote is light, it is the business of the precinct committeemen to report to ward and central city committees. Election day is just the climax of months of effort by precinct officers. Their activities prior to election vary greatly with types of precincts. In the better residential areas, routine duties include: personal contacts, arrangements for meetings, and distribution of literature. In other precincts, committeemen must lend helping hands in time of trouble, assist in providing jobs, obtain favors and, at least, seek to temper justice with mercy before municipal courts. In slum neighborhoods, the voters may expect a variety of services from the party and judge the organization accordingly. In a congested precinct, being a committeeman is apt to be a full-time or heavy part-time job. A leader will not make a good committeeman unless he is on call day and night.[13] Prior to the administration of public welfare assistance by the trained municipal case worker backed by municipal and state funds, the precinct committeeman rendered a great deal of old-fashioned charity to the

[12] H. R. Penniman, *Sait's American Parties and Elections* (New York, 1948), 345.
[13] J. T. Salter, *Boss Rule* (New York, 1935), 42. Sketches of individual "leaders" will be found in part 2.

poor. Now his greatest burden is likely to be connected with the police and the courts.[14]

What are the functions of the committeeman in a precinct where service is demanded of the organization? He will have pressure brought to bear by relatives and friends of those caught in the toils of the law including everything from traffic violations and misdemeanors to felonies. They will want him to use influence with the police, to arrange bail, to see the judge, if possible. His success in these matters will depend on the interrelationships existing between the party, the police, and the magistrates. Where police magistrates are elected in cities, they are likely to depend on party organizations to get out the vote for them. The extent of their reliance on the party organization and their ambition to climb to higher judicial posts can influence the magistrates when a contact is made by a precinct committeeman on behalf of a "voter." The leniency of the magistrate is then designed, in turn, to produce a loyal voter in the party organization. When the precinct committeeman is himself a lawyer, he may serve as defense counsel, without requiring a fee. Harold F. Gosnell found in Chicago in 1936 from hundreds of precinct committeemen that 26.6 per cent helped in matters of traffic violation, 53.2 per cent made contacts with judges when voters were caught in the toils of the law, and 62.3 per cent furnished legal aid.[15]

In Chicago, the "benevolent services" of the precinct captains have been classified under four main headings: goods, advice, brokerage agency, and deference. Goods referred to the rendering of food, coal, rent and Christmas baskets. Advice was related to juvenile guidance and domestic difficulties. Brokerage service was divided between local government, the courts, and the Federal Government. At the local level the precinct captain served as a broker in relation to jobs, streets and alleys, tax adjustments, permits, building and zoning regulations, contacts with social and relief agencies. Deference covered such items as attendance at weddings and funerals.[16] In Philadelphia, J. T. Salter found that the division (precinct) leaders also handled a wide variety of services.[17]

Sometimes the voter does not seek influence or favor. He merely wants to know how to approach city hall; what department to go to; how to apply for a job, a permit, a reduction in assessment, or public welfare assistance. The precinct committeeman will know, for he has long since learned these channels through day and night training. To the highly developed party organization municipal administration is not an abstraction of tax trends, expenditures, ordinances, budgets, and personnel administration. It is the living day-to-day adjustment of the city to the

[14] Harold Zink, *Government of Cities in the United States* (New York, 1948), 179-180.

[15] H. F. Gosnell, *Machine Politics: Chicago Model* (Chicago, 1937), 71.

[16] *Ibid.*

[17] J. T. Salter, *Boss Rule* (New York, 1935), part 2. In Philadelphia the precinct is known as a division.

"voter" who needs help or seeks favor. If this process becomes highly entrenched and corrupt, the party organization moves out of the intermediate range of responsible leadership in the community toward the extreme of machine rule.

The Higher Echelons of Party Organization

Above the precinct committeemen is the ward organization of the party. The ward, which combines a number of precincts, has been the traditional municipal area for election of councilmen. In approximately 40 per cent of our mayor-and-council cities, the councilmen are still elected from wards. In a majority of these cities, the councilmen, whether selected by wards or at large, are chosen in partisan elections. The ward is an important area of party organization in large cities. The basic party officers are a ward chairman, vice-chairman (often a woman), and a ward committee. Sometimes the party faithful elect special representatives to the ward committee; as a general rule, the precinct committeemen also serve as ward committeemen. The ward committees make plans for future elections, allocate party campaign funds to the respective precincts, and assert varying degrees of supervision and control over the individual precincts. The ward chairman, a most important cog in the organizational hierarchy, will hold his position either from the action of the ward committee or by reason of pressure from or actual designation by the central city committee. The usual path to a ward chairmanship is through faithful and efficient service as a precinct committeeman. Since ward chairmen frequently serve also on the city central committees, their power reaches upward as well as downward to the precincts.

At the level of ward chairmen, the problem of management enters into party organization. The precinct committeemen are dealing with individual voters. The ward chairman must manage and direct his subordinates in the party organization. He is in a sense the party executive in the ward, who must deal with such managerial problems within the party as planning, coördination, direction, discipline and distribution of funds. The vote in the ward cast by the party is the measure of his management. If the city operates on a spoils system, applications for jobs will pass upward from the precinct committeemen to the ward chairman. Where the central committee cannot supply enough campaign funds, the ward chairman will have to raise some of his own money from the indigenous resources of the ward. He may draw an actual salary from the party or he may be a member of the city council, head of a department or bureau. The returns may come otherwise from the influence he can bring to bear in obtaining contracts for favored construction firms or suppliers. If the ward chairman is a lawyer, the political position which he holds can readily enhance his prestige and his practice. By a variety of methods the wolf may be kept from the door of the ward chairman.

Above the ward chairmen are the central city committee and the chairman. Where the city has fallen a prey to bossism, the boss will either serve as chairman or control a front man who holds the title of chairman. Usually the central city committee is composed of ward chairmen. Thus an interlocking directorate often exists, with precinct committeemen serving on ward committees and ward chairmen sitting on central city committees. Where central committees run into forty or fifty members, it is essential to divide into subcommittees for the handling of funds, publicity, speakers, and other party matters. Within the central committee there is sometimes an executive committee which meets more often than the general committee.

The range of power which a central committee has is very great where chairman and committee are real directors of party strategy and operations. If a boss exists, the central city committee will have the shadow rather than the substance of party authority, provided the boss chooses not to hold the post of chairman. Central city committees have a more elaborate structure of officers such as vice chairmen, secretary, and treasurer. The headquarters must of necessity be more extensive and the staff more numerous. As the ward chairman directs and coordinates precinct committeemen, so does the city chairman control and integrate efforts of ward chairmen. The chairman of city central committee will also be the channel for dealings with the county committee or with the state central committee.

Party hierarchy exists largely by custom and tradition. The powers and duties are prescribed neither by statute nor by ordinance. The organization is flexible and fluctuates with personalities. If the organization is out of power, it must endure "lean" years and live off scraps of patronage and power which come from the county or state committees. If the organization controls the mayoralty and council, it may produce responsible party government in the city or wax fat with graft and corruption. Sometimes, a political machine, alert to the public pulse, will sense the necessity of putting forward outstanding candidates and cleaning out corrupt and irresponsible elements. Only by the intense type of footwork which Lincoln Steffens demonstrated in many cities can one appraise the workings of a given organization at a specific time.

Since political parties are still active in many of our cities and openly so, especially in the larger cities, is the answer always to be sought by arguing for non-partisan nomination and election? One point of view has been stated by Harold Zink. Even in so-called non-partisan cities—how many it is impossible to say—parties continue their organized structure and work for candidates despite lack of official sanction. Other cities have political parties in the open with partisan systems of election. Especially in large cities elaborate party organizations are not likely to disappear in the future. Rather than debate the merits and weaknesses of political parties in municipal government, it would be more profitable

to give the necessary time to understanding and controlling existing parties.[18] This is not a note of despair, but a call to citizen action within the framework of party organization. It is good advice wherever there is no immediate prospect of jarring a city out of party ruts into non-partisan nomination and election. Under such a situation, the citizens may have to clean up a party before they can change practices at city hall. To gain citizen control of an entrenched machine is no small effort.

Pressure Groups in Cities

Whether a city is run on a non-partisan or a partisan basis, the group in power must deal with the community as a whole and with pressure groups. Not everyone in the city by any means wants the same end results in municipal administration. The city breaks down into a wide variety of interest groups: chamber of commerce, real estate, public utilities, banks, churches, neighborhood associations, racial groups, organized labor, municipal employees, even the underworld. All of these groupings within the community exert varying degrees of pressure from time to time upon the council, mayor or manager, assessor, police chief, and other line officers.

It makes little difference whether you say that these pressure groups follow their own interests or their "selfish" interests. It is the responsibility of the municipal administration to strike a balance between the public interest and the needs and demands of pressure groups in public administration. If the doctors in a community appear at city council meetings to insist on a higher pay scale for nurses at the city hospital, the aim of this group may be laudable. However, the councilmen must see not only the interests of the nurses but the relation of their pay scale to that of other employees. They must hold the line, if possible, for the "internal consistency" of the pay plan for all employees. If the council yields to this one group, a general, upward scaling of the pay plan for all employees in the immediate future or in the next fiscal year may prove necessary.

The things which pressure groups want are many and divergent. The business interests generally want low tax rates. This is understandable, since the real and personal property of factories and business establishments runs into big figures on municipal tax rolls. A substantial increase in assessments or tax rates will have an immediate effect on costs, on future expansion. Local business concerns represented in the chamber of commerce expect that organization to keep an eye on expansion of municipal services and projects which will result in substantial tax increases. The smart chamber of commerce identifies its low-tax philosophy with the interests of the great mass of home owners and property tax-

[18] Harold Zink, *op. cit.*, 172.

payers in the community. The local real estate association will usually have parallel interests.

Certain public utilities (privately owned) have many interests in municipal administration. In the history of municipal administration, the rise of the privately owned and operated street railway systems led to decades of pressure politics exerted by private corporations on city councils. Key issues were the obtaining of original franchises to operate on city streets, the terms of the franchises, and the extension of franchises. A contest was inevitable between the public interest in low fares and service and the private interest in corporate profits. With the gradual elimination of the electric trolley car and the introduction of bus lines, a new group interest came into being. Any utility which must use city streets or place its service lines above or below the surface forms an interest group in municipal administration. However, the development of state public utility commissions transferred to the state administrative level many issues which had previously been fought out at the local level between city councils and private interests. In so far as cities still have jurisdiction over franchises, this balancing of public and private interests is still a function of councils.

Banks have a general field of interest in municipal administration. Deposit of public funds, issue of municipal bonds, soundness of municipal credit, and general fiscal policies of the city are constant matters of interest to the banking fraternity. In so far as municipal zoning and planning may materially affect property values in areas where bank mortgages to private owners are extensive, officers of a bank are inevitably concerned with municipal decisions. When cities get into desperate financial conditions, as many did in the nineteen-thirties with wide tax delinquency and heavy, outstanding indebtedness, banks are likely to have their moments of greatest influence. As a condition of further loans, they may dictate municipal policies. Cities, like individuals, need to maintain a sound fiscal policy and good credit standing if they wish to avoid control by the bankers.

In all of these discussions of business interests in relation to municipal administration, distinction must be drawn between the legitimate pressures of any business group on the one hand and corruption on the other. It is to be anticipated that every pressure group will seek to influence public opinion, to play a rôle in municipal nominations and elections, and to obtain satisfaction from incumbent officials. This is a fundamental law of pressure groups. It cannot be eliminated from the municipal scene. What must be prevented, or if not prevented, exposed, is corruption, such as bribery direct or indirect of councilmen or other public officials. Where the line of public and private interest clashes, it is well for all the players concerned to keep the game clean. This is not only good theory but also good practice. Corrupt influence may long prevail, but ultimately exposure comes and public reaction will rise to deal with the

offending public servants and to place new legal restrictions on the private interests. Corrupt boss regimes have a temporary lease of power, although it must be admitted that "temporary" is sometimes a long term of years. Bossism is generally an alliance between one who holds the strings of public power and a variety of private interests who profit from the system. A free press and a courageous newspaper editor can go a long way in defending the public interest against corrupt pressure groups.

The "underworld" of gamblers, bookies, prostitutes, and criminals is a pressure force never to be underestimated. The wide-open town is a term loosely used to describe one in which gambling and prostitution flourish in spite of the laws and ordinances. The underworld stands ready to buy protection from police action and prosecution. It is the duty of responsible public officials, managers or mayors, to be alert to police corruption and to appropriate counter-measures. A recent writer has indicated the repercussions in San Francisco during Mayor Rossi's administration when a collector of internal revenue for the Federal Government referred at a luncheon meeting to the attempts of a madame in a house of prostitution to deduct pay-offs to police as an operating expense.[19]

The churches are usually a selfless force in the community, extending their influence to preservation of public morals. In the interests of the youth and of their congregations, they properly exert pressure for regulation and restriction of gambling and prostitution. They are ordinarily vitally concerned with state laws and local ordinances governing the sale of liquor. On occasion, when a widespread clean-up campaign is called for, the churches are likely to join in the battle of the civic organizations for reform.

The list of organizations and existing or potential pressure groups in cities is diverse indeed. From a study of group organizations in any community, you can estimate the probable and conflicting pressures which may be brought to bear in any given situation. At budget time, the taxpayers' organizations will work for less expenditure, while the municipal employees will be alert for salary and wage increases. The clash between these two interest groups reaches its greatest intensity in budget hearings. Organized labor has an interest in police control of picketing around strike-bound plants. Insurance companies have a group relationship to fire prevention and inspection in communities. Constant pressure to reduce fire risks diminishes the probability of fire loss in both insured and uninsured properties.

One of the great rules of American private and public life today is organization. The individual citizen rarely exerts significant influence as an individual. It is essential to be part of a group, organization, club, or society. Political parties comprise one form of coalescence for citizens.

[19] Charles Raudebaugh, "San Francisco," in R. S. Allen, *Our Fair City* (New York, 1947), 352.

In too many instances, party organization has failed to keep appropriate objectives in municipal administration to the fore. In a number of the cities over the years, party organization has degenerated into boss rule to the detriment of the communities. In the city seeped in partisan politics, citizen effort may be directed toward systematic effort within party lines or toward non-partisanship. Whichever course is followed, group action must be forthcoming. Aside from sporadic campaigning, little can be accomplished without formal citizen organization. Since so many pressures are brought to bear on municipal officials by a diversity of organizations, it is important to have a citizens' council, league, or committee which seeks to stand for the best interests of the whole community.

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CHAPTER XIII

Popular Participation and Direct Democracy

Popular participation in the electoral process of nomination and election is by no means the beginning and the end of citizen action. In voting, the citizen finds himself confronted either with a partisan or a non-partisan ballot. By one method or another, he determines his council and mayor for the ensuing term of office. Too many of our citizens, to be sure, are generally or at sporadic time intervals non-voters. They don't even take the trouble to participate in the electoral process. On the other hand, the alert citizen votes and participates through civic organizations and pressure groups in molding municipal policy. Popular participation may be analyzed in three general areas: (1) voting; (2) informal methods of pressure and persuasion; and (3) formal actions such as the initiative, referendum and recall.

Voting Participation

One of the paradoxes of American democracy is that many of those who are qualified to vote do not register, or, after registration, do not vote. For a variety of reasons they disfranchise themselves. If they were excluded from registration by literacy, property, or other tests, their complaints might be loud and long. The voter's interest reaches its peak in campaigns for the Presidency. It is often at a low ebb in municipal elections in the odd years. In general, referendum ballots on charter amendments and ordinances attract a smaller percentage of participation than that cast for municipal officers.

Not all who participate in national elections take the trouble to vote in municipal affairs. Non-voting is explained in part by one-party rule in certain cities. In the South, where the supremacy of the Democratic party is taken for granted, a low level of participation in a municipal general election may be little more than a reflection of the non-voter's awareness of an inevitable outcome. Those in the minority party do not exert themselves in the polling. The majority party casts a formal vote for a slate of candidates after settling its differences in the primary. Civic lethargy is a problem in many regions.

A study of voting in the United States, based on statistics for various states and local units with special reference to California indicated that about two-thirds of the potential voting population had been casting votes in Presidential elections between 1880 and 1932. A larger vote was

generally cast for executive than for legislative or judicial offices; a larger vote was usually cast for national affairs than for state or local positions.[1]

A survey of voting in Detroit during the nineteen-thirties demonstrated that voting participation in mayoralty elections was usually below that in presidential and gubernatorial contests. The percentages of registered voters participating in the gubernatorial elections of 1932, 1934, and 1936 were respectively 87, 52, and 77. The percentages of registered voters participating in the mayoralty contests of 1933, 1935, and 1937 were respectively 42, 32, and 67. In each instance the percentage of registered voters participating in the election of a mayor in the odd year fell below that of registered voters casting ballots in the gubernatorial election of the preceding even year. The high level of voting for governor in 1932 and 1936 was stimulated in part by the presidential elections.[2] Other evidence of the phenomenon of relatively low participation by voters comes from Flint, Michigan. There, in the nineteen-thirties, it was found that, over a period of years, 61 per cent of the registered voters took the trouble to cast ballots in elections involving federal officials. Local elections claimed the attention of 32 per cent of the registered voters.[3]

A review in 1936 of voting in 807 cities demonstrated that 78 per cent of the registered voters cast ballots when the election for council was held in November coincident with the presidential election. The percentage for participation of registered voters was 67 in cities holding special elections at another time.[4] Electoral interest lags in municipal elections when they are held in the odd years apart from federal and state contests. City campaigns too often lack the glamor and the prestige of the contests waged for the offices of president and governor. The party organizations exert a tremendous influence in bringing out the vote in federal and state campaigns, especially in November of the even years. The odd years are marked by an unmeasured amount of electoral "fatigue" on the part of the citizens. Local issues are not dramatic enough to produce corresponding percentages of voting participation. The interest in a local bond issue for expansion of the water filtration plant is not likely to attract as many voters as the quadrennial battle between Republicans and Democrats for control of the White House. On the other hand, it is no solution to municipal problems to time local elections with federal and state campaigns. This may produce a greater percentage of voting for municipal offices, but it does not follow that an intelligent vote based on local issues will be cast.

[1] C. H. Titus, *Voting Behavior of the United States* (Berkeley, Calif., 1935), 68-70.
[2] D. S. Hecock and H. A. Trevelyan, *Detroit Voters and Recent Elections* (Detroit, 1938), 8.
[3] M. P. Heavenrich, "One-third of Eligible Voters Participate in Elections," *Public Management*, XX, 310 (October, 1938).
[4] *The Municipal Yearbook* (Chicago, 1937), 180.

Reasons for Non-voting

To find the reasons for non-voting, a sample of 740,000 adult citizens who failed to vote in a Chicago election in 1923 was interviewed. More than 5,000 non-voters were canvassed. Of those questioned, 44.3 per cent expressed indifference or inertia as the cause for non-voting. They had a variety of explanations: indifference at a particular election; intention to vote but failure to carry out such intention; ignorance of or timidity in the process of voting; and failure of party workers to notify them or transport them to the polls. They were basically indifferent and inert. Another block, amounting to 17.7 per cent of the sample, expressed a general disbelief in voting. Of these, some expressed dislike of voting by women. Others said: their one vote counted for nothing; the electoral process was corrupt; or their husbands objected. Still others were disgusted with politics or with their party, or disbelieved in all political action. Disbelief in voting is very close to general indifference and inertia, and these factors accounted for 62 per cent of the non-voters. Beyond these groups, 25.4 per cent claimed physical difficulties had kept them from the polls: personal or family illness; absence from the voting precinct combined with failure to obtain an absent voter's ballot. Another 12.6 per cent pleaded legal and administrative difficulties such as lack of sufficient residence or loss of business or wages. The remaining non-voters in this category indicated a variety of problems: congestion at polling places, poor location of the polls, fear of disclosing their ages in registration.[5]

If the non-voter can be taken at his word, general indifference and disbelief in voting are the outstanding deterrents. Physical, legal, and administrative difficulties are less marked as causes for non-voting. Only by civic education can the great number of non-voters be spurred to action, apart from vigorous campaigning by the parties. Is compulsory voting a solution? In 1889, the Kansas City charter exempted adult male residents who voted in general elections from payment of a poll tax. This indirect form of compulsory voting was declared unconstitutional by the Supreme Court of Missouri. North Dakota and Massachusetts have constitutional provisions authorizing compulsory systems for voters, but no legislative action has been taken. The difficulty with any state or municipal penalty for non-voting is clear. You can force the voter to the polls; you cannot make him mark a secret ballot or vote in an intelligent manner. Compulsory voting would be a last resort in a democracy. If a citizen is indifferent or disbelieves in voting, it is appropriate that he be legally free to remain inert without penalty. To argue otherwise is to plead for the form rather than the substance of democratic action.

A large percentage of non-voters in municipal elections means that

[5] C. E. Merriam and H. F. Gosnell, *Non-Voting* (Chicago, 1924), 34.

an inert mass is allowing itself to be governed by others. Compulsory voting is too simple and sweeping a remedy. The democratic solution lies in education in the schools, press, radio, and forum. If there are legal and technical difficulties which can be lessened by such devices as permanent registration, this is all to the good. If electoral fatigue is induced by the long ballot, then the short ballot is a partial solution. The fundamental problem is motivation. The non-voter must be educated to the significance of his vote in community life. In cities where partisanship is dominant, the parties exert efforts to get out the vote in their own interests. Citizens' organizations can learn much from their techniques of zealous and persistent actions in making contacts with people.

To some degree, the municipal administrator has a responsibility for an alert and an informed electorate. If city hall has a low prestige value, then the techniques of municipal public relations need examination. A brief and readable annual report about municipal finances, activities, and trends is a "must." The local municipal corporation has a monopoly on local taxes and services; it should keep the people informed as to its stewardship. If the community is adjusted to a low level of services, management has a responsibility to educate the voters to support that higher level deemed to be adequate in public administration. Citizen organizations and civic forums can assist in promotion of worthwhile projects. The newspapers can be a force to keep citizens aware of local problems. The annual spring clean-up campaign can be greatly spurred when the news photographer gets the right angle on rubbish which has accumulated in backyards and alleys over the winter. A local bond issue for expansion of public works calls for a number of newspaper stories before it goes to a referendum. City hall must turn the facts out in a form which can be readily translated by reporters into good copy. A lethargic electorate may indicate that the municipal administrators have failed in public relations.

Informal Methods of Citizen Participation

The percentage of voters participating in municipal elections is one clue as to citizen action. This is, however, formalized and recurrent. Some form of civic action or inaction is evident throughout the time interval between elections. Individuals bring pressure on city aldermen and administrators from time to time. They want a small area rezoned, a stop sign installed, or a no-parking sign removed. Almost any kind of neighborhood friction may bring citizen action.

What are the techniques by which individuals and groups bring pressure to bear on city hall? The telephone is a handy means of contacting councilmen and administrators. City officials learn to be adept in turning the telephone tirade of the irate citizen into a constructive conversation. Writing letters to the newspaper is the indirect approach.

Making a personal call on councilmen and administrators to obtain satisfaction is another well-worn device. Relatively few individuals and groups go to council meetings and committee hearings just to observe what goes on. They are present to exert pressure by a demonstration of the members alert to pending issues; to petition the council; to present collective and individual views at a public hearing. In such fields of municipal administration as city planning, it is common to stimulate citizen action by developing advisory boards or councils to which an official planning agency can present long-range comprehensive plans. Advisory boards constitute another channel through which popular opinion and prejudice may reach city hall.

Whatever is decided as policy and brought to operation as administration stirs up reactions—good, bad, or indifferent. Citizen action often needs guidance from administrators and councilmen. The citizens who find no-parking signs on their side of the street must be convinced that the public interest is paramount to their own desires for easy parking access to residences. The downtown merchant must be sold on parking meters. Sometimes, citizens and pressure groups accentuate the continuation or growth of municipal policy by silent acquiescence. After parking meters have been installed, the public is apt to go along with municipal policy to use parking meter revenues to defray, in part, the cost of developing municipal parking lots.

While individuals play their rôles in influencing policy, most citizen action is group action. The doctors and citizens who interest themselves in social welfare form an influential group in relation to public health administration. Organizations of women are most likely to take a vital interest in public health, welfare, and recreational programs. The business interests have a big stake in the amount of police and fire protection available to the downtown area. North, east, west, and south side associations are apt to see municipal administration in terms of public works which are needed such as water and sewer extensions, residential street surfaces, sidewalks, curbs and gutters, and street lights. They will be concerned with the amount of police protection and traffic control, a new fire station for the area, a new school, and other facilities. Even the people beyond the corporate limits sometimes form pressure groups to demand water, sewage disposal, and fire protection from city hall on a sale of service basis between the city and the suburban fringe.

Formal Methods of Direct Citizen Action

During the first decade of the twentieth century, great emphasis was placed on direct action by the people through such devices as the initiative, the referendum, and the recall. The growth of the commission plan proved to be a stimulus to these direct democratic devices. In the San Francisco charter of 1899, the initiative and referendum were first

applied to the municipal government of a large city. During the following decade, adoption of the initiative and referendum as devices in city affairs went forward rapidly. The inclusion of the initiative, the referendum, and the recall in the Des Moines plan of commission government led to acceleration of trends to direct democracy in cities. As these devices became associated in the popular mind with the commission form, they were adopted widely as part and parcel of commission charters. Later, they were incorporated in many council-manager charters, and likewise extended to modernized mayor-council charters.

To overcome the shortcomings of representative democracy, the initiative and referendum provide for direct democracy. If the city council passes an ordinance of dubious merit, then the voters may petition for a popular referendum on the ordinance. If the council fails to pass an ordinance deemed by any group to be necessary and desirable, they may circulate initiative petitions to bring about council action, and failing that, a referendum on the issue. Reduced to its simplest terms, it means that the voters can take the ultimate disposition of legislation (petition for a referendum) and the initiative in ordinance-making (initiative petition) into their own hands. It is legislation by direct action and popular participation rather than by representative councils alone. The recall permits voters to demand and accomplish the termination of an official's tenure prior to the legal date of expiration. They need not wait upon the turn of the calendar for an opportunity to vote incumbents out of office. They may initiate a petition for a special recall election.

The initiative and referendum are customarily classified into four types: (1) the compulsory referendum; (2) the voluntary referendum; (3) the referendum by petition and (4) the initiative. (1) The compulsory referendum refers to state constitutional, statutory, and charter provisions requiring that charters, charter amendments, annexation proceedings, tax levies beyond certain limits, and bond issues, for example, must be submitted to a popular referendum and approved by a specified majority before they have the force of law. (2) The voluntary referendum is used infrequently and applies to the action of city councils in voluntarily submitting ordinances to a popular vote. (3) Referendum by petition may be defined as the circulation of a petition requesting a referendum on a municipal ordinance which has been passed by the council. If the required percentage or number of signers as specified by state law or charter is obtained and the petition filed with the appropriate officer such as the clerk, the measure is then submitted to a popular vote which may result in the approval or disapproval of the ordinance. (4) The initiative refers to the initiation of charter amendments and ordinances by petition. If the proposed amendment or ordinance goes directly to the people without any action by the council, it is classed as a direct initiative; if the proposal is first submitted to the council for consideration and action, it is an indirect initiative. The usual rule for an indirect

initiative petition is that the council's failure to adopt a proposed ordinance results in an automatic submission of the question to a referendum.

Compulsory Referendum

The compulsory referendum in municipal government is similar to this same device in state government. It is common in state constitutions to require that revised constitutions, constitutional amendments, and bond issues must be submitted to the voters. At the municipal level, it is customary to require by state law or municipal charter that certain types of questions be submitted automatically to a referendum. Illustrative of the subject matter of the compulsory referendum are charter amendments, bond issues, and proceedings for the annexation of new areas to the city. It is a required procedure in Michigan, for example, to submit home-rule city charters and home-rule amendments to charters to a referendum. In Massachusetts, the various optional-law forms of municipal government do not take effect until approval by the voters of a city in a referendum. State optional-law forms of municipal government are brought into legal effect in a particular city only after a referendum. In many instances the states have also required that annexation proceedings and municipal bond issues must be submitted to referendum.

The use made of the compulsory referendum varies materially from city to city and time to time. In Los Angeles from 1904 to 1940, some 275 charter amendments were submitted by the council and 164 were adopted. In San Francisco, from 1898-1940 some 348 charter amendments were proposed by the council and 191 were adopted. Detroit, in the years from 1910 to 1938, had 123 charter amendments originated by council of which 102 were adopted. These metropolitan, mayor-and-council cities appear to make greater use of the compulsory referendum than smaller cities or council-manager cities. For example, Pasadena, California, submitted in the years 1920 to 1940 some 37 charter amendments and 19 were adopted. Experience in California indicated that the initiative played a minor rôle as compared with council action in submitting charter amendments to a referendum. From 1898 to 1930, San Francisco used the initiative followed by a compulsory referendum most freely, but had only 13 out of 35 amendments adopted by this procedure. From 1930 to 1940, no charter amendment was placed on the compulsory referendum ballot in San Francisco by the initiative.[6]

State law requirements of compulsory referenda on city charters, charter amendments, bond issues, and annexations of territory can be explained on the basis of the fundamental character of these decisions. Three of the most basic questions in any community are: the form of government and administration; the amount of bonded indebtedness and

[6] W. W. Crouch, "The Initiative and Referendum in Cities," *Amer. Pol. Sci. Rev.*, XXXVII, 500-501 (June, 1943).

the projects for which bonds are to be issued; and the amount of territory to be included within the corporate limits. All of these problems raise broad issues of policy. Shall the city have a weak-mayor plan or a council-manager charter? Shall bonds be issued to build a new civic center or a sewage treatment plant? Shall the city expand its limits to include fringe areas which are seeking annexation? All of these decisions, and especially those dealing with bonds and annexations, will have a vital bearing on the local tax rate. On all such matters the voters are deeply concerned and consider it appropriate that they be consulted as a matter of routine. Virginia is one of the exceptions where annexations may be accomplished by a quasi-judicial procedure without resort to a referendum. It will be difficult to persuade many other states that the Virginia plan of annexation is desirable, however appropriate it may be for a more planned and orderly expansion of municipal boundaries. In our municipal history, the compulsory referendum has been prominent.

Compulsory referenda do not always bring important policy questions to a vote. Many charter amendments submitted to the voters are technical in nature, such as the change from an elective to an appointive assessor or the structural arrangements for a post-audit in a city. Annexations of small tracts of territory are matters of detail rather than broad policy. Under the principle of the compulsory referendum, the small, technical changes must go before the voters along with the large, policy matters.

The importance of the compulsory referendum in the life of a community can be indicated by reference to a specific city over a period of years. In Ann Arbor, Michigan, the necessity arose during the nineteen-thirties of constructing a sewage treatment plant to eliminate pollution of the Huron River. When a proposed bond issue for the project was first submitted to the voters, they rejected it. Later, when this issue was again presented to a referendum, the voters approved. They had been persuaded that the importance of cleaning up the river was worth a surcharge on water rates for sewage treatment. In 1937, the question of revising the weak-mayor-council charter in favor of a council-manager plan was raised. The issue of calling a home-rule charter commission was referred to the voters and was by them rejected. This negative decision of the people against the election of a commission to revise the charter settled a vital community issue for years to come. In 1947, proposed annexations which would have increased the land area of the city by more than 50 per cent were submitted to the voters and were defeated. The people were not convinced that expansion of the city limits would have advantages to counterbalance an increase in tax rates necessary to extend services to the areas proposed for annexation. In less than two decades, the compulsory referendum resulted in highly significant decisions by the voters: (1) to build a sewage treatment plant; (2) to continue municipal administration under a weak-mayor-and-council form of government; and (3) to reject plans for a greater city. Wrong or right in principle, a decision of the

voters in a referendum is always "right" in the legal sense, for it determines the course of action for the time being.

The Voluntary Referendum

The voluntary or optional referendum, as it is sometimes called, leaves to the discretion of a city council whether or not a question shall be submitted to the electorate. When an ordinance is before the council, members may decide voluntarily that it be submitted to a referendum. Where this legal power exists, the council may pass an ordinance but refer it to a popular decision. The council may be motivated by honest doubts as to public opinion on the issue or may be seeking to "pass the buck" on the question. If the voters approve the ordinance, it has legal effect; if they reject the ordinance, it has no legal effect. This technique at the municipal level is analogous to state action where state legislators may voluntarily submit a statute to a referendum. The voluntary or optional referendum in which the municipal electorate decides for or against a submitted ordinance must be distinguished from advisory referenda. The latter have no legal effect.

Use of the voluntary referendum in American cities is infrequent when compared with the compulsory referendum. In Detroit in the years from 1910 to 1924, some 136 propositions were compulsorily referred to the electorate under the constitution and laws of Michigan, whereas only 19 propositions were voluntarily submitted by the Common Council.[7] Where city councils are permitted by state law or charter to use the voluntary referendum, the councilmen can escape responsibility for ordinances which raise issues likely to arouse a storm of protest. By referring an ordinance to a referendum, the council can avoid some of the responsibilities of representative government. Action has been taken favoring an ordinance which may have been demanded by one or more pressure groups in the community. Those who are opposed have recourse to campaigning for rejection of the ordinance in the referendum. The council has passed out of the picture, while the pressure groups fight it out in the ensuing campaign to adopt or reject the ordinance at the polls. The voluntary referendum has not been as significant a factor in American municipal government as the compulsory referendum and the referendum by petition.

Referendum by Petition

Referendum by petition in cities relates to the action of voters in petitioning for a referendum on an ordinance already enacted by the city council. It is a negative type of direct democracy designed to

[7] Detroit Bureau of Municipal Research, "Direct Legislation in Detroit," *Public Business*, III, No. 15 (June, 1925).

prevent an ordinance from taking legal effect. As a general rule, the representative process of ordinance-making by city councils prevails; a state constitutional or statutory grant of power is necessary to establish the authority of the voters to demand a referendum on an ordinance by petition. Twelve states have reserved to municipal electorates the powers of initiative and referendum by state constitutional amendment: Arizona, Arkansas, California, Colorado, Maine, Maryland, Nevada, Ohio, Oklahoma, Oregon, South Dakota, and Utah. With the exception of Utah in 1930, the years of adoption of such amendments range from 1898 to 1913—a period when the progressive movement was marked. In the absence of such a constitutional reservation of the initiative and referendum to the municipal electorate, authorization must be found in the general laws or home-rule acts of the state.

Direct democratic action through referendum by petition or initiative is generally restricted rather than unlimited. State laws and municipal charters frequently provide that the referendum by petition shall not apply to appropriation ordinances passed by a city council. Similarly, state laws and municipal charters often prohibit the making of appropriations by initiated ordinances. Recent charter drafting has tended to extend the list of prohibited subjects to which the referendum by petition and the initiative cannot be applied.[8]

The referendum by petition is an act of protest. The individuals who sign petitions for a referendum on an ordinance enacted by the city council are filing a protest against the action and demanding a decision by the voters. Where this type of referendum is operative, state law or the city charter frequently provide that ordinances, except certain financial or emergency measures, shall not become effective until a period of time (such as 60 days) has expired after enactment. Emergency measures necessary for immediate preservation of public order, health and safety may be given immediate effect by designation of the common council. If an ordinance does not fall within a subject matter protected against protest referenda or is not of an emergency character, petitions for a referendum may be filed in the intervening period between enactment and legal effect. During the designated time limit, a petition signed by a legally specified minimum percentage or number of voters may be filed to require that the ordinance in question be submitted to referendum. It is customary to stipulate that petitions be presented to a designated officer such as the city clerk for his review to determine if there is an adequate number of valid signatures. If the petition is found to be signed by the requisite percentage or number of voters, it is then common practice in some cities to allow the council to determine whether the ordinance shall be repealed or submitted to referendum at a general or special election. Pending submission to the referendum, the ordinance

[8] W. W. Crouch, *op. cit.*, 493-494.

has no legal effect. If the voters reject the ordinance, it is, in effect, "vetoed" by their action. If the voters affirm the ordinance, it then has legal effect.

This type of referendum by petition may be illustrated by a home-rule charter in Michigan. The home-rule act passed by the state legislature authorizes a city to provide in its charter for the initiative and referendum. The charter of Saginaw, Michigan, provides that a petition for a referendum on an ordinance may be filed within a period of 30 days after enactment. A petition for a referendum requires the signatures of registered voters equal in number to 25 per cent of those who voted at the last general municipal election. The petition is filed with the city clerk who determines if there are sufficient signatures. If the petition has been signed by the required minimum of registered voters, it is presented by the clerk to the council. Upon receipt of such a protest petition, the council may either repeal the ordinance in question or submit it to the voters at the next election or at a special election. Except where otherwise provided by state law, a majority of those voting on the ordinance at the referendum decides the question for or against the proposition. An ordinance affirmed by the voters as a result of the protest referendum may not be amended or repealed by the city council for a period of two years. Thereafter, it may be amended or repealed only by the affirmative vote of six out of nine councilmen.[9]

The referendum by petition is a negative device. It permits the voters of a city to call a council to account in ordinance-making. It is a means of preventing an ordinance which has been enacted from taking legal effect. The vast majority of citizens will not follow the passage of ordinances with a view to filing petitions for a protest referendum. Alert pressure groups will have the money and capacity to circulate petitions, print leaflets, buy newspaper space and radio time to bring the issue before the voters. Even with the ardent campaigning of pressure groups, it is common to have referenda decided by 25 to 50 per cent of the registered voters. Many voters who will take the time and make the effort to vote on candidates for mayoralty or the council fail to exercise the franchise when it comes to referenda.

Cities in California have had a range of experience with the referendum by petition applied to ordinances. Writing of some of the municipal actions resulting from protest referenda in California primarily in the first four decades of the present century, W. W. Crouch has said: "In Los Angeles, a majority of the referred ordinances dealt with public utilities and transportation. In all but two of these, the council was upheld. Zoning caused some disputes, and here the council fared less well. Miscellaneous items, such as the anti-dice-shaking ordinance and the dog license ordinance of 1926, provided much local color. The dog owners

[9] Saginaw, Michigan, *Charter*, sec. 78-82.

were successful in defeating the council's proposals. In San Francisco, the question of forcing the removal of cemeteries accounted for the majority of propositions. The council was worsted in all but one. Municipal employees' salaries and transportation problems constituted the remainder of the issues. The Sacramento parking meter ordinance referendum in 1937 indicates a new type of subject." [10] From these examples it appears that certain types of ordinances are of such wide or group interest as to arouse petitions for referenda: public utilities, transportation, zoning, salaries of employees and miscellaneous items which develop an emotional response.

The Initiative

Of all the devices of direct democracy, the initiative in municipal ordinances is the extreme example.[11] The compulsory referendum, the voluntary referendum, and the referendum by petition bring to the electorate a charter amendment or ordinance which has been hammered out by a representative body—a charter commission or a city council. In the case of the voluntary referendum and the protest referendum on ordinances, the original action in the study, drafting, and enactment of the ordinance is accomplished by a representative council. The initiative, on the other hand, allows the drafting of an ordinance to be accomplished by a self-appointed group of citizens. Once they have obtained the necessary signatures for an ordinance, the usual course of action is that the council must either adopt it or submit it to a referendum.

Referring again to the charter of Saginaw, Michigan, as an illustration, an initiative petition for an ordinance requires the signatures of registered voters equal in number to 25 per cent of those who voted at the last general municipal election. The petition is filed with the city clerk. If the clerk finds the petition to have the requisite number of signatures, he presents it to the council. That body may either adopt the ordinance, or, alternatively, submit it to a referendum. An ordinance adopted by the voters as a result of initiative petition may not be amended or repealed by the city council for a period of two years. Thereafter, it may be amended or repealed only by the affirmative vote of six out of nine councilmen.[12]

The initiative was advanced by reformers as a major weapon in the arsenal of direct democracy. If any group could not persuade a council to pass a proposed ordinance by informal methods, this error of omission could be remedied by formal action. The group could circulate initiative

[10] W. W. Crouch, *op. cit.*, 503.

[11] The initiative is also available in numerous cities for the presentation of charter amendments to the voters. However, submission of charter amendments by councils to a compulsory referendum is more common than use of the initiative in charter-making.

[12] Saginaw, Michigan, *Charter*, sec. 78-82.

petitions for the ordinance and file with the city clerk or other designated officer. If the clerk found that the petitions were signed by the requisite number of voters, the proposed ordinance would go to the council. That body could either adopt the ordinance or submit it to a referendum. The people, in other words, could draft, initiate, and adopt their own ordinance, if the council failed to adopt the initiated measure.

If councils were perpetually wrong and the voters always right, the initiative would be a perfect device. However, direct democracy, like representative democracy, has its limitations. It lengthens the ballot in the face of a low level of electoral interest. When many measures are submitted, the difficulty of securing an intelligent vote is great. Signatures to petitions can be secured with relative ease. The public often lacks adequate information on technical issues.[13] It is rarely the "people" who draft and initiate an ordinance. Some interest or pressure group with its own objects in mind can use the initiative to spur the council into action. Sometimes a recalcitrant council is overruled by sensible use of the initiative in the public interest. At other times, a council acting in the public interest is bypassed by an energetic pressure group with its own rather than the general public interest in mind.

The initiative has not been used extensively in American cities for the purpose of ordinance-making. In Los Angeles, California, liquor control measures were frequent subjects for initiative petitions until national prohibition was adopted. Other common types of initiated ordinances dealt with regulation and restriction of jitney busses and municipal ownership of bus lines. W. W. Crouch analyzed the problem in 1943 as follows: "In none of the cities has the initiative been used extensively for enacting ordinances. Los Angeles has the larger score, with fifty proposed and twenty-six passed since 1904. However, these figures include amendments proposed by the council to alter initiatives. The first subject of the initiative involved restriction upon the location of slaughterhouses. Later, moral issues involving the ousting or restriction of saloons and dance halls called forth a number of proposals. The fight between the jitney bus operators and the street car companies was carried to the ballot on various occasions over fifteen years. Labor difficulties produced competing measures in 1938." [14]

One of the important questions as to the initiative is the status of an ordinance which has been initiated and adopted at a referendum. May the council then repeal or amend such an ordinance? State laws and municipal charters have three types of answers: (1) One requirement is that all measures approved by the people may be amended or repealed only by action of the people. However, the council is authorized to submit amendments to or repeal of such ordinances to a referendum. (2) Another

[13] C. M. Kneier, *City Government in the United States* (New York, 1947), 479-482.
[14] W. W. Crouch, *op. cit.*, 502; see also W. W. Crouch and D. E. McHenry, *California Government* (Berkeley and Los Angeles, 1945), 88-89.

specification is that the initiated and popularly adopted ordinance may not be amended or repealed by the council for a period of two or three years; after that such an ordinance is subject to amendment or repeal by the council as is any ordinance. (3) A further variation is to prescribe a term of years in which an initiated and popularly adopted ordinance may not be amended or repealed by the council. Thereafter, it may be amended or repealed by an extraordinary majority vote of the council.[15]

Direct Democracy at Work

For 1941, compilations of the Bureau of the Census including all cities of more than 25,000 population revealed that 272 cities voted on no city measures, while 139 cities held referenda on 423 municipal questions. Of the 423 proposals submitted to referenda, some 241 or 57 per cent were accepted. The measures were classified into four basic types: (1) charter amendments; (2) bond issues, (3) tax levies, (4) miscellaneous measures. Charter amendments, excluding bond issues and tax levies, accounted for 167 referenda; bond issues for 89; tax-levy proposals for 33; and other measures for 134.

The 167 charter amendments represented 39 per cent of the total referenda. Some 53 per cent of the charter amendments were adopted. However, 111 of the 167 charter amendments were submitted in 11 cities of California. Los Angeles, Burbank, San Diego, and Oakland voted on 35, 22, 22, and 11 charter amendments respectively. The voters of Los Angeles adopted fifteen measures, including a charter amendment providing that all employees in the operating service of any city-owned public utility should be brought under the classified civil service. The Burbank electorate turned down an amendment which would have abolished city manager government and also defeated 21 other proposals. The voters of Cincinnati defeated an amendment authorizing municipal ownership of a power plant. In Columbus, Ohio, the electors accepted an amendment providing for the establishment of a recreation commission. St. Louis adopted an amendment to replace an efficiency board with a modern and comprehensive system of personnel administration. New York City abolished several county offices in the five counties within the city and created the offices of city sheriff and city register.

More than three-fourths of the proposed 89 bond issues in 42 cities were accepted by the voters. The 69 bond issues approved by referendum involved a total of $32,060,000. The bond issues authorized by the voters were for such purposes as airports, street, and sewer improvements. There were only 33 tax levy proposals, of which 13 were approved and 20 defeated. Ohio held first place in voting on additional tax levies with 17 out of the 33 referenda. Tax levies were proposed in American cities

[15] *Ibid.*, 499.

for a wide variety of purposes, but additional school taxes and city levies for current expenditures were the predominant questions.

Miscellaneous measures were 134 in number, of which 71 were accepted and 63 rejected. Three cities voted against parking meters, while two approved the use of voting machines. Cities voted on such questions as: the adoption of the council-manager plan; local option in the sale of liquor, wine, and beer; a municipal court; transfer of certain functions from city to county officers; establishment of a municipal university; and grant of a franchise to a private corporation. Questions relating to salaries and working hours of city employees, including increases for policemen and firemen, resulted in 39 referenda in 27 cities. All of this activity in 1941, just at the inception of our entrance into World War II, indicated a wide range of direct action in American cities. The referenda were not classified by the Bureau of the Census into such categories as compulsory referendum, voluntary referendum, referendum by petition, and initiative. Yet, the nature of the referenda (charter amendments, bond issues, and tax-levy proposals) suggests that use of the referendum in 1941 was predominantly of the compulsory type.[16]

Merits and Defects of Initiative and Referendum

Little question can be raised about the desirability of certain types of compulsory referenda. Such matters as city charters, charter amendments, bond issues of general obligation, and additional tax levies over and beyond constitutional or statutory tax limits are of major concern to voters. In such issues, either long-range policy or tax levels are at stake. It is important that voters be consulted. The requirement of compulsory referenda on annexation proceedings has frequently been lamented by city officials because the voters sometimes take a short-sighted view of the city's real interests. They may vote down annexations which are necessary and desirable to the orderly expansion of the city.

The voluntary referendum on ordinances is not used widely in American cities. It has the advantage of permitting a council to pass a controversial ordinance of wide public interest and submit it to a referendum of the voters. To the contrary, it is an easy way of "passing the buck" on an ordinance which is likely to arouse an emotional response.

The real controversy over direct legislation centers around the referendum by petition and the initiative. The protest referendum permits a pressure group to attack an enacted ordinance and force a referendum. It permits wets and drys, labor and chamber of commerce, public utilities and their opponents, real estate groups and other interests to pit their

[16] U. S. Bureau of the Census, *City Proposals Voted Upon: 1941* (Washington, D. C., 1942), 44 pp. Consult also for additional illustrations: U. S. Bureau of the Census, *City Proposals Voted upon in 1942 and Number of Registered Voters* (Washington, D. C., 1942), 10 pp.

strength directly against the council by circulating petitions for a protest referendum on an ordinance. In the ensuing campaign which follows, the merits and defects of the ordinance may be lost in a welter of propaganda, statements, and counter-statements. The campaign for approval or rejection of an ordinance at the referendum is likely to be a warm one. The councilors who had their own reasons for enactment of the ordinance may not attempt or may be unwilling politically to carry their views to the people.

Of all the types of direct legislation, the initiative of ordinances is the most debatable. Ordinance drafting is a technical problem. It should be accomplished only after consideration of model ordinances, existing ordinances on the same subject in other cities. Public hearings on an ordinance are desirable and necessary to allow all interested parties to support, to oppose, or to suggest amendments. Legal skill is required in drafting; consideration must be given to the effect upon ordinances already in force. The initiative permits a self-designated group to draft an ordinance and circulate petitions for it. If they can obtain the requisite signatures, the council must usually either adopt it or submit it to a referendum. In some cities, the council may amend and adopt the initiated ordinance and submit both the original, initiated ordinance and the amended ordinance to the voters. An instance in Los Angeles of an initiated ordinance providing a higher salary for the assistant chiefs than for the fire chief is surely not the only one where legal "howlers" have crept into initiated measures. The initiative in ordinance-making opens the door to pressure groups in legislation.

Much stress has been placed in organizational structure on the elimination of the long ballot, which is alleged to produce electoral fatigue. The initiative and the referendum tend to lengthen the ballot. Although a city may have a short ballot for the election of officers, it is still possible to have a long ballot made up of issues referred to the voters. Voter interest tends to lag when it comes to referenda on charters, ordinances, bond issues. In 1942, some 44 cities voting on city proposals could muster only a small proportion of registered voters. The average percentage of registered voters exercising their franchise to cast ballots for and against measures submitted to referenda was only 33. The range of participation was from 3.6 per cent to 68 per cent of the registered voters. Thirty-three of the 44 cities had percentages of registered voter participation below 50.[17]

Compulsory referenda are inevitable on such matters as charters and bond issues. To this extent the ballot must be and appropriately is lengthened. The issue is whether the voluntary referendum, the protest referendum, and the initiative as to ordinances should be added to the voter's burdens. It is not an open and shut question to which a dogmatic

[17] U. S. Bureau of the Census, *Elections: City Proposals Voted upon in 1942 and Number of Registered Voters* (Washington, D. C., 1942), 4.

answer can be given. Much depends on the history of a particular city in the election of representative councils on the one hand and the use of direct democratic devices on the other.

The Recall

A common observation is that the recall is the "gun behind the door." Where provision is made in state law or municipal charter for this device, the voters can recall a public official, usually an elective official, before his regular term of office expires. It is frequently argued that the recall is a logical counterweight to the long term of office. Whereas voters may hesitate to extend terms of mayors and councilmen from two to four years, legal authorization for the recall makes the longer term more palatable. Another argument for the recall is that it keeps the public officials alert to their public trust; otherwise a recall may be threatened or brought into operation. Like the initiative and referendum, the recall developed as one of the devices of the progressive era. Again, it was argued that the failure of the elected representatives could be remedied by immediate and direct action by the people.

The recall as a new and progressive method of removing public officials was first introduced in the charter of Los Angeles (1903). It has been normally applied to elective officers in municipalities, although there are some exceptions. The home-rule, council-manager charter of Dayton provided for the popular recall of the manager, but this was later recognized as an error of judgment in the drafting of an early council-manager charter. Within a few decades, the recall had been extended to well over 1,000 cities. By 1930, fifteen states had authorized the use of some type of recall in all cities: Arizona, California, Colorado, Idaho, Illinois, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nevada, North Dakota, Oregon, Washington, and Wisconsin. Twenty-three additional states had authorized use of the recall for some cities, especially those with commission and council-manager government.[18]

The only form of recall which has been used to any great extent in cities is the recall of elective officials other than judges. Provision for recall of appointive officials has been made in only a few local units of government. Valid as the recall may be as a principle in the case of elective officials, many arguments apply against its application to appointed administrative officers. The public has enough difficulty in passing on the competence of elective officials without attempting to judge the technical qualifications of appointed administrative officers. Let the appointed administrator be responsible to the superior who selects him.

Procedure in the holding of a recall is varied. In general, three fundamental operations must be encompassed in one way or another. (1) A

[18] F. L. Bird and F. M. Ryan, *The Recall of Public Officers* (New York, 1930), 4-5.

petition stating the charges against the official must be filed and must carry a specified number of valid signatures, sometimes designated as a valid or sufficient petition. (2) An election is held to determine whether or not the incumbent official shall be recalled. (3) A successor is chosen for the office.[19]

The oldest and the simplest form of the recall is the type provided in the Los Angeles charter provision of 1903. The officer against whom a recall petition has been filed automatically becomes a candidate to succeed himself. Other candidates file petitions to run for the office. A special election is held in which voters choose between the incumbent officer and other candidates. The people do not pass directly on the question of a recall but do so indirectly by casting their ballots in the special election. If the incumbent is reelected, he is not recalled; if another candidate is elected, the result is to recall the incumbent and to choose a successor in one and the same election. Although this is a simple procedure, it is by no means entirely satisfactory. At no point in the process do the voters have a clear opportunity to vote "yes" or "no" on the specific issue of recall of an officer. Since the adoption of the Los Angeles recall of 1903, experimentation has led to other procedures.

A second and the most common form of the recall provides for a separate and distinct vote for or against the recall of an incumbent officer. On the same ballot, the voters elect a successor, choosing among those who have filed petitions as candidates. If the vote on the question of recall is in the affirmative, then the election of a successor is effective; if the vote on the recall is negative, the election of a successor has no legal effect. The merit of this procedure is a specific "yes" or "no" vote on the issue of recalling the incumbent. The disadvantage is that it injects a campaign for a successor into the same election.

A third system of the recall provides for the holding of an election to pass exclusively on the question of the recall of the public official. This single issue is placed before the voters at a separate election. If the recall is defeated, that settles the matter. If the recall is successful, then a subsequent election is held to choose a successor or the office is otherwise filled as provided by law. For example, in the case of a vacancy on a council, if state law or the charter so provided, the office might be filled by action of the remaining councilmen rather than by a special election.

While the "gun behind the door" can be an effective weapon for dealing with an officer who obviously fails in his public duty, it can also be a means of harassment and threats to an official. Many states seek to prevent unreasonable harassment by establishing an initial time period of immunity from recall during early months of a regular term and for a designated period of time after an unsuccessful recall election. Another

[19] F. L. Bird, "Recall," *Encyclopaedia of the Social Sciences* (New York, 1934), XIII, 148.

protective device prevents a second recall petition during a single term.

No official tabulation is available of the use of the recall in American cities. Certain recall elections, especially in our greater cities, have attracted widespread attention. In 1946, an unsuccessful effort was made to recall the mayor of San Francisco. The mayor of Detroit was recalled from office in 1929 after a lively campaign. Los Angeles recalled a mayor in 1909 and 1938; Seattle did likewise in 1910 and 1931. In a number of cities individual councilmen or groups of councilmen have been recalled. A 1930 survey of results in California indicated that by then 208 recall petitions had been filed of which 155 surmounted all technical obstacles and brought about recall elections or resignations. While this appears to be a considerable range of activity in use of the recall, it must be recognized that more than one thousand political units were entitled to use the recall in California. The officials subjected to recall elections were a small group as compared with the many thousands who served out their regular terms uneventfully.[20]

The recall has merit as an instrument of effective popular control where so-called "misrepresentative" officials have been elected for long terms. It sometimes raises numerous problems in actual practice. Recall petitions have often been criticized because of their vague and general statement of charges against the officer to be recalled. The American public is likely to sign petitions without detailed scrutiny of exact language. On the other hand, recall petitions are often preceded by a widespread discussion of an officer in the public press. In signing a recall petition, the voter is probably motivated more by his general knowledge or impression of the official than by the specific language of the petition. The recall election is likely to arouse a heated campaign between factions for and against the officer. The public can be thoroughly confused by the charges and counter-statements. Yet, any municipal election may be influenced by partisanship, propaganda, smear tactics, and other types of campaigning. If a recall election is held in a surcharged atmosphere of name-calling, emotionalism, and propaganda, this is not necessarily an argument against the recall as such. It may reflect a general lack of civic capacity and intelligence which could well appear in any election.

In favor of the retention of the recall are many persuasive arguments. It has enabled American cities to lengthen the terms of mayors and councilmen without running the risk of years of irresponsible government. A frequent, supporting argument for the extension of terms of councilmen or mayors from two to four years is that the retention of the recall in the hands of the voters will protect the public interest. It will not do so automatically, but it will provide the legal opportunity for citizen action. Unlike removal of local officers by the governor, the recall keeps the power of removal within the principles of local self-government. It is an

[20] F. L. Bird and F. M. Ryan, *op. cit.*, 343.

unwarranted affliction for the voters of a community to endure years of unsatisfactory service from an incompetent public official, because they made a mistake originally in electing him for a fixed term. The recall can be most effective in bringing about the early retirement of officials who consistently and arbitrarily pursue policies contrary to the best interests or the will of the community. The recall has been deemed most generally useful in California for the admonishing or removing of "misrepresentative" officials who were more interested in special-group advancement than the general public welfare.[21]

Because there is less talking, writing, and advocacy today concerning the initiative, the referendum, and the recall than there was in the progressive era, it must not be assumed that the recall has run its course in municipal administration. The recall has been absorbed into the pattern of municipal government. It has been part of a general framework in which the structure of municipal government has moved toward greater unification of powers in mayors under the strong-mayor type and in councils under the commission and council-manager plans. The recall has also been interrelated to the extension of the term of office of mayors and councilmen. No movement in the immediate past or at this time suggests that the recall will be struck from state constitutions, laws, and municipal charters. To the contrary, it has become one of the accepted principles of local administration in many states.

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[21] *Ibid.*, 350.

CHAPTER XIV

City Councils: Election and Organization

The voice of the people is supreme in our democratic system of public administration. Their will must be brought to bear upon the bureaucracy. Under every form of American municipal government—whether it be mayor and council, commission, or council-manager—the council serves as the representative body, the link between citizen action on the one hand and the municipal administrator on the other. Only in the strong-mayor-and-council plan does the council have a rival directly responsible to the electorate. There, to be sure, the mayor is elected by the voters and is directly accountable to them on a city-wide basis for the adequacy with which he exercises the powers and performs the functions entrusted to his office. Even under the strong-mayor plan, however, the council is still a coordinate cog in the mechanism provided the members exert their full legal authority in the making of ordinances and the passing of appropriations.

With any democratic system of local administration, the representative council plays a significant rôle. It is a fulcrum in the process of local self-government. Through it the people bring their interests and prejudices, aspirations and foibles to bear upon the chief executive and the administrators in the auxiliary services of budgeting, accounting, purchasing, and personnel administration. Through the executive and auxiliary services, the councils extend their influence downward into the line departments which police the city, fight fires, immunize children, clean the streets, and perform several hundred other specific tasks. Faith in the capacity of the common man to find the public interest through the interaction of representative councils and public administrators is one of the basic factors in our American system. Belief in this innate capacity of the representative layman to be on top, while the administrators are on tap makes one a democrat. City councils, by and large, have been getting more responsible and capable with the years. In devotion to the public good, they compare favorably with our state legislators and Congressmen.

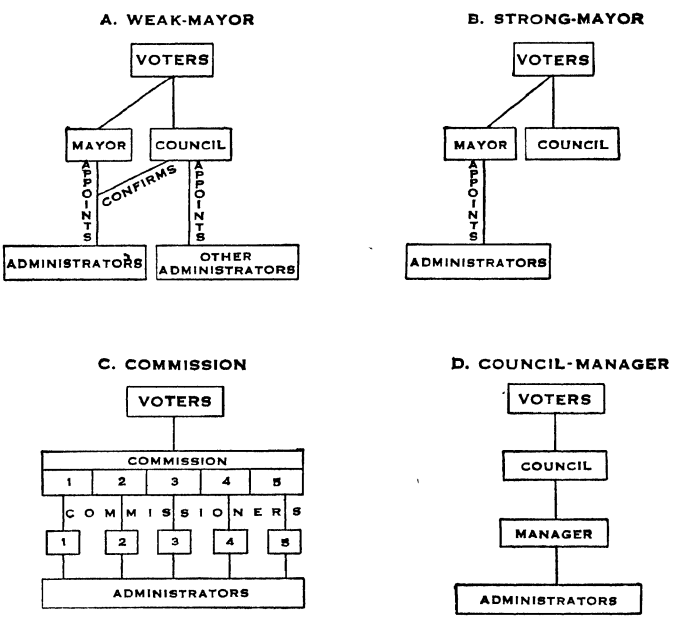
Small councils elected at large by non-partisan ballots have increasingly displaced the old-style large assemblies elected from wards on party tickets. This trend to a new-type city council has been all to the good. A small, non-partisan, elected-at-large council may make mistakes, but they are more likely to be its own. Invisible government, the manipulation of the strings to make the councilmanic puppet show, was all too frequently the hall-mark of the over-large, partisan, ward-elected board of

aldermen. Because the council is properly a headline act in the municipal show, it is important that the process of nomination and election be designed to bring able and public-spirited citizens representing the whole community around the table in the council chamber.

Under our American system of municipal administration, the council possesses the basic powers of passing ordinances, determining appropriations of funds, and fixing the tax rate. This control over money endows the councilors in any given year with the ultimate power to determine the amount of police and fire protection, public works, public health, parks and recreation, and other services. The efficiency of any service may be greatly enhanced by capable administrators, but adequate financial support is a basic starting-point. Without the fuel of money, the most efficient administrative mechanism will falter.

CHART 1

TYPES OF COUNCIL—EXECUTIVE RELATIONS



Where the city council comes into play is in the determination of the tax rate which the members think voters will stand in view of the services delivered to the community. This basic task may be undertaken passively by following with little change the recommended budget put forward by the municipal executive—strong mayor or city manager. It may be approached in an injudicious spirit of paring costs to the bone

irrespective of results in public administration. It can be done in a constructive manner by weighing the alternative needs for services. Even a strong mayor may falter when it comes to getting what he wants from a penny-wise, pound-foolish council. On the other hand, if the council is too free and easy with municipal money, the mayoral veto may be called into play.

Under local self-government in a democracy, the representative council is there for all time. Unless its members are unusually weak and servile, it is going to have a lot to say about the scope and tone of municipal administration whether the system be weak-mayor, strong-mayor, commission, or council-manager. Any student of municipal government whose thinking begins with the administrative process is going to get some rude jolts in the actual currents of municipal affairs. An old hand at city management once expressed this succinctly when asked whether he believed in bicameral or unicameral city councils. He stated categorically that he had been able to get along with one council in each of the cities which he had served, but he doubted very much whether he could have served two councils at one and the same time.

Position of Council Varies with Forms of Government

Under certain forms of city government the council has a greater part to play. Where the weak-mayor-and-council form is established, as is the case in so many of our cities, councilors have an additional check on the administrative process through their capacity to confirm or reject mayoral nominees to departmental headships and other administrative positions. They can control departments not only indirectly through their tight or loose grip on the purse strings but also directly through their ability to accept or reject a nominee for the post of police commissioner, superintendent of public works, or public health officer as the case may be. In the weak-mayor municipalities, councilors do not always use this additional power to good advantage. As early as the last decades of the nineteenth century an argument began, since never ending, over the wisdom of entrusting this phase of "executive" authority to city councils.

Experience with confirmation of executive appointments by councils has brought numerous changes in our city charters. Specifically, attention has centered in the fixing of all-out responsibility for appointments either in strong mayors or in city managers. In other words, there are powers which councils should have; some which are debatable; and others which they should not have. Investing the council with a check on executive appointments belongs in the definitely questionable category. Where this check exists, more burdens are placed on councilmanic minds and energies; a door is opened to meddling and log-rolling in appointments; and executive-legislative relations are confused to no small degree.

Responsibility is blurred under the commission plan. The commissioners, as the councilors are designated, have a two-fold responsibility. They serve collectively as a representative body and individually as department heads. They are at one and the same time representatives and administrators. Few men are so gifted as to be capable of performing such diverse functions successfully in the same season. The exceptional administrator is a good politician, and the exceptional politician will turn out to be a good administrator. It is asking too much of almost any ordinary mortal to serve successfully in these dual capacities simultaneously. Our experience with the commission plan has, on the whole, demonstrated that this is the case. Administration suffered when commissioners proved too often to be capable politicians and less able as administrators.

The people recognized that something was wrong with government by commission when, in recent decades, a considerable number of commission-governed cities changed course by the adoption of council-manager charters. Yet, the commission plan accelerated public acceptance of a small council, elected at large by a non-partisan ballot. This was no small contribution. When the small size council of the commission plan was properly geared to the idea of an appointed municipal executive, the stage was set for our most successful experiment—the council-manager system.

American inventive genius has not been confined to the industrial system. The council-manager plan is widely recognized as the most advanced and practical setting for a council in municipal government and administration. Councilors are placed in a direct position of responsibility to the voters in three fundamental tasks: ordinance making; passing of appropriations and tax levies; and selecting the manager who achieves through the administrative staff the policies of the council. Most manager charters worthy of the name give the manager a reasonably complete range of power to appoint and remove his chief subordinates without check by councilors. The framers of manager charters have rejected generally the weak-mayor process of review of executive appointments by councilors. The council-manager system places the council in a position of control and responsibility, but holds no brief for devices which might encourage or permit meddling in appointments or administrative procedures. Councilors can best serve in policy and public relations; they can confuse by dealing in administrative details.

At no time has American municipal government abandoned the basic principle that a representative council belongs somewhere in the framework of the city. There have been many arguments as to the proper position of the council. If there have been any general movements to get along without benefit of an elected council, this writer has not heard of them. It is true that state legislators have from time to time set up state agencies to govern particular cities or to control some local activity such

as police administration. These are, however, the exceptions which prove the rule of local self-government.

In contrast to the relatively static nature of American county boards and state legislatures, American cities have come a long way in experimenting with types and sizes of city councils and their proper relationship to the executive. Many of the arguments now used for the revamping of county boards and the development of county executives spring from the experimentation of cities. Demand heard on many sides—except that of the professional county politicians—for small, non-partisan county boards elected at large and for an integrated county executive are largely repercussions from municipal achievements upon an older and less flexible system of county administration. This is not to say that we have solved the problem of the city council. That will never be met to everyone's satisfaction. The progressive cities have had the courage to try something distinctly American in the way of city councils.

American and Foreign Experience Compared

In our reliance upon the representative council at the local level, our experience has in a sense paralleled English developments. The English have clung through thick and thin to the principle of the locally elected council as the main-spring in the county, the borough, and the county-borough. The American and the English people have held with tenacity to the idea of local self-government. This does not mean that they have been static; trends to state grants-in-aid and state administrative supervision have altered the operations of our local democracies without destroying them.

English local government still puts much reliance on the large local council and division of the council into large committees, each vested with supervisory functions over some particular phase of administration. The intimate working relationships between English committees and expert local administrators is something which we have never achieved. The English councils place great reliance on the reports of these committees as guided by specialized administrators in, for example, police, fire, and public health administration. A committee recommendation as to policy to be followed by the council is very apt to stick unless some very complex new issues are thereby raised. American municipal government has emphasized the desirability of the over-all executive heading the administrative mechanism and interpreting its needs and operations to the council, although an aberration from this principle developed in the commission plan. In many of our small, weak-mayor-and-council cities the committee system works in close, if not always harmonious, relationship with individual administrators of line departments.

One often asks whether the committee system on the scale used by the English could be made to function in the American *milieu*. The best

answer to this question is to take a look at the committee system in some of our large county boards in the Middle West. In the American county, however, a basic element of the English system is lacking—namely, the intimate working relations of experts and committee members. Too many county administrators, being independently elected, add a characteristic of disintegration to the administrative process which is detrimental. The English have a continuity of membership on their councils which few American cities and counties are able to achieve. The attitude in England that a councilman's job is one of long duration means reelection and accumulation of experience in working with particular committees. The councilor may come to be a lay expert in certain administrative functions.

The Irish have been very quick to lay aside many things English in origin but they, too, have clung to the importance of the representative local council. While they have whittled down councilmanic powers to some degree through the introduction of the manager plan, they persist in certain traditions such as long service on local councils by those who get in the game early and continue to seek reelection. As a result the members of the housing committee of the Dublin Corporation are schooled in the ramifications of municipal housing.

Because the English get along with exceedingly large councils, large and numerous committees, and without a local executive approaching our elected mayor or manager is a tribute to the hard work which has gone into their jobs on the part of public-spirited councilors. This is no sign, however, that American cities should reverse our trends or that British local government should be drastically altered. Each has something to learn from the other. In local democracy, as in so many other types of democracy, each to his own is often a fair guide line unless the evidence is conclusive that only sweeping changes can produce desired results in public administration.

Fascist Italy and Nazi Germany could not tolerate the authority of representative councils in local government and administration. To build the totalitarian state, they had to destroy local self-government. Democracy must be built on the broad base of citizen initiative and action in communities throughout the length and breadth of the land. Dictatorship implies that all of the ideas and orders shall flow down from the top to puppets of the state at the bottom. Italy under Mussolini and Germany under Hitler destroyed representative local self-government by reducing councils to mere advisory adjuncts to executive officers.

Under the Italian system, as modified during the regime of Mussolini, the *podestà* had both legislative and administrative powers in the *commune*. He was an agent of the central government and took an oath of loyalty precluding membership in parties or associations whose activities were inconsistent with the duties of his office. The councils, far from being representative bodies, were appointed for the larger *communes* by the Minister of the Interior. Their functions were of an advisory nature.

When an instrumentality such as the communal council was deprived of its democratic character and of its powers, then local self-government evaporated and dictatorship expanded.

Totalitarian government and administration in Nazi Germany could not hazard the risk of freely elected and power-possessing local councils. Under the *Deutsche Gemeindeordnung* of 1935, a party delegate was authorized to make nominations for local administrative officers to appropriate supervisory authorities. The party delegate was also entrusted with the important task of selecting council members. As in Italy, councils were reduced to an advisory capacity to municipal executives. Dictatorship did not, and could not, accept democratic institutions at the local level. Dictatorship at the top in Italy and Germany meant dictatorship at the base of local administration as well. Assurance was made doubly sure that local officials would "line up" with the purposes of the one-party state. A locally elected council might possibly become a focal point of opposition. This hazard could not be risked. Hence the representative nature of councils was destroyed; their functional characteristics were altered to advice instead of action. The local executive was made a front for the regime at the top. The defeat of Italy and Germany in World War II brought an end to Fascist and Nazi efforts to destroy local self-government.

American councils have never been forced to yield their powers to determine policy. In those instances where they yielded to the dictates of ward and city bosses, they succumbed to temporary local dictators of a different stripe. These local bosses were not interested in regulating individual citizens to the ends of centralized power. They were after contracts, jobs, patronage, and local power. They were on the make and the municipality became a business enterprise with them—one which could be made to pay dividends in graft and spoils of office. Those American cities which descended to boss-rule always had it within their local power to dethrone the boss and institute administration in the public interest. Kansas City, long held in an iron grip by the forces of Boss Pendergast, was recaptured by an aroused citizenry. In 1947 Hoboken, New Jersey, was retaken by the people from the McFeely regime. As long as the electorate possesses the vote, the remedy for such a situation is always at hand in the precincts.

Basic Questions

The American city council has long served as a principal facet of local democracy. All signs point to a continued and vigorous growth of this institution. Under these circumstances, some of the most important questions in municipal government center around the size and method of election of the council. The queries which every intelligent charter commission tries to answer include all or some of the following:

1. What shall be the numerical size of the council?

2. What shall be the method of nomination of councilors: caucus, petition, or primary?

3. Shall partisan or non-partisan ballots be employed in municipal primaries and elections?

4. Shall the process of nomination and election be based on wards, on districts, on the city at large or some combination of these methods?

5. Shall the Hare system of proportional representation be tried or shall this device be passed over in favor of some more orthodox (meaning thereby, more widely used) system?

6. Shall the councilors hold office for two, three, or four years, or for some other period of time?

7. Shall the terms of councilors be overlapping or is it better to elect the entire membership of the council at regular time intervals?

8. Shall city councilors be subject to recall by the voters before their regular terms of office have expired?

9. Shall city councilors be paid for their services and if so, how much?

10. To what extent does the general form of city government to be employed call for one type of council rather than another?

These are basic issues concerning elections and organization of councils. No one can give categorical answers to these questions. The size of the city and local traditions must be taken into consideration, together with other variable factors. Some general guide lines may well be established here, however, for consideration. Some of them grow out of our pragmatic experience with a wide variety of councils. Others accrue from the application of plain, ordinary common sense to issues in political science.

Size of Councils

On the question of size, the trend is to the relatively small council. Even such a large metropolitan city as Detroit has been getting along for decades with a council of only nine members. In 1948, *The Municipal Year Book* presented statistics as to the size of city councils in 2,033 cities of more than 5,000 population. The mayor-and-council cities were using councils ranging in size from two to fifty members. However, the median size for their councils was only seven. The median number of councilmen for mayor-council cities of over 500,000 population was nineteen, whereas that for mayor-council cities of 5,000 to 10,000 was only six. The tendency to vary the size of councils in relation to population was clear among cities using mayors and councils. Even among these cities, the trend over a number of decades has been toward smaller councils. Commission and council-manager types represent, for the most part, more recent city charters. Here, use of the small council is marked. Commission cities had councils ranging from two to seven in number,

with five the median number. Council-manager cities had councils ranging from two to twenty, with five again the median number.[1]

There are no commission or council-manager cities of more than 500,000 population, and hence one would anticipate that their councils would average lower than that for the mayor-council group. The most important factor in the size of commission and council-manager councils has been deliberate planning. It is no mere accident. For a number of years consultants in the field of municipal government have emphasized the desirability of keeping councils relatively small in size. This view has been impressed upon state legislatures and city charter commissions.

Most significant as to size of councils is the issue of responsibility. In a small group, the sense of individual responsibility for the conduct of city affairs is increased. In a large group of thirty to fifty members, fixation of public interest on the individual councilman is diminished. A small group can operate in a more informal manner, at least so far as debate is concerned. The large city council tends to operate in the manner of a state legislature, with considerable reliance upon the work and judgment of a formalized committee system. The voter has a more difficult time in following the records of individual members. Cities have a relatively small land area, and this simplifies the problem of representation. For efficient representation of the voting electorate, no city council needs to be large and unwieldy.

All of this discussion of size is based on the assumption that the city council will be a unicameral body. During the nineteenth century, bicameral city councils were in style, following the federal and state models. Now that we have broken with bicameralism in the municipal field, no one would propose that we go back to it. As late as 1949, fourteen cities in the United States still used bicameral councils and these were located chiefly in New England. Everett, Malden, Northampton, and Springfield, Massachusetts; Keene, New Hampshire; Central Falls, Newport, Pawtucket, and Woonsocket, Rhode Island; Augusta and Waterville, Maine; and Danbury, Connecticut were the New England cities using two-house councils. The list outside New England included only New York City and Atlanta, Georgia.

Nomination and Election of Councilors

The method of nomination of city councilors depends in part on the general system of election. When city councils were large and elected from wards, the usual method was the party caucus. Each party held a caucus within the ward and nominated a candidate or candidates for alderman. The final election then became a contest between the respective nominees of the Republican, Democratic, and third-party caucuses. In

[1] *The Municipal Year Book* (Chicago, 1948), 44.

this way, able Democrats were effectively eliminated from serving as councilmen in Republican wards and able Republicans were prevented from serving in Democratic wards. This type of nomination and election placed a premium upon party loyalty and fostered the growth of machine politics in the ward. It sometimes played into the hands of the party bosses by placing in city councils a group of men who owed their positions to the ward caucus. By controlling a majority of the wards, a city boss could keep the council in line with party or boss objectives in municipal administration.

When the direct primary swept through the states as a method of nominating candidates for the state legislature and other state offices, it challenged municipal governments as well. In cities the primary was geared to the nomination of candidates within wards and from the city at large. By acquiring a fixed number of signatures on a petition, the candidate placed his name on the primary ballot and contested with others for the nomination. In the party primary, the candidate worked for the nomination at the hands of the party faithful so that he might represent the party in the general election which followed. In a non-partisan primary, the candidate sought to attract sufficient votes from all quarters to place his name on the general election ballot. In Detroit, for example, he must place among the leading eighteen candidates in order to place on the general election ballot from which nine councilmen are elected. In Ann Arbor, Michigan, the primaries are held in each of seven wards and the candidates contest for their party nomination from the respective wards. The use of the primary marked a big advance over the caucus system. While it was employed as a party primary, it at least gave the rank and file of the voters more of a chance to be effective in the process than was the case under the caucus.

When the Hare system of proportional representation is used, the primary is omitted. The only procedure necessary is a petition to place the names of candidates on the general election ballot. One of the arguments used in support of the Hare system is that it saves the expense of a primary election. Group representation by quotas of votes under the Hare plan makes it rather inconsequential whether there are few or many candidates on the final ballot.

Modern charters have given little quarter to the idea of partisan nominations and elections in the municipal field. They have reflected the broad movement toward non-partisan primaries and elections. Not all cities having a non-partisan ballot have by any means succeeded in removing the interplay of our national parties from the municipal scene. They have started from the premise that the non-partisan ballot is the first practical step in playing down the influence of party lines in municipal affairs. A trend to non-partisan elections in cities is clearly demonstrated by analysis of the different forms of government among cities of more than 5,000 population. In 1948, some 57.1 per cent of

mayor-and-council cities were still using partisan elections. On the other hand, only 25.6 per cent of the commission cities were following in the party-ballot tradition, and only 18 per cent of the manager municipalities were holding partisan elections.[2] Since the commission and manager types reflect the more recent work of city charter commissions, the trend to the non-partisan city election is indicated. In recent decades, the mayor-and-council cities have been shifting as well, but they are still on the partisan side of the line. For those who favor the separation of municipal administration from national politics, it has been encouraging to observe the recognition accorded in recent decades to non-partisan nomination and election for city councilors. However earnestly we may divide as Democrats, Republicans, or third-party adherents in national and state elections, there appear to be no good reasons for carrying these parties and programs into municipal administration.

As in the case of partisan elections, the use of the city ward as a unit of representation on the city council is on the wane. It used to be almost standard practice in our cities to provide for representation of the individual wards by one or more aldermen upon the common council. Some of our citizens would not think of operating without ward representation. Wards are as essential to a city council in their minds as tracks to a railroad. They think in terms of wards, and that is all that there is to it. To persuade them that elections should be on a city-wide basis is extremely difficult. They have all kinds of arguments. The ward system makes it easy for the voters to get in touch with their aldermen. The people in the wards know the candidates more intimately than is possible under the at-large system. The respective interests of sections of the city cannot be neglected if the various wards have their individual representatives. These are some of the stock assertions.

Some of our cities have been so attached to the ward system that it has been necessary to wean them gradually by providing that certain members be elected from wards or districts, while other councilors are elected at large. Another halfway plan is the nomination of councilors from wards or districts and election by the city at large.

Not all of our cities, by any means, have been so set in their ways, and experimentation with the election of councilmen at large within the whole city has gone forward. Commission-governed communities have led the way in using city-wide nominations and elections for the council. They have subscribed one hundred per cent to this plan. This is due in large measure to the dual capacity of the commissioners in serving as councilors and as heads of departments. It would be rather absurd to have a public safety commissioner in a city responsible to the entire city for the administration of the police department and at the same time accountable to the fifth ward alone for his vote on the common

[2] *The Municipal Year Book* (Chicago, 1948), 45.

council. That just doesn't make sense. The commission plan requires the use of the whole city as the constituency for the election of commissioners.

As the council-manager plan was evolved, election at large climbed into the driver's seat and has never been seriously threatened. Some 72.3 per cent of manager municipalities utilize election at large. Another 11.1 per cent compromise by using a combination of election from wards and at large. This leaves 16.6 per cent of the manager cities with ward-elected councils. The mayor-and-council communities, however, are still utilizing the ward plan to the extent of 39.8 per cent of their numbers. Another 23 per cent in this group use a combination of wards and at large, while only 37.2 per cent have used the at large method.[3]

The Hare system of proportional representation has been applied successfully in a number of American cities. It can be related to election from the city at large as is the case in Cincinnati. This has been the usual practice in American cities which have adopted P.R. On the other hand, P.R. during the period of its use in Cleveland from 1924 to 1931 was based on division of the city into four districts in each of which groups of councilmen were elected. In New York City from 1937 to 1947, the members of the P.R. council were elected from the boroughs within the city. P.R. in New York City broke the long-standing disproportionate representation which Tammany enjoyed in the old Board of Aldermen. In 1947, the P.R. council was abandoned in favor of election of councilors from state senatorial districts, beginning with the election of 1949.[4]

In this general review of the factors which should be considered in the organization and election of city councils, a basic point of view is presented as controlling. P.R. has certain characteristics not available in any other system of election. It will give an accurate representation in the council of the groups which are active in voting for members of the council. It is unmistakably superior to the ward system. It has distinct advantages over the election-at-large scheme where individuals are nominated in a primary and contest for the highest votes in the following general election. The latter method may leave important elements in the community without representation. In the election in Detroit in 1937, the CIO candidates failed to obtain a single post on the council. Under P.R., they probably would have obtained three out of the nine seats. When it comes to representing minority groups, no system can touch P.R. as a device. In the evolution of municipal elections in the United States, the Hare system has proved its value in such cities as Cincinnati, Ohio and Cambridge, Massachusetts. It should be given serious consideration by any charter commission canvassing alternative methods of choos-

[3] *Ibid.*

[4] For an analysis of the first P.R. election in New York City, see *Nat. Mun. Rev.*, XXVI, 609-610 (December, 1937). The repeal of P.R. for New York City is discussed in *Nat. Mun. Rev.*, XXXVI, 648-649 (December, 1947).

ing a city council. However, P.R. is unconstitutional for cities in certain states, as in California and Michigan, where supreme court decisions stand in the way. On the other hand, the New York Court of Appeals took a much more realistic view of the electoral process in sustaining the P.R. system in New York City.

Terms and Remuneration

The question of length of term for city councilmen is one of the lesser issues in this framework. The one-year term for councilors has virtually disappeared from our mayor-and-council, commission, and council-manager cities. The most popular terms are the two- and four-year varieties. In 1948, among the cities of more than 5,000 population, the two-year term was in effect in 44.1 per cent; the three-year term in 10.2 per cent; and the four-year term in 42.7 per cent. A majority (52.5 per cent) of the mayor-and-council cities were using the two-year term. The greatest use of the four-year term was made by the commission type —61.9 per cent. Some 44.2 per cent of the council-manager cities were in the four-year bracket.[5] In general, terms of councilors have been getting longer. Length of term for councilmen is interrelated to other problems. It must be viewed in the light of decisions as to overlapping terms, legal provisions for the recall, and the general system of election employed.

In the House of Representatives and in the state legislatures, dramatic shifts in popular support of the major parties will bring a considerable number of new and inexperienced legislators into legislative assemblies. This is inevitable in a democracy when major changes in public opinion develop. Similarly, there will be times when a general house-cleaning will be called for at city hall. If a boss-dominated city council is turned out of office by a group of public-spirited councilmen, no one is going to complain about the lack of experience in the new body.

In any local governing body, there is ordinarily merit to some continuity of membership. It takes time to learn the various procedures through which the business of the council and council-executive relations channel. For this reason, the retention of some experienced membership is desirable. One sure way of providing for continuity is through overlapping terms. Almost three out of five American cities of more than 5,000 population have played safe in this respect by the device of overlapping terms. Among council-manager cities, the ratio is three out of four. Where P.R. is used, arrangements for overlapping terms are not vital. The system of group representation which P.R. encourages makes sweeping turnovers in councils unlikely. The only forceful argument advanced against overlapping terms is that they preclude the voters in any given election from passing a composite judgment upon the entire

[5] *The Municipal Year Book* (Chicago, 1948), 46.

council membership. Where overlapping terms are utilized, the four-year term is logical, since that opens up one-half of the councilmanic posts to a biennial election.

One factor which has encouraged application of the four-year term for councilmen has been the introduction of the recall. Where it is possible to recall individual councilors by action of the voters in petitioning for a recall election and subsequently voting members out of office, the necessity for more frequent elections to pass on the record disappears. The recall is broadly spoken of as the "gun behind the door." It is a useful collateral device. No major argument against the provision for recall appears in principle, however detailed and technical the pros and cons may become over the specific procedures involved in recalling a councilor from office. The recall belongs to progressive devices of initiative, referendum, and recall designed to patch up any deficiencies in the representative process by direct action of the people. It has not lived up to all advance notices. It can be debased to partisan ends. It can also be used to deal with a misrepresentative and irresponsible council, and that is its chief function. The electoral process is by no means a perfect one. If someone prone to misfeasance, malfeasance, or non-feasance slips by the voters into a council, the recall is one sound method of separating the offender from his public responsibilities.

The argument over salaries or other remuneration for councilors is never ending. In 1948, the median salary for councilors in cities of more than 500,000 population was reported as $3,500. In the 250,000 to 500,000 range, the median dropped to $3,000. In the cities from 100,000 to 250,000, it dropped to $760. Below the 100,000 mark in population, the salaries of councilmen are nominal in mayor-and-council and council-manager cities. In the case of the commission type, the salaries are larger, since cognizance must be taken of the councilor's additional duties as the head of an administrative department. The median salary reported in 1947 for all city councils in communities of over 5,000 population was only $200.[6]

The post of councilor can be regarded as a salaried position only in the commission system and in cities of more than 250,000 population. Salaries must obviously be related to the size of the city and to the amount of work entailed, as is the case under the commission type, where specific administrative burdens are also imposed. In the medium and small-sized cities using the mayor-council and council-manager types, the best thought is to pay the councilmen a nominal honorarium for their services. Saginaw, Michigan, with a population of 82,000 in 1940 and a council-manager government, pays its councilors $250 per annum. This seems to be a fair compromise between no compensation, which leaves a hard-working councilman out of pocket, and the payment of an attractive

[6] *The Municipal Year Book* (Chicago, 1948), 48.

salary, which encourages people to run for the job just to make some additional money.

The form of government must be considered in relation to features of the council. As indicated, the commission plan influences the salary question materially. It also has a real impact upon the issue of size, since the number of councilmen must be dovetailed with the number of administrative departments. Under the strong-mayor plan, where the executive takes the lead, it is possible to deal successfully with a larger council than under any other system. Both the commission and the council-manager plans have had a definite effect upon city councils. This has been in the direction of smaller councils, elected at large, nominated by non-partisan primaries, and chosen in non-partisan general elections. These newer plans have also strengthened the trends to longer terms and, in the case of the manager plan, to overlapping terms. Much of the experimentation with the Hare method of P.R. has been in conjunction with the council-manager type. A major portion of our modern trends as to the make-up of councils have been associated with either the commission or the council-manager cities. Where mayor-council charters have been reviewed in recent decades to change from weak to strong mayor, careful attention has usually been paid to the council. Detroit would be cited as an outstanding example among mayor-and-council cities of a small council elected at large through a non-partisan primary and general election.

Some Illustrations

The old style city council in the United States was marked by three major features: large in size; elected from wards; chosen under the party label. Cincinnati, in the days when Bosses Cox and Hynicka were in the saddle, had one such council. It was composed of thirty-two members, twenty-six being elected from wards and the remainder at large. A survey of the government of Cincinnati and Hamilton County prior to the advent of the council-manager plan revealed the following occupational characteristics. The membership included five attorneys, one doctor, and one veterinarian. The list of business proprietors included two saloon keepers, two plumbers and one each of the following occupations or enterprises: barber, butcher, dance hall, grocer, hay and grain, hotel, laundry, poultry market, restaurant, and tailor shop. Two retired businessmen completed the list of entrepreneurs. Employees in business establishments had these occupational classifications: two auto salesmen, two insurance agents, and one each: brewery manager, paper salesman, shoe salesman, and clerk. The make-up of the council was completed by one metal polisher.[7] Many of the members were distinctly second-

[7] T. H. Reed, "The City Council," in L. D. Upson, *The Government of Cincinnati and Hamilton County* (Cincinnati, 1924), 193.

raters. The Republicans controlled thirty-one of the thirty-two seats. Cincinnati had found that a person of mediocre ability could squeeze by into the council as the result of a ward election.

This council was engrossed in a number of routine functions relating to streets, sidewalks, sewers, and other public works. Special assessment procedures, minor ordinances, issuance of permits and other miscellaneous activities of no general public interest absorbed much of the balance of councilmanic sessions. To winnow through the detail and to facilitate decisions on both important and inconsequential matters, the council was divided into thirty-two committees. Only four of these—sewerage, streets, street traffic, and ways and means—were generally active as component parts of the council. The rest were in nominal or part-time existence. Thirteen members through overlapping membership filled the twenty positions on the four most active committees. Only six of these thirteen members were judged by the investigators at the time to be capable in intellect, knowledge, and interest to be active councilmen. The amount of deadwood in the council was phenomenal.

Shortly after this survey in the early nineteen-twenties, Cincinnati transferred by a council-manager charter taking effect in 1926 to a small council of nine members elected from the city at large, without party designation, and by the Hare system of proportional representation. The result was to bring a group of the community's leading citizens into the arena of local government. By the nineteen-thirties Cincinnati had forged far ahead. No longer a boss-ridden city, Cincinnati was an outstanding example of efficient municipal administration. No small part of this transformation could be attributed to deep-springs of citizen capacity and civic action. In this case, due credit must also be given to the vehicle—the P.R. council selected to do an adequate job in translating citizen action into municipal policy and administration.

Louisville, Kentucky, has operated for many years under a scheme of nomination and election which emphasizes the influence of wards and parties in the council. The Board of Aldermen is composed of twelve members elected on a party-column ballot from the city at large. However, it is required that an alderman be resident in each of the twelve wards of the city. If an individual in a ward is placed on the slate by the majority political party organization, his election as one of the twelve councilmen is virtually assured. Whichever party—Republican or Democratic—succeeds in obtaining a majority of the votes in the general election automatically places its slate in the council throughout the twelve wards. When the parties make up their slates of city, county and state candidates for office, an effort is made to represent classes, races, and religions so as to attract votes throughout the city. In this process of slate-making, the office of alderman is regarded as relatively unimportant. Little effort is made to get a group of aldermanic candidates representative of the people of the community. Under the city charter of 1926,

the office of mayor was enhanced in power and the council was left in a rather weak position. As in the case of the old style council in Cincinnati, this appears to be an example of the type of council to be avoided in city affairs.[8]

The seven city council members in Columbus, Ohio, are nominated and elected at large on a non-partisan basis. In addition to being a small council, other features are: a four-year term and overlapping tenure, three and four councilmen being elected alternately in the biennial elections. The vote is usually light. Out of a total registration of 169,376 in 1941, some 21,301 turned out for the primary and 59,329 in the election. Both parties are well organized within the city. All of the candidates elected in 1941 were endorsed by party organizations. Without such organization, a candidate cannot hope to poll sufficient votes for election in the non-partisan primary and election. This is one of the paradoxes of some of our cities employing the non-partisan principle. Practice does not follow principle. Aside from the influence of party, there are other considerations which play a part in the electoral process in Columbus. Candidates usually attract more support in their own sections of the city. Once elected to the council, however, individuals work to build up their strength in other areas by working for popular neighborhood improvements. Other influences which bear on the failure or success of candidates are the city employee vote, newspaper support, labor endorsement and so on, but the primary factor is the work of the Republican and Democratic organizations.[9]

Detroit is unusual among our large metropolitan cities in having a small council of nine elected at large through a non-partisan primary and election. Endorsement by the Citizens' League, *Detroit News*, *Town Talk*, AFL, and CIO plays a part in advancing candidates to election. But no group controls sufficient votes to guarantee nomination. To place among the first eighteen in the primary, endorsement by a group or groups is not enough. Most important is to have a name or record known to a large number of voters. The Detroit Bureau of Governmental Research has said that a good name such as Castator or Rogell has more potency than all the recommendations. "No group apparently dominates enough votes so that it 'controls' any candidate—except as the candidate may THINK it does. It appears that so far as Detroit voters are concerned, they cast their ballots as CITIZENS OF DETROIT, not as labor-conscious voters, or voters influenced by the Citizens' League or the *Detroit News*. Entering the voting booth they try to do the best they can for the City, relying upon the best advice they can get, altho

[8] The facts on which this account is based were presented to the Fourth Conference of Midwest Political Scientists in 1942 by Kenneth P. Vinsel of the University of Louisville.

[9] This is based on materials prepared by E. Allen Helms of Ohio State University for the Fourth Conference of Midwest Political Scientists, 1942.

favoring the 'tried and true' method of voting for incumbents and popular names (even if the original owner is deceased)." [10]

Studies of the election of councilors in Detroit from 1929 to 1939 indicated the importance of placing among the top nine or eleven of the eighteen candidates nominated in the primary. In 1931 and 1933, all of the candidates nominated among the first nine were elected. With one exception, no candidate placing lower than eleventh in the primary was successful. The exception was Sweeney, who placed sixteenth in the 1937 primary, but was elected as the ninth councilman, placing ahead of Mr. Sugar and Mr. Frankensteen, who had made far better showings in the primary. Under the Detroit system of nomination, certain factors are clear. Representative candidates must file or the field in the primary is left open to self-starters, "name" candidates, and the candidates of the minority groups. Large turn-outs of voters in the primary must be encouraged if representative candidates are to place among the first nine nominated. Only candidates placing among the first eleven in the primary have much chance for election. If the system is to be criticized, it is on the tendency to give a play to prominent name candidates, minority group candidates, and the importance of placement among the first eleven in the primary.[11] However, the disadvantages of the small council elected at large do not overbalance its many merits.

Janesville, Wisconsin, has experimented with the various types of council known to the American systems over a period of years. Incorporated in 1853, this city utilized until 1912 a mayor-and-council plan, with a council elected from wards and controlled by the two major political parties. For six years after 1912, the commission type was in effect, the council being composed of a mayor and two commissioners all elected at large. In 1918, the city reverted to aldermanic government similar to that used prior to 1912. Then, in 1923, it adopted a council-manager plan with a small council elected at large with overlapping terms and serving without pay.

After the return to mayor-and-council government in 1918, the ward-elected council was composed of three small contractors, a railway conductor, a carpenter, a dairyman, a former sheriff, a machinist, a railway switchman, and a dye-house worker. The mayor was a tobacco dealer and a member of at least a half-dozen lodges. His campaign appeal, in 1918, was that he favored a new deal. The principal characteristic of these men was that they enjoyed handling municipal public relations in street-corner gatherings, saloons, and other centers of association; they got out of public life a power and prominence which they had not attained in their private lives; they took a lively interest in the procedures and conferences through which the petty business of the city was con-

[10] Detroit Bureau of Governmental Research, *Just a Second*, No. 425 (Detroit, 1941).

[11] *Ibid.*, No. 421 (Detroit, 1941).

ducted; and they made no distinction in their active minds between political and administrative aspects of the city's operations.

In Janesville, from 1918 to 1923, the councilors took care of their respective wards and meddled in the work of the administrative departments of the city. There was no evidence of dishonesty, patronage, or shake-downs. The real civic loss was in the handling of important matters by mediocre minds through slow and involved procedures. Problems under review in the council were referred to some administrative official, board, or committee chairman for action or for study and report. Petty details were debated at length and made the subject of formal resolution. While council minds were engrossed in the details of administrative management, no one was able to carry out any long term program of public service and public works. In the process, those aldermen were most influential who promoted the welfare of their wards and played the game long and arduously enough to know all the petty rules.[12]

When Janesville turned to the council-manager plan, a deliberate attempt was made to design the council so as to discontinue ward and petty influences. The instrumentality selected was a small council, elected at large, the members serving overlapping terms and without pay. After adoption of the manager plan in 1923, the council was controlled by individuals nominated and elected by business and professional men considered to be the civic leaders of the community. Through the skill of Manager Traxler, the council was guided over a long period of years in a program of public services and improvements. The manager advised the council in the formulation of sound public policies which he then administered, using his own discretion in putting them into effect. Details of administration no longer consumed the time of councilmen. Some of the burden in dealing with regulatory activities such as issuing licenses was handled by the manager through administrative procedures among the departments concerned. Applications for licenses of various types were processed through departments and approval by council was reduced to a formality.[13]

Proportional Representation

In recent years, debate with reference to methods of electing city councilmen has centered around the use of proportional representation. George H. Hallett has called P.R. the key to democracy. This system is an effective method of giving parties and other groups of citizens seats in the council in proportion to their voting strength at the polls. Under the ward system, a majority or plurality in the ward means representation for the successful group or party but no representation for the

[12] H. A. Stone, D. K. Price and K. H. Stone, *City Manager Government in Nine Cities* (Chicago, 1940), 6-7.

[13] *Ibid.*, 20-23.

minority. By carrying each ward by a small vote, one of the parties may sweep the council while a substantial minority gains no representation whatsoever. In the 1931 election in New York City, the ward plan being in effect, the Democrats polled 65 per cent of the vote and obtained 64 of the 65 seats, or 98.5 per cent of the representation. Again in the 1935 election the Democrats polled 66.4 per cent of the votes and acquired 62 of the 65 seats, or 95.4 per cent of the representation. In this election, the Republicans demonstrated an electoral strength of 26.1 per cent and received 4.6 per cent representation. Socialists and other groups polled 7.5 per cent of the vote and received no representation whatsoever.[14] The plain fact is that under the ward system the representation of the minority is dependent upon the number of wards in which the minority can produce a majority or plurality vote.

Under P.R., the representation of minorities is not left to chance. There is no primary, no ward system, and no chance result. Assuming that nine are to be elected in the city at large under P.R., any party or group which can muster for a candidate a quota of more than one-tenth of the votes cast can elect him to the council. The traditional crosses are not used in voting. The citizen takes the ballot and marks his preferences by numbers. He gives his first choice his first preference, his second choice his second preference, his third choice his third preference, and so on. If there are twenty-five candidates on the ballot, then he may register twenty-five preferences. If he wishes to make only ten preferences, then he may make numerical selections up to the number ten. The traditional crosses used in marking other ballots are not employed.

In counting under the P.R. system, the voter's ballot is first credited to the candidate marked as his first choice. As the tally proceeds, it may become certain that his vote cannot possibly help to elect his first choice. This candidate may already have a quota and be elected by the choices of others, or the candidate may be hopelessly out of the running. In the former case, the voter's ballot may be transferred as part of the surplus from the first to the second choice expressed. In the latter case, the ballot may likewise be transferred from the first to the second choice, since the candidate has been dropped from the counting because he has the lowest number of votes. As the count proceeds with the lowest ranking candidates being successively eliminated, a ballot may be transferred from second to third choice, assuming that the first preference is already elected or defeated and the second preference is already elected or defeated. This transfer of ballots continues until ultimately the required numbers of councilors have "quotas." A ballot may be transferred until finally it is counted according to ninth, tenth, or lower, expressed preferences. Ultimately, if all available preferences are expressed by the voter, the ballot must become part of the quota of one successful candidate. In other

[14] G. H. Hallett, *Proportional Representation—The Key to Democracy* (Washington, D. C., 1937), 19.

words, the process of transfer is carried on until a candidate is found for whom the vote is effective.

The Hare plan is sometimes called the single, transferable vote. No matter how many preferences the voter expresses, he actually has only one vote, in the sense that the ballot may be transferred from candidate to candidate until it finally becomes part of the quota which elects one candidate. The ballot may never be transferred if it is marked first preference for a leading candidate who remains in the counting until a quota is obtained.

Where the size of a council is fixed, a common method of determining the quota of votes necessary for election is to divide the total number of valid ballots by the number of posts to be filled plus one, and by adding one to the quotient. If 200,000 valid votes are cast for election of a council of nine members, the quota will be 20,001. This is found by dividing nine plus one into 200,000 and adding one to the quotient, 20,000. Another way of stating the quota is that it is one-tenth plus one of the valid ballots cast. The reason for using this method of computation is to obtain the lowest quota which can be reached by nine candidates, yet cannot be obtained by ten candidates.[15] In establishing P.R., a home-rule city charter commission must prescribe the method of computing a quota and technical procedures to be followed in counting. Alternatively, P.R. may be defined in state optional laws as in Massachusetts. Most cities employing P.R. provide for a fixed size of the council; so it follows that the quota is variable in number. On the other hand, in New York City from 1937 to 1947 a fixed quota of 75,000 votes was used; so the number of councilmen elected from the five boroughs varied according to the number of valid votes cast.

P.R. has certain basic alternative characteristics. There is no primary. Candidates place their names on the ballot in the final election by petition. In most cities, the ballot has not included party names or emblems, although in New York City party designations were printed together with the candidates' names. The voter marks his preference by numbers. The most common type of P.R. election is based on a fixed size of council and a variable quota. Again, New York City was an exception, with a fixed quota and a variable number of councilmen. Parties and groups can succeed under P.R. in electing candidates approximately in proportion to the percentage of the total vote which they poll. Any candidate who can muster first, second, and subsequent preferences to obtain a quota is elected. Most cities using P.R. have elected councilmen from the city at large; but Cleveland employed districts, and New York utilized the boroughs as areas of representation. Paper

[15] This is known as the Droop quota. The original Hare quota was found by dividing the number of valid ballots by the number of members to be elected. For a set of recommended rules governing the counting of P.R. ballots, see National Municipal League, *Model City Charter* (New York, 1941), Art. ix.

ballots are used, since the usual types of voting machines will not handle P.R. elections.

Experience with P.R.

In recent years, Massachusetts has forged ahead in cities using P.R. Prior to 1947, Cambridge and Lowell had adopted state optional-law Plan E (council-manager form with P.R. council). In that year, four other cities were added to the list of Plan E communities: Worcester, Quincy, Medford, and Revere. Other cities having P.R. as the method of electing their councils in 1947 were: Cincinnati, Hamilton, and Toledo, Ohio; Yonkers, New York; Wheeling, West Virginia; and Coos Bay, Oregon. New York City used P.R. in six elections for the city council from 1937 to 1947 inclusive. Like New York City, Long Beach, New York abandoned P.R. in 1947.

Cleveland utilized P.R. in five city elections from 1923 to 1931 inclusive. In the latter year, the voters amended the city charter, abandoning both the council-manager plan and P.R. Sacramento adopted P.R. in 1920 and held one election under it in 1921; but the new system was declared unconstitutional by the California Supreme Court prior to the election of 1923. Kalamazoo, Michigan, voted by P.R. in 1918 and 1919, but the system was then declared unconstitutional by the Michigan Supreme Court. Boulder, Colorado, began using P.R. in 1917, but voted to repeal the plan in 1947. Boulder was unusual in that it elected three of its nine councilmen every two years for a six-year term. Cincinnati has retained P.R. since 1925, although there were three unsuccessful attempts to repeal it from 1936 to 1947. Hamilton, Ohio, first voted by P.R. in 1927, and Toledo, Ohio, in 1935. Like Cincinnati, these cities have been successful in defeating numerous repeal campaigns. In 1948, Yonkers, New York, and Coos Bay, Oregon abandoned P.R., leaving Massachusetts and Ohio as the outstanding examples of states where certain cities use P.R.

The Hare system of proportional representation has made headway in a relatively small number of American cities. Except for the temporary experiments in New York City and Yonkers, the use of P.R. in larger cities has been confined primarily to Ohio and Massachusetts. From the small number of adoptions, the numerous attempts at repeal, and the abandonments in Boulder, Cleveland, New York City, Yonkers, Long Beach, and Coos Bay, it is clear that the system has had a checkered career.

P.R. has many advantages not always fully appreciated by the general public. It eliminates the necessity of holding a primary; assures minority representation; provides majority representation proportional to valid votes cast for majority candidates; lends itself to non-partisan ballots; permits outstanding independents to be elected to councils; and is adaptable to city-wide or district elections in large cities. In defense of P.R. in Cincinnati, it was said in the campaign of 1947 that: "(1) Under P.R. a majority of voters elect a majority of the council; (2) The substi-

tute proposed in place of P.R. would allow a political machine with less than half the votes to elect the entire council; (3) P.R. insures representation to substantial minority groups; (4) Under P.R. Cincinnati has had better councilmen and better government than ever before in its history."[16] For many years after Cincinnati adopted P.R., a group of independent charter candidates pledged to support the manager plan were successful in obtaining a majority on the council. Thereby they broke the grip of the Republican organization for the time being.

The 1947 defeat of P.R. in New York City was attributed in part to the unpopularity of the Communist and American Labor parties, each of which elected two councilmen at the election of 1945. Together, these parties polled 18 per cent of the first choice votes in that balloting and obtained 17.5 percent of the representation on the council. On November 5, 1947, the New York *Herald Tribune* summarized editorially, in part, as follows: "The voters have, we fear, sacrificed an instrument for improving the quality of their city council because of a temporary wartime phenomenon which seated left wingers there. We regret that in the decision on P.R. it will be the politicians, not the forces of good government, who gain by a postwar sentiment that is not temporary—the people's will to repudiate communism."[17] In its operations, the P.R. council in New York City had been a marked improvement over the district-elected board of aldermen. It was swept aside, nevertheless, by a vote of 935,222 to 586,170 in favor of the election of one councilman from each state senatorial district in the city.[18]

Conclusion

In the matter of nomination and election of councils, American cities have experimented widely since the nineteenth century when large, ward-elected, partisan councils were the rule. Much of the progress made has been associated with the reform movements which launched the commission and council-manager plans. The trend lines have moved toward: (1) smaller councils; (2) non-partisan nomination and election; (3) election at large rather than by wards; (4) longer and overlapping terms of office; and (5) provision for the recall of councilors. It is a fair assumption that these trends have not yet run their course, since adoptions of the council-manager plan have been heavy since World War II. In addition, P.R. has been a dramatic and stirring issue in a small number of significant cities. These trends have greatly improved the calibre of councilmen in numerous cities. They have developed small, non-partisan,

[16] Forest Frank, "Cincinnati Meets a Crisis," *Nat. Mun. Rev.*, XXXVI, 647 (December, 1947).

[17] Quoted in *Nat. Mun. Rev.*, XXXVI, 649 (December, 1947).

[18] For a detailed analysis, see Belle Zeller and H. A. Bone, "The Repeal of P.R. in New York City—Ten Years in Retrospect," *Amer. Pol. Sci. Rev.*, XLII, 1127-1148 (December, 1948).

councils elected at large. The levelling off of the commission type in popular favor was not due to the size and method of election of councils, but rather to the injudicious combination of legislative and administrative duties for councilmen.

Continuous battles over the methods of nomination and election of councilors in American cities are to be anticipated in the future as in the past. Home rule set the stage for municipal experimentation with P.R. in Ohio and New York. It also paved the way for many cities to revamp old style, ward-elected, partisan-elected, large councils into small, non-partisan, elected-at-large councils. State optional laws such as Plan E in Massachusetts have also opened the door to new-style councils.

The *Model City Charter* of the National Municipal League provides for proportional representation. As an alternative to P.R., the Model City Charter Committee suggests election at large. A majority of the committee favored proportional representation, and looked upon it as the most satisfactory method of electing councilmen. Their grounds were that "it gives representation to many more voters than any other method and does so on terms of approximate equality so as to secure both majority rule and minority representation." In supporting election at large as an alternative, the committee reasoned: "If proportional representation cannot be adopted for any reason, the non-partisan election-at-large system is recommended as the next best alternative. Though it is not likely to give representative results, it is, in the committee's judgment, much to be preferred to the ward system and has usually given a good degree of satisfaction in cities where spoils politicians were not highly organized. A large majority of the cities which have adopted the manager form of government up to this time have provided for this principle of electing the council." [19]

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[19] National Municipal League, *Model City Charter* (New York, 1941), 71.

CHAPTER XV

City Councils: Functions and Procedure

The city council, like the office of mayor, varies in function according to the type of government: mayor-council, commission, and council-manager. It has the fundamental powers of passing ordinances, making appropriations, determining the tax levy, and investigating administrative operations. In weak-mayor cities, the council participates in the executive function through power to confirm or reject mayoral appointments to administrative posts. In commission cities, the councilors serve as a legislative body and as administrative heads of city departments; they constitute a plural executive. In the council-manager plan, councilors do not act as administrators; they do possess the fundamental responsibility for supervision of the chief executive through their authority to appoint, suspend, and remove the manager. All city councils participate in giving direction to administration and, in varying degrees, in administration itself. Home-rule powers of cities in some states involve councils also in the process of amending charters. The city councilor undertakes a task which has many aspects.

Broadly the work of city councils may be classified as: (1) legislative; (2) executive; (3) directoral; and (4) administrative. In carrying out these duties, cities vary widely in their use of committees of the common council. The older technique was to use an elaborate committee system; the more modern operation is to have a small council with a relatively small number of standing committees or none at all.

The Model City Charter Committee of the National Municipal League has met the fundamental clash between types of councils by holding that the small city council elected at large is more efficient for governing purposes. According to the Committee: "It is generally recognized that large legislative bodies are ineffective and inefficient because there can be no meeting of the minds around the table and prompt dispatch of business. A large legislative body must break into committees to handle the business before it and the whole process becomes cumbersome and unwieldy." The Committee also pointed out that "election by wards leads inevitably to log-rolling and a consideration of interests of a particular section of the city rather than the city as a whole." [1] These standards may well be used as a guide in appraising the organization and procedure of city councils.

[1] National Municipal League, *Model City Charter* (New York, 1941), 3.

Use of Committees

Every legislative body must be organized for the performance of its tasks. Rules are established and followed; a presiding officer is elected by the voters or selected by the council; committees are created to study questions which cannot be investigated by the entire membership. The trend toward smaller councils in American cities has been reflected in organization of councils for business.

Among the larger cities which use mayor-council government, the council is left to choose its own presiding officer, since the mayor is not a member of the council. Alternative arrangements make the candidate with the highest vote the presiding officer of the council or provide for the election of a presiding officer of the common council. In many smaller mayor-council cities, the mayor presides over sessions of the council. In commission and council-manager plans, the mayor usually serves as the presiding officer of the council.

Since the nineteenth century, a pronounced diminution has occurred in the use of committees. Large, ward-elected councils, so common before the advent of commission and council-manager plans, operated, like state legislatures, through the use of an elaborate committee system. Under mayor-and-council government prior to 1926, Cincinnati had thirty-two councilors and 32 committees. Only a few of these committees such as sewerage, streets, traffic, and ways and means were actually active continuously. With the adoption of city management, Cincinnati used a council of nine and committees were reduced from 32 to 9, including: city planning, finance, highways, law, public institutions, public utilities, public welfare, sewers, and traffic. The trend in commission and council-manager systems has been to a smaller number of committees. Many councils in manager cities operate entirely without standing committees.

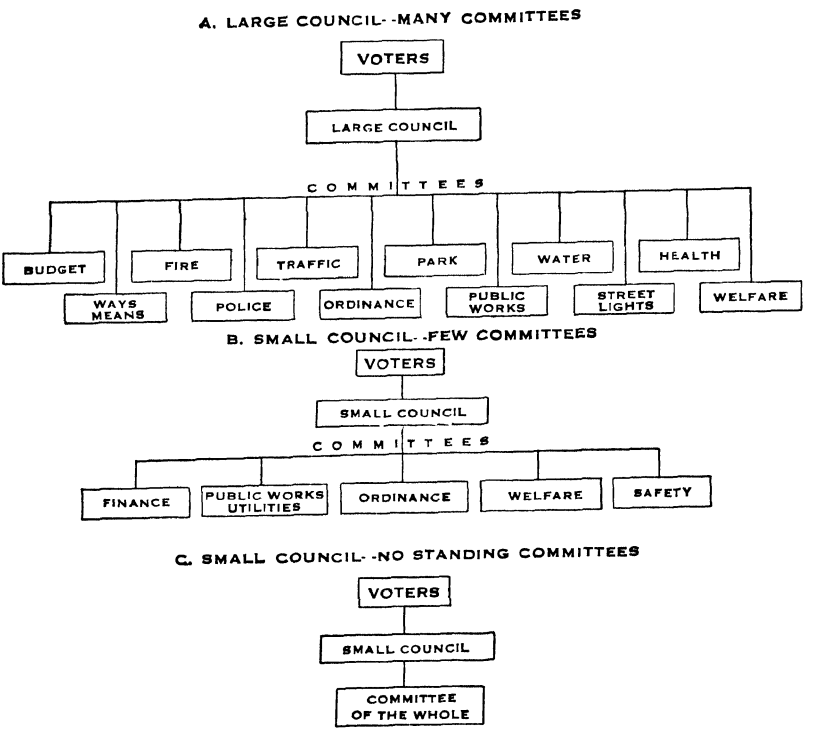
In weak-mayor cities, the use of an extensive committee system is frequently found. Ann Arbor, Michigan, elects two councilors from each of seven wards and a president of the common council. The committees of the council are as follows: bond and license, budget, finance, fire and police, lighting, ordinance, park and cemetery, public works, traffic, transportation, water, ways and means, welfare and health, nomination, and public relations. Membership on committees varies from three to seven councilors. The order of business in the council is as follows: roll call; minutes of previous meetings; communications from the mayor; communications and petitions; reports of standing committees; special committees; city officers; unfinished business; motions and resolutions; miscellaneous business.

The rules of the common council in Ann Arbor provide that all reports of committees shall be in writing and signed by a majority of the committee, except in the case of minority report. Committees are required to report on any petition, account, or other matter referred to them.

The city clerk is directed to keep a calendar of the items referred to committee in the order of the date of reference.[2] In view of the large amount of administrative as well as legislative detail which passes through the common council, it is difficult to see how the system could be made to work without this elaborate committee structure. The functioning of the Ann Arbor government is characteristic of many weak-mayor cities where heavy reliance is placed on the work of committees of the common council.

CHART 2

BASIC TYPES OF COUNCILS



With the evolution of the council-manager system, the general trend has been to less reliance upon the committee system. Since councils are smaller, there is less tendency to operate like a state legislature with an extensive committee structure. The number of committees is usually smaller and committees have smaller memberships. There is often less disposition to accept the recommendation of a committee as final. Moreover, council committees under modern charters are used primarily to

[2] Ann Arbor, Michigan, *Rules of the Common Council*, Rules, 17-19.

expedite legislative business. Especially under the weak-mayor charters of the nineteenth century, committees of the common council were and are used not only to expedite legislative business, but also to "meddle" with the operations of the administrative departments. When committees are used under the council-manager form, the tendency is toward: (1) a smaller number of committees; (2) smaller committees; (3) less reliance on committee action; and (4) restriction of committee action to the transaction of legislative business rather than interference with administrative departments. Standing committees of the common council deal with such matters as finance, public safety, public utilities, public property, and streets.[3] In manager cities, a marked trend is to organize councils without standing committees. Where no standing committees are appointed, use is often made of a committee of the whole and of special committees as occasion demands. The decision to use or to do without standing committees must necessarily depend upon the size of the council and local traditions.

The Legislative Process

City councils make permanent regulations of general application by passing ordinances. These local laws establish the police regulations governing life in the city. Municipal ordinances deal with everything from ambulances to zoning. Consider some of the problems of municipal life which are properly the subject of regulation: animals, awnings, billboards and signs, boilers, building codes, cemeteries, dance-halls, electric lighting codes, elevators, filling stations, fire prevention, fireworks, gambling, handbills, public health, housing codes, licenses and permits, liquor traffic regulations, markets, milk, motor carriers and vehicles, noise elimination, nuisances, parking, parking lots and meters, peddlers, pensions for employees, personnel regulations, city planning and zoning, plumbing, police regulations, public gatherings, refuse and disposal regulations, sanitary codes, sanitary sewers, smoke prevention and control, snow removal, streets and sidewalks, tourist camps, traffic regulations, trailers, utilities, utility franchises, weights and measures.

So great is the complexity of municipal administration today that the drafting of ordinances is ordinarily entrusted to the city attorney. Many charters make it the duty of that official to prepare drafts of ordinances at the request of the council, members of the council, or city officers. During the consideration of ordinances by the council, the city attorney's office is ordinarily represented and available for advice. The municipal ordinances are subject to review by the courts in individual cases as are the acts of the state legislature. They cannot go beyond the powers of the city as specified in state constitutions and statutes. Since

[3] International City Managers' Association, *The Technique of Municipal Administration* (Chicago, 1947), 31.

they constitute the act of a legal creature of the state, they must likewise fall within the limitations of the Federal Constitution on state action. For example, under the terms of the Fourteenth Amendment, no state may deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Municipal ordinances, like state statutes, must meet the scrutiny of the courts within the framework of these and other federal limitations. As in the case of state laws, provision is made in many cities for the periodic codification of ordinances. So in the larger cities, especially, codes of ordinances have been prepared and indexed by topics.

Ordinances must be passed according to procedures specified by the charter and by the rules of the council. Such procedural requirements determine: (1) presentation of ordinances in writing; (2) number of readings at successive meetings; (3) holding of public hearings; (4) majority of the council necessary for passage of the ordinance and the method of voting by "yeas" and "nays"; (5) officers such as president of the council and clerk whose signatures must be affixed to the ordinance; (6) majority required to overrule the veto power of the mayor;[4] (7) publication of the ordinance in a newspaper of general circulation prior to legal effect; (8) authority of the council to give emergency ordinances immediate effect; (9) provision for recording the ordinance in an appropriate book.[5] It is common to require two or three readings of an ordinance at successive meetings and to hold public hearings at which interested parties may support or object to its provisions. A majority of all the members of a council is the usual rule for passage of an ordinance; and an extraordinary majority is ordinarily required for passage of an ordinance over a mayor's veto. The more important procedural rules are customarily fixed in the charter. Beyond these basic requirements, councils have latitude in arranging the order of business and regulating the conduct of members and of debate.

The City of Kalamazoo, Michigan, provides in its council-manager charter for fundamental rules of procedure in ordinance-making. (1) The proposed ordinance must be introduced in written or printed form. (2) No ordinance shall be adopted by the council at the same meeting at which it is introduced. (3) An affirmative vote of a majority of the members elected to the council is necessary for adoption of any ordinance. (4) The vote upon passage must be by "ayes" and "nays" and entered upon the record. (5) The mayor has no veto power, a common characteristic of council-manager government. (6) All ordinances, except franchise ordinances, shall take effect ten days after passage. (7) An extraordinary majority of the council may give immediate effect to

[4] Under the commission and council-manager forms, the mayor ordinarily does not possess a veto power.

[5] See William Anderson, *American City Government* (New York, 1925), 376, for a summary of key points in the procedure of enacting ordinances.

emergency measures, except franchise ordinances. (8) Every ordinance must be recorded in a book kept by the city clerk, and the mayor and clerk must authenticate this record by their signatures. (9) Within five days after the adoption of an ordinance, it must be either printed in a newspaper published in the city or posted in the office of the city clerk and in two other public places in the city.[6]

In preparing ordinances for the city council, the attorney can turn to many sources for assistance. From the constitution and statutes of the state, he must determine the extent of municipal power to regulate. From other cities, he will obtain copies of ordinances already in effect dealing with the particular subject whether it be regulation of dogs, pinball machines, or smoke abatement. Many municipal leagues, state and federal agencies, and associations of public officers have prepared "model" ordinances. The National Board of Fire Underwriters, for instance, has a suggested fire prevention ordinance. The National Institute of Municipal Law Officers has a model annotated ordinance on the municipal regulation of dogs. The New York State Conference of Mayors has a model ordinance regulating construction, erection, maintenance, and use of signs. The *Municipal Year Book* for 1947 devoted some twenty closely printed pages to a bibliography of selected model municipal ordinances.[7]

Except in the largest cities, relations between the council and the people are more informal and direct than in the case of state legislatures. Council meetings are open to the public; this requirement is a common provision of city charters. Individual citizens who wish to present their views on pending business are usually allowed to do so. Public hearings are more informal and frequent than in the case of other legislative bodies, which restrict the technique of public hearings to committees.[8] In other respects, city councils work in a more informal manner. Under the council-manager plan, the manager is generally required to be present at the council meetings. Under any form of government, it is common to have the city attorney, the city engineer, and other key officials in attendance so they may answer questions, render advice, or give information pertaining to their respective departments. City councils meet frequently, sometimes once a week, or at least twice a month. The easy relationship to the public subjects the council to citizen pressure from time to time. In smaller communities, the council will hear directly from citizens and in short order when such vital questions as changes in the zoning map are pending. Such matters as the installation of parking meters or new locations for municipal parking lots arouse citizen interest.

In addition to making ordinances which establish local law and regula-

[6] Kalamazoo, Michigan, *Charter*, sec. 8-14. Franchise ordinances fall under separate procedural rules and must be submitted to a referendum. *Ibid.*, sec. 144.

[7] *The Municipal Year Book* (Chicago, 1947), 455-475.

[8] T. H. Reed, *Municipal Government in the United States* (New York, 1934), 165.

tions, the next most important council activity is consideration of the budget and passing appropriation ordinances. In modern city administration, the budget is an executive document prepared by the mayor or manager for presentation to the common council. The detailed administrative work of preparing the budget in the first instance will have been performed by a budget director for the chief executive. Once the budget has been transmitted to the council, that body may consider it in committee of the whole, or refer it to a standing finance committee or to a special committee. Three stages are usually required: (1) consultation with the executive, the budget officer, and department officials concerning any questions which the councilmen have; (2) public hearings to permit the expression of citizen opinion concerning the budget; and (3) sessions of the council to discuss the budget and reach final agreement. The procedure will vary somewhat if the budget is referred to a standing or special committee. In the last analysis, the entire council must consider the budget with or without a preview and recommendations by a standing or special committee. When the council has completed consideration of the budget, it is necessary to give the document approval in the form of ordinances. These usually take the form of an appropriation ordinance and a tax levy ordinance.[9]

Too much stress cannot be placed on the importance of the legislative process as to appropriation and tax levy ordinances. While preparation of the budget is ordinarily an executive function, final determination of appropriations to support departmental activities and of necessary tax levies rests with the council except where the mayor may exercise a veto or item veto, especially under mayor-council government. However, the mayoral veto is usually a qualified one which may be overruled by an extraordinary majority vote in the council. Thus the decision in the last instance rests with the council. Adequate financial support is the lifeblood of administration; so the council finally determines the balance between police, fire, public health, public works, and other services. The appropriation as fixed by the council constitutes the maximum amount of money that may be expended during the fiscal year by the organizational unit or activity for which the appropriation was made. Capital improvement programs which are not put on a pay-as-you-go basis must be financed out of bond issues. Power rests with the council to authorize borrowing, subject to state law and charter requirements governing a referendum on bond issues.

The council's control over finance has become more limited with the years. The development of the executive budget has thrown the initial planning of expenditures and revenues for the next fiscal year to the executive—the mayor or manager. Only a rare council will make extensive changes in a sound, executive plan of expenditures presented by the

[9] International City Managers' Association, *Municipal Finance Administration* (Chicago, 1946), 75.

mayor or manager. A second feature which has limited city councils in their fiscal powers has been state constitutional and statutory limits on general property tax rates and on municipal borrowing. A third brake on council action has been the development of state administrative control, as in Indiana, New Jersey, and North Carolina. Nevertheless, the council has a central position in raising revenue, borrowing money, and determining the objects and amounts of expenditure, within state constitutional, statutory, and charter limitations. The financial power of the council is matched only by its general ordinance-making authority in creating offices, organizing departments, and passing police regulations affecting the general public.

Not all legislative action in a council takes place by ordinances or by appropriation and tax levy ordinances. The ordinance is usually reserved for a permanent policy in police regulations or in organizational structure, for example. In detailed administrative matters, councils often act by resolution. If the council decides to order a street paved or to express its views, it often proceeds by resolution. The procedure governing resolutions is often less formal than that provided in charters and council rules for ordinances.

The Executive Function

Under the weak-mayor plan, the council participates in the executive function of making appointments. It is a characteristic of this older type of city government that the council may confirm or reject the mayor's appointments to such administrative posts as police chief, fire chief, board of public works, public health board, and other offices, boards, or commissions. Councilmen are then involved in a function which is more appropriately left to the executive alone as is the case in the strong-mayor plan. The council may also participate in the executive function by appointing administrative officers, boards, or commissions on its own authority. The great difficulty with councilmanic confirmation of the mayor's appointments is that it may force the executive to bargain with the council in the selection of his principal subordinates. The mayor is held responsible for his department chiefs and their performance in office. To force him to seek confirmation is to weaken the executive's position and to confuse the voter on the issue of responsibility. That is why weak-mayor charters have been superseded in some large cities by the strong-mayor, and in many cities by the council-manager, plan. Power of a council to confirm or reject executive appointments is part of the old theory of "checks and balances" or "safeguards." Modern administration demands straight line responsibility of administrators to a strong mayor or manager. Deviations from this principle run the risk of reducing the chances for satisfactory administration.[10]

[10] See National Municipal League, *A Guide for Charter Commissions* (New York, 1947), 24.

Under the model city manager form, the council appoints, suspends, and removes the manager, but the manager has a free hand in appointing and removing his principal subordinates without confirmation by the council. Most manager charters go down the line for executive power to appoint and remove principal subordinates without interference from the council. Some of the older manager charters confuse the issue by leaving certain administrative posts subject to appointment by the council, but this is not good practice. In the 1918 manager charter of Kalamazoo, Michigan, the council appoints the clerk, assessor, purchasing agent, the directors of law, recreation, and public health, and the members of various boards such as the zoning board of appeals. The manager appoints the director of finance, the treasurer, fire chief, police chief, city engineer, manager of public utilities, superintendent of parks and cemeteries, and other administrators. In this instance, cordial relations between council and manager over the years have prevented friction over this split executive authority between council and manager as to appointments. It happens to have worked well in practice so far in Kalamazoo, but it is not to be recommended as a basic principle. It may be put down as a general rule that councils should be highly restricted as to appointments and as to confirmation of executive appointments of principal subordinates.

With the commission plan, legislative and executive functions are merged in a small council of five members. As councilors, the commissioners pass ordinances, appropriations, and tax levies. As individual commissioners, they supervise the various departments such as finance, public safety, public health and welfare, public works, and public affairs. The principal subordinates such as police chief, fire chief, finance director, and others are appointed by the entire commission. So the commission has both legislative and executive functions, and the individual commissioners serve as the heads of "so-called" departments. This is a glaring example of an admixture of legislative and executive operations in one and the same body.

The Directoral Function

Many of the basic questions of direction in municipal administration tie back through the executive to the council for decision. City charters frequently specify the number and composition of the municipal departments. Some modern home-rule charters and optional laws leave considerable discretion to the city council to establish the organizational structure. This means that the council must establish the number of departments and assign activities to departments by ordinance. The fundamental ordinance establishing departments and their internal structures is sometimes known as an administrative code. However, a majority of city charters, like so many of our state constitutions, establish in fundamental law much of the framework of administration. Even a modern home-rule charter

such as that of the City of Detroit goes to great lengths in prescribing the administrative organization of the city.

The 1941 edition of the *Model City Charter* prepared by the National Municipal League provides for a department of finance, a department of personnel, a planning commission, and a zoning board of appeals. It specifies the work of these departments and agencies. In addition to the departments of finance and personnel, there shall be such other departments as may be established by ordinance upon recommendation of the manager. Power is granted to the council to establish other administrative departments and distribute the work of divisions.[11]

It has already been indicated in connection with the legislative process that the council exercises a substantial directoral function in the appropriation ordinances from year to year. This action by the council fixes the financial support for the departments and their divisions. By this ordinance the council directs expansion of certain services, such as traffic control, as needs arise. Oftentimes because of financial limitations, the council must hold departments to existing levels of expenditure, although the facts warrant an expansion of personnel and equipment. In city after city, the council is directing the maintenance of a service level known to be inadequate because services must be cut to the cloth of municipal revenues.

Another directoral function of the council relates to personnel policy. The merit system in cities has brought skilled technicians into the municipal service to develop classifications of positions, pay plans, service ratings, and other technical features. Yet the personnel problem is not solely a function for executive management and personnel administrators. The council must deal with many personnel matters: general policies as to recruitment, classification, pay plans, employment conditions, and provision for retirement. Through control over the purse, the council determines the number and, in large measure, the quality of the municipal employees. Within the framework established by the council, the mayor or manager must administer the basic personnel policies. The personnel agency has technical operations in administration of the personnel system, for example, in giving examinations, establishing lists of eligibles, and rating procedures.[12]

Investigation of the conduct of municipal administration is a common power of city councils. The model city charter recommends that the council be empowered to inquire into the conduct of any office, department, or agency and make investigations as to municipal affairs. It is ordinarily used only where the council has reason to suspect failures and laxity in the performance of duties.

In mayor-council cities, the directoral function grows out of the

[11] National Municipal League, *Model City Charter* (New York, 1941), 7.

[12] International City Managers' Association, *Municipal Personnel Administration* (Chicago, 1947), 25-26; 41-42.

legislative power of the common council; it is counterbalanced by the authority over administration of an independently elected chief executive. In commission cities, the council is both the legislative body and the plural executive. The function of direction possessed by the council grows out of both legislative and executive authority vested in the same commission. In council-manager cities, the council gives direction to municipal administration through ordinances, especially those dealing with administrative structure, finance, and personnel administration. In addition, the council, through its power to appoint and remove the city manager, can direct and control the general course of municipal administration. Under the manager form, the council does not have to rely on its legislative power to control and direct the auxiliary and line departments. The council can provide direction by controlling the city manager.[13]

Administrative Functions

Especially under weak-mayor and commission forms of government, the city council is involved in administrative functions as well as legislative, executive, and directoral tasks. The common council itself is involved in many administrative details which might more properly be vested in administrative officers. Some of the routine acts performed by councilors, especially in weak-mayor cities and commission cities, may now be mentioned.

In the smaller cities, the approval of claims or warrants for services or goods furnished to the city is too often vested in the council. Such approval is required prior to disbursement of funds. Charters which require the council to act on claims or warrants do so on the mistaken notion that only the elected officers of the city can be trusted with final approval prior to disbursement. Processing of claims or warrants should be performed by a pre-auditing operation in the controller's division of the finance department. Any post-auditing of disbursements should be accomplished by an auditor responsible to the council or by certified public accountants hired by the council. Pre-auditing of claims or warrants is a controller's function; post-auditing of a fiscal year's operations is an auditor's or public accountant's function. Councilmen have neither the time nor the information and rarely possess the qualifications to approve claims or warrants before disbursement of funds. Time is lost to the councilors which might better be spent on larger questions of policy. Especially in strong-mayor and council-manager charters, this essential fact has been recognized and councils have been relieved of such administrative details.

The detailed granting and revoking of licenses for the sale of liquor and other privileges is too often saddled upon city councils. The council

[13] H. A. Stone, D. K. Price, and K. H. Stone, *City Manager Government in the United States* (Chicago, 1940), 179.

should not be involved in the determination of individual licenses. Properly, the council within the authority established by state law should: (1) determine what licenses shall be issued; (2) the terms and conditions of issuance; and (3) the municipal police or other administrative authority which shall issue the licenses in individual cases. These three matters are legislative and directoral in character; the determination of individual licenses is an administrative function.

Many city councils are unduly burdened with details as to special assessments and the creation of special assessment districts. A special assessment is a compulsory charge on selected properties for an improvement or service which benefits the property-owners and is also in the public interest. Examples of improvements financed under special assessment procedures are: curbs and gutters, sidewalks, surfacing of residential streets, water mains, and sanitary sewers. In the establishment of policies governing special assessments, the council is performing legislative action. On the other hand, in receiving applications for special assessment projects and in establishing special assessment districts, the council is obviously engaged in administration and frequently in details which more appropriately can be handled by administrative officers.[14]

It is customary for state laws and city charters to require that purchases of goods and equipment over a prescribed dollar value must be covered by contracts approved by the city council. Such formal contracts set forth detailed specifications, terms, and conditions. This is another example of involvement of the council in administrative detail. Other contracts requiring council approval relate to the purchase of lands or construction of public works above a fixed maximum value. State laws, charters, and ordinances sometimes prescribe that the award must be made to the "lowest bidder." More unusual requirements are that the award must go to the "lowest and best bidder" or to the "lowest responsible bidder." Since basic legislative discretion was exercised when the council passed an appropriation ordinance or a bond ordinance to provide funds for the purchase of equipment or construction of public works, the decisions of the council on individual contracts are administrative rather than legislative in character.

All of the work of city councilors cannot be classified as legislative. From time to time the council exercises not only legislative powers but as well: executive, directoral, and administrative functions. Too many councils are overwhelmed by administrative detail which could well be delegated to administrative officers.

Even under the manager plan, administrative detail still finds its way into the meetings of the council. Among the items frequently appearing on the agenda of some manager councils are: (1) opening of bids; (2) transfer of funds; (3) authorization of additional work on an improve-

[14] See T. H. Reed, *Municipal Management* (New York, 1941), 42-44.

ment in public works; (4) refunding of taxes collected by error; (5) approval of contracts; (6) approval of payment of bills; (7) permissions to officials to go on leave. In some instances, administrative detail goes to the council because of state law or charter requirements; in other cases, the council has failed to make a delegation of such matters to the manager.[15]

The Council and Charter Amendments

Where municipal charters are created by special acts of the legislature, by general laws, or optional laws, the city council ordinarily has no power to submit charter amendments to the people. Home-rule states, on the other hand, have frequently invested city councils with authority to submit charter amendments to the voters at a local referendum. While this is the general practice in home-rule states, Colorado and Minnesota are exceptions, since city councils may not in these states propose amendments. Michigan illustrates home-rule practice in allowing councils to submit charter amendments to the voters. In this state, the home-rule act implementing the state constitutional provisions authorizes city councils to submit amendments. The constitution of Ohio (Article XVIII, section 8) provides that amendments to home-rule charters may be submitted to the electors of a municipality by a two-thirds vote of the city council. Where, under home-rule constitutional articles and statutory empowerments, city councils may propose changes in charters, the legislative body of the city holds a position analogous to that of state legislatures which may submit state constitutional amendments to the voters.

In a few home-rule states, the city council may participate more fully in the process of charter-making. In New York, councils may adopt a complete new charter subject to compulsory referendum in the city. Alternatively, the council may submit to the people the question of creating a charter commission to draft a new document. In Oregon and Wisconsin also, city councils may draft charters subject to local referenda.

The authority of the council to submit charter amendments in most home-rule states, or to draft entire charters subject to local referendum in a few states, is an additional power beyond the legislative, executive, directoral, and administrative functions. The logic of investing the council with power to participate in the proposal of charter amendments is clear. From its operations week by week, the council becomes familiar with necessary modifications in the city charter, especially technical amendments. It is therefore wise to permit the body most familiar with these problems to draft and submit amendments to the voters.

For the drafting of an entire charter, the feasibility of using the council

[15] H. A. Stone, D. K. Price, and K. H. Stone, *op. cit.*, 173-174.

may be questioned. The formulation of a new or revised charter is more properly the work of a special charter commission, which can devote more time to the task and work in relative freedom from current city-hall problems. Frequently, a new or a revised city charter means a basic change in the form of government. Under these circumstances an intimate knowledge of how the existing system operates is not the most important qualification. What is needed is a charter commission of outstanding citizens willing to study objectively the various forms of municipal government and modern trends in organization and procedure. It is difficult to visualize the council of a weak-mayor city being interested in the drafting of a modern, streamlined council-manager charter. The city councilor has enough work without the burden of drafting a new charter.

The City Councilor

It is not an easy task to be an alderman. The local pressures and work are usually out of proportion to salary. Many councilors, while carrying on their private business, profession, or work, give a large amount of time to committee work, investigations, reviewing the reports of experts, and making up their minds on policy.

The ideal city councilor must have a flair for facts and for the evaluation of facts in terms of policy. It is an old "saw," but he should be able to see the forest for the trees. He does not need to understand all the detailed processes of a modern sewage treatment plant. He should be able to appreciate expert reports that the existing plant is overloaded and must be enlarged. He must be able to pass on the practical steps which will bring about the necessary additions to plant and future operations. Such a problem will involve bond ordinances; provisions for increase in existing sewage treatment rates surcharged on water rates, for example; authorization of construction; contracts; appropriations for construction and the requisite expansion of plant personnel. In all of these decisions the councilor should have technical advice on tap from the attorney, the budget officer, the city engineer, and the chief executive. Yet, in the last analysis the councilors must make the decisions and be responsible to the people for policies.

The councilor may know of many additional services or expansion of existing operations which are desirable. He must be political enough to know which of these future services can be sold to the public at a given time. Let us assume the introduction of an ordinance to limit the use of the streets in business areas by the installation of parking meters. It will cost five cents to park for one hour; one cent for twelve minutes. Turnover in use of parking space will be accelerated. However clear the advisability of this new ordinance may be to the experts on traffic, the general public will now have its say. Business men will often object on the ground that shoppers may be deterred from parking adjacent to their

areas. Many citizens will get an emotional reaction to what they will argue to be just another "tax," and taxes are already too high. The issue will be raised that suburban dwellers and farmers will shop in another neighboring town where they don't have parking meters. The initial proposal to install parking meters may take such a battering that a delay of months or years may ensue before the council again has the courage to consider installing them. Initially, opposition to parking meters was pronounced; now they have demonstrated their value in city after city. New practices are usually accomplished in spite of opposition.

This is another way of saying that ordinances must be considered within the framework of local pressures. Local real estate, business, and neighborhood groups are quick to respond if their interests appear to be jeopardized by a new ordinance or a revision of an old one. An amendment of the building code to clear the way for erection of prefabricated houses will certainly arouse the contractors and property-holders. Zoning ordinances involving the division of the city into use zones touch many tender spots in the local body politic. A significant amendment of a zoning ordinance may arouse more citizen action than all the public hearings on the budget.

If the city is in dire need of municipal parking lots, the councilor must gauge public reaction to the cost and proposed methods of financing the new lots and their maintenance. If he is too far out in front in policy, the public reaction will be swift; if he is too laggard in foreseeing coming needs, the public uproar will be intense. Advances in administration cost money; appropriations call for taxes; and taxes hit the individual citizen's pocketbook nerve, which is alert and responsive.

The failure of a council to develop adequate police and public health administration or recreational programs is often a failure of the community. Tax limitations are the emotional reactions of the electorate, and these are as binding on the city councilor as his oath of office. Yet, the ideal councilman should be out in front, seeking to develop municipal administration, rather than lagging in the rear, prodded by citizens' councils.

That city councils have improved and are improving in quality and earnestness can be best demonstrated by the observations of Richard S. Childs, Chairman of the Council of the National Municipal League and "father" of the council-manager plan. After attending the 33rd annual conference of city managers in 1947 and talking informally with the managers, Mr. Childs noted: "In private rocking chair talks I developed a pet question—'What kind of councils do you have in your town?' The answers were unanimous—'Very good,' 'Can't complain,' 'Mixed, of course, but reasonable and well-meaning,' and so on. Never was there doubt of the public spirit of the council as a whole, and I picked up no case where political party headquarters had to be consulted by managers or councilmen in relation to policy or appointments. There's your founda-

tion! It looked solid in the early days of the movement; I was happy to find it still so!" [16]

A Specific Example

In 1947, George Edwards, president of the Detroit common council, wrote a rather unique document entitled: *A Councilman Reports to the People.* In this illuminating statement, he noted that in the period from January, 1946, to July, 1947, the council acted on 5,294 petitions; considered and adopted 8,007 resolutions; approved 2,785 city contracts; considered and adopted 100 new ordinances or amendments; and held 260 different hearings on ordinances, resolutions, or petitions. Petitions dealt with everything from adjustment of taxes to zoning changes of vital importance to individual citizens. Resolutions pertained in large measure to the routine business of the city departments. Contracts involved purchases of supplies and construction projects originating within the city departments. New ordinances and amendments represented the effort of the council to provide by law for the health, safety, morals, and welfare of nearly 2,000,000 people. Hearings held by the council embraced matters deemed to be of general public importance or controversy.

In addition to this constant flow of routine business, the most important single operation of the council was consideration and passage of the budget. Three weeks of departmental and public hearings and line by line review were required to accomplish consideration and passage of the budget determining the level of service and the net amount of the tax bill. Another major operation consuming about three weeks of the time of each member was the work of the council as a board of tax review in passing on assessments. Each of the nine councilors being automatically a member of the Wayne county board was responsible for attendance at thirty-four meetings of that governing body over a period of eighteen months.

The scope of the work of the council and the method of procedure were described by the president of the common council of Detroit in these terms: "The Council is the board of directors of a municipal corporation which has general charge of the health, safety, comfort and well-being of nearly two million people. It makes all the laws, governs all planning and passes on all expenditures of funds by our city. If you conceive of importance only in dollar terms, the Council is the final authority on a yearly budget of approximately $250,000,000. The Council meets in its working sessions, as the committee of the whole, every weekday morning at 10:30. The ordinary meeting lasts until 12:30. During these periods the investigation, hearings, and debate which precede decisions of any legislative body take place. Once each week, on Tuesday evening, the Council meets in a brief formal session to write the

[16] R. S. Childs, "City Managers, How You Have Grown," *Public Management,* XXIX, 318 (November, 1947).

legislative records of the preceding week and to vote on matters which have been argued out in the committee of the whole." [17] Being a councilor in a metropolitan city is no simple task.

This analysis of councilmanic burdens must be interpreted within the framework of a large, metropolitan city with a strong-mayor form of government. Moreover, these tasks and achievements represent not only legislative action but also many directoral and administrative functions as well. It is a city with many dynamic problems of municipal administration including: the future development of a civic center; expressways; need for new parks and recreational space; expansion of services by the municipally owned street railway system; slum clearance; extension of sanitary sewers and construction of storm sewers; development of a new city airport; and many other projects too numerous for enumeration here. Councilman Edwards' report on Detroit illustrates the burdens of planning, investigating, comparing, and deciding which all city councils must undertake on a scale commensurate with the size and problems of the community. It is big business at the local level of government and public administration.

Legal Limits on Ordinance Making

The American city is a creation of the legislative power of the state. Except under self-executing municipal home-rule empowerments in state constitutions, the powers of cities are granted ordinarily not in general terms but by legislative enumeration. So a city council can exercise those powers expressly granted by the state; those implied as necessary to carry out an express power; and those indispensable to declared objects of the corporation. Ordinances will be considered by the courts to be *ultra vires* unless authority can be found in the state constitution, in general, optional, or special legislative acts or in a charter derived under home rule and within the scope of home-rule powers. Any reasonable doubt of the existence of a power is very generally decided by the courts against the city corporation. Moreover, where local legislative powers have been conferred in broad, general terms the courts hold that these are to be reasonably exercised. The determination of what is reasonable is a judicial question. It is easy to understand why the city council must rely so heavily on the attorney for advice and for preliminary drafts of ordinances.

The municipal corporation is distinguished from quasi-corporations by its power to enact local police ordinances which have the force of law within municipal limits. The power of the state legislature to delegate this power to the city is clear. But the city has no implied power to extend the scope of its delegated police power by ordinance. For example,

[17] George Edwards, *A Councilman Reports to the People* (Detroit, 1947).

in the inception of zoning various cities attempted to enforce zoning ordinances prior to any specific delegation by the state legislature. These early zoning ordinances were not upheld and authority to zone was not assured until the states passed general empowering statutes. In passing ordinances, the council must tread narrowly within the powers delegated by the state either in constitutional or statutory terms.

Federal Limitations

The limitations of the federal Constitution often restrict municipal action. Municipal charters and ordinances may not conflict with any of its provisions. The validity of municipal action is questioned more generally under the Fourteenth Amendment than under any other provision. This amendment requires that: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Since the city is a legal creature of the state, it is subject to the limitations of this amendment. The due process clause is most frequently used to check municipal ordinances. The question is usually one of the reasonableness of the ordinance. City ordinances controlling, for example, public morals, public health and safety are subject to legal attack on the ground that a particular regulation is unreasonable and therefore contrary to due process of law. Municipal ordinances are also subject to limitations in state constitutions.

Zoning ordinances exemplify the restriction on municipal ordinances imposed by the due process of law clause of the Fourteenth Amendment. The question has often been before the courts of the reasonableness of municipal ordinances restricting the use of private property by establishing zones with varying limitations on property uses, height of buildings, and area of lots to be occupied by structures.

The zoning of a city into various types of residential, business, and industrial districts, with resulting restrictions on privately owned property, is now a common feature of municipal administration. In the inception of zoning, municipal ordinances were frequently under attack as a violation of the due process and equal protection of the law clauses of the Fourteenth Amendment. In 1926, in the famous case of Euclid *v.* Ambler Realty Company, the Supreme Court of the United States upheld the zoning ordinance of the village of Euclid, Ohio. The Court indicated that before an ordinance could be declared unconstitutional, it must be clear that the provisions were arbitrary and unreasonable and had no substantial relationship to the public health, safety, morals, or general welfare. The Court pointed to the relationship of zoning to the public safety, health, and welfare. Segregation into residential, business, and industrial districts made it easier to provide suitable fire apparatus, in-

creased safety and security of home life, reduced traffic in residential areas, and brought about other desirable results in public health, safety, and general welfare. The principle of zoning was upheld as an aspect of the police power asserted for the general welfare.[18]

It does not follow that zoning ordinances in their application to a particular parcel of property are necessarily reasonable and therefore constitutional. That zoning ordinances may sometimes be unreasonable appeared in Nectow *v.* Cambridge in 1928, when the Supreme Court held that an ordinance of Cambridge, Massachusetts, which included a tract of land in a residential zone without substantial reasons for the action, was void.[19]

Many recent cases have involved the power of cities to restrict by ordinance the distribution of circulars or handbills. Reasonable local police regulations designed to protect a city from public nuisances or breaches of the peace will be sustained. On the other hand, such local ordinances may not abridge freedom of speech and press which are protected by the due process clause of the Fourteenth Amendment from invasion by the states. In 1938, the Supreme Court held invalid an ordinance of Griffin, Georgia, which forbade distribution of pamphlets and circulars without prior permission of the city manager. The ordinance had prescribed no standard to guide the city manager in granting permits. It was deemed to establish a prior censorship on the distribution of literature or the communication of views. The ordinance had been violated by a person distributing religious tracts from house to house. The Supreme Court held the ordinance void.[20]

In 1939, four municipal ordinances dealing with distribution of handbills and canvassing were declared unconstitutional. According to Robert E. Cushman: "Constitutional protection to freedom of press and speech was tightened in Schneider *v.* Irvington.[21] Four cases were here merged, all of them involving the validity of municipal ordinances (of Los Angeles, Milwaukee, Worcester, Mass., and Irvington, N. J.) forbidding the distribution of handbills in the streets and other public places. The Irvington ordinance went still further and forbade canvassing or the distribution of literature from house to house without permission from the police. The ordinances were defended as reasonable police regulations to prevent the littering of the streets, and the protection of citizens from unsolicited canvassing with its incidental annoyance and danger." [22] The Supreme Court held the four ordinances void as abridging the freedom of speech and press protected under the due process clause of the Fourteenth Amendment from invasion by the states.

[18] Euclid *v.* Ambler Realty Co., 272 U.S. 365 (1926).
[19] Nectow *v.* Cambridge, 277 U.S. 183 (1928).
[20] Lovell *v.* Griffin, 303 U.S. 444 (1938).
[21] 308 U.S. 147 (1939).
[22] R. E. Cushman, "Constitutional Law in 1939-1940," *Amer. Pol. Sci. Rev.*, XXXV, 267 (April, 1941).

Under the Constitution, Congress has power to regulate foreign and interstate commerce. Municipal ordinances may be attacked as regulations of foreign or interstate commerce. When Sault Ste. Marie, Michigan, required a municipal license as a condition to the operation of a ferry between the city and Canada, the ordinance was held invalid as a regulation of foreign commerce.[23]

In recent decades, municipal attempts to regulate salesmen from other states have often been attacked as regulations of interstate commerce. As early as 1887, a local license tax was held void in application to a traveling salesman representing a company in another state.[24] In 1925, the Supreme Court of the United States held a licensing ordinance of Portland, Oregon, unconstitutional because it materially burdened interstate commerce and conflicted with the commerce clause. In this case the salesman, representing a firm from another state, took a small payment from the purchaser as his compensation. This did not, however, make him a peddler engaged in local trade, as the city maintained. He was, according to the Supreme Court, by the negotiation of sales of goods which were in another state for the purpose of introducing them into Oregon, engaged in interstate commerce.[25] Similarly, an ordinance of Richmond, Virginia, requiring a license of persons engaged in business as solicitors was declared unconstitutional in 1947.[26]

In addition to the federal limitations operative by reason of the due process and equal protection of the law clauses and the power of the Federal Government over interstate and foreign commerce, other restrictions may be noted. A city may not legally pass an ordinance impairing the obligation of contracts. This is especially important in municipal actions granting franchises to utilities. Municipal ordinances may not lay imposts or duties on imports or exports or levy a duty of tonnage. As a general principle, the limitations imposed on the states by the federal Constitution likewise limit the authority of the municipal corporation.

The dependence of the municipality upon the state for its power and authority and the numerous state and federal limitations on municipal ordinance-making result from the nature of our federal system. The federal Constitution, laws, and treaties and state constitutions and laws offer many avenues of attack upon the validity of municipal ordinances. Like the state legislatures, municipal councils enact regulations under the shadow of judicial review. This is important to Americans, for our governments, federal, state and local are limited by constitutional principles interpreted by the courts in specific cases.

[23] City of Sault Ste. Marie *v.* International Transit Co., 234 U.S. 333 (1914).
[24] Robbins *v.* Shelby County Taxing District, 120 U.S. 489 (1887).
[25] Real Silk Hosiery Mills *v.* City of Portland, 268 U.S. 325 (1925).
[26] Nippert *v.* City of Richmond, 327 U.S. 416 (1946).

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CHAPTER XVI

The Mayor: Mayor-and-Council Government

The term "mayor" is used in four fundamental senses. Under the mayor-council system, it is customary to classify cities into the so-called weak-mayor and strong-mayor types depending upon the powers entrusted to the mayor by charter. In the weak-mayor plan, the mayor shares his power to appoint and remove officers with the council. The latter not only has broad powers of passing ordinances and making appropriations, but also authority to confirm or reject mayoral appointments to key administrative positions. Under the weak-mayor plan, the council often maintains a fairly constant surveillance over administration through an elaborate committee system. Mayors constitute many diverse species in powers and personalities.

Since many of the weak-mayor charters are older models from "check and balance" days, they contain other features which weaken the position of the mayor. Two illustrations are the retention of the long ballot and the use of boards and commissions to direct the departments of the city. As the term mayor is used in relation to the weak-mayor form, it embraces an office which must coördinate with the council, with independently elected officers, and with appointed boards and commissions to attain objectives in municipal administration. A forceful personality can make the mayoralty dominant under this scheme of things. More frequently, the council and council committees emerge as the real power in administration. A small city, where problems are not too complex, can operate with such a loose-jointed mechanism lacking an integrated and powerful executive.

Weak-Mayor and Strong-Mayor Plans

The weak mayor was a product of the nineteenth century. During the colonial period and for some time thereafter, the council had been the mainspring of municipal administration. It was not until the eighteen-twenties that the idea of a mayor separately elected by the people achieved practical recognition in city charters, beginning with Boston's example in 1822. Evolution of powers of mayors was gradual. During the nineteenth century, partisan election of councilors and mayors was the prevailing system. Ward election of large city councils which operated through numerous committees was also an important factor. Under these conditions, it is understandable why the office of mayor

was one of limited and weak powers, while the councils remained potent and jealous of executive authority.)

After the Civil War, there developed for some decades what is known as the Dark Ages in municipal administration. This was the period of bosses and of ward politics. It ranged from the eighteen-sixties to the twentieth century. It was marked by Boss Tweed in New York City and the Gas House Ring in Philadelphia. It caused Lord Bryce in 1888 to make some cutting remarks about democracy in our cities. Later, in 1904, Lincoln Steffens called it *The Shame of the Cities* in his illuminating book describing boss and machine politics.

As the reformers tussled with this problem, they recognized that throwing the rascals out was not enough. A patchwork of public administration which scattered power among independently elected administrative officers, semi-independent boards and commissions, and partisan, ward-elected city councils was not a system but a growth. It lacked an integrated core of responsibility and management. The weak mayor had neither power nor prestige to span the problem of management. Disintegration of authority invited bossism to grow up outside the formal structure of municipal administration. The boss could prey on a mass of ignorant voters by doing favors for which they paid in municipal corruption. At the same time, through his control over the process of nomination and election in the city, he could produce councilors and administrators dependent upon the machine for office and continuance in authority. The representative and administrative mechanism became amenable to the boss and his extra-legal powers became the integrating force in municipal administration.

The executive function was too often located outside city hall in informal headquarters of the boss. His power, far from being used to provide municipal services at low cost, was utilized to fatten the machine with patronage and lucrative contracts. These plums were awarded by the boss to the favored few who in turn supported the organization in elections. It was a vicious circle which went from election to administration to election. How to break this encirclement of the democratic process was a major question.

Originally, the strong-mayor plan was a reform movement, designed to do something more than throw the rascals out. Early reformers reasoned that responsibility and management should be integrated in the office of mayor. Power should be formally lodged by charter; an alert electorate would presumably rise to the issue by making certain that the incumbent mayor was honest and able. The short ballot, non-partisan nomination and election, and election at large for councilmen were likewise called for if the grip of the boss was to be broken.

In 1880, Brooklyn was granted a charter which vested in the mayor sole power to appoint department heads for a term coördinate with his own. Under the distinguished administration of Mayor Low, Brooklyn

achieved an outstanding record with the strong-mayor plan. Thus was developed a practical example of a scheme which many reformers of the time favored—the strong-mayor charter.[1] It led to a new synthesis of mayor-council relations in which the mayor was given undivided authority over administration. For the first time, the council was greatly reduced in power and restricted in opportunity to meddle directly with administration. Brooklyn provided an early example for strong mayors such as were subsequently evolved in New York, Boston, Detroit, St. Louis, Denver, and San Francisco. Since the council-manager plan is not used in the cities of more than 500,000 population at this time, the strong-mayor plan is still the leading answer to the problem of organization for administration in the great cities. It is today the outstanding form of administration for the metropolitan city.

Effect of Commission and Manager Plans on Mayoralty

Under the commission plan, the office of mayor was reduced to that of first among equals. No general power of appointment and removal of officers was vested in the mayor. There developed a collective responsibility of the commission to appoint and remove subordinate officers. Usually, the mayor under the commission plan serves as the presiding officer of the council, but does not possess a veto power. Like the other commissioners, he serves as administrative head of one of the five major departments into which municipal services are consolidated. His function is similar to that of any one of the commissioners. He formally represents the city as mayor and has the customary "silk-hat" functions of welcoming visiting conventions and representing the city at social and political meetings. If important powers are built into the office of mayor under a so-called commission plan, then the essential, coördinate powers of the commissioners are lost. Instead of a commission charter, there results a hybrid mixture of commission and mayor-council government. In commission cities, a mayor is primarily first among equals.

Some mayors, as first among equals, in commission cities have been able to assume leadership and to achieve influence by reason of their personalities. This is the human factor which cannot be ruled out under any system of administration. The common characteristic of the mayor within a commission is that he is coördinate in power with fellow commissioners. He has the title of mayor without integrated executive power to appoint and remove the key administrators. He is put into committee with other commissioners; he must achieve any over-all management through personal influence brought to bear upon the work of the commission as a whole and through outstanding administration of the department over which he has direct control. This type of mayor is

[1] T. H. Reed, *Municipal Government in the United States* (New York, 1934), 171-172.

common in New Jersey, Pennsylvania, and Illinois, where the commission plan has been a heavy favorite.

Under the council-manager plan, the mayoralty assumes still another rôle. Administrative management has passed to the manager, who is a servant of the council. The mayor does not have any comprehensive range of authority to appoint and remove administrative officers. He may often designate, with the consent of the council, members of planning commissions or similar agencies. Active direction of administration and the fundamental power of appointment and removal have passed to the manager. Nor does the mayor usually have any authority to veto the acts of the council. You may well ask: why have a mayor under the council-manager plan?

The mayor of the council-manager plan is best described as a potential civic leader in formulation and explanation of policy. The right personality in the office can make it an outstanding vehicle to inform and mold public opinion and to bring public views and council action into a synthesis. By this process of taking the lead in policy and bearing the brunt of public relations, he can relieve the manager of this burden and accord the latter more time for administrative management. To be a success as mayor under the manager plan, the individual must be: (1) forceful in policy and public relations; (2) open to sound advice from the manager and his aides as to policy; and (3) willing to keep the mayoral fingers out of administrative management. In addition, the council-manager mayor also has formal functions in the representation of the city for legal purposes and the "silk-hat" functions which are the common lot of all mayors. Former Mayor Murray Seasongood of Cincinnati has been frequently cited as an example of an effective and outstanding mayor within the framework of a council-manager charter.

Details of the position of the mayor in the commission and council-manager plan will be appropriately described in subsequent chapters dealing with those forms of government. Here the emphasis is upon the mayor as he appears in mayor-council government whether of the weak- or the strong-mayor variety.

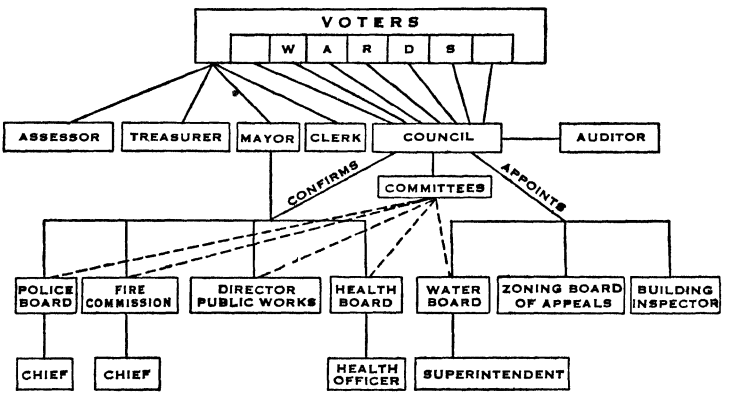
Development of Powers of Mayors: Mayor-Council Government

Originally, the mayor was the presiding officer of the council without real power in administration. Long after the colonial period had passed into history, the American mayor was by no means a commanding figure. It was not until the eighteen-twenties that the office became an elective one. Even after the mayor came to hold his position by the will of the voters, many factors minimized his importance. The nineteenth century was marked by the growth and decline of the long ballot for other administrative officers, such as clerk, treasurer, city attorney, and assessor. Instead of having a span of control over administrative officers

under his direction, the mayor frequently had the task of coördinating certain independently elected administrative officers of the city and appointed boards and commissions.

CHART 3

WEAK-MAYOR-AND-COUNCIL PLAN WITH WARDS AND BOARDS



During the nineteenth century, it was popular to place boards and commissions in charge of departments. Often the power to appoint the directors of departments was placed in the members of a board which in turn held their overlapping tenures from the mayor's power of appointment. These boards were effective road blocks between the mayor and the working administrators. The board became prevalent in such functions as health and welfare administration, where it is still debated today as an alternative to the single director responsible directly to the executive. Use of the board was also made in such functions as police and fire administration. It is now widely recognized that command and control are so important in police and fire forces as to call for single department heads directly responsible to the mayor.

The veto became a common power wielded by mayors in mayor-council cities. However, the veto is at best a negative force in legislation. The weak mayor cannot wisely use the veto to bludgeon a council into confirmation of the appointments which he proposes to make to administrative posts. The extension of the veto to the mayor was an indication of the growing prestige of the office as representative of the people and the general interest as against the ward politics of councils. The mayor could at least veto ordinances and franchises which were contrary to sound public policy, or tinged with corruption played by an old-style council of "boodle" aldermen. The veto is a legislative power and one of the pawns in the great game of "checks and balances" which

the American people like to play as between the President and the Congress; the governor and the state legislature; the mayor and the city council. It has never been and never can be a primary force in administrative management. The threat of the veto as well as the actual veto itself can be a force in the molding of public policy.

In relation to the modern concept of administrative management, the most significant period in the evolution of the mayoralty began in the eighteen-eighties with the Brooklyn strong-mayor charter.[2] Vesting in the mayor authority to appoint and remove the key administrators without the confirmation of the council brought the office to its modern peak. To the office of mayor was added the concept of integrated responsibility and management of administration. The strong mayor was initially a reform measure designed to provide an offset to bossism. It is in line with modern theories of integration of administrative management under the executive whether it be the president, a governor or a municipal mayor or manager.

Usually this centering of responsibility in a strong-mayor is all to the good. New York, to cite an example, has produced some able, long-term executives, including Mayor La Guardia. The theory is that the development of the office in power and prestige will induce the voters to elect an able and outstanding mayor. Yet, politics do not always work out this way. Boston has had a strong-mayor charter for many decades, but a Mayor Curley by no means measures up to the "theories" of the original proponents of strong-mayor government. Mayor James M. Curley of Boston, sentenced to prison for mail fraud, served time in the Federal House of Correction at Danbury, Connecticut, during 1947 until his sentence was commuted by President Truman. After five months, he returned to the mayoralty of Boston. At city hall the day after Thanksgiving, he was welcomed back by a crowd of 1,500 people. In his absence, City Clerk John B. Hynes had served as acting mayor.[3] The principle of the strong-mayor plan has sometimes been described as putting all the administrative management eggs in one basket and then watching the basket.

The Mayor's Power in Legislation: Mayor-Council Government

In many small cities, mayors still preside over the deliberations of the city council. In the larger communities, the council usually has its own presiding officer; the mayor is left outside the formal organization of the council. This does not mean that the influence of the mayor over ordinance-making ceases. To the contrary, our American mayors, like the

[2] T. H. Reed and Paul Webbink, *Documents Illustrative of American Municipal Government* (New York, 1926), 139-141.

[3] Alfred Willoughby, "Municipal Political Trends," *The American Year Book* (New York, 1948), 208-209.

president and the state governors, have a considerable range of powers which may properly be described as legislative in character.

Executive direction in ordinance-making takes a variety of forms. As a rule, mayors may address the councilors either in person or by written message. A strong personality backed by public interest in a specific policy may materially influence the councilors through oral or written messages. These messages may be specific and related to a single phase of public administration in the city. On the other hand, a forceful and imaginative mayor may develop long-range policies covering many aspects of municipal administration. He may outline this over-all program at the time he takes office and press forward for action from time to time. No general rule can be said to apply here. A mayor can assert leadership in matters of legislative policy and appropriations or allow crucial issues to drift until they are somehow resolved by the controlling majority on the council.

Whether or not the mayor has a formal authority under state law and charter provisions to introduce ordinances for council consideration, he always can fall back on informal and extra-legal devices to accomplish the same ends. For example, a friendly councilman may be persuaded to introduce an ordinance which has actually been drawn along lines of policy determined by the mayor and the department heads concerned. The work of the city attorney in the drafting of ordinances is another phase in which the influence of the mayor may prevail.

Where the mayor has broad powers of appointment and removal without the necessity of councilmanic confirmation, he is in a position of greater potential influence over the council. He can take a strong line in matters of policy without fear of reprisal. Under the weak-mayor plan, the mayor is in no such strategic position. Because the council must confirm his appointments, it is too often elevated—in weak-mayor systems—to a paramount rôle both in ordinance-making and control over administration.

The most significant legislative power possessed by the mayor is the veto, ordinarily a qualified veto. In some cities, the mayor's veto of an ordinance may be overruled by an ordinary majority of the council. It is more common to provide by charter that the mayor's veto can be overruled only by a two-thirds or a three-fourths vote of the council members. Through use of the veto, the mayor can ordinarily block municipal legislation which he considers contrary to the public interest. By a threat of veto, he may sometimes bring the council into line with his views. Use of the veto varies with the personality of the mayor and council-mayoral relations. A strong mayor who carries his council along with his views by forceful leadership may have little use for the veto. Again, a strong mayor who runs into conflict with the council will find numerous occasions to use the power. The weak mayor who feels that the council should determine policy with little executive guidance or

hindrance will make rare use of it. To the contrary, a vigorous mayor determined to dominate the council in lawmaking at all costs may abuse the veto power contrary to the public interest.

How common authorization of the veto power is among mayor-council cities can be seen from the following figures for 1948. In mayor-council municipalities over 10,000 population, 70.5 per cent authorized the mayor to veto all measures. In addition, approximately 5.1 per cent of the mayors could veto budgetary or other selected items. Thus 75.6 per cent of the mayors in these mayor-council cities possessed some form of the veto. To the contrary, in commission and council-manager cities approximately nine out of ten mayors have no veto power whatsoever.[4]

Another aspect of mayoral influence and power in legislation relates to the preparation of budgets and the making of appropriations. Where an executive budget is prepared—and this is common practice in large cities today—mayors control the preparation of a tentative budget to be submitted to the council, or they serve as members of a board or commission which compiles the budget document. In larger cities, mayors have special budget directors or assistants who make the preliminary compilation of the budget for review by the mayor before submission to the council. Such budget officers work closely with the mayor and are guided in matters of policy by him. The preparation of the budget by the mayor or by a budget office under the mayor gives the chief executive a strong hand in fiscal policy. A comprehensive budget carefully compiled to conform to mayoral policy gives the executive the initiative in finance. This element of initiative is strengthened where the mayor has authority to veto appropriation ordinances or items therein. This combination gives the mayor the initiative in fiscal policy and a qualified veto on the actions taken by the council.

The strategic position of the executive budget in determining municipal fiscal policy can be seen from the experience of 1947 in New York City. The Mayor's annual budget message to the Board of Estimate and the City Council requested an expenditure of $1,029,120,314, the first billion dollar budget in the history of American municipal government. After public hearings, the Board of Estimate increased the total figures of the executive budget by the relatively trifling amount of $2,000,000 and the City Council approved the final figure set by the Board of Estimate. With the exception of 1945 and 1946, when substantial increases were added by the Board of Estimate to the Mayor's budget, that body had for years followed a custom of rubber stamping the executive budget.[5]

The Boston strong-mayor charter is an unusual example of executive

[4] *The Municipal Year Book* (Chicago, 1948), 42. In 1948, 91.5 per cent of the mayors in commission cities and 87.8 per cent of the mayors in council-manager cities had no veto.

[5] T. H. Skinner, "New York City Affairs," *The American Year Book* (New York, 1948), 201.

power over appropriations. All appropriations, other than for school purposes, to be met from taxes, revenue, or any source other than loans, must originate with the mayor. The mayor is directed to submit the annual budget, and from time to time such supplementary appropriations as he deems necessary. "The city council may reduce or reject any item, but, except upon the recommendation of the mayor, shall not increase any item in, nor the total of, a budget, nor add any item thereto, nor shall it originate a budget. Not later than the first Monday in April the city council shall take definite action on the annual budget by adopting, reducing, or rejecting it, and in the event of their failure so to do the items and the appropriation orders in the budget as recommended by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor." [6] In the Boston charter, authority of the mayor to set a limit to the appropriations is carried to a point which is exceptional even in strong-mayor cities.

From the review of legislative powers, the mayor emerges in mayor-council cities as a force in municipal lawmaking. Such formal powers as those of sending messages, using the veto, and preparing the budget give him outstanding authority in general policy and fiscal affairs. To these formal powers must be added the extra-legal factors of personality and public opinion when the latter is marshalled behind the mayor. Under the strong-mayor type of charter, the position of the executive is much more satisfactory. With broad powers over administration, the strong mayor is also likely to be more influential in legislative matters as well. The weak-mayor type leaves the mayor with less formal power over the administration and this often results in a lessened influence in legislative affairs.

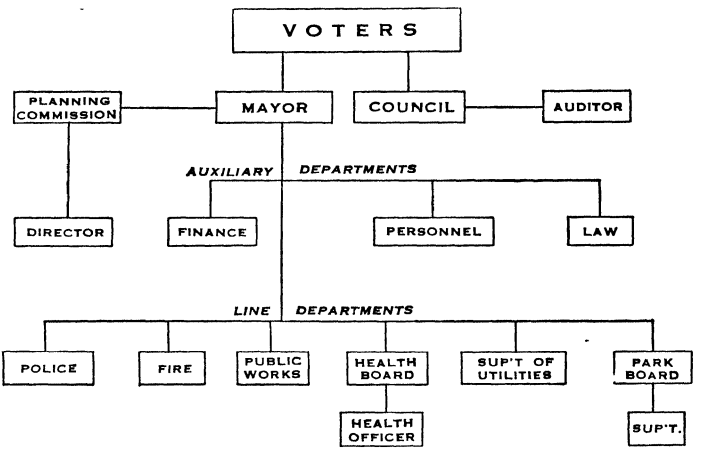
Strong Mayors and Administrative Integration

The outstanding power of mayors over administration is the authority to appoint and remove the principal officers of the city. Strong mayors, as in New York and Denver, appoint the heads of departments and hold them responsible for administration. These cities likewise vest a general power of removal in the mayor. Cleveland is another example of a city which has a strong-mayor system, since the charter authorizes the mayor to appoint and remove the directors of all departments. A comprehensive power to appoint and remove the principal officers is basic to an integrated administrative mechanism under the mayor. If control over administration is to be held firmly and consistently in mayoral hands, it must rest in the first instance in unqualified power of appointment and removal. This enables the mayor to select efficient and loyal subordinates; to supervise their operations and hold them responsible; and, in the last

[6] Boston, *City Charter*, sec. 3; in City of Boston, *Municipal Register for 1947* (Boston, 1947), 18-19.

CHART 4

STRONG-MAYOR-AND-COUNCIL PLAN
WITH INTEGRATED ADMINISTRATION



analysis, to remove those who fail as administrators of auxiliary or line agencies.

In the strong-mayor cities, the powers of the mayor have been carried to great lengths. One of the latest home-rule, mayor-and-council charters in Michigan prescribes a wide range of power for the chief executive. This is the 1942 charter of Dearborn, the home city of the Ford River Rouge plant. It gives the mayor a qualified veto power which is characteristic of mayor-council charters. The enumeration of the duties of the mayor is extremely comprehensive.

The powers and duties of the mayor in Dearborn, Michigan, include the following:

(a) He shall see that all laws and ordinances are enforced;
(b) Except as in this Charter otherwise provided, he shall have power of appointment and removal over all directors, commissions, and boards which are in charge of the departments of the City government;
(c) He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
(d) He shall authenticate by his signature such instruments as the Council, this Charter, or the laws of the state shall require;
(e) He may attend all meetings of the Council, with the right to take part in discussions, but without the right to vote;
(f) He shall prepare and administer the annual budget and keep the Council fully advised at all times as to the financial condition and needs of the City;
(g) On or before the first day of September in each year, he shall prepare

and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City during the prior fiscal year;

(h) He shall recommend to the Council for adoption such measures as he may deem necessary or expedient;

(i) He shall be responsible for the efficient administration of all departments of the City government;

(j) He shall approve the rules and regulations of the several directors, commissions, or boards in charge of the departments of the City government, except those of the Department of Personnel, before such rules and regulations shall become effective;

(k) He shall exercise and perform all administrative functions of the City that are not imposed by law, this Charter, or any City ordinance or resolution, not inconsistent with the provisions of this Charter, upon some other official of the City.

(l) He shall have such other powers and perform such other duties as may be prescribed by law, this Charter, or as may be required of him by ordinance or by direction of the Council.[7]

This specific illustration indicates the growth in powers of the American mayor in recent decades. In the eighteen-twenties, the office of mayor emerged as an elective one, but lacked authority and prestige because of the long ballot, the extensive use of semi-independent boards and commissions, and the absence of enumerated powers. The idea of a strong mayor did not really come into consistent operation until the Brooklyn charter in the eighteen-eighties. By the nineteen-forties a home-rule charter commission in Michigan takes almost a page of fine print to enumerate the powers, duties, and functions of a mayor. To be sure, this is an example of a strong-mayor charter and the experience of Dearborn, Michigan, under it has been marked by numerous struggles between council and mayor.

Illustrative of large cities using the strong-mayor plan are the following: Baltimore, Boston, Cleveland, Denver, Detroit, Los Angeles, New York, Pittsburgh, St. Louis, and Seattle.[8] In comparing strong-mayor and council-manager plan, the Committee on a Guide for Charter Commissions of the National Municipal League stated in 1947: "Both provide for broad council control over city finances, ordinances and policy, and both concentrate in the hands of one man responsibility for supervising and directing the city's principal administrative departments. . . . The strong-mayor and council plan is considered second best by most experts and is set up as the alternative to the council-manager plan in the *Model City Charter*. Political party leaders usually prefer the strong-mayor plan because the party that elects the mayor may control all the important municipal appointments during the mayor's term."[9] Because party or-

[7] Dearborn, Michigan, *Charter* (1942), sec. 8.3.

[8] National Municipal League, *A Guide for Charter Commissions* (New York, 1947), 33.

[9] *Ibid.*, 22.

ganization is usually more integrated and powerful in large metropolitan cities, the strong-mayor plan has been a favorite form in many of these centers.)

The mayor of the weak-mayor, commission, or council-manager city cannot compare in powers and functions with the elective, strong-mayor. As a chief executive, the strong-mayor outranks even the city manager. The strong mayor holds a mandate directly from the people, and he can square off on issues with a council in a way which would cause many city managers to lose their positions. The only real checks on the strong mayor are the power of the council to withhold appropriations and, if the state law or municipal charter so provides, the popular recall. The strong mayor is also in a position to dominate administration.)

In the strong-mayor city, the principle of integrated management in the mayoralty meets its acid test. Much depends on the wisdom of the voters in picking mayors. So much power is concentrated in one officer directly responsible to the people that a driving and capable mayor can make great progress in administration. By the same token, a highly political mayor, lacking administrative skill and good intentions, can throw city administration into turmoil in a few months. If you hold that it is wise to concentrate management in one elective office and watch the office, then the strong-mayor plan will hold great appeal. It is unquestionably the biggest basket of legislative and administrative authority in municipal administration. The strong-mayor movement runs closely parallel to the trend in our states toward the strong governor, elected by the people and entrusted with authority to appoint and control departmental executives.)

Achievements of a Strong Mayor: New York City

Beyond formal charter requirements in creating the position of strong-mayor lies the necessity of obtaining a forceful administrator to exercise the powers and duties of the office. An unusual example is the administration of New York City by Mayor Fiorello H. La Guardia. Elected in 1933 during a period of depression, he administered the city through three successive four-year terms which extended through the period of World War II. In 1945 the Victory Edition of *New York Advancing* summarized twelve years of La Guardia. The opening sentences of the Mayor's final report tell the composite story of a dramatic and colorful personality: "Well, here's the final report. Twelve years—twelve tough years! Yet, as we look back and as I read the pages in this book, it really was worth while, wasn't it? Every great public improvement, every necessary reform, every effort to improve conditions, met with all sorts of opposition; selfish greedy opposition from those who knew, and from the uninformed. One can pardon the latter. As you read through these pages, bear in mind it was necessary to fight every inch of the ground in order to do the

things that should be done, and to eliminate the things that should not be done." [10]

From this opening declaration, Mayor La Guardia went on to thank the department heads and staffs for their efforts. As to his task as mayor and civic leader for the voters, he wrote: "Thanks is also due to the people of the City of New York—the big majority of whom are not interested in politics, but love their City. They gave such fine moral support. Without that citizen support the City's achievements would not have been possible." [11]

In analyzing the outstanding policies which he had promoted, Mayor La Guardia referred to the transition from borrowing for current expenses to a pay-as-you-go basis. Long-term borrowing was reserved for long-life improvements. During the nineteen-thirties, W.P.A. was used as a constructive program to develop swimming pools, play grounds, park improvements, sewer construction, street construction and reconstruction. P.W.A. grants were utilized for long-range public works improvements. A post-war public works program was planned. The health department was brought to a high level of administration. The department of sanitation was reorganized and mechanically equipped. The department of purchase saved millions through research, laboratory testing, and warehousing inventories. In the police department, standards were raised in personnel, equipment, and communications. The fire department was better equipped and more thoroughly trained. The department of public works carried out large scale projects for intercepting sewers and sewage-disposal plants. Low-rent housing was provided with federal assistance in fourteen projects accommodating 17,000 families at a cost of 90 millions of dollars. This is not an exhaustive list but illustrative of major policies and programs of an outstanding mayor of a metropolis over a period of twelve years. The really great mayor has ideas; gains support for them; sees these policies translated into legislation and appropriations; and supervises the end product in public administration.

Methods of Limiting Executive Authority in Administration: The Weak Mayor

A majority of mayor-council charters follow the weak-mayor pattern or, at least, incorporate limitations which weaken the mayor's power over administrators. This is a key problem in administrative management. How can the mayor be held responsible for the quality of police administration unless he has authority to appoint and remove the public safety director or the police chief? Three fundamental methods have been utilized to weaken the position of mayor: (1) the requirement of councilmanic confirmation of appointments and removals; (2) the long

[10] R. B. Rankin, ed., *New York Advancing* (New York, 1945), xv.
[11] *Ibid.*

ballot; and (3) the appointment of administrators, boards, or commissions directly by the city council.

The first fundamental method of limiting a mayor's authority in administration is to require that appointments and even removals may be made only with the consent of the council. This puts the council in a position of frequent or occasional interference with administrative appointments and removals. As already indicated, the weak-mayor-and-council plan rests on councilmanic confirmation of mayoral appointments and removals. On the whole, this type of limitation on mayoral power is unsatisfactory. If the council merely ratifies appointments in a perfunctory manner, the device is useless. If the council actively interferes by suggesting appointees or refusing to confirm those selected by the mayor, then the executive's power in administration is challenged and may be crippled. In the public mind, the mayor is responsible for the appointments made and for the continuance of departmental directors in office. The logic of the situation calls for a broad power of appointment and removal vested in the mayor without the string of council action attached.

A second method of weakening the mayor's authority in administration is the long ballot—to require by charter that the clerk, treasurer, or other administrative officers be elected by the people. This produces the so-called "independent" unit in the administrative mechanism. It is admitted that a forceful mayor, by his personality and through fiscal control, can bring such an administrator into line. Why, one may ask, should a mayor have to demonstrate such ability? It is much simpler to draw a clear line of responsibility from the mayor to his principal subordinates. The independently elected administrator is a potential source of friction and conflict with the chief executive.

In modern mayor-council charters, the trend has been away from the weak to the strong mayor, especially in the larger cities. The long ballot has definitely been on the decline for many years. Confirmation of appointments by councils has been on the defensive. Yet, American traditions of checks and counterchecks have prevented a mass movement of cities to the strong-mayor type of unqualified mayoral appointments and removals.

A third basic technique of limiting the mayor's position as an administrator is the appointment of administrators, boards, or commissions directly by the city council. In weak-mayor charters, it is not uncommon to vest the selection of some administrative officials in the common council rather than in the mayor. The combination of these three methods of checking and balancing a mayor presents the executive with three types of administrators: (1) those appointed by the executive with the consent of council; (2) those elected by the people; (3) those holding office by reason of council action alone.

What has been said as to a mayor's authority over his principal subordinates does not apply to the great mass of city employees. In the

modern city, the employees are placed under a merit system. They are selected by competitive examination and protected from arbitrary or political removals. The merit system for municipal employees is well-established in large, and in the more progressive small, cities. Where there is no merit system, the problem of selecting employees remains with the executive and his principal subordinates. They may chart their own course in building up or tearing down the morale of the employees by reasonable personnel policies on the one hand or patronage on the other. Without a merit system they are free from formal procedures as to recruitment, promotion, and tenure which modern personnel practices follow. American cities have made great strides in this century in the development of merit systems for city employees.

The end result of council's confirmation of executive appointments, of the long ballot, and of council's appointment of certain boards and commissions is to produce a weak-mayor form. This plan is no longer advocated as a system of municipal administration. It is generally rated well below the strong-mayor and council-manager forms. In 1949, the New Jersey Commission on Municipal Government, after review of the weak-mayor plan in that state, advocated the development of strong-mayor and council-manager charters. Of the weak-mayor council form this study commission in New Jersey said: "The characteristics of this plan—the 'long ballot' of elected administrative officers, and the futile position that the mayor must occupy as the responsible head of the municipality—has long been outmoded in municipal thinking and is wholly inadequate to modern municipal requirements."[12]

An Example of a Weak-Mayor Administrative Structure

Ann Arbor, Michigan, may be used as an illustration of the disintegrated administrative structure which results from the doctrine of check and balance. The voters elect the mayor, president of the common council, and municipal judge. The mayor is the official head of the city, possesses a veto power, and with the approval of the council, may appoint the assessor, treasurer, and city attorney. Also with the approval of the council, the mayor may appoint members of the following boards and commissions for varying, overlapping terms: police commission, fire commission, board of public works, board of health, planning commission, park commission, board of housing appeals, market committee. The executive heads of the departments, such as police and fire chiefs are appointed by their respective boards or commissions with the approval, usually, of the council. The council itself makes a number of appointments, including the water commission, board of building code appeals, board of zoning appeals, building inspector, electrical inspector. The

[12] New Jersey Commission on Municipal Government, *Final Report* (Trenton, 1949), 21.

president of the council selects the standing and special committees of that body. The net result is a disintegrated administrative structure from the point of view of over-all management.

Commenting on this type of administrative arrangements, a citizens' committee stated in 1948: "Ann Arbor under its present charter has no over-all executive. Responsibility for municipal administration is loosely held in numerous citizen boards, commissions, and council committees. Municipal board members, although mayor-appointed and council-approved, are appointed for long and overlapping terms and are responsible to no one once they have been appointed. Thus many of the important decisions on how our city departments operate are made by boards whose members are neither elected themselves nor responsible to elected officials. Nowhere in our government is found an executive to coördinate the actions of these various agencies." [13] This type of weak-mayor, disintegrated administrative organization was prescribed by special act of the legislature in 1889. Since the home rule act of 1909, every city in Michigan has had the right to draft its own charter. In 1948, Ann Arbor was the only city of more than 12,000 population which had failed to do so.[14]

Weak-Mayor-and-Council in Wisconsin

Cities in Wisconsin operate under mayor-council, commission, and council-manager plans. A study was made in 1948 of the mayor-council cities exclusive of (1) Milwaukee, (2) manager cities, (3) commission cities, and (4) one city having a hybrid form. It was found that mayor-council municipalities were generally operating under the weak-mayor type. The job of mayor was a part-time one and paid only a nominal salary. Mayors were necessarily forced to devote their major energies to a job, business, or profession. Many mayors continued to serve the public at a personal sacrifice. This made it important to staff a city with qualified department heads and administrative officials so the mayor would have more time free for policy matters.

The mayor, even in weak-mayor cities of Wisconsin, has a primary responsibility in coördinating the work of administrators. In the opinion of the League of Wisconsin Municipalities: "Most important of all, it is the responsibility of the mayor to coördinate all of the activities of the city and the various boards, commissions, independent officers and the like, and this involves the exercise of leadership, diplomacy, persuasion, and above all . . . patience." [15]

[13] Citizens' Committee for Charter Revision, *Council-Manager Government for Ann Arbor* (pamphlet, 1948).

[14] For the details of Ann Arbor's charter as illustrative of the weak-mayor form, see T. H. Reed and Paul Webbink, *op. cit.*, 195-211.

[15] League of Wisconsin Municipalities, *The Powers and Duties of Mayors in Wisconsin Cities* (Madison, 1948), preface.

In matters of policy, program, and progress the mayor, weak in terms of structure and powers, still played a major rôle in actual leadership. On this point the League of Wisconsin Municipalities held: "Despite all the technicalities involved the mayor usually assumed the leadership in improving the caliber of the government of his city. In other words, if the city is to have a satisfactory budget system; or a zoning ordinance to protect property values; or a long-term plan for the city so that the community's needs may be supplied in an orderly, economic and efficient manner; or a definite scheme for reducing or eliminating the city's debt; or a practice of adequate audits of city finances; or some definite plan of reporting to citizens on municipal affairs; or a code of city ordinances; or a definite personnel policy; or the many other items which are a part of good city government today, it is the mayor who is apt to furnish the drive to provide properly for the health, welfare and happiness of the citizens." [16]

What has been said of so-called weak-mayors in Wisconsin cities can no doubt be applied to certain weak-mayors in other states. Although a mayor may be weak in the sense of powers, he can be strong in the qualities of drive and leadership. Using these qualities he can blend his own limited powers and his capacity to obtain council support for policies into a reasonably forceful administration. Again, by use of initiative and tact he may lead and develop department heads whom he cannot legally appoint or remove without confirmation of his action by the council. Paper government within the terms of statutes and charters can always be modified by personality. The achievements of "weak" mayors in spite of legal limitations, however, does not argue against the strong-mayor plan. Why put a mayor to the task of making a mark in administration in spite of legal limitations on his powers over administration? It would appear more logical to make paper government conform to actualities of operation.

Techniques of Supervision: Mayor-Council Government

Control over administration by a mayor has many facets: (1) fiscal control; (2) conferences; (3) requirement of reports; (4) issuance of directives; and (5) investigation. The mayor's control over the administrative services begins with the preparation of an executive budget for submission to the council. In the budget, the mayor and his subordinates in the finance department make a tentative judgment as to the proposed quantity and quality of departmental operations in providing public services. Once the budget has been accepted by the council, with or without modifications, the appropriations for the respective services are made. The mayor may then have further controls in the execution of the budget. By

[16] *Ibid.*

an allotment system, the municipal executive can keep departments within monthly or quarterly amounts of sums appropriated for their activities during the fiscal year. This type of control is by no means generally exercised in American cities. Whether or not there is a formal allotment system on paper, the mayor must through the department of finance keep a weather eye on actual revenues in relation to estimated revenue and actual expenditures in relation to appropriations during the fiscal year. Any sharp recession of revenues or unexpected rise in costs may necessitate a change in policy within the fiscal year if a deficit is to be avoided. The mayor cannot escape this basic responsibility, whether or not a formal allotment system is in use as an administrative device.

In controlling administration, mayors, like managers, can resort to a number of other techniques. In some cities, the mayor calls the department heads together as a cabinet to discuss policy and interdepartmental relationships. If a mayor does not hold formal cabinet meetings, he can achieve similar results by informal conferences with one or more department heads from time to time. At these sessions problems can be reviewed, complaints ironed out, and the influence of the mayor brought to bear on departmental policies and operations. Where the mayor has an unqualified power of appointment and removal, he is in a definite position of leadership and control over the departments. The technique of conferences permits him to make that leadership and control effective in operations.

Another technique of control is the requirement of reports from departments. Special ones may be called for from time to time; routine reports will indicate the functioning of the departments. Meanwhile, the system of fiscal control should keep the mayor informed as to the success or failure of the department in operating within the budget. By systematic reporting from departments to executive, the mayor can keep himself informed on the key problems in administration and departmental efforts to solve them. The extent of executive supervision will vary with the problems in public administration and the efficiency of the departmental director. An able and long-term administrator will so manage his department as to require a minimum of executive supervision and control. A less seasoned administrator may need more constant executive supervision and control. These are matters of personality and practice. The techniques of fiscal control, conferences, and reporting are standard devices in the armory of the mayor.

The mayor may also resort to written directives and instructions to all or to individual department heads. Where administrative policy can be established within the framework of existing municipal ordinances, these executive instructions become binding upon the administrators without any necessity for councilmanic confirmation. Public administration calls for a high degree of team work between the mayor and depart-

ment heads. Numerous procedures which have been reviewed indicate how that team work can be made most effective. The human factor cannot be ignored. Where a mayor's relations with his department chiefs are good, procedure can be less formalized. The size of the city also has a bearing on these interrelationships. In the large city, the mayor must necessarily be more dependent upon the work and advice of auxiliary service officers: the chief financial officer, the personnel director, and the purchasing agent for the city. These officers will materially assist him in maintaining an adequate control over more complex and more numerous line departments.

When all other techniques fail to keep administration in the twin circles of honesty and efficiency, the power of a mayor to investigate is of paramount importance. The charter of New York City formally recognizes this method of supervision by providing for a Department of Investigation headed by a commissioner appointed by the mayor. The commissioner makes any investigation directed by the mayor or council. He is also empowered to make investigations which in his opinion are in the best interest of the city. Of the importance of this department in New York City to the mayor, it has been said: "The Department of Investigation is the medium through which he secures information of operational activities in all agencies. It is through this Department that he investigates complaints relating to alleged malfeasance, and it is also through the Department that he receives meticulously prepared reports and considers recommendations based on the findings of its examiners, accountants and engineers." [17] The Department of Investigation in New York City has spanned everything from city printing to heating systems; official malfeasance to policy rings of racketeers.

Other Mayoral Functions: Mayor-Council Government

The functions of the mayor do not end with his legislative and executive powers. Just as the President and the governors represent the people of the United States and of their respective states, so does the mayor stand for the people of the city. As their most powerful municipal officer the voters expect the mayor to be a civic leader concerned with all questions which affect their community. He stands armed with the veto against inexpedient or inadequate ordinances. He holds, at least in strong-mayor cities, the key controls over local administration in the community. The voters expect him to take more than a negative position in dealing with the council and with his administrative subordinates. They expect the mayor to be a positive force in legislative matters and hold him responsible for progressive and efficient administration. This clearly brings the mayor into another phase of activity.

[17] R. B. Rankin, *op. cit.*, 360.

Before many projects arrive at the stage of ordinances, appropriations, and ultimate administration, a preceding phase involves planning; advocacy before the public; and the molding of public opinion to the support of proposed policy. This is clearly the function of the mayor, although members of the council may and do play a part in developing public opinion. A comprehensive plan for a new civic center is not likely to get very far in an American mayor-council city unless the mayor puts his shoulder to the wheel of public action. The bigger the project, the greater the shift in policy, the more it will be incumbent on the mayor to sell his plans for formal legislative and executive action to the public.

Mayors must also serve as the formal representatives of their cities. In the larger cities, the mayors represent their communities in the United States Conference of Mayors. This organization has been influential in recent years in the development of federal-city direct relations. In most of the states, leagues of municipalities are in operation. Here again, the mayors speak for their cities and participate in state-wide programs and policies sponsored by municipal leagues. This is an important aspect of city activity; for cities are increasingly dependent on state governments for grants-in-aid, state-collected, locally shared taxes, and new sources of local revenues. The rural county finds itself in basic agreement with rural state legislatures, but the cities have had to fight their battles at the state level with the assistance of such organizations as the municipal leagues. In these struggles, the mayors must carry a heavy burden.

The mayor is the perennial favorite for the so-called "silk-hat" functions of greeting the visiting firemen, the conventions, clubs, and associations which gather in each fair city. The distinguished guest must be received with appropriate and urbane remarks. Influential people who have plans or complaints also want to see the mayor. The mayor's time will also be taken, if he permits, by the plain, ordinary crank or pest who inflates his own ego by squandering the minutes of a busy executive.

In recent years, mayors have had incessant demands made upon their time, particularly in large cities, by labor disputes in key utilities and transportation facilities which are likely to or actually have "tied up" cities. With the organization of municipal employees into unions, mayors as well as managers have faced new city-employee relationships in public administration. Name the problem in public administration, and at some time or other it will be on the mayor's desk in the mayor-council city.

The Problem of Electing a Chief Administrator

In mayor-council cities, the first thing which any "mayor" has to do is to get himself elected to office by the voters. In view of the legislative and executive powers and other functions of mayors, the tasks are manifold and call for high talents in the administrative process. The train-

ing ground for these tasks must first be politics. The "mayor" must bring himself to the attention of the voters by his private or public career. He must "build himself up," either with a political machine or with a non-partisan group that believes in him as the best candidate for office. Cities have traditionally elected their mayors for short terms of two years and by a partisan ballot. In recent decades, there has been a marked trend toward the four-year term and non-partisan nominations and elections.

In mayor-council cities of more than 5,000 population, 93.4 per cent of the mayors in 1948 were directly elected by the people; 6 per cent were selected by the council; and 0.6 per cent were elected by obtaining the highest number of votes in the council election. The same group of cities reported in 1948 on the term of office for mayor. Some 3.5 per cent had a one-year term; 59.9 per cent had a two-year term; 0.6 per cent had a three-year term; 35.9 per cent had a four-year term and only 0.1 per cent had a five-year term.[18] In mayor-council cities the overwhelming majority of mayors are directly elected by the people and serve either for a two- or four-year term of office. Excepting commission and council-manager plans, where the mayor is no longer a key executive, the American mayoralty falls in the tradition of the offices of president and governor as an elective chief executive.

American municipal history is replete with mayors who have come through the political process of direct election and have scored notable successes as administrators. Such names as Tom L. Johnson of Cleveland, Brand Whitlock of Toledo, Carter Henry Harrison I of Chicago, Seth Low of Brooklyn, and Fiorello H. La Guardia of New York are evidence of the heights to which the mayoralty has risen in cities.

The office of mayor will continue as that of an elective chief executive in many of our cities, and particularly in the large ones, for many years to come. Yet, in recent decades mayor-council government has retreated constantly, first with the development of the commission plan, and later (since 1912) with the evolution of the council-manager system. In the latter, the manager is the chief executive. He is appointed by the council and serves until he resigns, is suspended, or removed by the council. The mayor is reduced to a presiding officer of the council and serves primarily as a civic leader and formal representative of the city. Since the manager is appointed, more consideration can be given to the selection of a competent administrator than is usually the case in the popular election of a mayor. The elective chief executive has been challenged by the upsurge of the council-manager system, and will continue to be challenged.

On the other hand, direct election of a chief executive, the mayor, is still a basic form of government in a majority of our cities. The electoral

[18] *The Municipal Year Book* (Chicago, 1948), 42-43.

process has produced some highly competent administrators; it has also produced some mayors who had great political showmanship and less executive ability. Where the elective mayor is the chief executive, the voters have a profound responsibility in the nomination and election of a mayor who is not only a good politician able to command votes but also a capable or potentially capable administrator. When the voters fail in this difficult task, municipal administration must inevitably suffer in efficiency and competence. In a democracy, the will of the people prevails. For many years to come, we may anticipate that mayor-council government will survive as a major type of municipal administration and that elective strong and weak mayors will be part of the American municipal scene.

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CHAPTER XVII

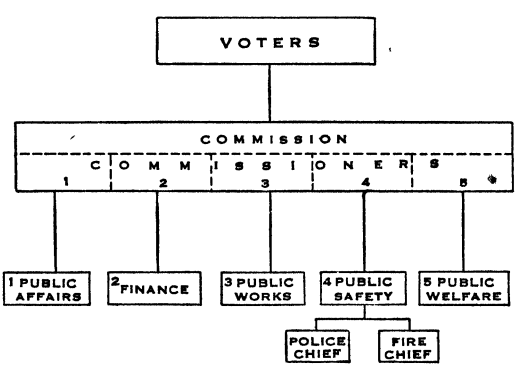
The Commission Plan

Prior to the twentieth century, state and federal models had been dominant in municipal administration. These had led to the independently elected executive in the cities. Mayors were armed with veto powers and appointive authority. In the weak-mayor plan, the mayor's appointments were subjected to approval or rejection by the council. In the strong-mayor type, the mayor was given unqualified powers of appointment and removal. Municipal government had been moving, slowly to be sure, in the direction of the independent and powerful mayor. As strong mayors were created, the council, in some cities, lost its central position in municipal administration.

With the twentieth century, a new broom swept through the municipal scene and piled up adoptions in hundreds of cities. This was the commission plan. A few cities had had some form of commission government in the nineteenth century. Experimentation in Galveston, Texas, at the turn of the century marked the beginning of the dramatic growth of government by commission. The manner in which a small commission restored Galveston, after a disastrous tidal wave had wrought havoc in the city, created a precedent which was to challenge mayor-council government in city after city. As a model, the commission plan had its heyday from 1901 until 1914; by the latter year the council-manager system had become the leading "model."

CHART 5

COMMISSION PLAN



Essential Features of Commission Government

Before analyzing the historical upthrust of commission government, it is well to understand its essential features. In theory, the plan is simplicity itself, although it developed many defects in actual operations.

1. The commission type has a complete concentration of power and responsibility in a small council, usually of five members. Separation into legislative and executive branches with appropriate checks and balances is abandoned. The commission is directly charged with and is responsible for the government and administration of the city. It is the city government as to policy and the city administration in the execution of policy. The commissioners have a collective responsibility as a city council: (1) to pass ordinances; (2) to determine the amount of the appropriations; (3) to fix the tax levy; (4) to appoint officers; and (5) to adopt the necessary resolutions.

2. The commissioners as individuals become the heads of the various departments, ordinarily five in number, into which the municipal administration is compressed. For example, one of them may become public safety director, the administrative head of the police and fire-fighting services. As a member of the council the commissioner participates in the making of policy. As the head of a department, he controls and directs the administration of policy in a specific department.

3. The commissioners are approximately coördinate in power. Although one of them is designated as a mayor, he does not, (in nine out of ten cities,) have a veto power over ordinances. He lacks any general power of appointment. The municipal executive has disappeared within the collective and coördinate authority of the commissioners.

4. The members of the commission are elected from the city at large and not from wards. Each commissioner represents the city as a whole and not some territorial subdivision. Since individual commissioners serve as department heads, it is essential that they be representative of the entire city and not of a single ward. One of the real contributions of the commission government is this emphasis upon the election-at-large principle. For decades, mayor-and-council government followed in the traditional rut of the ward election of city councilors.

5. The commissioners are the only major elective officers of the city, with the possible exception of such officers as auditor and school board members. The commission plan emphasized the short ballot with a concentration of electoral interest on approximately five commissioners. It follows that the commissioners have the power to appoint the subordinate administrative officials below the level of the departmental headships. Power to appoint and remove subordinate officials is no longer vested in an independent executive, but is part of the collective responsibility of the commission. Government by commission advanced not only the election-at-large feature but also the short ballot principle. While there

are many variations in charters which fall short of these essential characteristics, these are basic tests as to whether or not a city has commission government.[1]

Many years ago, one of the early commentators on commission government wrote as follows: "The council or commission is directly charged with, and is responsible for, the entire administration of the city's affairs—*it is the city government.* It is the theory of the commission plan that this responsibility to the electorate shall be the only check placed upon the actions of the commission, and that consistent with this responsibility the council shall have the power to administer the affairs of the city in such a way as best subserves the public interest. This does not preclude the establishment of certain administrative boards or committees—library boards, park boards, boards of health, etc.,—but such boards must be responsible to the city council. Their members must be appointed by, and removable by, and all their actions subject to the approval of, the city council." [2] This summarizes the theory of the commission plan. It is a unity of power and responsibility which can be made to work so long as competent individuals are elected and the commission is not torn by dissension among the individual members.

In a sense, government by commission was a return to the thought of the colonial period in which the council was the mainspring of the city government and handled all matters of government and administration through a committee system. The concept of an independently elected mayor and of elected administrators was an American municipal development of the nineteenth century which was parallel to state models. Government by commission was a return to the central position of the council in the colonial period. When municipal administration in the twentieth century was about to become extremely complex and extensive, pervasive of our every day lives, commission government once again placed the dual burdens of government and administration upon the council.

An illustration of commission government may be taken from the Mississippi commission law of 1912. A mayor and two commissioners are elected for a term of four years. As a group, the commission acts as a legislative body for the formulation of policy. The mayor and the two commissioners serve as department heads to administer policy. The mayor does not have a veto power, and his appointing power is no greater than that of the commissioners. Authority to appoint and remove subordinate officers and employees is vested in the commission. Actually, the commissioners choose subordinates in their respective departments and the commission formally ratifies these appointments. The commissioners are

[1] For a more elaborate definition of commission government which includes such progressive devices as the merit system and the initiative, referendum, and recall, see C. R. Woodruff, *City Government by Commission* (New York, 1911), 6-8.

[2] F. H. MacGregor, *City Government by Commission* (Madison, Wis., 1911), 25.

elected at large, but one is voted for and elected as mayor. The optional law is available to any city of 2,000 or more population.[3] In this specific illustration appear the essential characteristics of commission government: (1) unity of legislative and executive power in the commission; (2) doubling in brass of the commissioners as councilors and administrators; (3) coördinate power among commissioners; (4) election at large; and (5) short ballot.[4]

Collateral Features

The rise of the commission plan occurred in a decade marked by a movement toward progressive features in municipal charters. The progressive era brought the devices of the initiative, the referendum, and the recall into state and local governments. Greater reliance was placed on the capacity of voters to participate directly in charter- and ordinance-making, either through the initiative or referendum or both. This principle of direct citizen action as to ordinances found its way into municipal government. The famous Iowa law of 1907, under which Des Moines adopted commission government, provided for both the initiative and the referendum as to municipal ordinances. This statute also made possible the recall of municipal officers during their term of office. The Iowa model, which was considered to be an advance over the Galveston experiment, encouraged the association of the initiative, the referendum, and the recall with the adoption of commission government elsewhere. These devices were collateral features of commission government.

The initiative, the referendum, and the recall were deemed a desirable balance to the extreme concentration of policy-making and administration in city commissions. With the disappearance of older checks and balances such as mayoral veto of ordinances and confirmation of mayoral appointments by the council, it was urged that the people serve as the ultimate check on concentrated authority of commissioners. If the commission passed unsatisfactory ordinances, the people could demand a referendum. If the commission failed to pass ordinances deemed necessary, the people could initiate them. If the commissioners were negligent in their duties as legislators or administrators, the people could recall them from public office before the expiration of their terms. The initiative, the referendum, and the recall were an addition to commission government, but were not restricted to the commission form alone. They can be and have been applied to other forms of municipal government, including mayor-council and council-manager systems.

The same observation can be applied to the question of non-partisan

[3] M. H. Satterfield and H. W. Urban, *Municipal Government and Administration in Mississippi* (Mississippi State Planning Commission, 1940), 74-78.

[4] For a description of general law commission cities in Alabama, see Weldon Cooper, *Municipal Government and Administration in Alabama* (University, Alabama, 1940), 48-50.

nomination and election of commissioners. Growth of the commission plan coincided with development of non-partisan nomination and election of city councils. This movement was founded upon the premise that city administration should be performed efficiently and not primarily for the interests of the Republican, the Democratic, or a third party group in an incorporated area. Three out of four commission charters use the device of non-partisanship in the nomination and election of commissioners. This is again collateral to and not a fundamental characteristic of commission government. The principle has been applied also to mayor-council and council-manager charters.[5]

In its fundamentals and in the use of these progressive features, the commission plan broke new ground in the theory of municipal administration. In one sense, commission government was very old, for the central position of the council in municipal administration was early established in the colonial boroughs. In another sense, the commission plan brought new developments. During the nineteenth century, weak-mayor government with large, ward-elected, and partisan councils had been the rule. It was a far cry from this arrangement with its intricate checks and balances to commission government. The new broom swept out a lot of traditions and prepared the way for the ultimate development of the council-manager model.

No form of government springs automatically into usage with clearly defined characteristics fixed for all time. The commission plan is no exception. It evolved rapidly from a few early charters and soon assumed the major components recognized today. A brief historical analysis of its origin and growth is now in order.

Development of Commission Government

While the growth and influence of the commission plan dates from the Galveston charter early in the present century, examples of municipal administration by commission can be traced to the nineteenth century. The Louisiana legislature enacted what was, in effect, commission government for New Orleans in 1870. The New Orleans charter provided for the election of a mayor and seven administrators. Individually, the administrators served as the heads of specific municipal departments; collectively, they served with the mayor as a city council.

In 1874, Congress applied commission government to the District of Columbia by vesting executive authority for the area in three commissioners to be appointed by the President, by and with the consent of the Senate. While this was at the time considered a temporary arrange-

[5] Writers on commission government placed considerable emphasis on so-called "checks" designed to assure popular control. E. S. Bradford listed as checks: the initiative, referendum, and recall; non-partisan elections; a civil service commission. E. S. Bradford, *Commission Government in American Cities* (New York, 1912), 129.

ment, Congress within a few years reënacted the commission form for the District with some modifications, and this fundamental plan has continued. In the government of the District, Congress retains the power to pass appropriations and municipal legislation for the area, so there is not the customary merger of legislative and executive powers in the commissioners. Emergency state enactments to deal with financial crises in Memphis, Tennessee, and in Mobile, Alabama, in 1879 were also of the commission type.[6]

The drive to commission government came with the Galveston experiment of 1901. Flooding of the city by a tidal wave resulted from a hurricane in September, 1900. Personal and property losses were high. More than six thousand lost their lives and four thousand homes were carried away. To add to the disaster, the mayor and council proved inadequate to the emergencies suddenly thrust upon the community. People looked to a committee of business men known as the "Deep Water Committee" for leadership. Although this group had been formed originally to develop plans for harbor improvement, members turned their attention to reorganization of city administration. In response to their suggestion, the Texas legislature in 1901 provided for the administration of Galveston by five commissioners: two to be elected by the people of Galveston; three to be appointed by the governor. Later, the appointment of three commissioners by the governor was held unconstitutional by the Texas Court of Criminal Appeals because of state constitutional clauses which gave the city electorate the right to vote for mayor and all other elective officers. This was followed by state legislation making the entire commission elective. By a peculiar and historical combination of disaster, legislation, and judicial finding, the five-man, elective commission was evolved as an alternative to the American mayor and council.[7]

Important features of government by commission appeared in the Galveston model. There was a concentration of power and responsibility in a small council of equals to act as a legislative body and to administer the departments. The commission had authority to assign its members to the following departments: police and fire; streets and public property; water works and sewerage; finance and revenue. The police and fire commissioner was specially charged with the enforcement of police regulations and supervision of the fire department. The commissioner of streets and public improvements was granted control over streets and alleys, street lighting, street cleaning, public health, public improvements, and enforcement of franchises. To the commissioner of water works and sewerage was entrusted administration of water supply and sewers. The commissioner of finance and revenue was vested with authority over

[6] T. H. Reed, *Municipal Government in the United States* (New York, 1934), 184-188.

[7] *Ibid.*, 189-191.

assessment of taxes, collection of revenues, and examination of the financial condition of the community. The mayor was designated as the president of the board of commissioners, and charged as executive officer with the enforcement of law. He was a voting member of the commission without a veto power or any special powers of appointment over administrative officers. The board was directed to appoint the following officers: treasurer, attorney, recorder, assessor and collector, police chief, fire chief, engineer, inspector of buildings, auditor, health physician, harbor master, superintendent of waterworks, and engineer of waterworks.[8]

Practice is even more important than theory when it comes to setting the pace as a model. The Galveston commission began its work faced with heavy indebtedness, major reconstruction in public works, and diminished assessed valuations to serve as a base for taxes. Money had to be raised to defray reconstruction, including building of a protective sea wall, and raising the grade of the city. The commission forged ahead with necessary public works; stabilized municipal credit; and won overwhelming support from voters. In early years of operation, men of unusual executive ability were elected as commissioners. They produced results which made Galveston and government by a commission a byword with municipal reformers and writers. Many who carried brooms to city halls did so by advocating the commission plan.

Galveston became an example of a city which had been stricken by disaster and restored by acts of men. The magazine and newspaper writers of the day played up the small, businesslike commission meeting informally to determine policy in contrast to the large boards of aldermen then common in American cities. Attention was called to the executive capacity of the commissioners as individuals. Some commentators called them excellent, and others deemed them to be exceptional. The form, itself, was highly touted as the device which had released all these civic energies and channeled them into administrative operations. American municipal administration was due for one of its periodic house cleanings anyway, and government by commission became the popular slogan. Not every community which followed the Galveston pattern did so without reservation or modification. Not every city could be made to take the plan straight. Houston, Texas, one of the first to follow, established an independently elected mayor with powers of appointment to administrative positions and veto of ordinances. He served with four aldermen as the council. All were required to give full time to the work of the city and each was chairman of a committee in control of a department. This hybrid commission type was also to be used to a lesser extent as a pattern as cities experimented with new systems of administration.

[8] T. H. Reed and Paul Webbink, *Documents Illustrative of American Municipal Government* (New York, 1926), 340-353.

The Des Moines Plan and After

The outstanding model was the Des Moines plan. This takes its name from the adoption by Des Moines of the Iowa optional statute of 1907 permitting cities to have government by commission. The law provided for the election at large of a mayor and four councilmen. Five departments were prescribed: public affairs; accounts and finances; public safety; streets and public improvements; and parks and public property. The mayor was designated as the head of the department of public affairs; the council was directed to assign its members to the remaining four departments. The commission was directed also to select the following officers by majority vote: clerk, assessor, treasurer, auditor, civil engineer, physician, marshal, chief of the fire department, market master, street commissioner, three library trustees, and such other officers and assistants as might be established by ordinance. Thus was fashioned another commission model which broom brigades could carry to city hall.

The Iowa statute added to the commission plan the devices of initiative, referendum, recall, and non-partisan primary. Because of the use of this optional law by Des Moines, it not only became known as the Des Moines plan, but was also one of the most frequently copied models in the spread of commission government to other states. After years of experience in Iowa, it was found that the method of allowing the council to assign commissioners to departmental headships was not entirely satisfactory. The people might elect several commissioners competent to manage parks and public property and no one capable of handling the department of accounts and finances. Consequently, the Iowa law was amended in 1921 to provide for the election of commissioners to be the heads of specific departments.[9]

Growth of the commission plan was especially rapid from 1909 to 1914. After that, adoptions were slowed by the increasing popularity of the council-manager form. Geographically, commission government became widely distributed throughout the United States, but the greatest use for it has been found in Pennsylvania and New Jersey in the East and in Illinois, Kansas, Oklahoma, and Texas in the Middle West and Southwest.[10] Now, the commission plan has been out-distanced by the manager device. In 1948, commissions were used in 15.1 per cent of the cities of more than 5,000 population, whereas the manager plan scored 21.3 per cent in the same category of municipal corporations. This meant that the most widely used form was still the mayor-and-council type (59.8 per cent). The remaining 3.8 per cent were New England communities governed by town meetings or representative town meetings. The com-

[9] T. H. Reed and Paul Webbink, *op. cit.*, 354-370.

[10] For a list of commission cities in 1911, see E. S. Bradford, *op. cit.*, 131-138. Each year *The Municipal Year Book* lists cities and essential facts about their form of government.

mission plan was most popular in the cities of 250,000 to 500,000 population, where it could claim a ratio of 34.8 per cent in adoptions.[11]

In 1948, all of the commission cities used the election-at-large principle and 74.4 per cent had non-partisan elections.[12] The largest cities to use the commission plan in recent years are: Birmingham, Alabama; Jersey City and Newark, New Jersey; Memphis, Tennessee; New Orleans, Louisiana; Portland, Oregon; St. Paul, Minnesota; and San Antonio, Texas. These cities are all between 250,000 and 500,000 population. Des Moines, it should be noted, adopted the council-manager plan in 1949, after serving for many years as an example of government by commission.

Use of the commission plan has been heavy in Pennsylvania, New Jersey, Illinois, Kansas, Oklahoma, and Texas. Other areas are prone to use it, especially in the Middle West and in the South. In the Middle West, there is a less dense commission belt which stretches from Michigan to include Wisconsin, Minnesota, Iowa, North and South Dakota. Another commission area lies southward and takes in Missouri, Kentucky, Tennessee, Alabama, Mississippi, and Louisiana. Massachusetts was one of the first states to experiment with municipal government by commission, but, in recent years, cities of Massachusetts have favored the council-manager plan.

Defects in the Commission Plan

Commission government was first greeted with applause, highly recommended, and warmly debated. It appeared to be sound administratively when compared with earlier models such as the weak-mayor type with a partisan, ward-elected council. By 1914, however, government by commission was challenged by the rise of the council-manager type. In the years following World War II, hundreds of cities have undergone charter revision and have accepted the council-manager plan. Commission government has definitely lost favor. In practice, it has developed a number of defects which are basic and irremedial; and these explain why it never regained the popularity enjoyed from 1901 to 1914.

1. Commission government achieves merger of policy-formation and policy-execution in the same group of officers. This is wrong in principle, a fundamental error in design. The making of policy and the administration of policy are better performed by two separate and distinct agencies. To entrust these divergent operations to the same body is to invite confusion. Exceptional administrators can make any plan work. Not all cities were as fortunate as Galveston and Des Moines in the operation of government by commission. The task of making policy calls for a different type of individual from the techniques of administration. The

[11] *The Municipal Year Book* (Chicago, 1948), 41

[12] *Ibid.*, 45.

amateur may be very desirable in the former, but never in the latter. To become a principal administrator as a department head under the commission plan, it was necessary to run the gamut of popular election. This method of selecting administrators is not the best way to get those who are broadly or technically trained for direction of a municipal function. In principle, the commission plan was wrong in the fusion of legislative and executive power. Many of the contemporary students and observers of the sudden growth of the commission plan recognized this inherent weakness in a new broom which was otherwise valuable.

2. Government by commission led to administration by amateurs. Since the heads of the departments were elective, many able technicians were debarred from executive positions either because they would not run for office or could not be elected if they tried. Even in the unusual cases where a good administrator is willing to dabble in "politics," he may lack the "Hail fellow, well met," hand-shaking, and other vote-getting qualities. Criticism that the commission plan resulted in administration by amateurs is well founded in fact from the experience of numerous cities. The old Jacksonian idea that any honest man elected to office will make a good administrator is certainly outmoded when municipal administration involves technical services and requires thorough knowledge of objectives and techniques best employed in those services. For a time, commissions attracted able men who were eager to support a reform program in the local community. After a few years, political types began to thread their way back into the commissions; then complaint was heard about government by amateurs and politicians. It was said that commission government was not only wrong in theory, but that the new broom was proving defective in practice. Barbers, undertakers, dentists, stonemasons, carpenters and bakers were elected to manage city departments. In Elgin, Illinois, the commissioner of public health was at one time a harness-maker. In Houston, Texas, a horseshoer, a machinist, and a printer became respectively the commissioners of streets and bridges, finance, and health.[13]

3. Another criticism arose from the coördinate authority of the commissioners. Responsibility for administration was fixed in the commission, but the commission was a multi-headed agency of five members with equal authority. Thus responsibility could actually be lost in the coördinate authority of the commissioners. When responsibility is shared by a number of administrators it is often obscured. Only when responsibility has been directly allocated to one person can it be quickly located and enforced. Within the commission, there was room for "buck-passing." The responsibility for police administration rested on one of the commissioners in the first instance, but in the commission as a whole in

[13] See Joseph Wright, *Selected Readings in Municipal Problems* (Boston, 1925), 378. This compilation contains a vigorous criticism of commission government presented by R. B. Fosdick in *American Police Systems* (New York, 1920).

the final analysis.[14] Therefore, the public had to search out the commission majority ultimately responsible in any case of inefficient or incompetent administration. There was no single individual on whom the ultimate onus could be placed as is the case with strong-mayor and council-manager types.

4. An additional defect was the splitting tendency of commissions. This is natural in any representative body. Three of the commissioners could form a well-knit majority to make all the major decisions and to favor their own departments in appropriations. Again, if two commissioners were at loggerheads, there was no over-all executive authority to bring them to terms in the interest of the total administrative problem in the city. Where factionalism and internal administrative antagonisms developed within councils, the absence of a general executive to act in the interest of the entire community was apparent.

5. A fundamental problem was the necessity of establishing a coordination between the number of councilmen and the number of administrative departments. To say arbitrarily that a given city should have a council of five members and five administrative departments is to overlook basic questions in representation and equally difficult issues as to the range of municipal functions and the resultant number of departments which an expert would deem desirable. Commission government was firmly rooted from its inception in the use of three, five, or seven commissioners, five being the most frequent. This fixed an arbitrary number of departments. Four of these departments might be arranged to contain an integrated series of like functions, but the fifth was almost certainly a catch-all department which contained everything that could not be reasonably assigned to the other four.[15]

Evaluation of Commissions in Operation

These defects which developed in practice in various cities had a marked effect in slowing down and ultimately stabilizing adoption of the commission plan. Between 1901 and 1914, the literature of municipal

[14] Battle Creek is the largest city in Michigan to retain a commission form of government, although efforts have been made to adopt city management. Early in November, 1947, the city commission suspended the police chief for thirty days. The following news account from *The Detroit Free Press*, November 8, 1947, indicates some of the complexities of administration by commission: "Battle Creek—'Interested citizens' have retained the law firm of McAuliffe and Hatch to explore the legal phases of Police Chief Harold Haun's suspension, without pay, for sending more policemen to a Halloween football game than Commissioner Jack Neller authorized. Neller Friday instructed Acting Chief Cleon Cramer to disregard a letter mailed to Chief Haun regarding changes in police procedure. Friday night Cramer ordered five men to the football field for the Muskegon Heights-Battle Creek game. Haun was suspended for having sent four."

[15] On the difficulty of adjusting the dual problems of representation and administrative organization to a fixed number, see W. B. Munro, *The Government of American Cities* (New York, 1926), 316-317.

administration abounds with articles, pamphlets, and books which argue the value of commission government. By the nineteen-twenties, numerous unfavorable critiques had been written. The commission was no longer being measured against the backdrop of the weak-mayor type. Increasingly, it was being evaluated in terms of the council-manager plan and coming off second best. This is one of the more confusing aspects of commission government to students of municipal administration. On the one hand, they find recitals of the merits of government by commission and, on the other hand, summaries of its defects. Most of the effusive analyses of its merits were written in the light of its early triumphs and evaluated it in terms of older systems of municipal administration. Most of the critical summaries were written later, after government by commission had turned sour in some cities and the manager plan had begun to make real headway in others. Somewhere between these two extremes lies a fair appraisal of government by commission. In any systematic study of municipal administration, it cannot be too lightly dismissed, for in 1948 it still was in effect in 308 of the cities of over 5,000 population or 15.1 per cent.[16] Unfortunately, there is no modern, over-all survey which purports to give a conclusive answer as to the achievements of the commission plan today. However, by the pragmatic test of new adoptions, it has long been on the wane.

Long years of experience with government by commission in Newark, New Jersey, revealed numerous characteristic defects. One was the habit of the commission as a group to accept readily the proposals advanced by individual commissioners on matters originating within their departments but concerning city-wide policy. This tacit consent to the policies advanced by individual commissioners had the effect of producing five divergent policies and five chief executives. In addition, similar work was often duplicated under individual commissioners. Salary schedules lacked uniformity from department to department. Political preference too often determined promotions. The system of operating without an integrated chief executive proved expensive.[17]

Long Beach, California, used the commission form from 1914 to 1921 at which time a council-manager plan was adopted. During the seven years, popularly elected administrators were found to be inadequate in meeting the problems of a city which tripled in population from 1910 to 1920. Deliberate mismanagement was rare, but none of the departments was administered by trained technicians. Candidates who could ingratiate themselves with the electorate lacked technical ability and training as administrators. Coördination of functions was lacking, and the commissioners were often at odds with each other over operations. Department heads hired employees and did their own departmental purchasing. A

[16] *The Municipal Year Book* (Chicago, 1948), 41.

[17] H. G. Fishack, "Commission Government Has Not Redeemed Newark," *The Annals of the Amer. Acad. of Pol. and Soc. Sci.*, Vol. 199, 71-77 (September, 1938).

feeling arose among the alert citizens that the city had begun to decline under government by commission.[18]

The Contribution of Government by Commission

Probably the chief merit of many new systems or structures is that they are new. Reformers take to their platforms, citizens are aroused and take action with conviction that a change in organization will be for the better. Commission government was aimed at a correction of the deficiencies of mayor-council government, particularly the weak-mayor type where a large and partisan council was dominant. Sustained by popular interest and enthusiasm it was for a decade a reformer's tool to put the rascals out and keep them out. That many cities have abandoned government by commission and that few adopt it today is not a sign of complete failure of commissions as a system. Rather it is a testimony to the fact that an improved model came on the market in council-management. The American public always likes new models, particularly when they are streamlined as was the manager plan. In spite of its rise and fall, the commission form did make worthwhile contributions to the theory and practice of municipal organization in the United States.

An advance was the breaking away from the traditional theory of checks and balances in local government. This had taken the form of an elected executive and a large, ward-elected city council. The commission plan reemphasized the fundamental position of the city council and paved the way for a policy-making council and an appointed manager under the council. It was a bridge between mayor-council and council-manager government.

Other achievements were scored by commissions. Election of councilors by wards was outmoded. In government by commission, councilors not only represented the people; they also administered. You could not have a ward-elected director of public safety. He had to have a mandate from the whole community. Thus the commissions popularized election at large which is a feature of the council-manager form. Non-partisan nominations and elections were also given a lift by the commission idea, particularly after the Des Moines experiment in 1908. Government by commission helped to challenge traditions of party dominance in municipal affairs.

The short ballot principle was promoted. Aside from municipal auditors and school boards, the commissions were frequently the only major elective officers. The long ballot of elected aldermen, clerk, treasurer, attorney, assessor, and mayor had characterized mayor-council charters. The commissions concentrated electoral interest on a few. The validity of the short ballot idea is demonstrated by the better council-

[18] A. G. Miller, "City Manager Government in Long Beach, California," in *City Manager Government in Seven Cities* (Chicago, 1940), 329.

manager charters in which the council is deemed to be the only proper subject for popular election.

Commission government encouraged the application of the initiative, referendum, and recall in cities. Although the Iowa statute of 1907 copied these devices from the Los Angeles charter, it was government by commission which gave them their widespread popularity in the United States. Again, these progressive measures have been carried over into council-manager laws and charters.

Civil service commissions were set up in many cities in the first decade of this century. Many of these early attempts to apply the merit system to municipal administrations were associated with reform movements which swept city commissions and civil service commissions into action. The civil service commission was an additional check on the power of the commissioners to appoint and remove employees just as the initiative, referendum, and recall were checks upon broader aspects of policy-making and administration. The merit system has come to stay and is adapted to all forms of administration. The early success of the commission form may have been due in large measure to the reform and progressive spirit of the day and to many collateral political and technical advances introduced with the commissions. Commentators have said that the early success of commission government was partly due to other reforms commonly associated with it but not peculiar to it alone. The commissions in their essential characteristics disrupted old theories and brought new forces into play in citizen action. Admitting the defects of government by commission, the long-range effects were advantageous. Mayor-council government had long needed an aggressive competitor and this was certainly found by the reformers in the commissions.

Critique of Commission Government in New Jersey

Government by commission long ago passed over the peak of its popularity. It has been under fire as a system ever since the manager plan came to the fore in 1914. The amazing thing is that a plan so defective in principle has continued in more than 300 cities. This is a testimony to the capacity of Americans to make any scheme work somehow or other. It cannot, therefore, be called just a flash in the pan. It has endured for a long time as a form. It did bring with it, as we have seen, trends and innovations which had long been needed. It forced many mayor-council cities to clean house in a day when the municipal boss was more with us than he is today. In a sense, it paved the way for concentration of policy formation in the council, and integration of administration in a manager. It has taken its place as an exciting chapter in the long history of American experimentation with fundamental and hybrid types of administration. Within the last fifty years, no other

country can point to so much experimentation with the mechanics of local government. However, few experts today would urge a charter commission to follow the commission form as a model. The plan lives on in many state optional laws as a system which cities can try if they so desire.

The low ebb to which commission government has now fallen can be best indicated by experience in New Jersey. Woodrow Wilson, as governor of New Jersey, promoted the commission plan for that state, convinced that he had found a weapon for combating political machines in cities. The result was the Walsh Act of 1911 providing for the non-partisan nomination and election of commissioners, each to head a major city department with broad authority over it. In 1947, Governor Driscoll announced a plan to study the commission form of government. This was the occasion for an editorial in *The New York Times* which said in part: "After a thirty-six year tryout—with some sixty municipalities in the state now listed as operating under the commission form of government—the system is condemned by its critics as, on the one hand, promoting 'factionalism' and the building up of personal political machines by individual commissioners, and, on the other hand, frequently creating long-term entrenchment of political power that is hard to break regardless of the capability of the city administration. Some weeks ago Governor Driscoll caused considerable comment by announcing that he was planning to institute a study of the commission form of municipal government throughout the state. Offers of assistance in the survey came from many quarters. The ultimate verdict on the debated city governmental form, of course, will be given by the people of New Jersey, who have known it at close hand for a long time." [19]

In 1949, the New Jersey Commission on Municipal Government issued a report which proposed an optional-charter plan for cities. In summarizing the current status of forms of local government in New Jersey, the study commission noted the wide use of the commission plan as follows: "Of our 52 cities, 22 operate under the commission plan, 3 under the council-manager plan, and 27 use some form of the mayor-council plan. Of 253 boroughs 22 have adopted the commission plan, and 3 the manager plan. The remainder of the boroughs operate under a borough plan—similar in operation to the commission plan." [20] The study commission also noted that 7 out of 23 New Jersey towns and 8 of 236 townships also operated under some form of commission government. These instances brought the grand total of local units governed by commission to 59.

The views of the New Jersey Commission on Municipal Government were sharply stated against the validity of government by commission. The study commission found inherent weaknesses in the system which

[19] *The New York Times*, December 28, 1947.

[20] N. J. Commission on Municipal Government, *Final Report* (Trenton, 1949), 3.

were responsible for many municipal difficulties. "These weaknesses," according to the official report, "include the placing of both legislative authority and administrative authority in the same hands—namely, in the elected commission. This condition fosters 'log rolling,' delay and 'personal politics' within the governing body. The commission plan offers no opportunity for sound budgeting practices—there is no practical way to coördinate a planned expenditure program as among five independent administrative authorities. There is no single responsible executive in the commission plan—this makes impossible a unified public policy as well as a known and effective responsibility."[21]

For these reasons, the New Jersey Commission on Municipal Government did not include the commission plan among its proposed optional charters. It suggested the strong-mayor and council-manager types and a small municipality plan (mayor and council). In presenting certain optional amendments to the original Walsh Act (the statutory commission plan) the study commission designated these as "transitional provisions," and expressed the hope that the commission plan be gradually displaced in favor of other forms.

Concluding Observations

In its inception, the commission idea was measured largely in relation to weak-mayor administrations handicapped by large councils elected from wards by partisan ballots. Against such a backdrop, the commission form seemed to have the advantages of simplicity, short ballot, unification of power. Its fatal fusion of legislative power and administrative authority was ultimately demonstrated. The potential factionalism inherent in a plural executive was later illustrated in no uncertain terms by cities of New Jersey and other states as well.

Today, the commission type is widely judged in relation to the council-manager plan. The science of public administration has advanced tremendously since 1911. The first true council-manager charter was not adopted until 1912. Great importance is attached now to the concentration of legislative power in a small council, elected at large on a non-partisan ballot, and to the integration of administrative authority in a professional manager serving at the pleasure of the council. Structurally, an effort has been made to draw a line between councilors generally responsible for policy and a chief administrator charged primarily with the execution of policy. When compared to this modern trend, the commission system with its merger of legislative and administrative duties, plural executive, and amateur administrators makes a poor showing as a form of government. Public administration has moved forward, but the commission plan has remained static with all its potential and practical

[21] *Ibid.*, 20.

defects. Many of the early achievements of commission government resulted not from a technically sound administrative mechanism, but from a "new broom" enthusiasm.[22]

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[22] Henry Bruère, *The New City Government* (New York, 1912), 97. This monograph was based on a field study of ten cities governed by commissions.

CHAPTER XVIII

The Council-Manager Plan: Characteristics

The commission plan had about a decade of popularity before it was seriously challenged as a structural scheme of organization. Within a few years from its inception, it was criticized because of numerous defects. The way to iron out these difficulties and arrive at a streamlined organization in which power flows smoothly from the people to the council and then to a responsible and integrated administration seems obvious now. Why not have the council restricted to the major policy problems in the community? Then have the council appoint an administrator charged with the execution of policy in terms of day to day, week to week, administration.

The credit for the projection of the council-manager plan goes to the National Short Ballot Organization. This group of reformers was devoted to the making of government more responsible by reducing the large number of elective officers. This common characteristic of state, county, and municipal administration had given us the bedsheet ballot. The National Short Ballot Organization reasoned and urged that people became confused by the long ballot and that responsibility was frittered away among large numbers of officials who held a direct mandate from the people. Woodrow Wilson was president of this association and Richard S. Childs was secretary. Richard S. Childs has often been described as the "father" of the council-manager idea.

Initially, the National Short Ballot Organization had been supporting the commission form as one of the cures for the long ballot. Beginning in 1908, Staunton, Virginia, had developed the post of general manager under an old-style, long-ballot mayor and bicameral council system. Mr. Childs hit upon the concept of combining the short-ballot commission with the general manager of the Staunton ordinance. Although the National Short Ballot Organization prepared a commission-manager plan for Lockport, New York, in 1911, the first city actually to put such a plan into operation was Sumter, South Carolina, in 1912. The first city of any real size to have a council-manager charter was Dayton, Ohio, in 1914. With the action of Dayton, the council-manager plan was definitely on its way.[1]

[1] The general manager ordinance of Staunton, Virginia (1908), the Lockport plan (1911), and the Dayton charter (1914) are readily available in T. H. Reed and Paul Webbink, *Documents Illustrative of American Municipal Government* (New York, 1926), 371-405.

Since 1900, the National Municipal League had stood pat on a model city charter which proposed the strong-mayor-and-council plan. During this period, the League had a group of experts working on the feasibility of the commission form; and in 1913, this committee reported in behalf of the council-manager idea as a model. It is stated that the committee was greatly influenced by the Lockport plan and by the persuasive arguments of Mr. Childs. In 1915, the League issued a new model charter incorporating the council-manager plan. Although the National Short Ballot Organization passed out of existence, the National Municipal League since 1915 has devoted persistent effort to supporting and urging the adoption of the council-manager by American cities.[2]

The council-manager plan was intrinsically sound. It was favored by the concurrent development of municipal home rule among the states. Cities drafting their own organizational patterns through local charter commissions looked into the Lockport plan, obtained information on managerial results in other cities, and found the scheme worth a trial. Most of them were not disappointed, and only a small percentage ever abandoned the council-manager plan once it was adopted. Another favorable auspice was the enactment of state optional charters permitting cities to adopt the council-manager form by a local referendum. States like Massachusetts without home rule have made the manager system available to cities by optional state law. World War I interrupted but did not halt the march to management. The progressive spirit which had come with the turn of the century carried over into the nineteen-twenties so far as local administration was concerned. The acceptance of city management went forward during the prosperous 'twenties, the depression-laden 'thirties, World War II, and post-war years. The idea was greatly strengthened in its practical application by the establishment of the International City Managers' Association. While the system was sometimes designated as the commission-manager type, and various cities in swinging from the commission form to management so labeled their city governments, the official name is the council-manager plan.

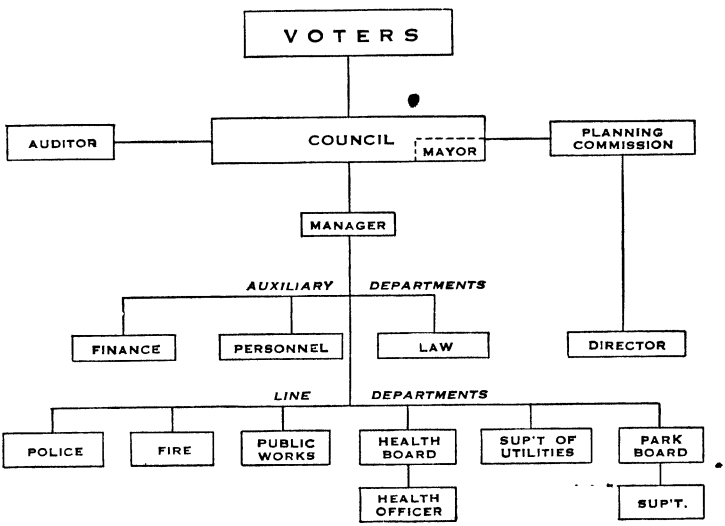
No system in and of itself can produce results in public administration. The model can only be an appropriate and well-designed means by which civic current can flow from the power plant of the electorate along well-defined circuits to the execution of manifold tasks by the administrative machine. While the plan was well-conceived by its proponents, the driving force has been civic-minded citizens who have manned council posts and devoted themselves to the adaptation of the plan to city after city. The achievements in administration attest likewise to the work of the managers themselves who have made a profession out of municipal management. Murray Seasongood, councilman and first mayor under the Cincinnati charter, and C. O. Sherrill, first city

[2] *The Municipal Year Book* (Chicago, 1946), 239.

manager, exemplify the type of citizen action on the one hand and of administrative talent on the other which made the "plan" an operating success.[3] What is true of Cincinnati goes equally for other manager cities where popular election of able councilors and appointment of professional managers contributed to successful administrations.

CHART 6

COUNCIL-MANAGER PLAN



Essential Characteristics

1. One of the essential characteristics of council-manager government is the short ballot idea. The voters concentrate on the nomination and election of a comparatively small council. The manager, being appointive by the council, does not appear in the electoral process. Administrators, including the department heads, are likewise appointive rather than elective. While some manager charters violate this first principle by leaving a few department heads or boards on the ballot, the basic trend has been to the short ballot. The theory was that the municipal electorate should concentrate on the selection of a small council entrusted with general policy. It was argued that this would diminish the influence of party machines in cities by focusing attention of voters on a few candidates for the council. As a collateral gain, a career service in municipal management could be built. Since municipal administrators and

[3] See C. P. Taft, *City Management: The Cincinnati Experiment* (New York, 1933), 107-108.

employees would be removed from political campaigns, they could devote their energies to administration. The short ballot would cut two ways: against the capacity of political machines to manipulate the voters in the confusion of the long ballot and toward the capacity of the administrators to build careers in public service.

2. A second feature of the plan was to bring about a unification of authority in the city, this unification to be achieved in the council. Under the mayor-council plan, the principle of separation of powers—so marked a characteristic of federal and state governments—was carried down to the municipal level. Cities having an elective mayor necessarily delimit the authority of the council over administration by interposing a chief executive directly responsible to the people. The commission plan had overcome checks and balances by concentrating authority in the council, but had brought with it a new train of difficulties, the lack of a chief administrator. The manager plan achieved unity of power to make policy in the council. At the same time, it escaped from the dilemma of the commission form by integrating the skeins of administration in a manager.

3. This, then, leads us to the third fundamental of the managerial principle. With the council possessing a unified authority over policy and general control over administration, integration of administration was to be achieved through the office of manager. Just as the manager was responsible to the council for the administration of the city, so the individual department heads of auxiliary and line departments were to be responsible to the manager for performance of administrative operations. To effectuate his integrated position, the manager was to appoint and remove his principal subordinates. The manager was, thereby, made responsible for the success or failure of administration in the city.

4. As evolved in the *Model City Charter* of the National Municipal League, a fourth characteristic appeared. This took the form, in part, of language seeking to protect the manager in his appointments and in his day-to-day administration from interference either by the council as a whole or by individual members. Provisions limiting interference by councilors in appointments or administrative operations on penalty of fine, imprisonment, and removal from office were recommended. This did not defeat the unity of power in the council, since the council could still appoint and remove the manager. Gradually, the point of view of the model charter won. It became the practice to write into charters a definition of the general powers of the council and the functions of the manager and other agencies of administration, specifically delimiting the ability of the council to interfere in the details of administrative work.

Here are the fundamental features of the manager plan as we know it today. First, there is a short ballot. Second, unity of power is established in the council. Third, integrated control over administration is vested in

the manager. Fourth, the general powers of the council and the functions of the manager are defined as sharply as possible.[4]

A number of lesser principles have been woven into the fabric of the manager plan, but are not characteristic of the council-manager form alone. Non-partisan nomination and election of councilmen, and election of councilmen at large rather than by wards are desirable in a manager charter. The initiative, the referendum, and the recall have likewise been applied respectively to ordinances and to councilors. The Hare system of proportional representation has been utilized more frequently for the election of councils under the manager plan than under any other form. However, that too is applicable to any type, as witness the use of P.R. in New York City from 1937 to 1947 in conjunction with a strong-mayor plan.

The same holds for many features of the administrative process. The merit system is not peculiar to council-manager charters, but it fits well into the philosophy of the plan. Unifunctional departments with clear lines of authority from the department head to officials controlling subordinate divisions and bureaus create a clear chain of command. This again can be worked out under mayor and council as well. When, under council-management, clear lines of authority are created within departments, they tie back to the fundamental line of responsibility at the top from manager to council. In this way, clear channels of responsibility are established from the council to the bureaus and divisions within departments.

In summary, the basic features of the manager plan are sound. They mesh well with other progressive ideas as to the organization of the council and of the administrative process. Moreover, these features have been tested in the fires of experience. Michigan may be taken as an appropriate example. When a charter commission in a Michigan city settles down to its task, the members no longer go back as far as the Lockport plan or rely solely on the National Municipal League's model charter. They get the charter of Kalamazoo, Saginaw, Ypsilanti, or some other manager city and attempt an application to their own community. In other words, there are now many charters in force which incorporate the principles of early and model plans. The theories have turned into practice, and practice has sustained the fundamental features of the "plan."

[4] H. A. Stone, D. K. Price and K. H. Stone, *City Manager Government in the United States* (Chicago, 1940), 14-22. The original model manager charter of the National Municipal League warned of the importance of a series of principles and limitations such as: proportional representation or election at large; recall of councilmen; initiative and referendum, civil service; prohibitions on political activities of employees; limitations on interference by the council in administration. *Ibid.*, 20.

The Mayor

To the layman, nothing is apt to be as confusing as the fact that you have a mayor within the framework of the council-manager charter. The first reaction is to question why you eliminate the elective mayor only to find a mayor provided for in a new charter. Where manager charters provide for a mayor, and most of them do, they create a new office under an old name. The mayor of the council-manager city is not an independently elected chief executive with extensive powers over administration. He is more appropriately regarded as the presiding officer of the council and the fulcrum of the council's concern with policy. He is a leader among equals in the city council.

Under council-management, the usual method of selecting the mayor is through action of the council. The city councilors select one of their own number to serve. This is not always the case, for some cities provide for the direct election of a mayor to serve as presiding officer over the council; others designate as mayor the candidate for councilman polling the highest vote. The device of having the councilors select one of their own number as mayor seems most satisfactory, for under it, the council can choose its natural leader.

The office of mayor under council-management is difficult to appraise. The normal functions are those of serving as presiding officer of the council and as ceremonial head of the city. The mayor's salary is usually fixed at a higher level than that of the other members of the council. Some cities have sought to give the office more prestige by allocating certain minor and miscellaneous appointments to the mayor, subject to the consent of the council. This is especially the case in regard to boards and commissions which utilize and bring citizen groups into the administration. Cincinnati and Kansas City, Missouri, are examples of this investiture of some appointing authority in the mayor.

This should not obscure the fact that the mayor in this form of government is in no way comparable to the mayor of mayor-council government. The mayor's office is deliberately stepped down in council-management so that it will not challenge the administrative authority of the manager. The importance of the office fluctuates widely with the personality of the incumbent. If the mayor is a forceful personality and natural leader of the council, he can play a big rôle in the formation of policy and in educating the public to the program which the council has set. In this way the mayor can perform a real service in the arena of politics and policy.[5] Cincinnati furnished in Murray Seasongood a good example of what a skillful mayor can do under the manager plan. On the other hand, if the mayor is a weak personality, he sinks to the level of being simply one member of the council. In a few cities, the mayor has

[5] For a discussion of the mayor's rôle as a leader, see: National Municipal League, *The Story of the Council-Manager Plan* (New York, 1947), 15.

turned out to be a meddler who made things difficult for the manager by failing either knowingly or unknowingly to understand the reduced position of the office in administration. No system can rule out all eventualities. This is just one of those problems which has to be resolved by the good sense of the respective mayor and manager and by charter provisions designed to protect the manager from undue interference by the council.

It must be admitted that this is one of the problems of balance between formation and execution of policy under the manager plan. An alert mayor and council can assume quite properly a real leadership in determining policy in the community, leaving the manager to toil in the black soil of policy suggestion and administrative management. This is all to the good. On the other hand, an inept and mediocre council can pose a real issue to the manager. Either he can take the spotlight and go directly to the people himself, thereby running the risk of repudiation and loss of prestige, or he can drift with the council while important policies remain shelved. This is a hard choice. Manager Hopkins, in the days of the Cleveland managership, was aggressive in relation to policy and the public. Manager Bean of Pontiac, Michigan, might well be classed among managers who do not hesitate to lead as well as to follow the council. We are confronted by problems of managerial personality and councilors' characteristics. Many issues of action and interaction cannot be settled conclusively by the cold print of a city charter. Paper government must be brought to life by effective councilors and administrators.

The Council

The council is usually a small body of five or seven members elected at large and on a non-partisan ballot. About four out of five manager cities have non-partisan elections, and about three out of four have elections at large from the whole city. This demonstrates how manager charters have reflected the progressive trends in nomination and election of councilors. On the other hand, some cities utilize the manager idea while retaining partisan electoral procedures or ward-representative councils. The manager principle is not always associated with non-partisan elections and elections at large, although common sense has directed the bulk of the cities to this point of view.

The council controls policy. It is a unitary power. As goes the council, so goes the manager plan. The best manager in the United States cannot rise above the level of the council which appoints him and may remove him. The manager may not approve of arbitrary tax limits, but he cannot escape from the framework imposed upon him by state law and the municipal electorate. This is long-range policy. No more can he disengage his operations from the more immediate policies set by the council. The latter has the primary powers of passing the municipal ordi-

nances, determining the municipal appropriations for the fiscal year, and fixing the tax rate under state and local charter provisions.

An illustration of the position of the city council is furnished by the charter of Saginaw, Michigan. The council consists of nine members elected at large by non-partisan ballot. It selects one of its own members as mayor. He is the official head of the city for all ceremonial purposes, for purposes of military law, and for all other purposes as required by the state home-rule act. He presides at all meetings of the council and may speak and vote in the meetings as any other member of the council.

A majority of the council in Saginaw constitutes a quorum for the transaction of business. Legislation must be by ordinance. Enactment of ordinances requires an affirmative vote of five members of the council. The council appoints the city manager, and may remove him, although a notice of removal is required. The manager must be granted a public hearing before final removal, if he so demands. Although the council may suspend him, his pay continues until his removal. Neither the council nor any of its committees or members may interfere with the appointment or removal of any person from office by the manager or any of his subordinates. The manager presents the proposed budget of the city to the council, which is required to hold a public hearing on it. The council adopts the budget, makes the appropriations for the next fiscal year, and fixes the tax levy. Subject to the provisions of state law and of the charter, the council may authorize the borrowing of money and the issuance of bonds. These basic powers vested in the city council of Saginaw are typical of the key position of that body under the manager plan.[6] They put the council right in the back seat behind the manager. He has to do the actual driving, but the council holds the road map, determines the route, and specifies the amount of gasoline available for the journey.

In the popular mind, much emphasis has been placed upon the manager. In the early days of city management, opponents were eager to cry wolf by labelling the manager as a "dictator." With the years, it has become evident that a manager cannot dictate, but can only serve within the frame of reference set by a council. You cannot, in all honesty, label a post as that of a dictator when the incumbent owes his appointment to and can be removed by a representative council elected by the voters. In the election of a council, the people may be wrong, judged by theoretical standards; but, in practice, they are always right. The popular decision is final until the next election, unless a recall of councilmen intervenes between regular elections.

Some managers have had the capacity so to guide and direct councils along the paths indicated by administrative recommendations as to create a situation in which the council-manager plan becomes the "man-

[6] See Saginaw, Michigan, *Charter*, Chaps. 3, 4, 5 and 7.

ager-council" process. This is the exception which proves the rule. In other cities, councils have sometimes ridden roughshod over able managers, bringing about their resignation or removing them. These variables on both sides of the line should not blind us to the normal in operations. Usually, the council-manager relationship is an easy one. The professional manager knows how to get along with his council. Otherwise, he would not be a manager or he will not be manager for long. The remark of an Irish official when asked about the work of the Local Appointments Commission in selecting managers for Irish cities and counties is in point. He stated that the Commission appointed managers who knew how to get along with a council.

The position of the council in the American council-manager system also gives pause to the oft-repeated remark that the managerial principle brings corporate business methods into municipal administration. Under this analogy, the council is likened to a board of directors and the manager to the general manager of a corporation. Inevitably, in this comparison, the voters emerge as stockholders. To the contrary, the council of a council-manager city is not interested in making a profit in the sense of a business corporation. It must be concerned with balancing the budget and passing numerous regulatory ordinances. A primary duty is to see that an efficient administration provides a broad range of public service at reasonable cost. The public interest and not the profit motive is the real core of the administrative process which the council controls through the power to appoint and remove the manager.

The importance of the council in American local government may be highlighted by referring to the manager plan which has been developed in Eire (Ireland). The managerial posts for such cities as Dublin, Cork, and Limerick are in effect filled by central appointment through recruitment procedures vested in the Local Appointments Commission. The council has no real alternative but to accept the designated appointee. The councilors cannot remove a manager without the consent of a central Ministry of Local Government and Public Health.[7] The Irish manager has a range of statutory duties with which the councilors may not interfere. The council has certain reserved powers as to the making of ordinances and the approval of the budget. The Irish council has nothing approaching the power of the American council over appointment and removal of the manager. It must operate within the leading strings held by the central government. By comparison, American city councilors act virtually as free agents. They can appoint a home-town boy as manager or recruit from the entire United States for candidates to a vacancy in their city. Their real restraint is in the local electorate which can make or break any city council, and in charter provisions against meddling in administration.

[7] A. W. Bromage, "Central Control of Local Authorities in Ireland," *Public Administration Review*, I, 190-200 (Winter, 1941).

A number of comparisons have been made between American city management and the German device of the *Oberburgermeister*, especially during the period of the Weimar Republic. Many apt comparisons have been made to demonstrate that the German city councils and municipal executives were akin to our system. This must also be taken with reservations. The German system has always contained elements of central control over local government, particularly as to the selection of municipal executives, which are foreign to us. In the United States, direct and untrammeled authority to appoint and remove managers has been freely vested in city councils.

The conclusion is inescapable that the council holds high cards in the American manager plan. This gives the lie to any charge of "dictators" at the local level. The manager is a public servant responsible to the council. He is sustained by their belief in and support of him. It has often been argued that managers should be protected to a greater degree from the councilors. Under our American traditions, this greater degree of insulation is not likely to prevail. The acid test will still rest with the voters. If they allow a council to remain in office after they have removed a competent manager for political reasons, that is, for the time being, the end of the matter.

The Manager

The manager is the apex of the administrative pyramid which extends downward through the department heads, the divisions or bureaus within the departments, and finally to the employees. His is the over-all task of management, control, and coördination of the administrators and employees. It is a full-time job, often a day and evening task. To the council he owes his position and authority; on his administrative subordinates he must depend for the execution of the day-to-day operations of the city. He is the integral link between policy specified by ordinance or resolution of the council and performance of specific tasks in fiscal management, personnel administration, purchasing, policing, fire-fighting, public health, public works, parks and recreation, and municipally owned public utilities.

One of the major functions of the manager is to *advise* the council on policies which it has in process of formulation or revision. In lawmaking, this takes the form of ordinances which are usually prepared for the council by the legal staff, after consultation with appropriate departments and under the general supervision of the manager. In financial matters, the manager is charged with the preparation of the annual budget for presentation to the council. In this operation, he is dependent upon the staff work of the budget director who may be responsible directly to the manager or to the director of the municipal finance department. The manager keeps the council aware through regular

and special reports of the condition and needs of the municipal administration. As the President keeps the Congress informed on the state of the Union, so the manager keeps the council advised on the condition of the city. While the President does this in formal messages, the manager can do so informally and from meeting to meeting.

Because managers are frequently required to present a proposed policy or alternative suggestions before councils does not mean that managers *make* policy. They are properly doing the auxiliary work of preparation which committees of the council would otherwise be forced to undertake. If a manager cannot support a projected policy with facts and figures, no wise council will adopt his recommendations. A council can always adopt, reject, or modify any proposal prepared by the manager or his staff. Managers *advise* on policy, but councils *make* policy by resolution or ordinance. A manager's executive budget suggests a policy for the ensuing fiscal year; the council's decision on the budget fixes a policy by which the manager and his subordinates are then legally bound. If a manager goes over the heads of councilors to sell a policy to the voters, without clearing with the council or in opposition to that body, it may then be properly said that a manager is attempting to *make* policy in the city.

Source of the manager's authority over administration lies in his power to appoint and to remove his principal subordinates. The power of removal is a potent weapon in the arsenal of administration. While the power is there, city managers are too often remiss in using it. Among a small staff of department heads, there is a natural tendency to prop up the weaker administrators by giving them administrative assistants or to wait for them to resign, retire, or otherwise pass from the scene. The manager must know the strong and the weak points of his staff and get the maximum out of them as public servants by leadership as well as by technical power of removal. Management is leadership as well as power. An able manager will build loyalty and drive among his staff toward the objectives set forth by the council.

While the manager is carrying out his executive tasks, he must be alert to the needs of investigation in various departments from time to time. Any citizen complaints as to graft or corruption, inefficiency or failure are a responsibility of the manager as well as of the specific department under fire. He must, of necessity, investigate and take whatever administrative action is within his power and which he deems to be appropriate. In the parlance of the managers, this will mean calling the department head in on the carpet in the inner office for a heart-to-heart talk, an explanation, a reprimand, or blunt directions for the future or else.

Burdened as he may be by many administrative operations, some agreeable, others disagreeable, the manager must also look to the public. He cannot overlook the vital question of public relations. The power

of the press is always with us, and it is a very great power indeed. No manager can neglect the press, which is always waiting for city hall news, for the inevitable "story." Citizen groups, clubs, and organizations of every description want to hear from managers about municipal affairs. They want it straight from the horse's mouth. In public relations the manager treads through dangerous terrain, for he cannot risk too much of the limelight. The smart manager gives credit where credit is due, whether it be to the council for a sound ordinance or appropriation or to the individual department head who has improved tax collections, lowered the ton-mile costs of collecting and hauling garbage, or built a better recreation program for juveniles and adults. The effective manager allows his mayor to release the news story about administrative achievements during the last calendar year.

Mention should also be made of the constant effort of managers to keep abreast of professional developments. Conferences with fellow managers in the same state, conferences of the International City Managers' Association, attendance at training programs to review the techniques of municipal administration—all of these are essential to the manager's own development.

An Illustration of the Powers of a Manager

In reviewing the position of the council, reference was made to the council-manager charter of Saginaw, Michigan. This is a modern municipal charter. It may be used as a practical example of the position and powers of a manager. The general powers of the manager are specified in section 28: "The manager shall supervise the administrative affairs of the city and shall carry out the policies formulated by the council. He shall be charged with the preservation of the public peace and health and the safety of persons and property, and shall see to the enforcement of the ordinances of the city, this charter and the laws of the state. He shall keep the council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of him by ordinance or resolution of the council, not inconsistent with this charter. He shall have the right to take part in the discussion of all matters coming before the council, but not the right to vote."

In subsequent sections of the Saginaw charter, the more detailed powers and duties of the manager are enumerated. He has authority to appoint and remove, subject to the provisions of the charter which provide for a merit system, all officers and employees in the administrative service of the city. As an alternative, he may authorize a department head to appoint and remove subordinates within the department. The same rule applies to the head of any office responsible to the manager. Managerial

appointees must be selected on the basis of their fitness, training, and experience to perform the administrative tasks assigned. The council, including any of its committees or members, shall not direct or request appointments or removals by the manager or any of his subordinates. Only in cases of investigation can the council go around the manager in dealing with his subordinates. Neither the council nor any of its members shall give orders to any subordinate of the manager either publicly or privately.

Additional sections of the Saginaw charter state that the manager shall appoint a clerk, treasurer, assessor, police chief, fire chief, health officer, purchasing officer, city attorney, director of public works, director of finance and such other officers and heads of departments as may be deemed necessary. The powers and duties of the officers and heads are those prescribed by state law, by charter and by ordinance, while compensation shall be determined by the council. Further, the charter provides for the allocation of the administrative services into departments, divisions, and bureaus, this arrangement to be provided by ordinance on the recommendation of the manager and to be known as an administrative code. Competitive bidding is necessary for all purchases and public improvements where practicable, and contracts must be awarded to the lowest and best bidders. Sealed bids are stipulated for all transactions involving the expenditure of more than $2,000, and the transaction must be evidenced by written contract submitted to the council. Where it is to the city's advantage to contract without competitive bidding, the council upon recommendation of the manager may so authorize. The council, the manager, or any person or committee authorized by either of them has power to inquire into the conduct of any department, office or officer and for that purpose to subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.

The general powers of the manager in Saginaw are buttressed by charter sections which give him specific and detailed authority as to personnel and finance. The manager appoints one of the three members of the personnel advisory board. Although the personnel board can investigate complaints from any officer or employee of the administrative service who is suspended, reduced, or removed, and report to the manager, the latter has the final decision as to the suspension, reduction, or removal. This gives the city executive the last word in personnel matters, while the employee within the administrative service has substantial protection against arbitrary action.

According to the Saginaw charter, the director of finance prepares and submits to the manager a budget for the next fiscal year in such detail and with such supporting schedules as the manager may require. After review, the manager submits the budget to the council. After the budget has been adopted and appropriations made, the manager follows through with budgetary controls. The charter rules that he submit quar-

terly reports on the estimated and actual income and expenditure to the council. If it appears that income is less than anticipated, the council or the manager may reduce appropriations for any item or items, except those for debt and interest charges so as to keep expenditures within cash income. The council alone may make supplemental appropriations if income is above estimates. The manager may make monthly or quarterly allotments of appropriations to the departments, funds, or agencies.[8]

These general and specific powers of the manager under the home-rule charter of Saginaw, Michigan, illustrate the position of an executive under a well-conceived plan. Potent weapons which the manager wields over administration are those of appointment, suspension, and removal. Not all manager charters draw into such a sharp focus the many facets of authority which give the manager comprehensive control over an integrated administrative mechanism, as does the Saginaw document to which reference has been made. Some of the older manager charters, particularly, fail to provide comprehensive power over management in the office of the executive. However, with the exception of some of the modern strong-mayor charters, no system of municipal administration has consistently gone as far as the council-manager type in establishing an executive with the powers and functions of administrative management.

General Observations on the Council-Manager Plan

The council-manager plan is precisely what its name implies. The manager cannot be a "dictator," for he is a responsible public servant holding office at the will of the council. The first element essential to the success of the plan is an able council, representative of the community. Here policy is fixed, and the interests of the citizens in municipal administration are brought to a focus.

On the other hand, the council should, in the broad sense, stop with policy formation and general supervision of the manager's execution of policy. It is not the business of the council to meddle with day-to-day administration either in auxiliary or line departments under the manager.

Team play and a good working relationship must exist between council and manager. Oftentimes, a sharp and clear line cannot be drawn between policy and administration. The manager in preparing the budget for the council is rendering advice on policy. The final review of the budget rests with the council, which makes appropriations and fixes the tax rate. Similarly, the council, in appointing and removing the manager and in holding him responsible, is broadly involved in the management of administration. That a sharp line cannot be drawn between policy and

[8] See Saginaw, Michigan, *Charter*, Chaps. 5-7.

administration does not obscure the fact that there is a line, however flexible it may be. Take the question of planning for bond issues either for a new city hall or for street improvements. The manager may recommend the former and the council may determine that priority shall be given to the latter. Once that policy decision is made, the development of plans for street construction, the recommendation of the amount to be defrayed from taxes and bonds, and the ultimate execution of the council's final decision become properly a function of the manager.

If the council insists on going over the manager's head and meddling in the details of administration contrary to the letter and spirit of the charter, then the professional manager has little recourse but to resign. No one claims that every manager city has always worked out in practice according to the theory of the charter. Personalities always make a difference in public administration. On the whole, the theory of the plan has been sustained in practice, and professionalism has been engendered in the managerial office.

Council-Manager Relationships: A Point of View

Over the years, contacts with managers and councils in Michigan and other states suggest a dynamic philosophy of council-manager interrelationships. This point of view may be best expressed by stating that the council-manager plan as such operates most effectively when the personalities involved result in a forceful council and an effective manager. In some cities, it is not enough for the manager to gather data on a proposed policy and suggest in an impartial and highly objective manner alternative courses of action,—to "let the facts speak for themselves." The council is presumably a group of busy laymen who do not have the time to analyze data and to pick and choose among a lot of alternatives without some guidance. Therefore, if the manager is convinced that one course of action is best under the circumstances and in view of the data, it is his business to take a strong policy line in making recommendations to the council. If the council overrules the manager's recommendations and adopts an alternative policy, it is the function of the manager to carry out this decision of the council to the best of his ability in administrative operations.

Beyond the council lies the forum of the voters. Policy which begins as a suggestion of a department is reformulated and tempered in the managerial office. It is hammered out further and translated into official policy by ordinance or resolution. Now it must be "sold" to the people, over and above any selling which has been done in the process of formulation. This is where the strong council, including a mayor gifted in community leadership, can play a leading part. An extensive paving project, a bond issue for expansion of city utilities and public works, a master plan for city development, a new tax policy, an increase in old services

and, over the years, a hundred and one other policies must be explained and sometimes simplified for public consumption.

The voters must be educated to the validity of policy; made conscious of basic community problems in police, fire protection, public works, planning and zoning; convinced that the council and manager are set on a course leading to appropriate solutions. When the public has a low estimate of city hall, it may mean that there is justification; it may also be the case that the council has not been effective in selling programs and in explaining decisions to the public. A weak council will allow itself to be pushed around by pressure groups; a strong council will weigh managerial recommendations; take a strong policy line; and seek to prove the case to the people.

Close working relations must exist between the council and the manager. Where harmony prevails, it is generally due to mutual respect and confidence on both sides. This close relationship and harmony may be disrupted for a time, and the rift may be overcome by an adept manager and a reasonable council. If the rift is serious and prolonged, one of two things will ultimately happen. If the manager is a distinguished and able one, he is usually several months ahead of the council's thinking and will resign to continue his career elsewhere in public administration. If the manager is less capable and discerning, he will allow matters to drift until the council informally asks him to resign or formally suspends or removes him. This is a crisis which a few council-manager cities somewhere in the United States reach every year. It may prove little or nothing as to the administrative abilities of the manager. The manager may be right and the council wrong, but, nevertheless, the manager leaves voluntarily or involuntarily. It is generally poor technique for the manager to "battle it out" with a hostile council; stir up the whole community; indulge in personalities; and attempt a personal justification. To maintain cordial and intimate working relations, it is wise for the council and manager to hold informal meetings apart from formal council sessions to review problems and policies.

The manager has his responsibilities in keeping council-management on an even keel; the councilors likewise have their duties. It is most important that councilors exercise restraint in dealing with the administrative subordinates of the manager. The best of councilors will sometimes meddle with the personnel director, the police chief, or some other line officer. The loyal subordinate will bring such instructions from or requests by councilors to the attention of the manager. The latter must then make up his mind whether it is a matter of sufficient importance to warrant the making of an issue with the councilor. The manager may resolve the problem by telling his subordinate to follow managerial directives and to disregard the councilor's instructions. When the councilor protests that his instructions have been disregarded, the subordinate will have to refer him to the manager. Then the issue will be joined. If a city is

to have executive management, it is essential as a general principle that the council deal with administrative subordinates by going through and not around the managerial office. Where the councilors are frequently in direct contact with administrative subordinates without the manager's knowledge, suspicion and jealousy are bound to thrive between the council and manager and between the manager and his subordinates. The manager's prestige becomes so weakened that he may find that rather than managing the city, he is allowing it to be managed or mismanaged by individual councilors.

Public Relations

Under any form of municipal administration, public relations are of crucial importance. A city manager cannot administer apart from public relations with the press, the service clubs, the labor unions, the complex interest groups into which American communities are organized, and the public at large. It is not enough to "do a job" in administration; it is essential to keep the community informed of the job and how it is being handled.

The local newspaper or newspapers always want city hall news. The reporters assigned to city hall are not going to follow channels from manager to department chiefs to subordinates. If there is a "story" about laxity in police enforcement, inefficiency in public works administration or anything else, the reporter will find it. The reporter is an expert "snooper." A wise manager will not attempt to tell a newspaper what it can print about city hall. The best he can do is so to build relations with reporters that they will contact the managerial office for confirmation or denial, explanation or elaboration of any administrative story before it is spread all over the front page to arouse the citizens. From a department, a reporter may have obtained an unbalanced story, a "slant" which can be counterbalanced and set in proper perspective by management. On occasion, the reporter may have tracked down something in administration which the manager will necessarily investigate whether or not the story does "break." If a local paper is determined to "ride" city hall, the manager will be in for a rugged period, no matter what he says or does. It is therefore common sense for the manager to establish the best possible day-to-day working relations with the press. If he is doing a sound piece of administrative management, he has nothing to hide anyway.

Reporting to the taxpayers can be carried on by a variety of methods. "Stuffers" in the tax bills are short, explanatory leaflets on what the city is doing and how much it costs the average home owner. In Michigan, "stuffers" are becoming more common in well-managed cities. At the time when the shock of the annual tax hits the citizen, good public relations suggests that the story of services rendered should accompany the bill.

This does not eliminate the necessity for some form of annual report setting forth costs of city administration, activities and achievements of departments, and plans for the future. Although the "average" citizen will not sit down at night to read an annual report, people of influence can be induced to read and comment on it to groups in which they participate; the newspapers can run stories based on the report; and, gradually, the most important trends exemplified in the report will filter through to the public. However, the annual report is not enough; reporting must be accomplished also by informal techniques.

Service clubs such as the Rotary, Kiwanis, and many others will want to hear from the manager shortly after he arrives in the community. The first round of clubs and organizations must often be made by a manager before he has had time to size up the city and work out his long-range policies. This first round is important, for influential groups see and hear the manager first hand and out of it he gets an impression of the community which cannot be obtained at a desk. After the first call often comes a second set of invitations. As soon as the manager has begun to recommend policies and programs to the council, and councilors agree on new courses of action, service clubs will want to hear again from headquarters. In this second appearance the manager must decide how much can properly be handled by the mayor, by himself, or by department heads more immediately concerned with plans and projects. After the first and second rounds, the manager will find that the service clubs will still be calling for talks about aspects of administration in which their group is especially interested. If the manager and his department heads participate in such public relations, it is important that they stay within the framework of policy accepted by the council. Otherwise, danger lies ahead.

Organized labor is now a significant factor in the life of American communities. City employees are increasingly unionized and large scale industrial unions have grown apace since the inception of the New Deal in 1933. Labor has many interests in municipal administration. For the municipal employee and for organized labor generally, the policies of the city in classification and pay plans, retirement and pensions are of vital importance. The cost and range of city services, future plans and policies will be critically reviewed by organized labor just as they are under constant appraisal by influential real estate groups, professional people, the big and the small taxpayers. Management in the city must have a positive policy toward organized labor and must build public relations with this interest group just as it strives to improve public relations with other community forces. In fact, city management must make a special effort in this field since organized labor has over the years kept a wary eye on the council-manager plan.

In our cities, the League of Women Voters is an outstanding force for good government. Management will find in this organization a ready

support for progress in public administration and a stubborn foe of ill-conceived or inadequate policy. All clubs which bring women together in formal organizations are factors in public administration, since women have profound interests in public health and welfare, parks and recreation, planning and zoning and, in general, in the good society at the community level. The manager's program of public relations, if it is to be adequate, must attempt to reach all groups down to district and precinct organizations. The American community contains many clubs, societies, leagues, circles, and groups, to be persuaded by valid argument.

The relation of the city administration to the school children is a significant one. Here are the citizens and taxpayers of the future. Civic classes in the high schools, to be realistic in training, must bring 'teen-age youth into contact with municipal operations. A smart city manager will capitalize on their natural curiosity by instructing department heads to give them the facts of departmental operations and plans. They should be encouraged to write papers on what the city activities are, how they are organized, and similar topics. What the children learn they take home, so the present as well as the future taxpayers get some education in civic trends.

City management cannot go forward in a vacuum of blue-prints, organizational charts, statistics, and projects. What these mean to the administrator and to the council must be spread by a variety of techniques to the public. Citizens must be educated by council and management to an appreciation of the best in municipal administration. That is why the forceful council and the effective manager appear as the best philosophy under city management.

Examples of Council-Manager Achievements

Citizens are likely to measure the achievements of municipal administrations by tax rates, although this is not the most appropriate index of achievement. The tax rate may be low because services are restricted or poor in quality. On the other hand, a low tax rate combined with a substantial quality and quantity of service is significant. On this point the National Municipal League has stated: "A study was made in 1940 of the comparative tax rates of cities of over 30,000 population. After having adjusted them all to a basis of 100 per cent valuation to make them comparable, it was found that of the few cities with the lowest adjusted tax rates for 1939, half were council-manager cities, although only one-fourth of all cities in the list had this form of government." The League went on to point out that tax rates are a measure to be used with discretion, after study of services, debt policy, and other matters. "In making comparisons, it is necessary also to remember that new managers usually face serious financial problems inherited from previous regimes; this is inevitable because of the tendency of cities to turn to the

new methods only after they have struck bottom financially, politically, or both." [9]

The burden of payments on municipal debt is sometimes a considerable percentage of the burden of municipal costs. Kalamazoo, Michigan, has had the council-manager plan since 1918. About twenty years later it became the first debt-free, pay-as-you-go city of over 50,000 population, with the exception of school district indebtedness.

The record of the manager cities during the depression of the nineteen-thirties was good. This economic catastrophe forced cities to cut services and payrolls and, in hundreds of cases, to default on debts. After five years of depression the National Municipal League reported that: "Manager cities were paying less for local government than non-manager cities. But at the same time they: maintained their police forces through the depression, giving at least equal police protection to that afforded in other cities, and at less cost; cut their health department appropriations 7.5 per cent less than the average cut, began restoring services earlier and provided health service at less per capita cost; devoted a larger share of their depression budgets to recreation than non-manager cities; cut library budgets 8.6 per cent less than non-manager cities and at the end of the depression were still reserving for libraries more than non-manager cities were alloting libraries before hard times set in." [10]

What have some of the manager cities accomplished? In 1914, Dayton, Ohio, was the first large city to have the manager plan. This city under management pioneered in the development of free nursing, a free legal aid bureau, a free employment bureau for women, a crime prevention bureau and other services. The manager cut unit costs by financial and administrative planning and control. Centralized purchasing and new budget procedures were introduced. A garbage reduction plant was built; the waterworks were modernized and enlarged; a sewage disposal plant was constructed; miles of streets and sidewalks were paved, a comprehensive city plan was adopted; and a thousand acres of parks and playgrounds were acquired. Some of these public works would have been built by any system of administration under the pressures for expansion. Landrum R. Bolling analyzed the developments to 1940 as follows: "In matters of administrative organization the city manager system undoubtedly provided significant improvements over the form of government which had previously existed in Dayton. Unity of control was provided. Authority commensurate with responsibility was more nearly achieved. And the dividing line between policy formation and policy execution, flexible enough for easy relations, was far more firmly established than it ever was in the confused times prior to 1914." [11]

[9] National Municipal League, *The Story of the Council-Manager Plan* (New York, 1947), 18-19.

[10] *Ibid.*, 20-21; see also National Municipal League, *Council-Manager Cities During the Depression* (New York, 1935).

[11] In *City Manager Government in Seven Cities* (Chicago, 1940), 318.

Cambridge, Massachusetts, has had the manager plan since January 1, 1942. Prior thereto the mayor-and-council government of Cambridge had nettled the citizens by rising tax rates, poor services, and political favoritism. What happened in the first five years of management? Here are some of the highlights: "As the cost of living went up, the city was able to give employees an average pay increase of $500 even though taxes went down. The tax rate was reduced each year from $46.30 per $1,000 in 1941 to $35.80 in 1946, a total reduction of $10.50. At the same time the bonded debt was reduced from about $10,000,000 to approximately one-third of that amount. . . . Spectacular savings were made by having city crews instead of favored contractors do such work as snow-removal, refuse collection and street repairs. While Boston's garbage and ash collection costs were soaring from $415,248 to $1,120,000, Cambridge bought eighteen collection trucks and cut expenses. By resurfacing its own bituminous concrete streets, Cambridge cut the cost to 60 cents a square yard from previous contract prices of $1.25 to $2.50. At the same time services were improved all along the line. Recreation facilities were greatly expanded. The health department and city hospital were modernized. The library book budget was tripled in the first three years. The police department was rejuvenated with the inauguration of police schools, replacement of unsatisfactory motor and radio equipment and establishment of a juvenile aid bureau." [12]

Countless other illustrations could be cited. The manager plan is not a magic formula for good government. It does not come with a gilt-edged guarantee like a sound retirement annuity. The citizens must still toil at the essential problems of interest, alertness, and action, especially in the election of a council. It opens the door to sound administration to be achieved by a combination of citizen action, councilors' responsibility, and managerial skill. Rarely has it gone so sour as to cause the people to abandon it. Only in a few exceptions, as in Kansas City, Missouri, from 1924 to 1939, has it fallen under boss domination—the entrenched power of Boss Pendergast. Even in Kansas City, a reform movement recaptured the city for the people in 1940 and brought about the appointment of a distinguished Michigan manager, L. P. Cookingham, to be the chief administrator of what had been "Tom's Town." [13] The municipal program in Kansas City was then characterized as follows: "The merit system has been honestly administered, spoils have been abolished, favoritism in contracts has been eliminated, modern budget and accounting systems and controls established, training programs for employees inaugurated, independent annual audits conducted, trained and qualified personnel engaged without regard to politics, the physical plant of the city rehabilitated, deficits turned into surpluses, services improved, and many

[12] National Municipal League, *The Story of the Council-Manager Plan* (New York, 1947), 27.

[13] See W. M. Reddig, *Tom's Town* (New York, 1947).

other modern practices installed to provide better service at lower costs." [14]

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[14] National Municipal League, *op. cit.*, 36.

CHAPTER XIX

The Council-Manager Plan: An Appraisal

When the council-manager plan was first advanced, the proponents argued that it would pave the way for a city manager profession. The post of manager would become professionalized like that of doctor or lawyer. Individuals skilled in management would move from city to city. They would make it a lifetime occupation. Thus cities would be able to draw on a pool of administrators with experience in municipal government. Individuals would come into management from training courses in the universities, from previous experience in municipal service in subordinate positions, and from business, professional, and other occupations closely related to management.

The year 1947 may be taken as an illustration of what has happened in city manager appointments. There were 246 appointments to the post of manager. Thirty-two of these were promotions from the administrative staff within the city. Fifty-six were promotions from administrative positions outside the city. Fifty-seven were promotions from one city to another. An additional twenty-six were former city managers receiving new appointments. Thirty-seven entered management from nongovernmental positions. No data were available on the remaining thirty-eight appointments. Of the 246 appointments 148 were definitely recorded from out-of-town, an unusually good record.[1] These figures indicate the utilization of individuals with a professional interest in management in the manager's office.

Other statistics demonstrate the growth of the profession. At the end of 1945 there were 609 managers in office and the average length of service including all cities served was seven years and 10 months. Of this same group 36 per cent had at least one college degree and an additional 29 per cent had attended college or taken extension courses. Some 23.4 per cent had engineering degrees. As to years of service, 12 had completed more than 25 years; 44, from 20 to 24 years; 62 from 15 to 19 years; 70 from 10 to 14 years; 111 from 5 to 9 years; and 310 less than 5 years.[2]

At the beginning of 1948, the average salaries of managers ranged from $8,703 in the cities from 10,000 to 25,000 to $18,333 in the cities from 250,000 to 500,000. Considering the tasks which they performed and the amount of effort which they expended, it could not be said that managerial salaries were high. Many were kept in the profession by their

[1] *The Municipal Year Book* (Chicago, 1948), 489.
[2] *Ibid.* (Chicago, 1946), 524-525.

interest in the public administration, for they could command higher salaries in private employment.[3]

One of the characteristics of a profession is the development and utilization of a code of ethics. As early as September 25, 1924, the International City Managers' Association adopted a code which set forth the responsibilities of a manager to the city. Not only does it enumerate standards which managers should observe in dealing with the council and the public but also personal qualifications of integrity and honesty.

Factors which have contributed to the growth of a managerial profession are almost self-evident. The elective mayor is dependent upon the process of election for his position and his tenure is automatically fixed at 2, 3, or 4 years by state law or charter. To be elected and stay in office, he must spend a lot of time in political campaigning for election and reelection. It goes without saying that he will be a resident of the city, not an outside expert brought in to serve in an executive position. Once his term of office has expired, the experience which the mayor has accumulated is rarely available elsewhere unless he goes on to state or federal political office.

By contrast, the position of city manager, being an appointive one, has encouraged the bringing in of outside experts with previous experience in public administration. A collateral development has been the selection of existing city department heads or other officials for promotion to the managerial spot. Any city council selecting a manager can make a choice from a variety of sources and from outside the city unless there are limiting residential requirements. The amazing thing about the managerial profession has been the movement of professional managers from city to city. Prior to the development of the manager idea, our local government had been thoroughly rooted in the tradition that previous local residence was essential to being a municipal executive of the mayoral type. The manager plan has brought an abrupt change. This is not to say that every city council takes a broad-minded attitude when looking for a manager. There have been many councils which have picked home-town talent and have had no intention of looking beyond the corporate boundaries.

Whether the council selects a home-town manager or brings in an administrator from another city, the standards of selection are very different from the popular election device which applies to the mayoralty. In the case of a candidate for mayor, the primary test must always be the accumulation of votes to win. In selecting a manager, the council can give its attention to the training and to the administrative records of applicants. Appointive position is pitched at a different plane from the electoral process. The figures noted above indicate that theory has been working out in practice. There is definite statistical evidence to support

[3] *Ibid.* (Chicago, 1948), 491.

the view that a managerial profession has developed and continues to develop.

Spread of the Council-Manager Plan

Since its inception in the period from 1908 to 1912, the council-manager plan has definitely been on the march. By 1948, it had been developed in more than 800 American communities and had also spread to Canada and Ireland. In 1908 Staunton, Virginia, was the only city to have a form of government approaching the manager plan. The movement did not really get under way officially until 1912, when Sumter, South Carolina, became the first council-manager city. By 1924 there were 273 council-manager municipalities; in 1934 the number had risen to 443; in 1940 the accumulated total was 527. Some 856 cities and counties had the plan in legal effect December 31, 1948. This figure, however, did not include 34 cities where the plan had been adopted but was not yet in legal effect. Of the 856 communities, 42 were cities of Canada and Ireland, and 11 were American counties.[4] Membership in the International City Managers' Association which had reached the modest total of 17 in 1914 stood at 1,158 in 1948. This membership figure included, in addition to actual managers, a number of persons closely associated professionally with the I.C.M.A.[5]

The council-manager plan is not limited to any one geographical region of the United States. It has been adopted more widely in some states than others, although in comparative analysis the dual questions of legal opportunity to adopt the system and numbers of cities in the respective states must be recognized as factors. Maine led the parade with 95 manager cities and towns in 1948; Michigan ranked second with 73; and Texas placed third with 70. Forty-three states had one or more cities operating under the manager plan.[6]

Of the cities of more than 100,000 population, the manager plan was used (1948) in 22 out of 92 cities or 23.9 per cent. In the range from 50,000 to 100,000 managers were employed in 34 out of 106 cities or 32 per cent. For cities of 25,000 to 50,000 the figure was 58 out of 212 cities or 27.3 per cent. In the group from 10,000 to 25,000 the total was 164 out of 662 or 24.8 per cent. Below 10,000, in the range from 5,000 to 10,000 the manager proportion was 18.3 per cent.[7]

The official list of cities having the manager form of government can be found each year in *The Municipal Year Book*. The annual volumes contain a directory of council-manager cities and managers.

[4] International City Managers' Association, *Recent Council-Manager Developments and Directory of Council-Manager Cities* (Chicago, 1949), 4-5.

[5] International City Managers' Association, *Annual Activity and Financial Report of the Director* (June 30, 1948).

[6] International City Managers' Association, *Recent Council-Manager Developments and Directory of Council-Manager Cities* (Chicago, 1949), 6.

[7] *Ibid.*, 5.

Cities are listed by states, and in each instance the table indicates: population of the city; whether the plan was adopted by charter or by ordinance; year of adoption; name of the incumbent manager; whether or not he is a member of the I.C.M.A.; number of cities in which he has served; and, finally, the year of appointment to his present post. This compilation is a handy and authoritative guide to the council-manager cities and counties. The same information is also published annually in a separate pamphlet entitled: "Recent Council-Manager Developments and Directory of Council-Manager Cities."

As of 1948, the following states had council-manager cities of more than 100,000 population based on post-war figures supplied by the Bureau of the Census. California had in the roster: Berkeley, Long Beach, Oakland, Richmond, Sacramento, and San Diego. Connecticut had one such city, namely Hartford, while Florida and Kansas listed Miami and Wichita respectively. In Massachusetts, the two large manager cities were Cambridge and Lowell.[8] Michigan had Flint and Grand Rapids, above the 100,000 mark. Missouri had one such community in Kansas City. In New York, Rochester and Yonkers were the only manager cities of this size. Charlotte, North Carolina, was just above the mark. Ohio contributed Cincinnati, Dayton and Toledo. Oklahoma City was the only example in Oklahoma. Texas could boast of Dallas and Fort Worth. Virginia closed the list with Norfolk.[9]

Appraisal of Management

The city manager plan has been surveyed at great length since its inception. The most elaborate studies have been those of the Committee on Public Administration of the Social Science Research Council. In 1940, three volumes were published as follows: *City Manager Government in the United States; City Manager Government in Seven Cities;* and *City Manager Government in Nine Cities.* These volumes gave a review of the successes, accomplishments, and shortcomings of city management after twenty-five years of operations. No system of municipal administration in the United States has ever been subjected to such an intensive and comprehensive review by so many investigators. Some of the principal conclusions were as follows.

1. When compared with preceding forms of government, the city manager plan brought a diminution of partisan or factional influence. Councils appointed managers without regard to political affiliations. In turn, the managers threw their influence to impartial administration.

2. Managers improved the organizations left them by the preceding forms of government. They had a scientific or, at least, a businesslike attitude and developed coördination beyond any level which had existed

[8] Worcester, Massachusetts, adopted the plan in 1947 to become effective in 1950.
[9] *Ibid.*, 10-24.

previously. The opportunity to concentrate leadership of administration in one person was one of the most outstanding improvements.

3. The managers increased long-range planning; encouraged the use of experts on technical problems; improved personnel administration; raised the standards of employment; and increased the interest of employees. Managers presented more adequate financial information to councils and councils were therefore able to determine fiscal policy more intelligently. The managers followed through by improving fiscal control and by making it possible to put the policies of councils into effect.

4. Administrative improvements were attained by a greater public-spirited political leadership than many of these cities had known prior to adoption of the plan. While some cities failed to retain their original enthusiasm for city management, the reaction was not great enough to destroy improvements which had been attained.

5. The council-manager system developed the prestige of councils, and improved the position of expert administrators in municipal government. There was a greater degree of separation between politics and administration. At the same time control of elective councils over all aspects of municipal affairs increased. Although the council remained politically responsible for administration, the councilors could accomplish objectives, because an expert administrator had authority to manage departments of the municipal service.

6. Management led municipal government to a broader and a more vital function in the community. With increasing public confidence in the ability of the government and in its efficiency came a tendency to give the government responsibility for new services.

7. The principal accomplishment was not to reduce total expenditures or reduce the tax levy. Unit costs were reduced and waste by graft or inefficiency was prevented.[10]

Manager Plan Abandonments

One of the acid tests of any form of municipal administration is the question of retention of a plan once it has been adopted by the people. The record of the manager plan is unusually good so far as abandonments go. To 1949, only 35 American communities had abandoned the plan by vote of the people. The communities which had done so by popular referendum were: Hot Springs, Arkansas; Santa Barbara, California; Fort Myers, St. Cloud, and Tampa, Florida; Ashland, Kentucky; Mason City, Iowa; Fall River, Orange and Waltham, Massachusetts; Albion, Michigan; Cape May and Trenton, New Jersey; Binghamton, New York; Akron, Ashtabula, Cleveland and Lima, Ohio;

[10] H. A. Stone, D. K. Price and K. H. Stone, *City Manager Government in the United States* (Chicago, 1940), 259-260.

Collinsville, Lawton, and Sulphur, Oklahoma; Cottage Grove, Oregon; Huron and Madison, South Dakota; Denton, Gainesville, Houston and Waco, Texas; Bennington (town and village), Brattleboro, Cavendish, Hardwick Village, and St. Albans, Vermont; and Stevens Point, Wisconsin. These then are the communities in which voters decided that the manager plan had gone sour. No form of administration can automatically produce good results. The manager plan like any sound structural principle depends upon judicious application to the individual community as well as upon firm citizen support. Of these 35 communities, Ashland, Kentucky; Brattleboro, Vermont; and Waco, Texas; have re-adopted manager government.

In 1940, a study was made of twenty-five instances of abandonment of the city manager plan in American communities.[11] A variety of explanations are in order for the failure of the plan in these places. One is the dangers of a defective charter; another is the tendency of citizens in a depression period to blame the existing city administration for economic conditions; a third is weak citizen support of management with selfish interests undermining the plan.

Much can be said for municipal practice in following the model charter of the National Municipal League, or some other model. Denton, Texas, demonstrated the danger in designating the manager as mayor and in making him at one and the same time the political and the administrative head of the city. Akron's charter did not include the model city charter proviso forbidding the appointment of a councilman as manager. As a result, a former mayor was elected as mayor under the manager charter. He then resigned from the mayoralty and was appointed as manager by his friends in the city council. This operation dealt the manager plan a body blow from which it never really recovered. In Santa Barbara, California, the manager charter left wide powers to appoint administrative officers in the city council. While many reasons entered into the abandonment of the Santa Barbara charter, appointments made by the council had an important negative effect. Again, in Stevens Point, Wisconsin, ward election of the council plus an unsound division of responsibility for administrative functions opened the plan to allegations of managerial failure where, in truth, the manager lacked authority.

In Florida, the manager plan suffered various reverses because of the collapse of the real estate boom. With the economic conditions which followed upon the deflation of land values in the nineteen-twenties, manager charters in Tampa, Fort Myers, and St. Cloud became casualties. While other factors must be also considered, the fundamental line in these cases was opprobrium heaped upon the manager plan after real estate values suffered a severe decline. Fall River, Massachusetts, was governed by a manager from 1928 to 1934. The years were marked by

[11] A. W. Bromage, *Manager Plan Abandonments* (New York, 1940).

the textile depression in the city and by the nation-wide depression of the early 'thirties. The city encountered a financial crisis in 1930 which led to substitute administration by the state through the Fall River Board of Finance in 1931. Finally, after the worst of the crisis had been weathered, the people in 1934 voted themselves under mayor-council government. After the most acute financial crisis had passed, the politicians petitioned for a referendum and management was abandoned.

The most common underlying cause of manager plan abandonments lies in lack of citizen support of a new charter. In Hot Springs, Arkansas, Brattleboro, Vermont, and Lawton, Oklahoma, opponents of the manager system attempted to secure control and to shape the managerial organization to their own purposes. When they had discredited the managerial principle by their own manipulations, they carried referenda to abolish it, because there was insufficient citizen support in defense of the charters. While the manager plan endured for seven years in Cleveland, lack of effective support from citizens was the cause of abandonment. Voters expressed their resentments against the council-manager charter without appreciating real achievements in services. Mayo Fesler, director of the Citizens' League of Cleveland, indicated that there had been bedevilment of administrative officers by party leaders and partisan councilmen. Manager and council failed to recognize clear distinctions in the charter between the respective fields of activity. While many voters disliked P.R., it was especially obnoxious to the party leaders. Antagonisms accumulated under the charter, because of the American idea of regarding government as a grab bag into which every citizen has a right to dip his hand and grab all he can get.[12]

In Binghamton, New York, and Trenton, New Jersey, the manager plan produced non-political administrations of real calibre for a few years. Later political factions stole a march on the supporters of management, and the new regimes collapsed. Citizens' organizations backing the manager idea can not afford the luxury of relaxation. Binghamton and Trenton furnish the best proof of what can happen to managerial administrations when citizens and politicians play at tortoise and hare.

Five of the twenty-five communities abandoning the manager plan by 1940 had a population of more than 100,000. There can be no question but that the large cities demand vigilance, once they have adopted management. Akron, as we have seen, had a defective charter. In Fall River and Tampa the plan was swamped by economic factors. Cleveland is a large metropolitan city, and the development of effective citizen action is more difficult in such communities. Trenton reverted to the commission form after a good record under management. One can best summarize by referring again to this fundamental problem of citizen action and support. Sometimes an organized majority of thinking voters

[12] A. W. Bromage, *op. cit.*, p. 32.

succeeds in promoting a manager charter, and bows later to an organized minority of politicians who have marshalled their forces to the attack. An indifferent mass of voters permits these active minorities to resolve the issue.

Trend to County Managers

A marked characteristic of the city manager plan has been the rapid spread of the device from city to city. This rapid growth has been marked by a small number of abandonments. The device of a county manager has met with much greater opposition and less success in public acceptance. Manager counties can be counted on the fingers, whereas manager cities call for the adding machine. County management has made the greatest progress in California, New York, North Carolina, and Virginia. In California, experimentation has been marked by the device of the home-rule charter. New York, North Carolina, and Virginia, on the other hand, have advanced to manager counties through optional state laws.

Can the manager plan, securely established as it is in municipal administration, be extended on a broad front to counties? That it can be utilized by counties has been demonstrated in diverse areas such as Sacramento County, California; Fulton County, Georgia; Petroleum County, Montana; Monroe County, New York; Durham and Guilford counties, North Carolina; McMinn County, Tennessee; Albemarle, Arlington, Henrico and Warwick counties, Virginia. County management is being restrained, in part, by state constitutional problems. The systems of county organization prescribed by a majority of the state constitutions are intrinsically contrary to the managerial principle. Many constitutions call for the direct election of the principal county administrators; many states have neither county home rule permitting counties to frame, adopt, and amend county charters nor optional state laws. In its inception, the manager principle for cities had to wait upon the development of municipal home rule and optional state laws permitting cities to establish managers. This development of legal opportunity has been advancing slowly in county administration.

Other retarding influences to county management can be cited. The county is a subdivision of the state, as well as a unit of local self-government. Trends to state administrative control of counties have been marked, and vertical supervision from above diminishes the prospect for integration of management at the local level. As the individual county administrator is brought increasingly under state administrative supervision, the need for local managers is said by some authorities to diminish. In many of its operations, the county is an outpost of state administration as in public health for rural areas, county roads, and public welfare. County officials are often more concerned with carrying out state policy, than with the fulfillment of the will of the county electorate.

Another factor is political in nature. The county has traditionally been one of the most important geographical subdivisions of the party organizations. The county committee of the Republican and Democratic parties is a fundamental cog in their party machines. County elections have been and still are, for the most part, partisan in nature. Party organizations strive to dominate the county seats in most, or in a goodly majority, of the counties of a state. The manager plan does not thrive in an atmosphere of partisanship.

In spite of the obstacles and objections, some of the states and a few counties have taken their cue from city management, and have forged ahead with the application of the principle to the counties. In 1948, there were only eleven county managers in the United States listed by the International City Managers' Association. This is only a small fraction of the 3,000-odd counties. Any realistic prognostication must admit that the managerial principle will move much more slowly into counties than has been the case in cities. The idea of the county manager is the same, namely, to give to a manager under a representative council the general responsibility for the administration of a series of county departments. There is a model county manager law prepared by the National Municipal League.

Shibboleths from the Jacksonian era still dominate the county. It may no longer be the dark continent of American politics, but it is still the happy hunting ground of the popularly elected administrator such as the clerk, treasurer, register of deeds, sheriff, and prosecuting attorney. The frontier principle that any man can govern has unfortunate results in an age when problems of county administration are intricate and technical. Rotation in county offices may satisfy party workers, but it precludes the employment of experts. The long ballot may have been satisfactory in times gone by, but in the present decade it is obsolete. The rapid progress in city management stands out in bold relief, when set against the slow progression to county management.

The International City Managers' Association

The International City Managers' Association had its inception in December 1914 at Springfield, Ohio. Eight city managers met in conference and organized an Association which, in 1924, was changed to the International City Managers' Association. At first, the secretariat of the I.C.M.A. moved from place to place, but, in 1929, it was located at Chicago. Clarence E. Ridley was appointed as the executive director. The headquarters is now at 1313 East 60th Street, Chicago. The Association is an incorporated, professional organization of city managers designed to aid in the improvement of local administration. The Association does not participate in campaigns for the adoption of the plan. "It encourages city managers to administer the affairs of their cities in

accordance with the best methods developed through research and actual experience. Toward this end the Association holds an annual conference; conducts Management Information Service; publishes *Public Management*, a monthly journal devoted to local government administration, *The Municipal Year Book*, the annual authoritative résumé of activities and statistical data of American cities, and a bi-weekly *City Managers' News Letter;* and conducts the Institute for Training in Municipal Administration which offers correspondence courses in municipal administration.[13]

Membership in the I.C.M.A. is open to any person who has been appointed as the administrative head of a city by the legislative body. He must have served as a manager for three years, and his professional conduct must conform to the code of ethics of the Association. Graduation from a recognized college or university, or service for five years in a responsible administrative position, is accepted as the equivalent of one year of active practice as a manager. Associate membership is open to any person who is the administrative head of a city and appointed by the legislative body. Other membership categories are honorary, affiliate, student, and sustaining.[14]

The I.C.M.A. holds an annual conference in which managers exchange views on management problems. In addition, there are various annual conferences of managers within individual states, and, more recently, there have been developing city manager institutes such as those held in Maine and Michigan. This constant interchange of experience and activity is characteristic of all professional associations, and the city manager profession is no exception.

The I.C.M.A. conducts Management Information Service. This is a service by mail to all cities and towns on a subscription basis. How this service operates can be briefly described. The chief administrator is asked by the council for a recommendation on policy. He may receive from a department head a suggestion for a new service, or a change in procedure, on which he as manager must give a decision. As a guide to his decision, he wants to know how other cities are handling this and similar problems; what is good practice as indicated by experience; what views specialists have on the point; and what the national trend is. He does not have time to do research on the question. On the other hand, the I.C.M.A. already has available through conferences, publications, letters, and questionnaires, basic files on management problems. Thus, the I.C.M.A. is able to furnish, through Management Information Service, an analysis of the best techniques and procedures developed by officials and specialists; information on what cities are doing and what

[13] International City Managers' Association, *Recent Council Manager Developments and Directory of Council-Manager Cities* (Chicago, 1948), 2.

[14] C. E. Ridley and O. F. Nolting, *The City Manager Profession* (Chicago, 1934), 79-80.

the trend is; and advice on management policy, organization, coördination, direction, control, measurement, and reporting.

The type of inquiry which Management Information Service receives spans the gamut of municipal functions. Cities want to know: trends in salaries; examples of ordinances on new sources of revenue; extent to which cities use parking meters and the results; systems of personnel records used for municipal employees; methods of handling traffic violations; practices as to police rules and regulations; fire department manpower requirements; how to regulate taxicabs. This service is available to cities for a fee, graduated according to population. The great value of the service is in giving to administrators and councilmen facts, on which they can base their judgments in solving their own local problems. To attempt to administer without knowing how other cities are meeting the same problems, what the best practice is, what the trends are, is like trying to administer in the dark.

The Municipal Year Book, which is published annually by the International City Managers' Association, is an outstanding source book on municipal activities and statistics. It contains materials on units of government, forms of government which they use, and governmental data for individual cities. The year book carries statistical information on municipal finance and personnel. Each year, trends in services and activities of cities are summarized, including such items as planning and zoning, fire department statistics, and welfare developments. The annual volume also contains the directory of manager cities and counties. It should be emphasized that the year book does not deal with manager communities alone. Its data, charts, and trends reach out to summarize what is going on in all cities, whether they are of the mayor-and-council, commission, or council-manager variety. Other regular publications are the monthly periodical, *Public Management*, and the bi-weekly *City Managers' News Letter*. The latter keeps administrators informed as to what the managers are doing in the various states, and as to manager vacancies and appointments.

The managers have been fortunate in having an able professional association to advance their individual skills and capacities. With the years, I.C.M.A. has gained momentum and experience, and has been able to extend its services to administrators and to cities generally.

Training for Management

It was once said that all roads led to Rome. There are many roads which lead to management. With the demonstrated development of a city manager profession, the universities experimented with graduate training courses leading to city management. Some of the earliest efforts of colleges and universities were directed to the training of students for public administration at the local level, particularly the municipality.

In recent years, these programs have been merged into general training for public administration. While there are various undergraduate programs, the more specialized training centers call for one or two years of graduate work leading to the Master of Arts, the Master of Science, or the Master of Public Administration degree.

An effort has been made to merge academic training in the principles of administration with field work training in a federal, state or municipal administrative unit. Many managers are recruited from the engineering colleges. The University of Michigan, for example, has a graduate Institute of Public Administration to prepare individuals for management at all levels of public administration. Within the broader program of public administration, individual students can specialize in training for city management. *The Municipal Year Book* contains annually a list of the colleges and universities which offer programs of educational preparation for public administration. The trends to scientific management in the municipalities spurred the modern concept of training for career service in public administration.

Beyond the college and the university, the individual who seeks a career in city management must get both feet wet in the stream of experience. One of the best ways to start is as an administrative assistant to a manager in one of the larger cities. Alternatively, there is the village or the small city in which a foothold can be obtained in the manager profession. It is a difficult and consuming task and should be undertaken only by those willing to give to public service, energy and capacity above the monetary rewards. The greatest satisfaction is in the administrative job well done. From the village or small city, the new recruit may look forward to advancement to the larger municipality, as vacancies occur. Over a period of twenty years at the University of Michigan, it is now possible to recall graduate students who progressed from their training years to management in small communities, and have now moved into some of the largest manager cities in the state. However, the field is not limited to one state; the successful big-time manager can move from city to city and from state to state.

Acceptance of the trained administrator has increasingly become a characteristic of American public administration. The municipal governments, with their use of managers and the merit system for employees, early forged into the lead in this movement, particularly in the nineteen-twenties. The trend is by no means complete. There is still much to be done in the building of career jobs at the local government level. Cities have demonstrated that it can be done in a top management position. This is the fundamental achievement of the council-manager cities. It has increasingly attracted students to pursue training for city management.

The qualities which make a successful manager are not easily defined. Personal integrity is a must. The willingness to work long hours, to put

everything you have into the job, is another. Capacity to deal with others whether they are city councilors or department heads, citizen groups or pressure groups, business executives or labor unions, must run high. Management requires a quality of democratic leadership to which some are born, and which others acquire through experience. Persistence in finding the right answer to the technical problems of administration, and in selling the appropriate answer to the council, is another quality. Judgment, character, leadership, and training go to make up the successful manager, and can be developed over the years. There is no mystery about the acquisition of the skills to do the job.

Importance of Citizen Action

No form of government can bring automatic solutions for municipal problems. Successful management demands a charter which is sound in principle, the election of a top-flight city council, and the appointment of a capable manager. The plan rests upon citizen action in the first instance. It is citizen action, in adopting a charter of the home-rule or optional-law variety, which makes the operation possible. Once this initial hurdle is surmounted, the citizens, through a city manager league or some other civic organization, need to remain active in selecting capable members of the city council. Citizen effort must not die with the movement which carries the charter to adoption. This is only the beginning. Unless a group wants to put its back into the problem of city administration, the citizens would do better to leave the manager plan alone. The plan does not have a powerful mayor whose dominance catches the public eye. The grass roots of the plan lie in the elected council, where prestige is shared by five, seven, nine or some other number of councilors. In election after election, the voters must be alert to the choice of a capable and representative council which can be entrusted with the task of policy. No manager can administer successfully if he is constantly harassed by the councilors.

The importance of having an able council under the manager plan explains the emphasis upon election-at-large for the councilors. This takes the council away from the ward or district system, in which the councilman is under pressure to look at problems from the interests of his ward or section of the city. Non-partisan nomination and election are designed to remove the council from hard-and-fast party loyalties, as applied to municipal administration. Ward and political factions on a city council do not mix well with management. While these non-partisan nomination and election-at-large systems do not always produce the desired results, they are a step in the right direction. On the other hand, a few cities using the ward system have developed able councils.

Another alternative is the Hare system of proportional representation. This has been used in a small minority of the cities adopting the manager

plan. It is more exact than any of the other schemes of nomination and election in producing a council representative of the people, and of the groups into which they divide from election to election. Some of our successful manager cities, and outstandingly so Cincinnati, have used P.R. for the election of their councils. On the other hand, the use of P.R. in Cleveland was one factor in the abandonment of the charter by that metropolitan city, the only metropolis ever to adopt the manager plan in the United States. The manager system is not dependent upon the use of P.R. for the council. In Michigan, the state supreme court declared P.R. unconstitutional many years ago, but the cities have gone on adopting management and establishing non-partisan councils, elected at large, for the most part. Whatever the framework by and through which it is achieved, the number one problem in the manager city is the council.

If you have ever been around managers at election time for the city council, you will have seen how this fundamental works. The manager knows that the future course of administration, and sometimes his own job, depends on the outcome. Where a manager has one of these unfortunate split situations in which a bare majority of the council supports his administration, a municipal election can be a hair-raising experience. The overthrow of the majority on the council sometimes spells disaster for the individual city manager. Oftentimes, one hears after the election such remarks as this: "Six members of the council are solid, and that makes a good working majority for the future." On the other hand when a seven member council is split 4-3 in backing the city manager, then trouble usually ensues, if it has not arrived already. The manager must rely on energetic citizen action to produce an effective council.

Sometimes, the unthinking citizen wants to know why the manager, who is a trained administrator, can not be better protected by charter provisions against the politically minded type of city council. The answer is that the manager is subject to removal by the council, although he may carry out a delaying action under some charters by demanding a public hearing and written charges before his final ouster. This is the democratic way of life, in which major decisions go back to elected representatives of the people. There is no known way of protecting the people against their own lethargy. Occasionally, in our democratic order, an able manager loses his professional head for reasons other than his lack of competence in the job.

There is no sanction beyond citizen action in electing and reelecting councilmen who believe in management, who know how to develop policy, and how *not* to interfere with the manager in his administrative operations. This is the task of the citizen. In a democracy there is no substitute for the ultimate responsibility of the people and the immediate authority of their representatives.

The National Municipal League suggests that voters should maintain a non-partisan organization. Such an organization is most effective when

it works for low unit costs of government, maximum services, and maintenance of democratic methods. A voters' league functions to keep citizens informed and rational about municipal problems; to serve as a proving ground from which leaders may arise; to support candidates of integrity, capacity, and public spirit for the council; to defend the manager plan from political attack; and to encourage development of municipal programs, policies, and projects of long-range value to the community. "In order to perform all these vital functions, the voters' organization must be equipped to get out the vote, for votes are the single powerful control over government. A successful type of organization has been operating in Cincinnati, Ohio. Unpaid volunteer workers are assigned to every precinct and block in the city. It is their business to know every voter, to inform voters of the issues in city government, to show them the importance of electing to the council the men supported by the voters' organization, and to see that they vote on election day. Subordinate to this door-to-door, day-to-day type of contact are publicity, speech-making, forums, and meetings." [15]

The Manager Plan, Employees, and Labor

Municipal employees and organized labor have a direct interest in the council-manager system. Municipal employees properly want to know what their chances for stability of employment and adequate pay will be if their city adopts management. Organized labor is interested in probable effects upon unionization. Some years ago, the National Municipal League obtained questionnaires as to employee policy from 215 manager cities. Three-fourths of the cities reported that no employees were dismissed during the first year of city management. Less than 10 per cent of the cities reported the dismissal of more than five employees during the first year. With the exception of one city, all dismissals were for inefficiency, violation of rules, and other failures to do a competent job in the service. More than 25 per cent of the cities indicated that they had more city employees after the first year of the manager plan. Less than 10 per cent of the cities reported a decrease in the number of employees.

As a result of the survey, the League stated that managers with the backing of their councils: "1. Increased the security of city workers by keeping experienced employees as long as they did their work; 2. Stopped politicians from collecting 'voluntary' contributions from employees' salaries; 3. Encouraged employees to make careers of government work, because those who are working for promotion are better workers; 4. Improved working conditions in order to increase the dignity and stability

[15] National Municipal League, *Best Practice under the Manager Plan* (New York, 1948), 2-3, see also the League publication, *Citizen Organization for Political Activity—The Cincinnati Plan.*

of public employment; 5. Favored the merit system in choosing employees and making promotions." [16]

The National Municipal League has also requested labor leaders in the United States to relate their experiences in council-manager cities. The League received favorable replies from organized labor in many cities. Reports that labor got better representation on city councils came from Cincinnati, Ohio; Escanaba, Michigan; Port Arthur, Texas; and Superior, Wisconsin. That labor received a better hearing in municipal affairs was cited by Fred A. Soellner, President, Schenectady Trades Assembly, Schenectady, New York. In Toledo, Ohio, Edward F. McGrady, former Assistant Secretary of Labor, gave the city manager government credit for setting the stage, in the Peace Board, for amicable labor relations and for adequate police protection without curbing labor's right to peaceful picketing. Other statements favoring the manager plan for its attitude toward, or effect on, organized labor came from Wheeling, West Virginia; San Diego and Oakland, California. In Oklahoma City, Oklahoma, a proposal to abandon the manager plan found ninety per cent of 100 representatives of labor unions opposed to a change in form of government.

The National Municipal League holds that labor approves the council-manager plan for a wide variety of reasons. Labor has a better chance of getting a hearing before a small council, one of the common features of the plan. The use of city-wide representation in city councils permits labor to rally its forces to support labor candidates in the elections. Managers can not afford to support anti-labor policies. They know that best results are obtained in municipal administration "when city workers are well qualified, well paid and secure in their jobs." Manager charters usually contain more safeguards for civil service than other forms of government. Services, including welfare and social services vital to labor, are administered on a non-political basis. By reducing unit costs, city management lightens the tax burden on the working man.[17]

Concluding Observations

Since 1908-1912, when the council-manager plan was first developing, no major, new form of American municipal administration has been evolved. Many refinements, to be sure, have come within the manager plan itself. Charters have become more streamlined, shorter, clearer in setting forth the fundamentals of management. No new plan has been evolved. This indicates that the manager plan has been doing very well. It has seen no rival form develop to challenge the leadership which the managers have attained. This is no reason for complacency. It suggests that the wave of experimentation which carried us from the weak-mayor-

[16] National Municipal League, *What Happens to City Employees* (pamphlet).
[17] National Municipal League, *What Happens to Labor* (pamphlet).

and-council, to the strong-mayor-and-council, to the commission, and finally to the council-manager plan may now be at an end. Among these four forms, the cities can now seek their destinies in administration. Increasingly, they have taken their stand on the council-manager platform.

No "form" of government can produce satisfactory results in public administration. The council-manager system depends on citizen action to translate the organizational pattern into a web of administration. It provides a clean-cut channel through which citizen action can flow into services adequately and economically performed. It contains no confusion of powers, no diffusion of responsibility. Its phenomenal growth is one proof of its success. The outstanding record of management in many individual cities is another. The small number of abandonments is indicative of its staying qualities. The increasing professionalization of managers, as evidenced by the expansion in numbers and activities of the International City Managers' Association, is further proof of progress. It is no longer necessary to argue solely that the "form" as such is superior.

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CHAPTER XX

Administrative Organization

Under the strong-mayor-and-council and the council-manager plans, an effort has been made successfully to create a single executive with integrated responsibility for municipal administration. As much cannot be said for the weak-mayor and commission types. In the former, the mayor's power of appointment and removal is subject to confirmation by the council. In the latter, executive authority is divided among commissioners who serve collectively as a city council and individually as the heads of city departments. A plural responsibility for policy and for administration results under government by commission.

Modern municipal administration calls for the integration of control over administration in a single executive with broad power to appoint and remove the heads of the municipal departments. Only in this way can the administrators, with certainty, be made responsive to direction from a chief executive. This can be achieved by a strong mayor responsible to the electorate of the city. It has also been attained by a city manager responsible to a city council which, in turn, holds a mandate directly from the voters.

Unless the municipal executive is vested with broad powers of appointment, removal, control and coördination, he should not be unduly criticized when administration bogs down. Where vital controls over administration are divided between weak-mayor and council, or between the commissioners of the commission type, responsibility is not easily fixed in the administrative process. That is why modern charters are so overwhelmingly of the council-manager type with the strong-mayor to the fore in the greater cities.

Departmentalization

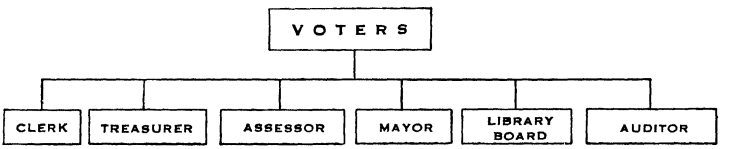
In administrative organization, there must be a division of work which leads to departmentalization. Municipal administration is commonly organized into a number of departments, such as finance, personnel, law, police, fire, public health, public welfare, public works, public utilities, parks and recreation. Within each department there must be further assignment of activities into bureaus or divisions. In the police department, patrol and detective divisions are illustrative of this intradepartmental subdivision of work.

Departments must be so organized that the precise place of each

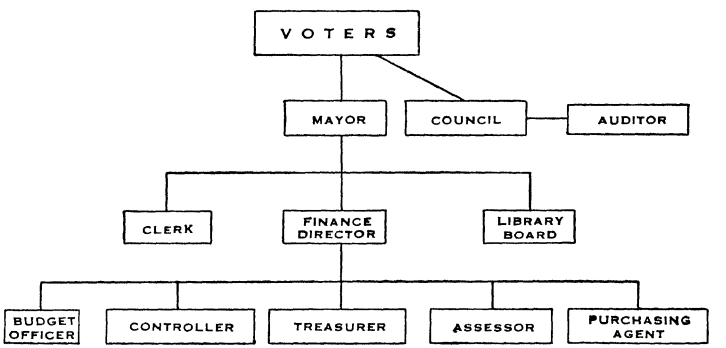
CHART 7

ALTERNATIVE ADMINISTRATIVE STRUCTURES

A. DISINTEGRATED ADMINISTRATIVE STRUCTURE



B. INTEGRATED ADMINISTRATIVE STRUCTURE



employee in the whole organization is specified. Thus, patrolman X is assigned to a day shift, is responsible for public order on a specific beat, and will turn over the investigation of all major offenses to the detective force. He will be responsible to a police patrol sergeant, who will be under the supervision of a police officer in command of the precinct. This officer will, in turn, be under the command of the Chief of Police. The latter is responsible to the manager or the mayor, so there is an unbroken chain of command which runs from the individual patrolman to the chief executive of the city.

Departmentalization is a means of so articulating the administrative mechanism as to maintain a clear chain of command from the chief executive to the employee. The executive whose time is limited can span his subordinates by dealing with ten or fifteen top officials of individual departments. Cities failing to integrate administration under the executive fritter away this clear line of authority and responsibility by placing independently elected administrators, or multiple-member boards, in control of departments. Thereby, in too many cases, a barrier is placed between the chief executive and departmental operations. The com-

mission form of municipal government makes no pretense at integration. Departmentalization, or division of work, is necessary among the commissioners. However, an over-all executive is lacking, and direction in administration must be achieved by the efforts of five or more commissioners with coördinate authority.

1. *Organization by purpose*: To build the units of city activities into departments, various types of organization are possible: (1) by purpose; (2) by process; (3) by area; and (4) by clientele. The most common form of organization for municipal departments is by purpose. Examples of departments organized on the basis of purpose are police, fire, health, recreation. In the case of the police, major purpose centers around the preservation of law and order. The fire department has as a major purpose the prevention of fires and fire fighting. The health department is concerned with the protection of the public health through control of communicable diseases, maintenance of clinics, and other services. The recreation department centers around the organization and development of facilities which will promote recreation in parks, playgrounds, and sometimes in school facilities. Each of these "line" departments operates to promote a major purpose in municipal administration—police protection, fire protection, health protection, and organized recreation. The "line" departments of a city are usually integrated by their major purposes in administration.

The public works department is the outstanding "line" agency which is organized other than by purpose. This is commonly cited as a process department, based on engineering skills. The purposes of this department are divergent—street construction and maintenance, street-cleaning, street lighting, sewage disposal, rubbish collection and disposal, operation of motor pool, installation and maintenance of street signs.

Organization of a department by purpose simplifies the objectives of the director. It is easy for the employees to understand and support the "purpose" or mission of the department. One of the difficulties of organization by purpose is that many departments based on major purposes overlap. In certain "purpose" objectives an overlap occurs between education, recreation, and health administration. If all departments were organized on the basis of purpose, a number of skilled persons in finance, personnel, purchasing, and legal work, would be scattered among purpose units rather than integrated in auxiliary service departments.

2. *Organization by process*: Departments are organized by process to obtain maximum advantage of specialized or technical knowledge and skills. Units are organized on the basis of process most frequently with respect to the "auxiliary" service activities of municipal administration—budgeting, accounting, personnel administration, purchasing, and legal advice and representation. Departmentalization by process brings into an administrative unit technicians with like knowledge and skills. The same kind of work is concentrated in an auxiliary agency of the city rather than scattered among line departments. In one office the municipal admin-

istrator can concentrate not only the persons, but also the machines and equipment essential to the technical process. Process departments or divisions in such fields as finance, personnel, and purchasing, act as auxiliary agencies to the line departments, and assist the executive in coordination and control. The mayor or manager can use the skills of process departments to direct, coördinate, and control the line departments. Budgeting, accounting, purchasing, and personnel administration are essential tools of management. Organization by process promotes the development of professional standards and work by bringing accountants, purchasing specialists, and personnel technicians, for example, into departments where career promotional ladders are more readily made available to them.

Organization by process, like organization by purpose, has disadvantages as well as advantages. It is especially adapted to the auxiliary services. Among these disadvantages is the possibility that the experts in process departments will become more interested in how things are done (processed), than in what is done. The technique of doing things may come to be more significant than the accomplishment of administration. Process departments lack the cohesive binder which a major purpose brings to an organization. Since many process departments are of the auxiliary type, they are usually more remote from the people of the community than the line units. Personnel administration and purchasing are examples of this situation. On the other hand, where an auxiliary service department, such as finance, collects taxes, it has a limited, direct contact with the citizens. A major line department, such as the police force, has constant, widespread, and varied contacts with the public.

One of the difficulties with exact classification under purpose and process categories is that various processes are embedded within purpose departments. For instance, library administration is a purpose department or purpose subdivision within a more comprehensive department. Yet within library administration is the technical process of cataloguing which calls for a specialized skill and, in the larger libraries, for a specialized staff. Again, in very large administrative units, such as the departments of the Federal Government, all of the process of personnel administration does not appear solely within the United States Civil Service Commission as an auxiliary service agency. Personnel officers and units are also found to be essential within the major purpose federal departments, such as the Department of Agriculture. The same problem appears within the greater cities. Such activities as in-service training of employees, which are part of a comprehensive personnel program, must necessarily be left to the large line departments, as in the case of schools for policemen and firemen.

3. *Organization by area*: In the smaller cities, organization of administration by area is not often called for, except in such line functions as

the fire department. Organization by area calls for a district organization which embraces a geographical section of the city. The fire department station house, for protection of a defined area of a city, is a clear example of organization by area. The precinct stations of the police department, in a large city, are based on organization by area. On the other hand, motorization and development of communications, especially the radio, have increased the range and flexibility of patrol, and have diminished the use of area divisions in police administration. In the larger cities, organization by area is still evidenced by the use of the police precinct. Other line departments which use organization by area in various cities are public health, welfare, parks and recreation, and public works.

Why decentralization by area in municipal administration? In a large city, the centralization of all firemen and equipment in a single station house would leave the peripheral areas without adequate protection. The fire runs, through the business area to the outlying residential areas, would be too long in terms of miles and traffic. Since the fire department should be able to reach any fire in any area in a few minutes, decentralization into station houses is the only common-sense solution. As areas are annexed and population shifts, new station houses are necessary, and old ones become obsolete.

In certain instances, organization by area is designed to serve primarily the convenience of the public. Welfare clients in a large city cannot be conveniently served by a central headquarters. An area breakdown is essential to bring welfare administrators close to their neighborhood. Police precinct headquarters also are more convenient to the public than one central headquarters in large cities. The police precinct has the advantage of putting some officers closely in touch with particular neighborhoods, where intimate and thorough knowledge of the residents is essential to adequate law enforcement. Where vehicles are used out of a central headquarters without any decentralization, a consequent loss is incurred in the time taken to move men and equipment out to work areas. This explains the use of decentralization in public works departments in the larger cities.

Geographical decentralization poses a number of problems in administrative organization, for which ready answers are not always available. Basically, these problems turn on the relationship between central and district offices. Any department which is internally decentralized by area must avoid extreme variations in performance, failure to execute policy, duplication in specialized equipment from district to district.

If too much direction wrongly applied to small details flows from the central office, red tape and paper work grows. If insufficient direction is maintained in policy and supervision by the central office, the district headquarters become independent empires. Under these circumstances, the unity of the organization as a department with common objectives

is destroyed. A balance must be struck between these extremes so that the district organization has some flexibility, while the central headquarters of the department still has control.

More technical questions arise as to the nature of the chain of command. Must all orders out of the departmental headquarters flow to the district's chief administrator, or shall the several process or purpose subdivisions at the center deal directly with their opposite numbers at the district level? The answer will depend, in part, on the nature of the department. In police and fire administration, command is extremely important, and command requires that orders flow from a central chief to a district chief. In health and welfare administration, command is not so significant and adjustments in central-district relationships may be made outside a "command" channel.

Organization by area of a number of departments without overall planning will inevitably produce a series of overlapping police precincts, fire fighting districts, health, and welfare administrative areas. Every progressive administrator must study his city to determine which, if any, of these separate district organizations should be made to conform in area, how each departmental district organization can be best housed, and what coordination is necessary at the district level between the several departments. Those who are always looking for symmetry in public administration have argued for common district boundaries for all departments organized by area, and for the establishment of a district "city hall." To this no single answer can be given, but certain reservations must be indicated as to the uniform-district system. An area which comprises a reasonable police precinct will not necessarily make an appropriate health district. The area of the city protected by a station house of a fire department will not necessarily make sense as a welfare district. These are complex questions where the judgment of the administrator, on the basis of all known data, must prevail. Common sense and experience go a long way in establishing decentralized areas, as in other aspects of public administration.

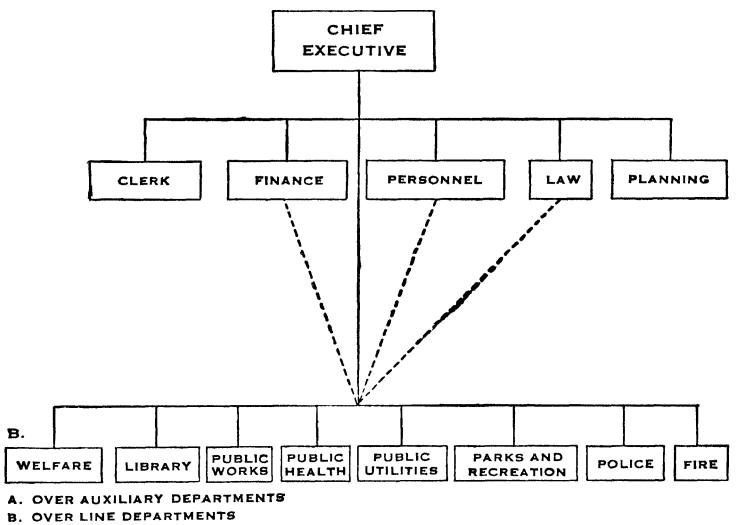
Once areas are organized they tend to have a force and tenacity inherent in their very being, and they may survive long after the logic which created them, or beyond the period of their maximum efficiency. The township in the middle west is possibly the classic illustration. This decentralized unit was originally designed to bring public administration close to the rural people of sparsely settled areas, using the horse and buggy for communication. As an optimum area of administration, the township long ago passed the zenith of its usefulness, but political and vested forces are entrenched for its retention on other grounds than efficiency in public administration. Even in suburban areas, the township continues long after it has demonstrated an incapacity to handle the range and complexity of the urban administrative process in the twentieth century. Similarly, shifts in municipal population

challenge the validity of existing police precincts, fire stations, and public health districts in the greater cities.

4. *Organization by clientele*: Just as certain departments in larger cities find it important to follow organization by area to improve the administrative process, so do others find it necessary to organize by clientele. The lawyer has a client whom he serves, and, in a large office, lawyers specialize in dealing with a clientele involved in a particular type of lawsuit. In a university department, certain professors in addition to specialization in subject matter deal with a clientele. Some direct most of their efforts to advanced graduate students; others are chiefly con-

CHART 8

SPAN OF EXECUTIVE CONTROL
INTEGRATED TYPE



cerned with large classes of undergraduates. Organization by clientele means that the provision of service to a defined group of persons is the basis of administrative organization.

An obvious example of organization of this type is the bureau of aid for aged persons in a welfare department. The administrative unit is built around the interests of the clientele, the specialized consumers of the public service. Carried to its logical extreme, organization by clientele would require that every administrative activity of the city concerning children should be centered in the schools, including child health activities and recreation. Thus the clientele rather than the major purpose would be the basis of organization. The common practice, however, is to organize on a purpose basis with school, health, and recreation depart-

ments dealing with children. Organization by clientele is used sparingly in municipal administration.

Organization by purpose, process, area, and clientele cannot be treated in a doctrinaire manner. It would be absurd to fit all administrative processes into a single type of department.[1] All four systems are likely to appear even within the smaller cities, at least, in rudimentary form. The important thing is that this organizational analysis assists the administrator, the department chiefs, and employees in understanding the place of the department, and of its divisions and bureaus, in municipal administration. The trained administrator will analyze how departments are presently organized, what shifts are needed in readjusting to purpose, process, area, or clientele. In the case of new functions, analysis must be made as to whether they belong in an existing purpose or process department. If the function is to be a new department, is it of the purpose or process brand? To what extent does it call for decentralized organization by area or specialization by clientele?

Distinction between Auxiliary and Line Departments

To say that municipal administration is a pyramid, extending upward from the individual employees to the mayor or manager at the apex, is to miss some of the realities of the administrative process. In the case of the line departments, this concept of the pyramid extending upward to the chief executive is accurate enough. If municipal administration consisted only of line departments, integrated under the chief executive, with each line department subdivided into bureaus, divisions, and lesser units down to the individual employee, the concept of the pyramid would be satisfactory. However, near the top of the pyramid, and closely tied to management, are numerous auxiliary service and control departments indispensable to the executive's supervision of the line departments. If the concept of the pyramid is used figuratively to express an appropriate plan of integration in municipal administration, it is a pyramid with a bulge. Within the bulge, near the top, are certain process departments essential to executive management—finance, personnel, and law.

Line departments serve the people directly. The police department protects the public by patrol, by apprehension of criminals, by investigations made by the detective force, by traffic control, by crime prevention and crime repression. The fire department, by fire prevention measures, seeks to reduce fire loss; fights fires when they occur; and attempts by salvage control to prevent undue damage. The health department operates by preventive measures to reduce the incidence of disease, to minimize the spread of communicable disease, and to diminish the toll exacted by

[1] For a detailed discussion of the theory and practice of organization by purpose, process, area and clientele, see International City Managers' Association, *The Technique of Municipal Administration* (Chicago, 1947), 48-62.

venereal disease. The welfare department blunts the pervasive effects of poverty upon the family and the individual, by case work, by financial aid, and by other forms of assistance. The recreation department exists to promote the good life by organized play and recreation for young and old. The public works department is concerned with the physical environment of the citizen—streets, sidewalks, street lighting, water supply and sewage disposal, snow removal, rubbish collection and disposal. A distinguishing feature of the line or operating departments is that they provide a direct service to the people.

The auxiliary agencies near the top of the pyramid have two fundamental objectives: (1) to serve the line departments; and (2) to assist the chief executive in management. Foremost among the auxiliary services is a comprehensive finance department which includes budgeting, accounting, treasury management, assessment of property, and purchasing. The budget director may be within the finance department or directly responsible to the executive. Such an officer must be closely geared to management. The preparation of a budget leads to managerial judgments as to the needs and the efficiency of line services. The purchase of additional pumpers for the fire department must be weighed against the needs of other departments for equipment. Requests for more police officers must be evaluated in terms of other departmental requirements for personnel. The making of a budget involves review of the existing level of municipal services, proposed new services, and existing and proposed taxes, or service charges, to meet costs. An experienced administrator can see many points at which services could be extended or improved. He has to balance demand for service against capacity and willingness of an area to support administration with local taxes and service charges, in addition to state collected, locally shared taxes, and grants-in-aid.

Accounting and centralized purchasing are likewise means of managerial control over the line departments. Through accounting, the executive knows the fiscal position of the city and of the individual departments. Encumbrance accounting permits the executive to know, at any given time, the amount of departmental appropriation which has been spent for purchases on which payment is or will be due. Centralized purchasing is another point at which the executive can check on departmental operations. The department must clear its requisitions for purchases through the central purchasing unit, which represents the executive as a control agency. While budgeting, accounting, and centralized purchasing are control devices, they also serve the "line" departments. Without these process agencies, the individual departments would have to maintain separate budgeting, accounting, and purchasing units.

Assessment of property, tax collection, and treasury functions, are important to "management," but not as crucial as budgeting, accounting, and purchasing. Within the finance department are other functions of great concern to the chief administrator. These encompass fiscal plans

for long-range, capital improvement programs; debt administration; policies in the enforcement of tax collections; and questions concerning new sources of revenue.

Another outstanding auxiliary service is personnel administration. The executive, if he is actually to be executive, must maintain his authority over personnel. The mayor or manager should exercise ultimate control over disciplinary actions, and formulate policies as to employment and city-employee relations. While the council ordinarily has final authority as to the general policies governing qualifications, classification, and pay of employees, these are properly established on recommendation of the executive. To the contrary, framing, holding, and rating of examinations, classification of individual positions, and service rating procedures, are properly administered by an auxiliary agency in consultation and co-operation with line departments. The personnel agency performs a service function by supplying departments with lists of persons eligible for various types of employment; it assists the executive in the management of employees.

The executive is dependent upon the city attorney, or law department, for interpretation of the powers and liabilities of the city, and for the enforcement of charter and ordinance provisions. Every mayor or manager must administer within a framework of state law, charter, and ordinance. The law department of a city is indispensable as a managerial agency to the executive, and as an auxiliary service to other departments and officers.

The wheels of the administrative process must always turn within a legal framework. The aggressive and hard-driving city manager will sometimes tell you of his alleged grievance against the city attorney. "I want to do something in administration," complains the manager, "but the attorney says it can not be done." In spite of this rather common attitude of executives toward their attorneys, the importance and value of the law department needs no demonstration.

Financial, personnel, and legal departments, are sufficient to illustrate the auxiliary services in a city. By serving the line departments and assisting the executive in management, they perform a dual and useful function; they are withdrawn from the general public which they serve indirectly. To the citizens, they lack the color and the flair of the operating or line departments.

Other Criteria in Departmentalization

1. First among the factors in departmentalization is the span of control of the mayor or manager. Only an unusual executive can keep in continuous contact with, and reasonable surveillance of, the administrative efforts of 30 or more department heads. The municipal executive with the capacity to manage such an extended number of departments is a

rarity. It is more reasonable to keep the chief executive's span of control between ten and fifteen departments, and to go beyond the latter figure in only the greater municipalities. The number of departments should be kept at a minimum, without violating other principles of departmentalization. Only by keeping the number of departments small is it possible for the mayor or manager to have workable "cabinet" meetings of his key administrative subordinates.

There is a real limit to the number of persons who can gather around a table, and discuss the interdepartmental problems and general policies in administration. Some municipal executives make extensive use of the "cabinet" device; others prefer to consult with one or more department heads involved in current policy problems. Whether or not the executive makes wide use of the "cabinet" as an administrative device, it is still important to keep the number of departments at a minimum. If he does not call all the department heads together as a group, he must keep in contact with them individually, and there are only a limited number of working hours in the municipal executive's day. Many of these are consumed with the public, the council, the mail, and the telephone, and only a limited percentage of executive time can be given to the department heads.

2. A second criterion in departmentalization is that related or like services should be organized in a single department. Thus, all police functions should be combined in a separate police department under a chief; all fire prevention and fire fighting activities, in a separate fire department under a chief. This principle is often violated in practice. An obvious example is the merger of police and fire services into a department of public safety in many cities. This is commonly justified on the grounds that police and fire services have similar problems in their use of a semi-military organization for large bodies of men and their operation of expensive, motorized equipment. Nevertheless, a department of public safety violates the principle of related services in departmentalization, for the purposes of police and fire forces are divergent.

To take an extreme example of dissimilarity, to add to a department of public safety a division of public welfare brings unrelated purposes and techniques into one department. Any relationship between police work, fire fighting, and case work in welfare administration, is remote or non-existent. Further, only a rare administrator possesses a balanced training and interest in police, fire and welfare administration.

Many authorities urge that it is inappropriate to merge public health and public welfare administration in a single department. Sometimes, this combination is urged on the grounds that health and welfare agencies are dealing with the same clientele, since the less fortunate, economic classes most frequently require the efforts of the public health unit in visits, clinics, inspections, special instructional classes, and of the welfare unit in public assistance. Efforts to consolidate these services are usually op-

posed vigorously by public health and by public welfare administrators. The "purpose" functions of the two administrative units are divergent. The training and public service experience of health and welfare personnel are dissimilar. The objectives and techniques in controlling contagious disease are diverse from those employed by a case worker in determining how much relief assistance a particular family should receive. Management at the apex of a combined health and welfare department is complex. One ladder leads to a career in public health administration; another leads to a career in public welfare service. Few people are equipped by training, experience, and interest to direct a combined health and welfare department. This is one instance where a superficial similarity must not be accepted at face value. The weight of authority favors separate health and welfare departments.

The establishment of separate health and welfare departments exemplifies the general statement that the number of departments should be kept at a minimum, without violating other principles of departmentalization. It is not advantageous to reduce the number of departments to the point where dissimilar functions are merged in unhappy, administrative wedlock under one departmental roof. The problem of the executive's span of control, which suggests a strict limitation on the number of departments, must be balanced against the importance of having departments deal with like functions—a principle which leads toward an elaboration of departmental structure.

3. A third criterion in administrative organization is that departments should be reasonably balanced in significance and amount of work to be performed. This is not a question that can be answered by weighing upon exact scales. No one has found a method of precisely comparing the quantity of administration and significance of a health department with a fire department. Two elementary tests are numbers of employees and money expended. To make the point, a practical illustration can be used. If to a standard series of municipal departments is added a department of municipal cemeteries, with a director holding similar title and rank to the police chief, the health director, and the superintendent of public works, the departments are no longer reasonably balanced in significance and amount of work. The administrative question immediately arises: should not the department of cemeteries be a division or bureau within an existing department? In a sensible organizational pattern, department heads should be relatively coördinate in importance, and receive similar monetary rewards for their services. Some departments, like law and personnel, when measured by their budgets and number of employees do not loom large in administration. In the key work which they perform, and in the technical processes with which they deal, they are entitled to status as departments.

4. Departments must be of manageable size and so organized that the director will, like the chief executive, have a reasonable span of control.

If like functions are placed in the same department, and proper attention is paid to bureau and divisional arrangements, municipal departments will not overtax the directors, except in the larger cities. Where this occurs, the managerial problem can be solved by provision for administrative assistants to the departmental chiefs.[2]

5. A final criterion is that departmental organization should have some degree of flexibility. The details of departmental structure should not be so embedded in home-rule charters and optional laws as to require a popular referendum, or state legislative action, for change. The best thought on this problem is to have broad charter provisions which permit the details of administrative organization to be incorporated in an administrative code, and enacted as an ordinance by the city council. Saginaw, Michigan, has used this approach with considerable success. On the other hand, it must be freely admitted that many municipal charters, from Maine to California, codify departmental organization in the fundamental law of the city.

To summarize, then, it is important in departmentalization: (1) to keep the number of departments at a reasonable minimum; (2) to merge like or similar functions in the same department; (3) to establish a series of departments of reasonably balanced importance; (4) to arrange for departments of manageable size, and so internally organized as to give the director a workable span of control; and (5) to foresee the need of flexibility by avoiding, if at all possible, too rigid a delineation of departments in the city charter.

Compromises and Changes in Organization

Many municipal activities clearly belong in the police department, fire, health, welfare, public works, recreation, or other line agencies. Inevitably, compromises must and will be made. One of the common exceptions is the combination of police and fire services in a single department of public safety with a lay director. To the latter is attributed the capacity to interpret the work of these technical services to the public, to view their respective budgetary needs more objectively, and to relieve the mayor or manager of immediate supervisory tasks. Yet, there are city managers who want no civilian public safety directors between them and the police and fire chiefs. They prefer two separate departments with the respective chiefs directly responsible to the manager. While one may conclude that it is generally preferable to have separate police and fire departments, the combined department of public safety has often been accepted in practice. In small and medium-sized cities, the department of public safety is sometimes enlarged to encompass electrical, building, plumbing, and smoke-inspection services.

[2] T. H. Reed, *Municipal Management* (New York, 1941), 81-83.

Garbage collection is a clear illustration of the need for flexibility in organization. In the nineteenth century, public health departments were primarily concerned with sanitation. As a result, garbage collection and disposal was assigned to the health department, in conformity with the major purpose of sanitation. Gradually, health departments shifted to principal concern with the prevention and control of contagious disease. It became recognized that garbage collection and disposal should be classified as a process unit in the department of public works. It involves the use of trucks and men, operation of incinerators or other means of disposal, methods and techniques which are common to public works departments, where the engineer and the public works foremen deal with similar problems and procedures.

For their size and the functions which they perform, some cities are over compartmentalized into numerous departments, while others suffer from compression of too many activities into too few departments. In commission cities, functions are artificially confined into five departments. One department, known as public affairs, is apt to be a catch-all for everything which does not reasonably fit anywhere else. The exact number of departments is a matter of good judgment, subject to revision from time to time as a city grows, or new functions are added. The amount of municipal ownership of public utilities is a factor which influences departmentalization.

Illustrations of Departmentalization

The process of applying theories of organization to municipal departments is an intricate one. A practical illustration of what transpired in Rochester, New York, from 1927 to 1938, will serve to demonstrate the problems. In 1927, Rochester was operating under a mayor-council charter. The voters elected the common council, mayor, board of assessors, comptroller, treasurer, board of education, and judges of the city court. The mayor supervised four basic line departments—charities, parks, public safety, and public works. Of these the public safety department was a striking example of a multifunctional department, including the administration of such diverse activities as police, fire, health, hospital, and building inspection. The department of public works managed street maintenance, sewer maintenance and sewage disposal, refuse collection, water supply, and the public market. The commissioner of parks spanned parks and playgrounds. The commissioner of charities directed a unifunctional department dealing with public welfare. In addition to these four major departments, the mayor also supervised the corporation counsel and a city engineer who controlled planning, design, construction, and a testing laboratory.

Moreover, in Rochester prior to 1928, two important *ex officio* boards were those of (1) estimate and apportionment and (2) contract and

supply. The former dealt with budget and salaries; the latter had charge of contracts and purchasing. The mayor lacked an integrated finance department under his immediate supervision by reason of the election of the comptroller, treasurer, and assessors. The important functions of budgeting, contracting, and purchasing, were directed by *ex officio* boards. Other operations were performed by commissions and boards appointed by the mayor for overlapping terms. These included the civil service commission, city planning commission, and library board. Administrative organization was marked by lack of an integrated finance department under the mayor, and by a multifunctional public safety department in which public health, and the hospital, received little attention from the department head. Little attention had been paid to the criteria for departmentalization.

When city manager government was established in 1928, the elective officials were reduced to the council, board of education, and judges of the city court. The number of departments under the manager was reduced to four: (1) public safety, (2) public works, (3) finance, and (4) law. The commissioner of public safety spanned an even greater multifunctional collection of activities—police, fire, health and hospital, parks and playgrounds, charities, and public market. The commissioner of public works was vested with control over engineering, planning, street maintenance, sewer maintenance and sewage disposal, refuse collection and disposal, water supply, public cemetery, building inspection, airport, and city real estate. The comptroller headed a finance department which included treasury management, budget, accounting, auditing, billing, assessing, purchasing, and storage warehouse. This was one of the great gains in administrative organization, for the manager supervised an integrated finance department. There was still a civil service commission, city planning commission and library board, the members being appointed by the manager. The major critique of this scheme of departmentalization was that too many functions were integrated into too few departments.

Between 1928 and 1938, three new departments were established. In 1932, for political reasons, a separate department of assessments was created. In the same year, the rise in welfare activities forced the development of a separate department of welfare responsible to the manager. In 1938, a new department of commerce was set up and entrusted with divergent operations—public relations, planning, management of city real estate, weights and measures, and operation of certain utilities such as the port, airport, public market, and subway. Even with this expansion of departments into seven in number, it was still argued, with reason, that the department of public safety was too heterogeneous, because it included the bureau of health and the division of parks and playgrounds.[3]

[3] F. C. Mosher, "City Manager Government in Rochester, New York," in *City Manager Government in Seven Cities* (Chicago, 1940), 72-77.

One would ordinarily expect in a city of more than 300,000 population a greater number of departments than was the case in Rochester.

By way of contrast, Hamilton, Ohio, with a population (1940) of 50,592 had eight departments under the manager. These were in 1939: (1) public safety, (2) public works, (3) public utilities, (4) law, (5) finance, (6) parks and playgrounds, (7) director of civil service, and (8) public health and welfare. The manager acted as head of the department of public safety, and one person doubled in brass as director of public works and director of public utilities. In addition to the eight departments, there were eleven active boards and commissions dealing with: (1) planning, (2) zoning, (3) treasury investment, (4) sinking fund, (5) revision of assessments, (6) wrestling, (7) boxing, (8) police relief fund, (9) firemen's pension fund, (10) electrical examining, and (11) examining of plumbers, sewer tappers, and sewer builders. In addition, a citizens' traffic commission and an advisory park commission were officially listed, although they had not met for years.[4] In Hamilton, consideration had been given to criteria of departmentalization.

Too much compression usually occurs under the commission form, where three or five commissioners are the city council and the heads of departments. For example, under the general law governing commission cities in Alabama administrative duties are divided among three commissioners. Each administers one of the departments of: (1) public safety and public health; (2) street, parks, public property, and public improvement; and (3) accounts, finances, and public affairs.[5]

Many weak mayor and council charters suffer from a failure to integrate functions into an orderly series of departments. The administrative mechanism becomes an unwieldy series of offices, departments, boards, and commissions. Too many agencies lacking in systematic integration constitute one extreme, while undue compression so common in government by commission is the other horn of the dilemma.

Application of Principles

Because variations in size and activity will always influence the number of departments of a city, no uniform system of departments can be advanced. The ideas of the framers of charters and state laws also enter into the process. There are fads in administrative organization as in clothes. A rational series of assumptions from which to appraise a system of departmentalization might well be as follows. The auxiliary service departments related to the manager will properly include: (1) finance; (2) personnel; (3) law. Basic line departments will be: (4)

[4] Howard White, "City Manager Government in Hamilton, Ohio," in *City Manager Government in Seven Cities* (Chicago, 1940), 217-220.

[5] Weldon Cooper, *Municipal Government and Administration in Alabama* (University, Alabama, 1940), 49.

police; (5) fire; (6) public works; (7) public utilities; (8) public health; (9) public welfare; (10) parks and recreation. In addition there must be provision for: (11) a planning commission; (12) boards of zoning and building code appeals; (13) examining and licensing agencies; (14) inspectional services; (15) board of review of tax assessments; (16) management of city libraries; (17) functions of a city clerk; (18) election administration; (19) administration of a post-audit; (20) municipal court; and (21) school administration in those rare cities which administer schools as a city department.

The extent of departmentalization will depend on a number of answers which must be given by state law, by charter, or by an administrative code. Some of the basic questions which arise may now be indicated. The answers will determine, in part, the course of departmentalization.

(1) Shall centralized purchasing be a division within the department of finance or a separate department reporting to the executive?
(2) Shall police and fire administration be combined under a director of public safety, or administered as separate departments?
(3) Shall public health and welfare be merged in a single department?
(4) If a city has only one utility, namely, water supply, shall this be administered by public works, or as a separate department?
(5) If a city owns more than one utility shall they be managed by a single department of utilities, or by individual administrative units for each utility?
(6) Shall parks and recreation be controlled by one director, or is it essential in the modern city to have separate park and recreation departments?
(7) Will building, plumbing, and electrical inspection be handled by a public safety department, by public works, or by a separate department of building and safety?
(8) Will personnel administration be managed by a department under the executive or by a semi-independent civil service commission?

Under the council-manager charter of Dallas, some of these fundamental questions were answered in these terms. The purchasing agent was placed in the finance department. Separate police, fire, health, and welfare departments were established. The municipal waterworks was organized under a superintendent reporting to the manager, and an aviation department was headed by a director under the manager. A park board of five members and a civil service board of three members were appointed by the city council. In Dallas, the council appointed the following: city manager, secretary, attorney, judge, clerk of court, supervisor of public utilities, treasurer, park board, planning commission, library board, city-county hospital board, zoning board of appeals, board of building code appeals, civil service board, boys' industrial school board, and a radio commission. The city auditor was appointed by the Clearing House Association and confirmed by the council. The manager acted as director of the finance department, appointed and supervised

departments of public works, waterworks, health, fire, police, welfare, and aviation.[6]

Another illustration may be taken from the 1941 home-rule council-manager charter of Port Huron, Michigan. The charter authorized the manager to designate an officer or employee as purchasing agent. The police and fire services were integrated into a public safety department, the manager being designated as director. Public health administration was a separate department; welfare administration was on a county-unit basis. The municipal waterworks was administered as a division within the public works department, as were parks. There was a separate recreation board, responsible to the city council. Electrical, building, and plumbing inspections, were assigned to the public works department; there was no separate department dealing with inspections. The civil service commission was responsible to the city council. Under the manager there was one auxiliary department (finance) and three line departments—public works, public safety, and public health. Auxiliary functions were also maintained by the following officers, appointed by the manager, with consent of the council: clerk, attorney, treasurer and assessor. Responsible to the city council were the following agencies—planning commission, zoning board of appeals, board of review, civil service board, recreation board, and veterans' housing commission.[7] There was a municipal court operating in the city with a judge, associate judge, and clerk. School administration was independently administered by an elective school board.

Direction by the Executive

Division of work by purpose, process, area, and clientele, and the organization of departments on the basis of standard criteria, are designed to create a pyramid of administrative authority. Near the apex of the pyramid are the auxiliary services, or managerial aides, which assist the mayor or manager in direction of the administrative process. Assuming that the organizational framework has been carefully engineered, with clear lines of responsibility, performance rests in large measure upon the skill of the chief executive.

At this point many intangibles enter into the current of public administration. The lines of responsibility being properly arranged in a continuous system, the executive must now supply his own power and direction to the individual departments. A capable mayor or manager possesses qualities of leadership and drive. He has capacity to see the whole problem of public administration, and to take positive steps which will bring about a coördinated result satisfactory to the consumers, the municipal electorate.

[6] H. A. Stone, D. K. Price, and K. H. Stone, *City Manager Government in Nine Cities* (Chicago, 1940), 293.

[7] Port Huron, Michigan, *Charter* (1941), Chap. 5, and *Annual Report* (1947-48).

At his fingertips, the executive has broad powers to appoint and remove his key subordinates, to issue orders and instructions, to threaten disciplinary actions, and to give verbal and written reprimands. There are times when these controls must be called into play. Some of them are negative in character, for example: removal, disciplinary action, verbal and written reprimands. The executive who lives by negative controls alone tends to inculcate a low morale, which prompts officials and employees to perform only what is required of them, and no more.

Leadership calls for more positive courses of action by the mayor or manager. He can lead, coördinate, and enthuse. These techniques are ordinarily more fruitful than cracking the whip. With positive leadership, morale among the officers and employees goes up. The organization welds itself together as a going concern, in support of the executive. To achieve this kind of dynamic administration, the executive must build morale by a variety of techniques. The sense of the common goal in public administration must be made real to officers and employees. The executive's immediate subordinates must be allowed active participation in the preparation of plans for new policies, or better execution of old policies. Given a sense of participation in the determination of courses of action, the departmental directors will have a keener sense of responsibility for their fulfillment. Within their own departmental authority, directors must have discretion to use their own initiative in making decisions and handling personnel. If competent subordinates have been selected to head departments, the chief executive must be willing to delegate authority to them, at the risk of their making mistakes which cause difficulties, within or without the administrative organization.

Every mayor or manager inherits a number of department heads who are already in place. He must review their qualifications and, by personal interviews and observation, determine whether or not they will serve well in his official family. Most municipal administrators admit that the most difficult phase of administration is to face the necessity of firing a department head and appointing a new one. Too many unqualified and semi-qualified subordinates are carried along by executives, as part of the team, when they know full well that drastic action is called for. It is human nature to temporize, to wait until terms expire, or until resignations and retirements intervene to resolve the problem. Meanwhile, the incompetent department head is propped up in his job by his staff, by an assistant departmental chief, or by excessive executive supervision.

When vacancies appear in departmental positions, the executive has the opportunity to show his own skill in selecting department heads. The mayor or manager must first determine upon a policy as to the specific appointment, whether to promote some one from within municipal ranks, or to seek new blood from outside the city hall. If the state law and charter permit, a third possibility is to find the best qualified man from within the state, or the United States. Advice on candidates may be

sought from professional groups within the city. Local conditions and the availability of satisfactory candidates will condition the executive's decision to appoint a local man, or make a case for the best man, wherever he can be found.

The superior department head must have ability to plan, organize, and administer. He must be capable of directing and enthusing subordinates. His technical knowledge of the department to be administered must be matched by drive, energy, and enthusiasm. Specifications can be drawn to indicate the professional qualifications for the job. Such specifications have been prepared by some national organizations, including the American Public Health Association, and the National Recreation Association. On the basis of national specifications adapted to local use, or specifications established by the individual city, the field of candidates can then be canvassed, applications received, and preliminary reviews made. Written examinations are seldom used for department heads. Objective tests can be used for such positions as traffic engineers, superintendents of sewage treatment plants, and waterworks engineers. A few of the large cities use written tests for fire and police chiefs, and city engineers, where these positions are within the classified service of the city.

Most department heads are selected on the basis of experience, supporting materials supplied by references, and personal interviews. When all the forms are filled, references obtained, written tests, if any, evaluated, and interviews digested, the final selection must rest with the mayor or manager. For department heads, some administrators use the device of a limited probationary period during which the new appointee must demonstrate his qualifications by actual operations.

The able administrator does not rest the case with the appointment of department heads. He supports and defends them in their decisions, insofar as he can do so without detriment to the best interests of the city. He keeps closely in touch with them and their operations by conferences, regular reports, and special reports. He encourages, commends, and admonishes at appropriate moments. He seeks to have his principal subordinates develop professionally by belonging to their respective professional organizations, reading the literature of the subject, and keeping in touch with advances which other cities are making. He holds staff meetings to discuss interdepartmental problems. He may even hold a training course for department heads in administrative techniques, as some managers do from time to time.

Staffing for Managerial Functions

One of the primary functions of management is the giving of direction to the administrative process. The municipal executive, like all executives, must command, instruct, and coördinate. (1) He must issue the orders by which the administrative process is directed. (2) A second managerial

function is representation. The mayor or manager represents the administration in contacts with the council, citizen groups, and individuals. (3) A third function is fiscal management to keep current operating costs in balance with revenues, and to carry out capital improvement programs financed by long-term bonds. (4) A fourth function is personnel management in the broad sense of controlling and supervising the municipal employees. The municipal executive does not give civil service examinations, but he does have the primary responsibility for the municipal officers and employees. (5) A fifth managerial field is that of legal administration which is also part of the auxiliary group, together with finance, and personnel. (6) A sixth managerial operation is organization for administration. Insofar as a city charter allows flexibility in setting new organizational patterns, the executive is concerned with recommendations for adjustments in the older departmental structures, and additions of new functioning units. (7) Finally, there is planning in the broad sense. This includes critical studies of existing organization and administrative procedures, with a view to their improvement, collection of data concerning the economic present and future of the community, analysis of records, reporting systems, and office management.

"To staff up" to meet managerial functions requires a number of auxiliary service and staff agencies or aides. The auxiliary departments of finance, personnel, and law must be manned with personnel competent to assist the city executive in management. Such officers as finance director, budget director, personnel director, and city attorney, will serve the line departments and assist the executive in control of line services. The essential core, however, of command and coördination rests with the executive. In the larger cities, the mayor or manager will need one or more administrative assistants (managerial aides) to assist him in his managerial functions of direction and representation. Planning defined, not as city planning for physical growth, but as basic research and critique of organization, procedures, office management, and the probable effects of growth on the whole administrative process, can be handled by a special staff agency, or by an administrative assistant (managerial aide). By these auxiliary service agencies (finance, personnel, legal), by a staff agency (planning), and by use of administrative assistants, the city mayor or manager can concentrate on the larger issues of policy, command, and coördination. The details properly fall to the desks of the managerial agencies and aides.

What the Executive Does

The line departments are concerned with the day-to-day service function for the people of the city. The auxiliary service agencies are rendering assistance to the line agencies and implementing the control (management) exercised by the mayor or manager. If all these line

and auxiliary service agencies are well staffed, what remains as the sphere of the executive?

1. The city executive is responsible for the appointment and removal of department heads and their immediate subordinates. He must direct, control, and coördinate his key subordinates. In so doing, reports, conferences, and inspections, will be essential. Orders, instructions, and advice, must flow from the executive nerve center if command and coördination are to be achieved. Otherwise, a series of independent administrations will result rather than an integrated administration of municipal affairs.

2. The mayor or manager must prevent, if possible, by planning and conferences interdepartmental conflicts. When they arise, he must resolve them.

3. Any breakdown in departmental service or operations which is serious enough to alert the attention, or arouse the complaints of councilmen, or citizens, must be investigated and solved by the chief administrator. While the executive will normally try to maintain a united front of his administration in relation to the council and public, he may on occasion have to reverse a departmental director who has acted in an arbitrary manner, or failed to carry out clear instructions.

4. The city executive must be the channel of communication from the city departments to the council, and from council to administration. To say that the mayor or manager should never be short circuited is to set an impossible standard. However, on all major matters of policy, service, and enforcement, if an issue is important enough to go to the council, it is essential that it clear through the executive office. The word for a continual bypassing of the executive is an unpleasant one—insubordination. Correspondingly, if the council members go around the mayor or manager, and deal directly with department heads, management has passed from the executive to the council.

5. All major changes in policy, in enforcement of regulations, in service, and in the financial support of services, call for executive consideration and determination. In the case of proposed ordinances, the executive must weigh the effect on the public, and on the administrative organization. Changes in enforcement are extremely important in public relations. If enforcement of an old regulation has been held in abeyance for years, the police department would normally consult the mayor or manager before launching a widespread drive with large-scale public reactions. The public is also sensitive to abrupt and major changes in services. These should be thrashed out by the department with the executive, whether the service level is slated to move up or down. Major shifts in budgetary support of activities will have broad repercussions upon administrative staffs and the public. Naturally, the mayor or manager does not have the last word on these matters. The council will act by ordinance and by appropriations to establish policy and fix the service level. These

are issues to be recommended by the executive to the council, after departmental consultations.

6. The municipal executive should be the clearing house for all intergovernmental relations between the city and other units of local government; the city and state; the city and the Federal Government. For each department to act on its own in intergovernmental relations, thereby binding the city to a course of action, creates confusion and promotes jurisdictional conflicts. Where the executive authorizes a department head to carry forward any intergovernmental arrangements, the latter should keep the chief administrator informed of the progress of negotiations, pending decisions, and similar trends of consequence.

7. In event of grave emergency in a city, whether it be occasioned by hurricane, fire, war, or other disaster, the city mayor or manager must energetically command and coördinate the efforts of the administrative team. In such a crisis, the people expect the mayor or manager to go all out, even though he temporarily exhausts his nervous and physical energies. In such moments, mayors and managers stand by reason of their executive skill, courage, and good sense, or fail by reason of weakness, fear, and poor judgment. In the grave emergency, there is rarely a second chance. The chief administrator either proves himself or fails and bows out of public life.[8]

The trend in municipal administration for some decades has been to integrate the administrative process under a strong mayor or city manager, to bring all the lines into one office, and watch that office. New York, Detroit, and Denver have chosen one alternative—the strong mayor. Rochester, New York; Cincinnati, Ohio; Saginaw, Michigan; Ames, Iowa; and Pasadena, California, to cite another set of examples, have chosen the other basic alternative—a city manager. Much has been accomplished to develop integrated systems of departmentalization under municipal executives. Not all cities, by any means, have followed in this pattern of executive integration. The weak-mayor-and-council and the commission cities are the exceptions to modern trends. Independently elected city clerks and treasurers are local holdouts to the integration of administration under city mayors or managers, and there are other examples of independent and semi-independent administrators. Excessive use of boards and commissions to control departments, which obviously should fall under single directors, is another subtraction from streamlined, modern administration.

The trend to the development of a responsible, chief administrator be he mayor or manager has been clear and pronounced. Today, the position of the auxiliary departments in relation to the executive and to the line departments is established in theory and practice. The techniques of municipal management have been analyzed and exemplified in strong-

[8] For a more detailed analysis, see International City Managers' Association, *The Technique of Municipal Administration* (Chicago, 1947), 123-127.

mayor and council-manager cities. Substantial progress has been made in establishing departments well organized and linked to the chief executive by clear lines of authority. This century has witnessed a remarkable advance in organizational patterns for city departments. The basic need is no longer for evolution of theory, but for an extension of the best organizational and procedural systems to more cities. It is in the acceptance by additional cities of the techniques of administrative organization and procedure, now existing in the more progressive cities, that greatest gains for the future are to be anticipated.

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CHAPTER XXI

Personnel Administration

Numerous terms are used to describe the personnel policies which have been dominant in American cities from time to time and area to area. These designations are: (1) the spoils system; (2) civil service; (3) the merit system and (4) a career service system.

1. The spoils system is commonly described as the award of public employment on the basis of faithful service to the party in control of municipal administration. Persons are recruited, hold tenure, and are promoted in accordance with party loyalty, contributions, and service. When they cease to render this devoted service to the party at election time, or in building political fences in the interim between elections, they cannot expect to continue as public servants. It goes without saying that a change in party control in a city means, under the spoils system, a partial housecleaning of employees of the defeated party to make way for the faithful of the victors. Efficiency of the employee in the public service suffers from lack of tenure, lack of standards other than party tests in recruitment, and the demands on employees' time made by the party machine.

Throughout the nineteenth century, the spoils system was the dominant personnel policy in most American cities. It coincided with a like policy in state and federal administration. To refer to the spoils system as personnel policy is to dignify an unhappy tradition in the public service. The rise of the spoils system is frequently associated with the administration of President Andrew Jackson from 1829-1837. Actually, it had appeared earlier in Washington, D. C., and in state and local governments. Jackson gave the spoils system a great stimulus and theorized that the victors should have the spoils, that rotation was a good thing. Much of his philosophy was built on the assumption that duties of office-holders were so simple, that amateurs in public administration could readily master them. However reasonable this may have been in the eighteen-thirties, the reverse is certainly true today. Municipal administration, like all levels of administration, demands trained and technical personnel. By 1883, the spoils system in the federal service was challenged by the Pendleton Act. New York, in 1894, by statute provided for civil service commissions in all the cities of the state.

2. Civil service was the first answer to the spoils system. By 1900, some 85 municipal civil service commissions had been established. This reform spread slowly from state to state and city to city until 1935.

Then, the efforts of many organizations of citizens led to a dramatic increase in municipal civil service commissions in the years preceding World War II. The civil service system may be described as a negative merit system. Its inception in cities was marked by establishment of bipartisan civil service commissioners, appointed by the executive for overlapping terms. A definite attempt was made to insulate the commission from executive domination, so it might resist any pressures of city officials for spoils. Most of the clerical and routine positions were made available on the basis of written, competitive examinations. Passing civil service tests was made a standard requirement for entrance into the public service. Stress was placed on rules and regulations to protect the tenure of employées by preventing discharges based on political, religious, racial, and other grounds, not related to the performance of the employee on the job. In summary, the main features were: (1) a semi-independent commission; (2) recruitment to routine posts by written competitive examination; and (3) regulations governing tenure. Many evils of the spoils system were blocked off, but many personnel practices, deemed essential now, were not in evidence. Such personnel problems as position analysis, classification, pay plans, rating systems, in-service training, and provision for retirement on pension, were under-emphasized at the expense of recruitment and tenure.

3. The modern term for a well rounded personnel policy is the merit system. An old-style civil service commission may operate a merit system by emphasizing the positive, as well as the negative, aspects of personnel management. The program must give proper weight to such positive features as classification and pay plans, in-service training, rating of employees, and an adequate system of retirement. With this emphasis on personnel management, it is argued that the personnel director should be an auxiliary agency to the municipal chief executive. Personnel management should be one of the tools of executive management. With the development of the manager plan, the municipal executive has become more interested in a merit system of personnel management; the urge to the spoils system has waned. Under these circumstances, comprehensive personnel administration is best promoted by an organizational arrangement which develops coöperation, rather than conflict, between the chief executive, department heads, and the personnel agency. By these standards, a merit system may be developed without an old-style civil service commission. In the opinion of many personnel specialists, the semi-independent civil service commission, working through an executive secretary and chief examiner, is out of date. They argue for a personnel director responsible to the chief executive, with a personnel board which functions in such matters as the making of rules, and the hearing of employee appeals.

4. The term, "career service system" is an aspect of personnel administration in which progressive commissions and personnel directors are

interested. It suggests the establishment of municipal careers, into which young persons enter with ladders of advancement available for those of intelligence and demonstrated performance. These career ladders should lead upward to the highest administrative posts, with the possible exception of departmental headships. Through entrance tests, cities have been able to secure qualified policemen and firemen, accountants, clerks, and stenographers, for example. Examinations, however, have tended to bracket people into positions apart from ladders of promotion. Not enough college-trained students and graduate students in public administration have been drawn into the service of the municipalities. They must be attracted by a career service, in which they can rise to high administrative posts. A "career service" is essentially one phase of a comprehensive merit system.[1]

Levels of public employment in the United States indicate the importance of personnel administration. In October 1947, total public employment was estimated at 5,770,000 persons of which 997,000 were city employees. The allocation of these positions was as follows: federal civilian, 2,002,000; public education, 1,529,000; city, 997,000; county, 603,000; and state, 638,000. In 1948, among the cities of more than 10,000 population, almost 71 per cent of 888 reporting had all, or some classes, of their employees under formal civil service or merit systems. In the cities of more than 500,000, 100 per cent had all employee groups covered by civil service.[2]

State-City Interrelationships

Personnel administration is a technical task calling for a trained director and staff. For the cities of more than 50,000, it is feasible, in view of the work load, to establish a municipal personnel director or civil service commission with an executive secretary. Below this size of city, a number of standards have been suggested to determine the validity of a separate personnel agency. One test is a municipal force of officers and employees of not less than 500. Authorities have argued that any city of 50,000 population requires a separate personnel agency with a minimum of one full-time personnel administrator. The small city of 10,000 to 25,000 population is faced with a serious problem in justifying the administrative overhead of a separate personnel agency. The decision for or against a personnel agency in a particular city must properly turn on the number and classes of employees. These factors do not vary necessarily with a city's population, but are dependent upon the municipal functions performed, and the amount of municipal ownership of utilities such as water supply, gas, and electricity. All of the costs of a municipal personnel

[1] International City Managers' Association, *Municipal Personnel Administration* (Chicago, 1947), 10-18.

[2] *The Municipal Year Book* (Chicago, 1948), 117, 127.

agency should not be regarded as money which might otherwise go into line services. An efficient personnel administration will pay dividends in recruitment and development of a more competent force. Without a merit system, there are hidden costs in turnover, poor performance, and lower standards of employees.

For the smaller units the answer may lie in a state-administered system either on a mandatory or optional basis; in contracting for the service from the state or other local units; or in buying service from a state league of municipalities. Massachusetts has provided for mandatory administration of municipal personnel by a state personnel agency. New Jersey does not make state administration mandatory; local units may elect to come under provisions of the state law. When the state agency performs personnel service for a local jurisdiction in New Jersey, no fees or charges are made to the local unit. In California, a city creating a civil service system may contract with another city, a county, or the state personnel board, for personnel services. Under such agreements in California, the city may contract for an extensive personnel program, or for a limited service in recruitment and classification. For the work performed in personnel administration, the city pays the state or local agencies under terms of the agreement. Massachusetts has a mandatory system; New Jersey follows an optional system in which the local unit can determine to come under the state system; and California provides for a great deal of flexibility in the making of agreements for various types of personnel service from alternative agencies—state, city, or county.

In Michigan, the smaller cities can turn to the personnel service of the Michigan municipal league. When Michigan established a state personnel agency by statute in 1937, and later by constitutional amendment, no provision was made for state service for local governments as in Massachusetts, New Jersey, and California. The Michigan municipal league fills the gap which would otherwise exist for small and intermediate cities. Cities in Michigan contract with the League's personnel service for administration of recruitment programs, classification and pay plans, and other aspects of personnel administration. The services are rendered to the cities on a cost basis, the charges being governed by written agreements.

The Civil Service Commission

Where a city has its own personnel agency, this administrative unit operates within a framework of state statutes or charter provisions. Minnesota requires that every city over 50,000 have a civil service commission. In Ohio, a constitutional requirement of a merit system is applicable to cities, as well as counties. Under legislation implementing the Ohio amendment provision is made for city civil service commissions, with the state agency authorized to act where a city commission does not function. Illinois has an optional law which cities may adopt by

referendum. In many home-rule states, city charters contain sections, determining the organization of the personnel agency, and the scope of its powers.

American cities, in establishing a personnel system, followed first the model of the Federal Government by setting up a civil service commission as the personnel agency. This derived in part from state mandatory and optional laws, and otherwise from the conservative approach of home-rule charter commissions to personnel administration. As a result, the bipartisan civil service commission is a common type of personnel agency among the cities.

This approach is illustrated by comments on non-partisan government and administration in Detroit. The voters adopted a charter in 1918, providing for non-partisan election of the mayor and of a nine-man council elected at large. Writing in 1947, W. K. Kelsey recalled that, in 30 years, no national or state party had more than wistfully considered building a "machine" to control city elections. No mayor had been able to construct a personal political organization for his own advancement. This situation he ascribed to certain preventive checks, including civil service. The effect of civil service was evaluated as follows: "One of the chief reasons for the success of non-partisanship in Detroit is Civil Service. It is run by a Commission of four, one member being appointed each year; and not more than two members can be adherents of the same political party. In theory a two-term Mayor could pack the Commission; in fact, no Mayor has dared try, even if the idea occurred to him. Therefore the Commission has been able to abide by its merit system rules. Appointments below the chiefs and secretaries of departments, in general, are made by competitive examination. Therefore, as long as the Civil Service Commission remains independent, no Mayor enjoys the power to place henchmen on the public payroll and thus build himself a personal machine; and no party can compel the Commission to prefer its loyal members." [3]

A similar philosophy explains the development of independent, bipartisan civil service commissions in other cities. It was argued that control of recruitment, tenure, and other civil service operations, must be vested in an agency which could, if occasion demanded, thwart a mayor or council bent on using municipal employment for party spoils. To assure independence for the commission, long and overlapping terms for members were essential. To cancel out partisanship, bipartisan representation on the commission was utilized. The emphasis was on prevention of spoils. Integration of personnel management under the chief executive was deemed unwise, as a possible open door to a spoils-minded mayor.

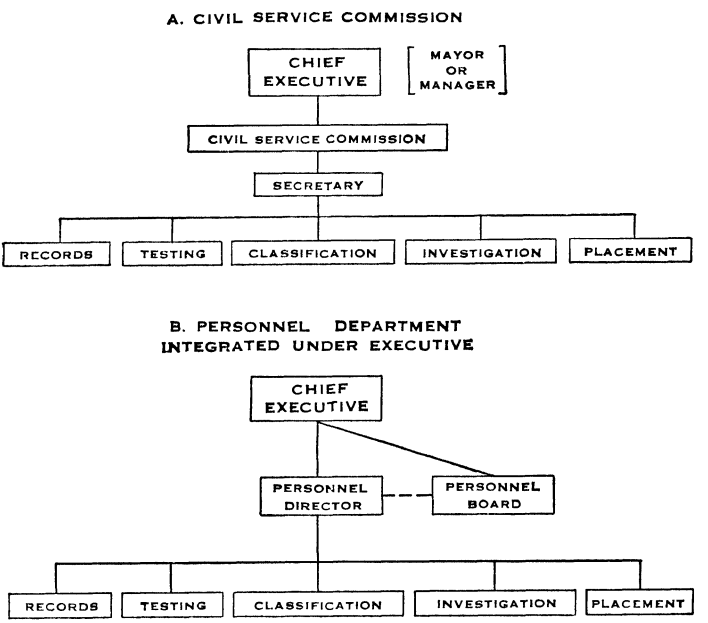
Additional weight to the commission principle was lent by quasi-legislative and quasi-judicial duties. The formulation of rules and regula-

[3] *The Detroit News*, April 9, 1947.

tions was held to be best handled by a commission; the making of judicial findings, as to dismissal or reinstatement of a suspended employee, was considered to be best resolved by a group. Proponents of the older-type civil service commission accepted the need for single director in recruiting, testing, and other administrative operations. Provision was ordinarily made for a full-time or part-time administrator to serve as the secretary to the commission. Thus, the personnel administrator, who belonged logically in an auxiliary capacity to the chief executive, was made responsible to an independent agency. Others have reasoned that the personnel director should be responsible to the chief executive.

CHART 9

ALTERNATIVE METHODS OF PERSONNEL ORGANIZATION



On the other hand, strides have been made in many cities toward the merit system under civil service commissions. They have thrown the spotlight on the spoils system, and have attracted public support to the merit principle. Considering the years in which many of our cities first adopted a formal personnel system, the civil service commission was a logical antidote to spoils. Over and above this contribution, the municipal civil service commissions have scored technical advances in such fields as recruiting, testing, and classification of employees. Mosher and Kingsley have indicated the preponderance of bipartisan civil service

commissions as the typical municipal personnel agency.[4] Many of the existing commissions have from 3 to 5 members, appointed by the mayor for overlapping terms of 3 to 6 years. Often the members of a three-member commission are given overlapping terms of six years so that one vacancy ordinarily arises every two years. In 1948, among cities of over 10,000 population, some 773 reported, and of these 486 indicated they had civil service boards.[5]

Under the manager plan, the independent civil service commission also appears. In Cincinnati, the civil service commission of three members is appointed as follows: one by the board of directors of the University of Cincinnati; one of the board of education of the city school district; and one by the mayor. In this instance, the charter authorized the manager to appoint the secretary of the civil service commission, designated the secretary as the municipal personnel officer, and required that he be a person experienced in personnel work. The commission has rule-making power, authority to review suspensions and dismissals, and control over the reinstatement of discharged employees. This can be best described as a compromise between the older practice of a civil service commission and the modern theory of a personnel administrator responsible to the chief executive or manager.

A Personnel Director Responsible to the Chief Executive

In recent years, arguments have been advanced for a personnel director responsible to the chief executive. The development of professional management under the council-manager plan has assumed that the municipal chief administrator will advance all phases of management, including personnel administration. Under these circumstances, is it necessary to have a civil service commission as a buffer against possible executive mismanagement of personnel by use of the public service for spoils of office?

Personnel management is auxiliary to management. Like fiscal management, personnel administration should be one of the principal tools of executive management. The executive should control the personnel system, as well as financial operations. He cannot be a topflight executive unless he is interested in the merit principle. The personnel director should assist in executive management of personnel, as the budget director plays a rôle in executive supervision of finance. Only in this way can the possibility of conflict between auxiliary departments be avoided. For example, a clash between a budget director responsible to the executive and an independent civil service commission over pay plans is always a possibility. The pay plan is both a budgetary and a personnel problem. If

[4] W. E. Mosher and J. D. Kingsley, *Public Personnel Administration* (New York, 1941), 85.

[5] *The Municipal Year Book* (Chicago, 1948), 128.

the budget director and the personnel administrator are both responsible to the chief executive, a clash may occur, but it is an issue between two subordinates of the executive. Any executive should be able to resolve a conflict between two subordinates. He is, however, in a far different position when the merit system is administered by an independent commission. In principle, personnel administration as a tool of executive management should be an auxiliary department, and the personnel administrator should be directly responsible to the mayor or manager.

The counter arguments to this theory of complete integration are well known. Many cities are not ready for the integration of personnel administration under the executive. The political climate may indicate that only an independent civil service commission can prevent spoils. This is a matter of judgment which all framers of state constitutional provisions, laws, and city charters must face. In 1940, it was faced at the state level in Michigan by providing in a constitutional amendment for the appointment by the governor of a bipartisan civil service commission with long, overlapping terms. The commission was vested with a broad range of authority and guaranteed an annual appropriation of 1 per cent of the payroll of the state service. The framers of the amendment, with good reason in view of legislative attacks on the merit principle, decided that Michigan was not yet ready for anything but the traditional civil service commission. Many city charter commissions in the past have faced and made a similar decision either rightly or wrongly.

A second argument against the integrated system is that a commission is best designed to set up rules and regulations, and to hear cases concerning removal from and reinstatement in the service. This is the well-worn argument that quasi-legislative and quasi-judicial processes call for a board of commission. It is contended that the civil service commission, with a full-time or part-time chief examiner or secretary, conforms to the administrative processes involved. The commission performs the quasi-legislative and quasi-executive functions; the chief examiner or secretary carries out the administrative functions. Those who favor the integrated personnel agency under the executive point out, in reply, that the police and health departments also have quasi-legislative and quasi-judicial functions. Yet, the single director is used overwhelmingly in police administration today and to some extent in public health administration.

The arguments against the traditional civil service commission are many. No municipal executive can be held strictly accountable for adequacy or efficiency, unless he retains final authority over personnel. He can and must accept technical procedures in the examination, classification, and service ratings by an auxiliary agency. He must, in conjunction with the city council, retain control over minimum standards of qualification and performance. Particularly, he must have power to administer disciplinary measures, and responsibility to maintain morale. In the

smallest cities, the manager can handle personnel, aside from technical procedures in classification and examination for which he may have to contract from a state, a municipal league, or a private agency. In larger cities, a manager must have the assistance of a personnel agency to carry out such techniques as classification, testing and rating.

Personnel administration cannot be regarded as a function solely of the chief executive, or as an issue between executive management and a civil service commission. Taking the council-manager plan as an illustration, the council must of necessity deal with many personnel matters—general policies as to recruitment, classification, pay plans, employment conditions, and provision for retirement. Through its power over the purse, the council determines the number and the quality of the municipal employees. Within the framework established by the council, the manager must formulate and administer basic personnel policies. The personnel agency as an auxiliary operation has technical functions in administration and advisory capacities as to policy. The executive and the department heads, within the system laid down by the council, must apply personnel policies to their organizational units. The immediate supervisors of individual employees bring controls down to the base of the pyramid, and report back information on performance, conditions of employment, and morale. Finally, the individual employee by his training, attitudes, responses, and performance, actually plays a profound rôle in the entire process. His motivations in the service are extremely important.[6]

Personnel administration is a seamless web no matter how technical the arguments may become as to organization. No new system of organization can be held up as the "right" answer for all cities, at any time. The variables which influence the organization of the personnel agency are size of the city; form of government; political climate; past history and traditions; and the reaction of state legislators and charter commissioners to these factors.

Illustrative Organization for Personnel Administration

To find a compromise between the independent civil service commission on the one hand, and a personnel director integrated under the chief executive on the other, numerous plans have been tried. Saginaw, Michigan, has experimented with one solution which is especially suited to management. The manager is the head of the administrative service of the city, and is responsible for personnel administration. The city charter provides for a personnel advisory board. One member is appointed by the manager; a second member is appointed by the mayor; and the two so chosen appoint the third, who serves as chairman. The board investigates complaints of officers or employees who are suspended,

[6] C. E. Ridley, "The Personnel Functions in Municipal Management," *Public Personnel Review*, VI, 161-165 (July 1945).

reduced or removed, and reports its findings in writing to the manager. However, the manager makes the final decision on the status of the officer or employee. At the request of the manager, the personnel advisory board recommends eligibility lists, a system of classification, and provides such other assistance in personnel matters as occasion requires. Technical assistance in personnel management is entrusted to a personnel officer, who heads the department of personnel under the manager. The administrative code of Saginaw provides that the personnel officer shall perform the clerical work of the advisory board. He is responsible for the management of the personnel program, in accordance with regulations established by the manager. The Saginaw plan leaves basic control over personnel in the hands of the manager. Although limited in powers, the personnel advisory board can represent the public interest and the position of employees. Final authority over personnel administration rests with the manager.

Kalamazoo, Michigan, has a department of personnel with functions divided between a board and a director, the latter position being held by the manager. The civil service board is appointed by the city council. This agency is vested with general supervision over the broad policy questions in personnel administration. The board has review powers as to individual employees, but may reinstate individuals, dismissed or demoted, only when convinced that the action was taken for religious or political reasons. In other types of cases, the board can only make recommendations to the manager. By ordinance the manager is made director of personnel, and serves as executive officer of the department of personnel. The manager appoints a personnel clerk to perform routine duties and serve as secretary of the board. The basic powers of the board are to present through the director of personnel to the council the rules and regulations deemed necessary; to make investigations; to hear appeals; and to make an annual report.[7] In the light of the Kalamazoo and Saginaw experiments in Michigan, the central problem of organization appears as the careful definition of the functions of the manager and the civil service or personnel board.

Some retrenchment is in progress from the concept that the merit system is the preserve of an independent commission. The modern approach emphasizes a positive and integrated program, in which the municipal executive participates. On the other hand, practice has lagged behind theory, and the civil service commission is still very much with us. Cities now adopting a merit plan, or revising their existing systems, may well look before they leap. If past history indicates that the merit principle is not yet firmly sold in the community, they will do well to experiment with the traditional civil service commission. If experience and current trends indicate that the city executive, the council, and the

[7] Public Administration Service, *Personnel Programs for Smaller Cities* (Chicago, 1940), 8-9.

public understand and support the merit principle, they can experiment with a personnel director under the mayor or manager, and a personnel board with carefully defined functions.

A well rounded program of personnel administration has many facets. Just to list these phases is to indicate why the merit system has become a matter for technicians. Alternative methods of establishing a municipal personnel system are the traditional commission; a personnel director under the municipal executive; and various compromise arrangements. However the system is organized, the range of problems in personnel administration is always complex. To have a complete and thorough system, a number of operations are essential: (1) position classification; (2) salary and wage standardization; (3) recruitment and testing; (4) promotional and transfer arrangements; (5) training; (6) rating and evaluation; (7) discipline; (8) positive program of employee relations; (9) retirement systems; and (10) policies pertaining to unions of employees.

Position Classification

Basic to administration of a merit system is the classification of positions. The facts pertaining to positions held by employees must be obtained and analyzed. The different kinds of employment are then systematically organized into classes. The assignment to a class is made on the basis of like characteristics. Once a class has been established, all like positions are allocated without regard to the departments in which they are organized. Position-classification is designed to bring within classes positions with like duties and responsibilities, with similar qualifications, and comparable salaries. Stenographers, whether they serve the police, health, or public works departments, are given a distinctive and appropriate class name or title and are described by a "class specification." Each class is a group of positions so similar that all may be treated alike for purposes of employment. Examples of class specifications are junior stenographer, senior stenographer, assistant traffic engineer, x-ray technician, police patrolman, and police lieutenant. Positions that come within the same class are given the same class designation or name; are filled by applying the same qualifications; and are paid according to the pay scale for the class, provided employment conditions are substantially the same.

Classes of positions are arranged into series, where similar positions differ in the amount of experience and responsibility required. An obvious illustration of a series of classes would be junior stenographer, intermediate stenographer, senior stenographer, and supervising stenographer. A series of two or more classes includes like positions, differing in responsibility and difficulty, arranged as steps in a line of promotion.

Classes of positions in the stenographic series may then be said to fall within the clerical service. In presenting classification plans to city councils, it is customary, in large cities, to group the classes and series into

services, such as clerical, custodial, engineering, medical, police, and fire. This is a convenience to the councilman and public officials; it assists them in visualizing the range of positions. Services are loose categories embracing many series and classes of positions. Within the same service there are classes of positions for which a wide variety of educational backgrounds are required. For example, there is a considerable gap between a patrolman and a captain of detectives in the police service.

In allocating positions to classes, a number of factors should be considered. These are public contacts of the employee; degree of responsibility for policy; conditions of work; supervision exercised by the employee over others; supervision received by the employee; place of the job in the organizational structure; intrinsic difficulty of the work; qualifications needed; degree of independent judgment required; and consequences of error. A review of these allocation factors, pursuant to a desk audit of the position, will determine the class to which it should be assigned.

The development of classes of positions and the writing of specifications as to duties, responsibilities, tasks, and qualifications provides a practical basis for recruitment and testing. Careful definition of duties, responsibilities, tasks, and qualifications makes it possible to prepare tests for each class of position. It also simplifies the task of the appointing officers in indicating vacancies which exist in a department. In other words, a vacancy exists in a specified class, of a series, within a service. Time need not be wasted on investigation and explanation of the nature of the work performed. Position-classification also simplifies the task of providing equal pay for equal work. If the classification has been done well, problems in setting up a pay plan are diminished. Position classification is also an aid to budget preparation; it is an effective tool in appraising the personnel needs of the operating agencies. Systematic classification of existing positions makes it possible to see more clearly the reasons for, or against, the creation of new positions. Ranking of positions in series, according to their relative difficulties, and grouping into services, facilitates the development of sound practices as to promotions and transfers.

Position classification, in the sense of practical application of the idea to a public service, began with the efforts of the Chicago civil service commission in 1908. The program for classifying positions on the new basis of duties and responsibilities was begun by the Chicago commission then, and adopted by the city council in 1912. Early classification studies were also made in New York City, Pittsburgh, and Milwaukee. From 1915 to 1920, position-classification plans were officially adopted in Baltimore, Cleveland, Los Angeles, Milwaukee, St. Louis, St. Paul, and Seattle. During the following decade, other cities to join the list included Buffalo, Cincinnati, Columbus, Detroit, Duluth, San Francisco, and Toledo. During the nineteen-thirties, expansion of state and local merit

systems led to widespread adoptions of position-classification plans.[8] Today, this technique is regarded as standard practice for any city having a well-developed merit system.

Salary and Wage Standardization

Closely related to the problem of classification is the establishment of a pay plan for municipal employees. Once positions have been allocated under a classification plan, the classes must be evaluated in relation to one another, and rates of pay fixed. The objectives of a pay plan should be equal pay for equal work and proper gradations in pay, between the most responsible and professional positions and the less responsible and routine jobs. A pay plan expresses the fiscal policy of the city as to municipal employment; constitutes a guide to the personnel agency in recruitment; provides a scientific base for determining costs when additional employees are required; and provides the means for equitable control of salary adjustments as between classes, series, or services.

Pay plans are ultimately the responsibility of the city council. The pay plan and the number of employees will determine the over-all cost of personnel in any fiscal year. Since personnel costs may constitute from 60 to 70 per cent of expenditures for current operations, the council will be concerned with the pay plan. This does not mean that the council should attempt to formulate the pay plan in the first instance. The interests of the council are in fixing a fiscal policy for employment which will attract persons to the municipal service, and in keeping municipal costs and revenues in balance. A common result is that the pay scale is lower than municipal employees demand; yet, the rate of general property tax is higher than certain taxpayer groups deem desirable. The council must make the final adjustments between these two interest groups.

Preliminary preparation of a pay plan is the responsibility of the personnel agency. This is best done by a salary survey. The salary survey is an effort to obtain data from private business and other public jurisdictions as to prevailing salary and wage rates for comparable positions. Key classes must be selected for comparative purposes, and these must be of sufficient difference, in difficulty and responsibility, to develop data which will lead to an internally consistent pay plan. It is customary to establish a minimum rate, a maximum rate, and intermediate step increases for each class of position. The minimum for each class should be no lower than the maximum rate for the next lower class in a probable line of promotion. Otherwise, advances in responsibility and difficulty will not meet initially with advances in pay.

A common tendency in municipalities is to pay more than private industry for comparable positions of a routine and clerical character. In

[8] Civil Service Assembly, *Position-Classification in the Public Service* (Chicago, 1941), 9.

this sense, the governmental unit is serving as a "model" employer, or responding to the inevitable pressures of the largest number of employees. To the contrary, in top executive or management positions municipalities tend to pay less than private corporations. The pay plan for executive positions should be fixed high enough to keep able administrators in the public service. If the differential is too great between public and private remuneration, city administrators and professional personnel will drift away, to the detriment of the public service.

A pay plan, like position classification, cannot be established and left for all time. Both pay plan and classes of position will need adjustment from year to year. New classes of positions may become necessary; existing ones may become obsolete. Changes in the cost of living and in demand for professional, administrative, skilled, and unskilled personnel, make revision of the pay plan necessary. The problem of revision of pay scales becomes acute in inflationary periods, due to the demands of employees for increases; it is likely to be equally acute in deflationary years, due to the pressure of taxpayers for reduction in tax rates. One means of flexibility is to apply cost of living bonuses to the basic pay plan. Another method is to revise the pay plan so that salaries and wages are at or near prevailing rates paid for comparable positions. It is no simple matter to make such adjustments and retain the internal consistency of the pay plan. One of the difficulties with cost-of-living adjustments is the inevitable tendency of employees to resist downward revisions, when the cost-of-living index falls. In St. Paul, Minnesota, protests by employees in 1931 forced a postponement of downward revisions for a year. Even if cost-of-living bonuses are made, it is considered desirable to have salary surveys to ascertain whether or not the pay plan is out of line with prevailing rates for like positions in other public jurisdictions, or in private corporations.

Recruitment and Testing

Two basic systems of recruitment can be distinguished. One is to attract young men and women direct from school or college on the basis of academic examinations. The other is to recruit more mature persons through practical tests related to work experience and the jobs sought. In the United States, the latter system has been most widely followed in municipalities. This "practical" approach assumes that the civil service is an amalgamation of various, different positions, to be filled by tests related to technical qualifications for a particular job: policeman, fireman, bus operator, clerk. In recent years, municipalities have become more interested in relating certain positions to broad educational training and testing accordingly. However, the practical approach is still dominant and is likely to continue so. Any satisfactory merit system at the municipal level must necessarily have a number of

tests based on work experience and technical qualifications for the job to be performed. In addition, strenuous efforts are needed to make more provision for career ladders which candidates can climb, after entering the service through examinations geared to college education. Only in a merger of the two techniques of recruitment can the city establish a more able civil service.

As in other fields, planning is essential in personnel field. Vacancies in the civil service become open, because of turnover of employees, expansion of services, promotions, and retirements. The recruiting agency must plan, in conjunction with the departments, for these needs. A positive program of recruitment is called for. Most civil service jurisdictions rely too heavily upon the humdrum announcements of examinations. In the United States, where the rewards of careers with private corporations have been so attractive, the prestige value of the public service has never been high, except in sporadic waves such as the New Deal. Civil service commissions and personnel directors must, therefore, work to offset this obvious drift of the college and university graduate to the greener pastures of business. Many private corporations make a practice of positive recruitment of college students by sending personal representatives to the campuses. The cities send routine announcements through the mails.

Recruitment involves the use of application procedures. Forms are designed to show whether or not the applicant is eligible, by reason of minimum qualifications, for admission to competitive or other types of examinations. These forms must be processed and audited to determine whether or not the applicant has the required qualifications. After audit, the applicant is admitted to competition, rejected upon grounds, such as lack of certain established qualifications, or requested to submit additional information. A positive recruitment program demands that all unnecessary barriers to admission for competition should be eliminated.[9]

Written tests or examinations have been the traditional technique used by American cities in recruiting new employees. The pencil and paper tests continue to play a predominant part in selection by cities. However, the pencil and paper test is by no means the sole method employed by our municipalities. Other techniques have been oral interviews or oral examinations; performance tests or practical demonstrations of some skill required in the service; evaluation of training and experience; investigation of character, training and experience; physical tests; and medical examinations.[10]

Written examinations with true-false, multiple choice, completion, matching, and other short answer forms, have been popular because of objectivity in the scoring. Moreover, they are adaptable to the processing

[9] J. D. Kingsley, "Recruitment—The Quest for Competence," in Civil Service Assembly, *Readings in Public Personnel Administration* (Chicago, 1942), 69.

[10] D. J. Sublette, "The Preparation of Pencil and Paper Tests," in *Ibid.*, 71.

of large numbers of applicants. Essay questions in written tests, oral examinations, and evaluations of training and experience, are open to subjective grading. To avoid criticism, and to be in a certain position to defend the scoring, personnel directors have leaned heavily on pencil and paper tests of the short answer type or upon performance tests. Perhaps the most satisfactory method is a combination of tests, each having a given weight toward the total score. For example, a composite test will include: evaluation of training and experience; a pencil and paper test; and an oral interview. In higher level positions, a composite test may well include an evaluation of training and experience and an oral examination to test the individual in knowledge of administration and subject matter. Performance tests are also appropriate for many positions. An obvious example is a test for stenographers in taking dictation and transcribing the dictation into typewritten copy.

Where it is most important to determine an applicant's latent capacity or innate ability to learn, aptitude and intelligence tests are important. Of these, one of the best known is the Army Alpha Test, developed by the Army in 1918, which was used in the selection of officers and personnel for specialized assignments. This has been used in testing for civilian positions. Other tests used in civil service jurisdictions are the Otis tests, and the Detroit Advanced Intelligence Test. Standard examinations for mechanical aptitudes have also been devised and used, and have proved valuable in civil service testing.

In recent years, medical and physical tests have received more emphasis. Hiring people who are or are likely to be physically incapable of maintaining work routines at city hall does not make good sense. Such marginally capable individuals will require sick leave, and will affect the morale of other employees. A medical examination prior to appointment will rule out those physically unfit. Physical tests are important for laborers, policemen, and firemen. This is a separate and distinct test from the ordinary medical examination. It is designed usually to test agility as well as strength, especially in the case of policemen and firemen.

Character investigation is another phase of recruitment. For all employees it is important to check through questions on application forms as to whether or not the individual has ever been under arrest for other than minor traffic violations. In the case of the policemen and finance officers a thorough going character investigation is essential. For higher administrative and professional positions candidates are usually required to submit supplementary information, including recommendations from personal and professional associates. It is recognized that the greatest value of such letters or reports on character is negative in nature. Sometimes, they turn up traits which are deemed to be disqualifying ones for the public service. Similar results may be achieved by checks with previous employers and supervisors of applicants.

Unassembled examinations are tests in which the candidates do not

appear personally. They are based on statements of a candidate's training, experience, and publications, and appraisals by professional colleagues in letters of recommendation. For high administrative and technical posts, such unassembled examinations are used more frequently. The justification for the unassembled examination is often that it is difficult to devise a test for positions at the higher level.

The technique of the unassembled examination is in sharp contrast to the oral examination, in which candidates for higher administrative and technical posts are evaluated by a special examining board which tests them orally, and rates their answers to the questions. In this type of examination, the candidates appear in sequence before the examining board. The oral examination is sometimes used in conjunction with an evaluation of training and experience based on written applications and supplementary information. The oral examination and the unassembled examination of training and experience are then combined in the final score.

Preparation of tests and selection of appropriate multiple tests for a given position are matters for experts. The personnel director, the chief examiner, or the secretary of the civil service commission, must reach a decision. Consultation with departments as to methods of testing is always advisable. They are the ones who use the product. Once the test has been given and scored, or the battery of tests has been completed and composite scores determined, the personnel agency is ready to prepare the list of eligibles for the position. Individuals are placed on the register in accordance with their scores, including all who have achieved a passing mark in the examination. In American cities the general rule is that the appointing authority may select a candidate for employment from the top three names on the register of eligibles. This allows some leeway to the discretion of the appointing officer. Once an individual is selected from a register of eligibles, he is normally placed on probation in the service for a given period of time, such as six months. Only after this probationary period has been satisfactorily completed does the employee achieve civil service tenure. Thereafter, he may be suspended, demoted, or dismissed only under rules and regulations governing city employees who possess tenure.

The question of veterans' preference in the rating of civil service tests has been an issue since World War I, and a larger question since World War II. In theory, many have argued against veterans' preference, holding that the public service should be open to veterans and non-veterans alike on the basis of ability. In practice, veterans' preference has been widely accepted in municipal civil service procedures. In 1947, with 703 cities of more than 10,000 population reporting, 79.5 per cent or 559 cities gave some form of preference to non-disabled veterans. Many cities gave additional preferences to disabled veterans. Some 144 cities reported that they had no definite plan for veterans' preference.

The most common methods of allocating preference to veterans were by granting: (1) additional points for taking an examination; (2) additional points for passing an examination; and (3) general preference, meaning giving employment to veterans, all other qualifications being equal as between candidates.[11]

Promotion and Transfer

Unless careful attention is given to opportunities for promotion through examination, inequalities of opportunity will appear from department to department; the less capable will be promoted; employees with initiative will be discouraged; and the morale of the employees as a whole will be lower. In so far as possible, promotion should be open to the most efficient and most capable employees. This calls for a definite policy on promotions from within the service rather than a helter-skelter policy of considering individual vacancies as they arise. Promotional ladders for ambitious civil servants are the best and only means of assuring a career service. In most cities, the post of departmental chief or director is filled without benefit of civil service procedures. While this top position may logically be exempted, because policy matters are involved and the chief executive must have immediate subordinates of his own selection, there is less reason for excepting the chief subordinates to the departmental head from civil service. Only by such a policy can the principle of promotions be carried far enough upward to assure a career service.

In cities, a general promotion plan, including higher positions which demand scientific, technical or executive qualifications, is possible. The central personnel agency is not limited to elementary pencil and paper tests for routine positions. It should be free to use specialized processes of selection, including evaluation of education, experience, and record of achievement; and oral examinations. It has been demonstrated that professional and technical men will enter into civil service competition, take tests, and submit data, when they are convinced that the procedure is honest and well designed.

When a city recruits to higher positions by promotional examinations open to those already in the service, it is said to have a closed service. When recruitment to a higher position is open to those qualified persons outside the service, it is designated as an open service. There are many arguments pro and con as to the closed and open services. The closed service helps to maintain morale and encourages employees, but may exclude from municipal administration able administrators not already in the city's employ. The open service creates a problem of morale among present employees. The best principle appears to be that selection

[11] *The Municipal Year Book* (Chicago, 1947), 127.

for higher positions should be limited to those already in the service, unless it is clear that a substantially better class of official can be obtained by open competition. It is obvious that the bulk of municipal employees will be, or must be, content with lesser positions with increases in pay for faithful and efficient work. The promotional ladders must be designed for those of outstanding ability and ambition to advance.

Assuming for the moment the use of a closed service with promotions from within the service, what should be the basis of advancement? Service ratings of employees based on their records in present positions are not ordinarily a satisfactory basis for promotion. They tell how well the employee has performed at his present post, but do not measure probable performance in a position calling for greater abilities, more executive capacity. Service ratings are properly used in conjunction with promotional examinations as a control, or as a requirement for entrance into competition. Seniority alone is never a good basis, and should not be used except as a small weight out of a total score necessary for promotion. Competitive tests used to determine capacity for promotion have usually been related to the duties to be performed, and so constructed as to require a specific knowledge of the position. This gives the edge in the examination to those already in the service. Often the examination is limited under closed service principles to employees in the next lower grade. The difficulty with the competitive test which is designed to indicate definitive knowledge of the position is that it indicates knowledge of duties, but not the individual's general capacity as an administrator. If the closed service examination does not produce qualified personnel for the position, reliance should then be placed on recruitment from outside the service by written tests or other types of evaluation.

The transfer device is extremely important in personnel administration. The most obvious reason for transfer is personal friction between an employee and his immediate superior. Where this cannot be eliminated by conference, and the employee has not violated regulations or otherwise incurred a demotion, the answer must lie in transfer to another department or class of position. Transfers are also necessary, when a permanent decrease in the work load of a department has taken place. They can be used to avoid monotony and to give an employee a rotation in work experience as a means of training. An ambitious and capable employee in a "blind alley" job, without hope of promotion, may properly be transferred to other duties.

Training

The training of employees is always a must if the public service is to be effective. Municipal administration has many specialties; individuals

do not ordinarily enter public service prepared to be policemen and firemen without additional training. Through formal education or experience, the individual has developed abilities which result in his acceptance as an employee. The city cannot rest the case with appointment of an individual as an employee. After an individual has been placed on probationary status as an employee, and before he actually goes on the job, municipal training courses are normally referred to as "vestibule" training. Once the employee is on the job, formal programs are called "in-service" training.

In cities, training is necessary for various categories of public employees. These include administrative personnel, police and fire officers, professional and scientific employees, supervisors, and clerical employees. To take a specific problem, policemen must go to school to learn the job. They must learn the state laws and local ordinances entrusted to their enforcement; rules and regulations of the department; the law of arrest; preservation and presentation of evidence; and handling of firearms. After vestibule training, they must undergo scrutiny and observation when they first take to the beat. From time to time, in-service training is essential to keep them abreast of technical developments and revised procedures. In police departments, in the larger cities, training has many ramifications. It must be adapted to the needs of such divergent groups as: new recruits, experienced patrolmen, traffic officers, command officers, detectives, identification experts, communications personnel, and clerks.

Firemen must be trained in driving apparatus, in manning pumpers, in using ladders, in handling hose lines, in techniques of fire fighting, in special hazards and how to meet them, and in street and hydrant layouts. Much of this must be learned by actual drill and demonstration. Here again, vestibule training is not enough; a definite program of in-service training over the years is especially important. Training must be adapted to the command officers in the department and to the firemen.

Whether it is the training of routine office workers, or key administrators, no city of any real size can afford to neglect this important field of personnel administration. The International City Managers' Association has devised a number of training manuals for key administrators including city managers. These manuals deal with such fields as finance, personnel, planning, police, fire, public works, and recreation administration. Each of these manuals forms a course in the municipal management series. In addition to specialized manuals on auxiliary and line departments, the series includes a general volume on the technique of municipal administration. This collection of documents in the Institute for Training in Municipal Administration are particularly valuable for key administrators.

For most of the city employees, training is a responsibility of the chief executive and the department heads. Training of policemen is

properly the responsibility of the police chief, under the general supervision of the mayor or manager. Firemen can be best trained under the direction of the fire chief. A central training officer may be established in the personnel agency to implement, coördinate, and facilitate training programs, but the primary responsibility should rest with the line officers.

More emphasis has been given since World War II to specialized short courses, or institutes, for municipal officers and employees in conjunction with universities and colleges. This has led to schools for assessors, institutes for firemen, and similar three and five day programs. Such institutes or schools are sometimes on a state-wide basis, bringing assessors, firemen, and other groups together from a considerable number of cities for analysis of basic materials, demonstrations, and exchange of views. The emphasis has been on vocational training to do a job in administration.

Rating and Evaluation

In municipal personnel administration, especially in the larger cities, evaluation of employee performance is accomplished regularly by formal service rating procedures. Service ratings have many valuable facets. They can be weighted in as a factor in promotional examinations, and used as a guide for increase in pay. They are designed to improve the supervisor's procedures in evaluating employees, and to encourage better standards of performance by employees on the job. If service rating is well done by supervisors, it can serve as a check on the validity of methods of recruitment and testing. Under formal service rating systems, supervisors are required to make an appraisal of an employee's efficiency on a prescribed form.

A graphic rating scale requires the supervisor to check the traits of his employees one at a time on a standard form. The employee service report in Saginaw, Michigan, prescribes ratings for such items as promptness in reporting for work; knowledge; work attitude; initiative; capacity to develop; attitude toward other employees; ability to understand directions; quality of work; volume of work; contacts with the public; and appearance. Under volume of work the supervisor must check one of five spaces which read as follows: unusually high output; high output; normal production; limited output; insufficient production, unsatisfactory. Similarly with reference to each trait the supervisor checks one of five statements which range from superior performance to an unsatisfactory record.[12] One of the great complaints under such rating systems is that supervisors produce a "halo" effect, and majorities of employees emerge with better than average ratings. Considerable variation may develop from supervisor to supervisor in the standards set for employees and in the evaluation of performance. Nevertheless, honest use of the

[12] International City Managers' Association, *Municipal Personnel Administration* (Chicago, 1947), 209-210.

graphic rating scale is bound to indicate those employees who are generally unsatisfactory.

To surmount certain of the difficulties in graphic rating systems, analytical check lists have been devised. Instead of an evaluation of traits on a graphic scale, the supervisors check a number of specific qualities of behavior. Such analytical check lists require the supervisor to indicate whether an employee does or does not accept responsibility; whether he is easily rattled, loses his temper easily, or has self control. The supervisor is directed to check those items which from his own knowledge describe or fit the individual. Those statements which do not apply to the employee are not checked. The Probst system for rating employees uses the analytical check list. Under the Probst service report, space is provided for three supervisors to check the individual items, wherever possible.

All rating systems appear to have some inherent difficulties. No amount of paper work will overcome the human tendency of raters to be lenient in their judgments; to vary from one another in standards of evaluation; to abuse the average; or produce a "halo" effect. Rating requires close coördination between the personnel agency, the chief executive, department heads, and supervisors. To be of greatest value, all rating systems must be used as a positive rather than a negative force. Employees should have the benefit of frank discussion of their deficiencies and suggestions directed toward improvement. All this is not to suggest that service ratings are not worthwhile. They are always subject to criticism and abuse. A formal rating system is preferable to haphazard evaluation of employees at irregular intervals.

Discipline

Discipline of employees is too often considered as a conflict, between line administrators and the personnel agency, over responsibility for removal of an unsatisfactory individual. This issue has to be faced from time to time. Civil service commissions in cities have possessed broad powers over the so-called back door out of the public service. Often, the commission has had the last word as to whether a suspended employee should be finally dismissed, or reinstated in the service. To prevent possible dismissals by administrators on grounds of politics, race, or religion, the early proponents of the merit principle reasoned that the civil service commission should make final and binding decisions on dismissals. This type of charter provision or statute makes it more difficult to get rid of dead wood, for the department head frequently hesitates to push a "case" against an employee if it must go through quasi-judicial proceedings, with final disposition in the hands of a commission. In recent years, greater emphasis has been placed on allowing a city manager, for example, to have the final decision on dismissal or retention of an employee after: (1)

a hearing has been held by the commission or personnel board and (2) a recommendation for disposition forwarded to the chief executive. This leaves ultimate responsibility for employment, morale, and discipline where it belongs—with the chief executive.

While a few problem cases will call for drastic action, discipline is a week-to-week operation. The causes of disciplinary action range from infractions, such as tardiness and laziness, general inefficiency and carelessness, to such serious issues as insubordination, intoxication, and lack of personal character and integrity. The supervisors and department heads must wisely adjust the methods of discipline to the circumstances and personalities of each case. For the sensitive employees, closer supervision, less desirable work, and loss of privileges, will produce results. For the less sensitive employees, and for more serious offenses, oral or written reprimands will be necessary. In some city departments, demerits and fines are meted out. Over a long period of time, the withholding of salary increases is a serious form of disciplinary action. Police departments sometimes impose overtime work as well as fines for disciplinary reasons. Another police technique is to keep the patrolman on the dog-watch at night rather than to give him his turn on day watches. When these lesser penalties fail to motivate the employee to remedial actions, recourse must be taken to suspension for periods of time, such as 30 days. This is a severe penalty, because of the salary loss and the diminution in prestige. Demotion is another major type of disciplinary action. The ultimate is removal from the service. Beyond that, where offenses have been committed against the civil or criminal law, prosecution in the courts may follow, as well as removal.

Effective leadership by the mayor or manager, department heads, unit heads, and supervisors can promote morale to the point where disciplinary problems will lessen. To avoid constant use of formal disciplinary methods it is necessary to build morale and coöperation, so that self-discipline, rather than discipline imposed from above, will operate among employees. The strict disciplinarian serving as a supervisor may find himself in constant friction with the employees, whereas the broader gauge individual will get more work through employee response to a less rigid regime. In the public service, leadership is the need rather than an excessive use of negative, disciplinary techniques. Recruitment and testing procedures are by no means perfect. A few individuals will pass the tests, but prove to be incompetent and insubordinate as employees. For these few, formal disciplinary measures must be utilized.

Program of Employee Relations

Municipal employees, like other public servants and individuals in private industry, react to the conditions of work which they find. This means more than physical conditions of offices and shops. Many of the

items already discussed such as salary standardization, equal pay for equal work, opportunities for promotion, and job satisfaction, enter into the making of morale. Other factors are regulations governing hours of work, vacations, provisions for sick leave, and retirement. In public service, as in private industry, employees want satisfaction in what they are doing, security, recognition of competent performance by their superiors, and opportunity for advancement.

Municipal administrators must exert every effort to provide optimum conditions of employment, since the public service in the United States has suffered for decades from low prestige. This results, in part, from our emphasis on private enterprise. Among levels of government, greater prestige has attached to federal over state service and state over municipal service. As Professor White indicated in his study of Chicago, low prestige of municipal employment in Chicago was due to many factors—political domination of the civil service, poor newspaper publicity, failure of the well-to-do business element to take part in municipal affairs, and the depressing atmosphere of the city hall.[13] A city has it within its own power, in large measure, to determine the prestige of public employment. Where morale is low, municipal management has failed; where morale is high, municipal management has succeeded.

Underlying morale is the political climate of the city. The merit system is basic to good morale. The employee must be certain that rewards and promotion arise from demonstrated efficiency, rather than from political pull. It is important to have uniform rules and regulations applicable to employees. The employee should be given systematic instruction and information on applicable regulations as to work hours, sick leave, and vacations. Every effort must be made to apply these regulations uniformly to individual employees. The classification and pay plans must be reviewed periodically for inequalities in position classification, and inequities in pay that may have developed from year to year.

Morale is not always a matter of the service as a whole, or the rules and regulations governing personnel. It may vary from department to department. If the morale of the whole service is good, but that of an individual department is poor, the chief executive must find the answer. It may follow from a lack of leadership in the department or from definite failure to observe the rules and regulations of the central personnel agency. Whatever it is, it calls for the attention of the chief executive and for remedial action.

Retirement Systems

No system of personnel administration can be considered complete, until provision has been made for retirement on pension. Unless a retirement system is established, hidden costs will develop due to the retention

[13] L. D. White, *The Prestige Value of Public Employment* (Chicago, 1929), 146-156.

of aged employees on the payroll. The kind-hearted supervisor will be slow to push the faithful but superannuated employee off the payroll. Where cities lack pension plans, city halls usually shelter a number of employees whose capacity to render service has greatly diminished with age. The advantages of a retirement system are many. It constitutes an additional means to attract capable people into the service, and to keep them there through the years. Superannuated or disabled persons can be removed properly from the payroll, rather than retained as hidden pensioners. An orderly system of retirement keeps the lines of advancement open, thereby making a major contribution to morale. With the modern emphasis on social security in industry, engendered by the New Deal era, municipalities have had to adjust their personnel operations to include retirement systems. Cities have long had pension funds for policemen and firemen, but the modern trend to have retirement systems for all employees was most marked in the nineteen-forties. In recent years, pensions have become important issues in private and public employment.

In 1948, among the cities over 10,000 population, 598 had retirement systems for all employees; 223 had plans for police and firemen only; 69 for firemen only; 58 for police only; and 11 for various other combinations, but not for all personnel. Some 113 municipalities over 10,000 population had no retirement program. Ninety-six per cent of the cities without a system were in the range of 10,000 to 25,000 population. This indicates that, as late as 1948, municipalities had some distance to go in building complete programs for retirement. Approximately 56 per cent of the cities of more than 10,000 had a retirement system for all employees, and 89.5 per cent of these cities had retirement plans in operation for all or some employees.[14]

A cash disbursement system of retirement is one in which benefits are paid out of current revenues. No reserve fund is established, and no effort is made to protect the city from an undue burden in the future. A retirement system based on cash disbursement results in a low burden at first, as few employees become eligible for retirement in the first few years. As the system continues and more pensioners are added to the rolls, the demands on current revenue grow greater. Failure to make accurate estimates of costs of any system, and to provide for annual city and employee contributions into a reserve fund, is just asking for trouble. Under the actuarial reserve plan, an actuary estimates the future expense of proposed benefits using mortality and other experience tables as a base. Determination can then be made of payments which must be made into the reserve fund each year. Under an actuarial reserve system part of the cost is carried by interest earnings.

It is generally agreed that there should be one retirement system for all employees, although retirement ages and benefits need not be uniform.

[14] *The Municipal Year Book* (Chicago, 1948), 122-123.

The program should be comprehensive, not limited to policemen and firemen, or some other categories of employment. Temporary and part-time employees may properly be excluded. The reserve fund may best be supported by the contributions of individual employees and group contributions from the city. The contributions of the employee are usually credited to his individual account, to be used with interest earnings for his benefit. The city makes an annual group contribution to the support of the reserve fund. While membership in the system and ensuing contributions may be made optional with present employees, it is desirable to make a retirement system compulsory for all new employees, once it is established. Today, a retirement system is a key factor in personnel administration.

The primary objective in a retirement system is to provide benefits for superannuated employees. Employees do not become superannuated at fixed ages in all types of employment. For policemen and firemen, it is good practice to establish voluntary and compulsory retirement limits at lower age levels than those prescribed for employees of the city clerk's office. In addition to pensions for retired employees, the system may also be extended to cover disability benefits on account of accidental injury in line of duty; death benefits in line of duty or otherwise; and disability benefits because of ill health.

Unions of Employees

For many years, the key issue in municipal employment was the spoils system as against the merit principle. Personnel administration centered around the establishment of civil service commissions and their relation to executive management of employees. During the New Deal, unionization of employees in private industry grew apace. This trend line was reflected in municipal employment.

One type of unionization occurs in occupations or trades which cut across the lines of private industry and public administration, such as plumbers and electricians. A second type is the general union of municipal employees which is not affiliated with any national organization. Examples of this organizational arrangement are the Chicago municipal employees' society and the Los Angeles city employees' association. A third type is the general union of city employees which is affiliated with a national labor organization. For example, in 1946, there were locals of the American Federation of State, County and Municipal Employees (AFL) in some 238 cities. Early in the same year there were locals of the United Public Workers of America (CIO) in 88 cities over 10,000 population. A fourth type is the union limited to a special municipal service such as firemen and policemen. Firemen's unions are generally affiliated with the International Association of Fire Fighters (AFL). In 1946, the IAFF had locals in some 496 American cities. At that time it was

estimated that the AFSCME, the UPWA and the IAFF had approximately 200,000 municipal employees as members of locals.[15]

In 1948, 681 of 1,072 cities of more than 10,000 population, reported employees organized into one or more of these organizations: American Federation of State, County, and Municipal Employees (AFSCME); United Public Workers of America (UPWA); International Association of Fire Fighters (IAFF); New Jersey Civil Service Association (NJCSA); Civil Service Forum of New York (CSFNY); and nonaffiliated organizations. The number of cities reporting employees in the various organizations were as follows: AFSCME, 267; UPWA, 111; IAFF, 540; NJCSA, 35; CSFNY, 14; nonaffiliated organizations, 171.[16]

Unions of employees are now an accepted fact in American cities. Cities cannot afford to take a position of attempting to discourage and prevent unionization, or to seek a "company union" type of organization under official supervision. Public employees are definitely moving toward unionism, as unionism and collective bargaining has gained such widespread acceptance in private industry. Yet, in Southern cities opposition has existed to employee organizations at city hall, just as there has been more opposition to unionization in private industry in the South. In dealing with unions, a city may follow three basic policies. One is that of dealing with unions as representative of their own membership, but not of unorganized employees. Where this policy is pursued, the views of unorganized groups may also be considered. A second line of policy is to allow a union representing a great majority of all employees to be accepted as representative of all employees in formal negotiations. A third line of policy, and obviously an extreme one, would be to accept a "closed shop", and require all employees to be affiliated with a union as a condition of employment. The first of these policies, namely to deal with unions as representing their own membership alone, and also to take cognizance of the views of unorganized groups, is a middle ground between hostility to unions on the one hand and the closed shop on the other.

Increasingly in cities, councils and executives no longer deal with employees solely through civil service rules and regulations, but also through direct contact and negotiation with representatives of unions of employees. These direct contacts and negotiations do not ordinarily result in written agreements between the city and the unions. Any such agreements, where they do exist, cannot conflict with state law, the city charter, or ordinances. They are not usually considered as binding contracts on the city. Pursuant to negotiations, however, there is nothing to prevent a city from passing appropriate ordinances and resolutions, or making changes in personnel rules. This unilateral action,

[15] O. F. Nolting, "Management Policy on Employee Relations," *Public Management*, XXIX, 5-10 (January 1947).

[16] *The Municipal Year Book* (Chicago, 1948), 124.

so long as it is not contrary to state laws or charters, establishes municipal policy in hours, wages, leave, sick leave, and other matters. If management and labor can reach a settlement, the city has ample means by unilateral action to accomplish the necessary policies, without a written agreement or contract between the city and the unions.[17]

It is sound municipal policy to require any employee organization (including a local of a national organization), adopting a constitution or charter, to incorporate a "no-strike" pledge. In view of the necessity of preserving law, order, and vital functions, municipal management should not retreat from the position that an employee who goes on strike is absent without proper leave and subject to penalties in the personnel rules. This is the crucial issue in municipal-employee relations. Municipal management as a matter of policy must be prepared to deal constructively with employee organizations. At the same time, public order requires that the "no-strike" pledge be made, and strictly adhered to, in the absence of any state statute prohibiting strikes among municipal employees.

Municipal personnel administration in many cities has ceased to be primarily an issue between the spoils and the merit principle. The establishment of the merit system, with attendant tenure and systematic promotional ladders, has not met the needs of employees in recent decades. They have sought additional protection through unionization. It is the function of municipal management to pursue policies which will retain the merit principle as a basic system, while dealing openly and freely with representatives of organized employees—no small task.

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[17] For 1947, out of some 755 cities of more than 10,000 population reporting, 262 had one or more local unions affiliated with AFL or CIO public employee unions. Of these 262 cities, only fifty indicated that they had written agreements with the unions. An analysis of 16 written agreements determined that some were ordinances or resolutions. Seven were actual contracts, and one was a memorandum of agreement. *The Municipal Year Book* (Chicago, 1948), 125-126.

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CHAPTER XXII

Fiscal Management

Money is the life blood of public administration at the federal, state, and local levels of government. Organization for municipal administration can be well designed, and outstanding personnel may be recruited, but the dollar is indispensable. Municipalities long possessed in the general property tax the "backbone" of revenues for the support of their personnel costs, purchases of materials and equipment, and capital improvement programs. Gradually, state constitutional and statutory limits on the rates which a city can levy on assessed values of property within the corporate limits have forced municipal administrators to seek state-collected, locally shared taxes, grants-in-aid, and diversification of the local tax structure. After World War II, the high cost of living strained city budgets as well as family pocketbooks. At any time, and particularly when it is difficult to stretch the tax dollar to provide services ever demanded, fiscal problems loom large in the process of executive management.

The economic cycle with its peaks and valleys of employment, easy and hard money, presents a two-way problem for the municipalities. In periods of inflation, the city mayor or manager finds it increasingly difficult to make tax dollars elastic enough to support all services, in view of increased prices and wages, and public need for maintenance of old and provision of new activities. In periods of depression, prices and wages decline; the public is more willing to forego new services, and to accept contraction in existing activities. On the other hand, relief rolls swell, and taxpayers become delinquent on their general property tax bills. During the depression of the nineteen-thirties, municipalities were faced with overwhelming relief burdens and widespread tax delinquency. The Federal Government finally bailed them out of their economic problems by such programs as Public Works Administration, and Work Projects Administration. Whether it is a trend to inflation or to depression, the city executive will always find that management is closely interrelated with fiscal management.

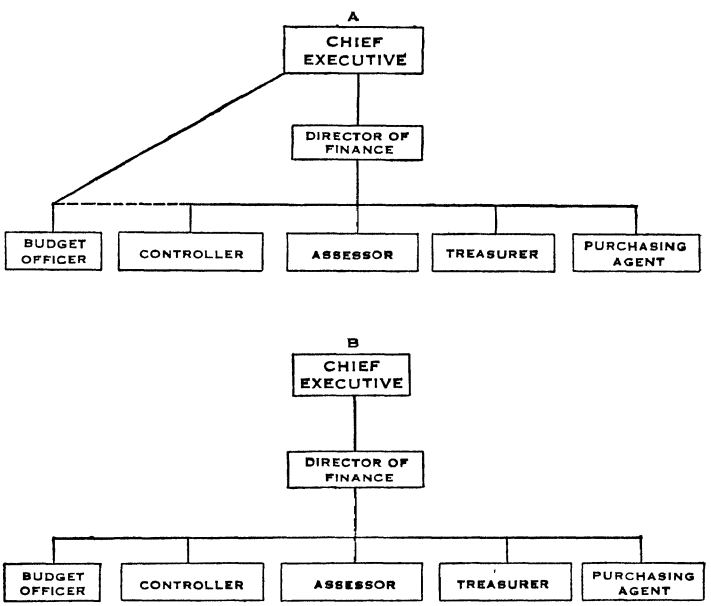
Because control over expenditures is so closely allied to management in municipal administration, departmental organization for fiscal administration has been increasingly integrated and made responsible to the city executive. Advance planning is essential to determine how much financial support will accrue from federal and state levels; from diversified local revenues; and from the general property tax, limited as it is in many

states by constitutional and statutory restrictions. This is part of the struggle for adequate municipal revenues, in view of federal and state tax levies upon identical persons who pay the bill at the local level.

Expenditures must be kept in balance with revenues if the city is to remain solvent, with a good credit rating. This poses the management problem of allocating available funds to auxiliary and line departments; personnel costs and expenditures for materials; current operations, capital improvements, and debt service. The process of budgeting, from year to year, demands judgments as to departmental needs and efficiency. The executive can not escape ultimate responsibility for the sum total of expenditures any more than he can avoid the issue of adequacy of municipal revenues.

CHART 10

INTEGRATED FINANCE DEPARTMENT



The Integrated Finance Department

To assist the manager or mayor most effectively in financial administration, a director of finance should head a department which includes five bureaus: (1) budgeting; (2) accounting; (3) purchasing; (4) assessing; and (5) treasury management. The officers to direct these bureaus will be, respectively, the following: budget officer, controller, purchasing agent, assessor, and treasurer. All of these bureau heads, with the possible exception of the budget director, will be responsible to the

director of finance. In the case of the budget director, it is frequently recommended that he be directly responsible to the manager or mayor, although the bureau of the budget functions as a division within the municipal finance department.

1. In a model integrated finance department, the bureau of the budget assembles the budget estimates for the ensuing fiscal year from the city departments, and compiles the estimates of revenues which will be available. The budget director assists the chief executive in preparing the budget document which will be transmitted to the city council, usually with an explanatory message from the mayor or manager. Once the council has voted the appropriation ordinance, the bureau of the budget will assist the municipal executive in budgetary administration. This may be done by a formal allotment system, in which departments are budgeted to monthly or quarterly allotments of their appropriations for the fiscal year. Under executive allotments set up on records, the departments are held to a plan of expenditures for time periods of less than the fiscal year. The municipal bureau of the budget is the appropriate place for surveys and reports of possible improvements in municipal organization and procedures, although few municipal budget officers have either staff or authority for such operations.

2. The bureau of accounts will keep the general accounting records, and maintain, or supervise, any cost accounts of the city. As a means of supervision over departmental spending, the controller will pre-audit all claims to determine that the expenditure is legal, and that unencumbered funds are available in the departmental account. The pre-audit is essentially a managerial function. It is the executive's point of control over the disbursement of funds by the city. Post-auditing is properly a responsibility of the city council. Post-audit is a means by which the council reviews the financial administration of a city. It is a legislative inspection of the financial record of the mayor or manager. This may best be accomplished by an auditor appointed by the council or by certified public accountants employed by the council.

3. The bureau of purchasing is an auxiliary agency which serves the other departments. This bureau purchases supplies and equipment requisitioned by city departments for their operations. Before centralized purchasing developed, departments were their own purchasing agents. This burdened departments, decentralized purchasing into small amounts, and resulted in a diversity of departmental standards for similar supplies. The advantages of a centralized purchasing unit in establishing standards, preparing specifications, and buying in larger quantities, are now well recognized. A bureau of purchasing can protect the public interest by testing supplies and equipment or arranging for such tests by appropriate agents, or by departments. In larger cities, a bureau of purchasing will also maintain a central warehouse and stores system for supplies and equipment constantly needed by the departments. Maintaining a re-

volving fund to buy central stores, with a perpetual inventory and a flat rate to cover overhead costs, is highly recommended by city executives as an opportunity to "do a job" in management. When stores are requisitioned by the departments from the central warehouse, the costs may then be charged to departmental accounts, including overhead.

4. Because of the large part played by the general property tax in municipal revenues, scientific assessment of property is demanded. The assessor is responsible for the placing of valuations on land, buildings, and personal property within the corporate limits. The bureau of assessment must be equipped with land value maps, data cards on property holdings, and other records. For adequate administration, buildings must be classified for purposes of assessment, and standards of value per cubic foot or square foot established. To the total valuation, as determined by the assessor, the tax rate fixed by the city council is applied. Other appropriate functions of the assessor are the preparation of the tax rolls and tax bills, and spreading of special assessments for local improvements upon the tax rolls.

5. The treasurer completes the bureaus of a model finance department. He is responsible for the collection of taxes, special assessments, and other revenues, such as utility charges and license fees. He is charged with custody of municipal funds. Disbursement of funds, on presentation of vouchers or warrants properly authenticated, is likewise a function of treasury management.[1]

The integration of all fiscal controls and purchasing into a single department has merit. It pulls together, in one administrative unit, a number of closely related, technical processes. The city's chief executive is materially handicapped without an auxiliary department which encompasses fiscal procedures and related processes of purchasing. With an integrated finance department, flexibility in the use of employees can be attained by shifting personnel within the bureaus of assessment and treasury, for example, to meet peak work loads. An integrated department can serve the line departments more effectively. Finally, responsibility in financial administration is clearly fixed on one department head.

Cleveland may be cited as an example of an integrated finance department which includes most of the functions outlined as a model. The Cleveland department of finance is responsible for the preparation of the budget; keeping of accounts; purchasing and storing of supplies; assessing and licensing (except that in Ohio assessment of real and personal property is administered by counties); and custody and disbursement of funds. The department has a single head and four divisions, each of which is supervised by a single commissioner responsible to the departmental chief. The divisions are accounts, treasury, purchases and supplies, and assessments and licenses, the latter with more limited functions

[1] For an analysis of the integrated finance department, see International City Managers' Association, *Municipal Finance Administration* (Chicago, 1946), 46-53.

than those prescribed for a model department. The independent audit is within the power of the council and made by certified public accountants.[2]

Financial Organization in Practice

Prevailing practice among cities by no means attains, generally, the standards of an integrated finance department along model lines. The reasons for this state of affairs in many cities are not hard to find. Historically, such officers as the assessor, controller, and treasurer, have been popularly elected, and many city charters still provide that one or more of these posts be filled by the voters. The antiquated argument for election is that the council and the executive must be counterbalanced in financial matters by administrators, directly responsible to the people. Further, it is contended that the assessor, controller, and treasurer, should be independent of any common superior, so they can be a check on one another. Finally, it is conceded, in some quarters, that assessment and treasury management are not so closely related to executive management, and no great harm ensues if they are not directly under the financial director who is, in turn, responsible to mayor or manager. The independently elected assessor, controller, and treasurer, can usually be traced to Jacksonian doctrines that the people are the best judges of their administrators of any function.

The cities have made conspicuous strides from the earlier Jacksonian traditions to acceptance of fiscal administration as a tool of executive management. In spite of the efforts which have been expended toward the integrated finance department, about two out of five municipal treasurers in cities over 5,000 population are still elected by the voters. Less than one out of five assessors remains elective. Numerous small cities vest in an elective city clerk, financial duties in accounting and pre-auditing which properly belong in a finance department. Elective auditors or controllers who are not restricted to post-audits, but deal also with pre-auditing and accounting, are still too common. Approximately one out of seven cities uses an elective auditor for some phase of financial administration.[3] Progress has been made, but room remains for more advances in financial organization.

Three basic objections can be made against continuing practices in electing assessors, treasurers, and controllers. First, the ballot box is not an assured method of getting qualified personnel to serve as assessor, treasurer, or controller. Where an integrated finance department has been established, and key officials made appointive, the mayor or manager has an opportunity to use the finance department as a tool of executive management. Second, elective officials are not part of the managerial team. The elective controller, vested with power over pre-auditing and

[2] *Ibid.*, 45.
[3] *The Municipal Year Book* (Chicago, 1947), 48.

accounting, is in a position to substitute his own judgment for executive policy. In passing on the legality of an expenditure, or whether or not there is an unencumbered appropriation to pay for the item, he is performing a function vital to management. The significance of the management function involved is multiplied many times, when questions of the wisdom or timing of the expenditure enter into a pre-audit decision. Third, the practice of electing assessors, treasurers, and controllers, increases the span of control which the chief executive must attempt to exercise without formal powers over independent administrators. Rather than dealing with one director of finance, the chief administrator must supervise, as well as possible, fiscal procedures administered by officers responsible to him, and those operations controlled by independently elected officials. At no point can the mayor or manager turn to a chief fiscal officer. The scalar principle has been broken, and the fiscal officers do not fall into a hierarchy. Under these circumstances, the mayor or manager must coördinate and supervise to the best of his ability. Some examples can readily be found, where administrative integration is lacking.

An Illustration of Lack of Integration

An illustration of a disintegrated financial organization can be taken from the commission-type charter of Adrian, Michigan (1915). The voters elect three commissioners who control public affairs, public safety, and public improvements. The mayor as head of the department of public affairs has general supervision over the assessor and treasurer. The treasurer is elected by the people; the assessor is appointed by the city commission. An elective city clerk is vested with the duty of acting as purchasing agent of the city, under the direction of the city commission. The clerk is charged with responsibility in accounting. The charter requires that, "he shall keep a complete set of books, showing the financial condition of the city and all its departments, funds, resources and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised. . . ." [4]

The function of pre-audit is divided between individual commissioners, the commission, mayor, and clerk. It is required that, "all accounts or claims against or incurred by any department shall be first audited by the Commissioner in charge of such department and then approved by the City Commission before payment. No money shall be paid for any purpose except upon warrant authorized by the City Commission and signed by the Mayor and City Clerk." [5] Pursuant to this pre-auditing operation, the treasurer may make a disbursement. No provision is made for a budget officer, but the commission is charged with the responsibility "to cause estimates to be made of all the expenditures which will be

[4] Adrian, Michigan, *Charter* (1915), Chap. 4, sec. 22.
[5] *Ibid.*, Chap. 4, sec. 10.

required to be made from the several general funds of the City during the next fiscal year. . . ." [6]

This example from a commission charter reveals a disintegrated plan of financial administration. Authority in fiscal matters is allocated piecemeal to the mayor, the commission, individual commissioners, an elective clerk and treasurer, and an appointive assessor. This is a practical example of how dispersed financial operations may be, in the absence of an integrated finance department.

Steps in Budgeting

The executive budget has become one of the fundamental operations in modern municipal administration. It is an effective tool of executive management. An executive budget is a plan of expenditure and estimate of revenues for the ensuing fiscal year, prepared under the direction of the chief executive (mayor or manager) for submission to the council. The city councilors have authority in most cities to increase or decrease amounts; strike out old or insert new items in enacting the appropriation ordinance. In mayor-council cities, the mayor ordinarily possesses a qualified veto power, and sometimes an item veto power, by which he can check the action taken by the council. Under the council-manager plan, prevailing practice is to have the budget prepared under the direction of the manager, and submitted by him to the council. The councilors, in turn, determine the appropriations; only rarely does the mayor under the council-manager system possess a veto.

Numerous steps are essential from the inception of the budgetary process to the spreading of the tax levy. (1) The chief fiscal officer (director of finance or a budget officer directly responsible to mayor or manager) prepares a handbook of instructions and budget estimate sheets which are forwarded to the municipal departments. The instructions may properly include a policy statement of the chief executive, to guide department heads in the preparation of estimates, and detailed instructions for the completion of forms. (2) The department heads prepare their budget estimate sheets, filling in their requests. Supporting data such as departmental work programs for the ensuing year should be included. (3) The chief fiscal officer must prepare a statement of the debt service requirements for payment of principal and interest, and any fixed charges which the city must pay. He must also make an estimate of all the revenues which the city will receive. (4) Once the departmental estimates are submitted, the chief fiscal officer is now in a position to assemble the budget estimates, and to prepare the summary statement of expenditures and revenues for the ensuing fiscal year.

The budget is now ready for consideration by the chief executive and

[6] *Ibid.*, Chap. 10, sec. 8.

the city council. (5) Before the budget is submitted to the council, the chief executive will confer with the department heads and the chief fiscal officer. An analysis must be made of the validity of departmental requests and of estimated revenues. If the former exceed the latter (or on other grounds), the chief executive may find it necessary to prune departmental requests prior to presentation of the budget document to the council. (6) Conferences having been concluded, the executive must make his decisions on departmental requests for funds and, together with the chief fiscal officer, prepare the budget for submission to the council. (7) The council receives the budget, and holds public hearings at which citizens can express their views. Often, such hearings do not attract large numbers, but representatives of taxpayers groups and other associations will most likely appear, together with representatives of municipal employees. (8) Having held public hearings and considered the budget, the council revises and adopts it, passes the necessary appropriation ordinance, and makes the tax levies. If the budget includes a capital improvement program to be financed by bonds, the council must also implement the executive program by a borrowing and revenue ordinance.

The advantages of the executive budget are many. The departments must prove their needs for funds to a common superior, the mayor or manager. The chief executive has a more thorough knowledge of departmental needs and operations than the councilors. Departmental expenditures can be pared to conform to estimated revenues, before the final decision is left to the council. Rather than dealing with a series of departmental requests, the council has a definite fiscal policy recommended by the chief executive, after careful review by the chief fiscal officer. The executive budget is one of the key devices in management.

Budgetary procedure, after action by the council, has passed through the fundamental operations of (1) preparation; and (2) adoption. To complete budgetary procedure, it is necessary to have (3) budget execution, namely control by the chief financial officer over expenditures, to keep them within appropriations.

The Budget Document

The modern comprehensive budget is a complex document. It consists of many items. The budget message explains the major budget items, sets forth the current fiscal status of the city, and recommends policy for the next fiscal year. The budget summary provides an over-all statement of estimated revenues by source, and proposed expenditures by character (current expense, fixed charges, capital outlay, debt redemption), and by object (personal services, supplies, equipment, or contractual services, for example).

The general budget message and summary must be supported by detailed schedules. (1) A schedule should show in detail the actual

revenues from each source for the preceding year; actual revenues to date in the current year; and estimated revenues from the same and new sources for the next fiscal year. (2) Another schedule indicates in detail the actual departmental expenditures for two preceding fiscal years; actual expenditures to date and estimated expenditures for the balance of the current fiscal year; and departmental requests for, and figures recommended by the chief executive for the ensuing fiscal year. (3) A further schedule shows the fixed charges for such items as interest, bond maturities, sinking funds, contributions to pension funds, and other items not applicable to a specific department. (4) The departmental requests for funds may be substantiated by schedules showing work programs and unit costs for preceding, current, and ensuing fiscal years.

Additional items properly included in a budget document are: (1) fund balance sheets showing estimated assets, liabilities, reserves, and surpluses or deficits for the basic funds used in municipal accounts, such as the general fund, and sinking funds, as of the close of the current fiscal year;[7] (2) statements of cash balances, receipts, and disbursements for a preceding fiscal year, for the current fiscal year to date, together with estimates of similar items for the close of the current fiscal year, and for the opening and close of the next fiscal year; (3) statements of preceding tax levies and tax collections; (4) table of outstanding bonded debt; and (5) statement of recent and any proposed short-term borrowing.

To facilitate action by the council, it is essential that the budget document contain: (1) draft of an appropriation ordinance; (2) draft of a salary and wage ordinance, if necessary; (3) draft of a tax levy ordinance; (4) draft of any necessary ordinance for new borrowings.[8]

The Allotment System

Once the appropriations are made for the fiscal year, the most exact method of controlling expenditures is through a formal allotment system. Such a system restricts departmental expenditures to allotments made for uniform periods, such as months or quarters. The department is limited not only to its total appropriation for the fiscal year, but also to that portion of its total appropriation allotted to a given month or quarter. This does not mean that like amounts will be assigned for every one of the four quarters. In the case of snow removal by the department of public works, this would be absurd. Election expenditures cannot be

[7] The Municipal Finance Officers' Association has recommended the following municipal funds for accounting purposes: general fund, special revenue funds, working capital funds, special assessment funds, bond funds, sinking funds, trust and agency funds, and utility funds. See the Association's *Standard Practice in Municipal Accounting and Financial Procedure* (Chicago, 1943), 11.

[8] C. H. Chatters and Irving Tenner, *Municipal and Governmental Accounting* (New York, 1947), 37-40.

allotted uniformly into quarters or months. Where personnel, salaries, and wages, are stable in a given department, allotments for personnel costs may be made reasonably uniform. Purchases of equipment and supplies do not necessarily fall into a uniform series of allotments. Where a city uses the allotment system of expenditure control, the finance department must recognize the importance of departmental estimates of work and spending programs. The allotments must be adjusted to the best forecasts of variations in departmental needs from month to month, or quarter to quarter.

The allotment technique is considered the most reliable administrative device to prevent departments from spending more than their available funds. Each department may be required to set up a small percentage of its appropriation as a saving, or a reserve. This provides a cushion for abnormal expenditures which may result from emergencies in any allotment period. If no unforeseen emergencies arise, the department will be able to turn a surplus back to the general fund at the close of the fiscal year. Furthermore, the allotment system places the chief executive in a sound position to meet unanticipated shrinkages in revenues. The department heads may then be required to reduce their work programs for the balance of the fiscal year, and allotments will be correspondingly reduced. Purchasing of equipment, already provided for in existing allotments, may be deferred; vacancies appearing in positions may not be filled until the next fiscal year. By an allotment system, the executive can forestall an impending deficit by making the necessary reductions in work programs and allotments, so that expenditures will be brought into balance with shrinking revenues.

Classification of Revenue and Expenditure Accounts

Accounts are the means by which financial data are collected for use in financial statements. Revenue accounts are essential in preparing and controlling the budget and revenues. Expenditure accounts are necessary in estimating expenditures for a fiscal period, and in controlling expenditures. Both revenue and expenditure accounts are required in the preparation of financial statements and comparative statistics over a period of years. Accounting is a tool of fiscal management and, in turn, of executive management.

Revenue accounts are usually classified according to the main sources of revenue, such as taxes; licenses and permits; fines, forfeits and penalties; revenue from use of money and property; revenue from other agencies; charges for current services. These broad categories are broken into further detail in the actual accounts. For example, under taxes, with the modern trends to diversification of revenues, accounts should be kept of the general property tax, and of such diversified taxes as those on sales, business, amusements, or income. Under revenue from use of

money and property, individual accounts are necessary for interest on bank deposits, interest on investments, rents and concessions, and royalties.

Expenditure accounts are classified in a variety of methods: (1) function; (2) activity; (3) organizational unit; (4) character; and (5) object.

1. Classification by function is useful chiefly in the compilation of financial statistics. Such a classification involves a breakdown into such items as general government, public safety, streets, sanitation and waste removal, health and hospitals, public welfare, libraries, parks and recreation, and public service enterprises.

2. Classification by activity involves a detailed breakdown of functions into activities. For example, the function of municipal streets within public works administration involves such activities as supervision, construction and maintenance of streets; snow and ice removal; street lighting; construction and maintenance of bridges, viaducts and grade separations; and construction and maintenance of tunnels. Classification of expenditure accounts by activity makes possible comparable financial data between cities, and unit cost accounting within cities. Classification by activity is a refinement of the broader category of function.

3. Classification of expenditures by organization unit is vital to the control of expenditures and the allocation of responsibility for costs. Thus, accounts should be kept under public safety for the police department, including the appropriations for and expenditures of the police bureaus dealing with supervision, training, identification records, communication, criminal investigation, uniform patrol, traffic control, detention, and other specialized units. Classification by organizational unit is essential to budgetary control through allotments and the pre-audit. It is equally important for budget preparation and adoption. A city, with an organization structure built soundly on functions and activities, will be able to use accounts classified by organizational units to derive financial data on costs of functions. Where like functions are assigned to different organizational units, it will be necessary to cross organizational lines in compiling functional costs.

4. Classification of accounts by object groups them according to personal services, contractual services, materials and supplies, and fixed charges. Through this type of account, a city knows how much is being expended for salaries and wages, for construction of public improvements, for supplies used by all the departments, and for interest, insurance, and similar fixed charges.

5. Classification of accounts by character is in terms of current expense, capital outlays, or retirement of debt. A capital outlay results in a new asset, such as a public building. It differs materially, therefore, from current operating expenses and debt retirement.[9]

[9] C. H. Chatters and Irving Tenner, *op. cit.*, 7-17.

Cash and Accrual Systems of Accounting

The objective of municipal accounting is to record financial information so that it can be readily available: (1) to serve as a basis for executive management of city administration; (2) to provide interested persons with an accurate knowledge of the city's financial condition; and (3) to determine the fidelity of those charged with administration of the city funds. The executive cannot prepare future policies without accurate data on the city's finances. The departments have an equal and pressing necessity for accurate information on which to base their future requests for funds. The operating departments need to know whether they are living within or overexpending their appropriations or allotments. Investors want to know what effects current financial operations will have upon the city's credit rating. The city council cannot wisely determine appropriations and taxes for the next fiscal year without accurate knowledge of current financial conditions.

The two principal forms of municipal accounting are known as the cash and the accrual systems. In practice a combination of the cash and accrual systems is often used. With a cash system, revenues are accounted for only when they are actually received in cash, and expenditures are accounted for only when they are actually paid. With an accrual system, revenues are accounted for when earned (when tax levies are made, for example), and expenditures are accounted for as soon as liabilities are incurred. Many cities operate on a cash basis for revenues and on an accrual basis for expenditures in their accounting systems.[10]

To keep accounting on an accrual basis as to expenditures, it is essential that the chief financial officer: (1) open an account for each appropriation; (2) pass on each proposed expenditure or commitment; and (3) control any proposed expenditure or commitment, which would create an excess of expenditure over existing appropriations or allotments. At the end of the fiscal year, that proportion of all appropriations which has not been expended or committed is required to lapse, and is no longer available to the organizational unit. In this way, a purchase order for equipment will be charged to the fiscal year in which it is ordered, rather than in the fiscal year in which it is delivered. The appropriation will be encumbered for this commitment. When the chief fiscal officer follows these principles and practices, overexpenditure of appropriations, which destroys the value of budgeting, can be prevented.

Pre-audit of Expenditures

It is important that expenditures be accounted for by an accrual system. The mayor or manager needs to know not only the money which

[10] C. M. Kneier, *City Government in the United States* (New York, 1947), 662.

has been disbursed during a fiscal year, but also the obligations that have been incurred and must eventually be paid. Under the cash system, outstanding bills are commitments due against any remaining available balances. Under the accrual system, departmental accounts are encumbered when materials are ordered. The exact position of the department in relation to its appropriation or allotment can be determined from an examination of the unencumbered balance.

Enforcement of budget control is also impossible without a pre-audit by the controller. This pre-audit is also known as an administrative audit, or running audit. It is the function of the controller to issue warrants for the disbursement of money by the treasurer. Before warrants are issued, the pre-audit determines that: (1) the obligation has been legally incurred; (2) money has been appropriated or allotted; and (3) an unencumbered balance is available to pay the amount. A. E. Buck has suggested that the current audit should examine into many facts pertaining to expenditures for personal services, commodities, or other services. As to personal services, it is important to determine that: (1) the payees were actually employed; (2) the employment was in accordance with civil service or other regulations; (3) the amounts were actually earned; (4) the rates of pay were authorized by the pay plan.

Similarly, as to commodities and other services, it is necessary to ascertain that: (1) the commodities or other services were received in the indicated quantities; (2) the quality conformed to the representations of the claim; and (3) the unit price or other terms of the claim agree with the terms of the purchase order or contract.[11] The Municipal Finance Officers' Association has insisted that the finance officer should investigate more than questions of legality and possible overexpenditure. He should ascertain that commodities have been received, or services rendered, that these commodities or services are according to specifications, and that the prices charged are fair and agreed upon.[12]

For effective budget control, the pre-audit is essential. There is no real value in appropriations and allotments if departments are not held to these sums by administrative audit prior to payments for personal services, commodities, and other services. In an integrated finance department, the controller is the check point to make certain that the funds have been appropriated, that the proposed expenditure is legal, that there is a sufficient unencumbered balance, and that personal services, commodities, and other services have actually been received according to regulations, orders, or contracts. An effective pre-audit is an outstanding link in the chain of fiscal control. It is properly administered by a controller who heads the accounting division within the finance department. Too often in the past, accounts have been kept and pre-audits

[11] A. E. Buck, *Municipal Finance* (New York, 1926), 112-115.

[12] Municipal Finance Officers' Association, *Standard Practice in Municipal Accounting and Financial Procedure* (Chicago, 1943), 13.

presumably maintained by an elective "auditor" independent of the chief executive.

Accrual and Cash Accounting for Revenues

In fiscal management, it is equally important to have a realistic estimate of revenues. An estimate which does not take into account probable shrinking of revenue sources may also throw the budget out of balance. Plans for expenditure based upon revenue estimates which are never attained will result in a deficit, just as surely as over-expenditure of appropriations. During the nineteen-thirties, some cities found that delinquency in property tax collections, and diminution in miscellaneous revenues, created a situation in which the city could not carry its debt service and current operating expenditures. City functions or current operating costs could not be pared sufficiently to offset drastic revenue losses without jeopardizing the public safety, health, or welfare. Consequently, deficits ensued and, in some cases, default or refunding of long-term obligations.

The theory of the accrual system of accounting for revenues is that taxes actually levied constitute revenue, regardless of whether full cash receipts are realized within the year of the levy. While it is certain that all of these taxes will not be collected within the year of levy, reliance is sometimes placed on payment of delinquent taxes to make up most of the loss. This makes for serious hazards in times of depression.

In drafting an accrual budget law, a Committee of the National Municipal League proposed that adequate reserves be established against taxes three years in arrears, and that appropriation of any surplus revenue be restricted to actual cash surplus.[13] These safeguards were designed to prevent any city from the difficulties which may arise from unwise operation of an accrued revenue system.

Where an accrual system is used in accounting for revenues, it is important that allowance be made for probable losses through failures in tax collection. Sums should be considered as revenue only if they are certain of collection over a reasonable time period. Otherwise, the municipality is counting on the availability of funds which may not actually be obtained during the fiscal year. The accrual method of accounting is deemed most appropriate for control of expenditures. It is not necessarily the most practical system of accounting for revenues. Many cities have found it to be most practical to operate under a so-called "modified accrual system" in which revenues are accounted for on a cash basis and expenditures are accounted for on an accrual basis.[14] In this way, the city accounts for revenues as received in cash and for expenditures when incurred.

[13] Committee on a Program of Model Fiscal Legislation for Local Governments, *Model Accrual Budget Law* (New York, 1946), XI.

[14] Municipal Finance Officers' Association, *op. cit.*, 6.

Purchasing

It is not unusual in cities for 60 to 70 per cent of current operating costs to be absorbed by salaries and wages of municipal officers and employees. This is a relatively inflexible portion of operating costs. It can be modified downward by salary and wage cuts, or by reduction in numbers of employees. These are drastic measures, and are usually brought about only by actual deficits or impending deficits. Flexibility in fiscal management can also be attained in the purchasing of supplies and equipment. When the financial prospects are bleak, purchases of supplies and equipment may be deferred. This is normally the first point of executive attack to bring expenditures in line with declining revenues. If this fails to bridge the gap, then the disagreeable task of pruning personnel, reducing salaries and wages, must be undertaken.

It is recommended that a centralized purchasing unit should be a division within the department of finance. This makes possible a more adequate accounting control over expenditures for materials and equipment. It places the purchasing unit in the finance department which is properly vested with pre-audit controls over all expenditures.

Many large and some smaller cities have accorded departmental status to purchasing; in other jurisdictions, the purchasing agent is integrated with the city clerk's office or the department of public works. Under these organizational patterns, there must be close coöperation with the municipal finance department in the interests of executive management. A number of arrangements can be made to work satisfactorily. However, purchasing should preferably be centralized in an auxiliary unit, not scattered as a series of operations among the line departments. Originally, municipal purchasing was done by individual departments each buying for its own needs. By the nineteen-twenties, it was well recognized that municipal purchasing should be centralized, and, in the nineteen-forties, more than two hundred cities had accepted this principle in their administrative organizations.

The movement has not yet run its course. For example, in 1947 new centralized purchasing agencies were created in Chicago, Illinois; Hartford, Connecticut; San Jose, California; Ypsilanti, Michigan; Columbia, South Carolina; and Watertown, Wisconsin. Seattle, Washington, and the County of King established a joint purchasing agency. In Superior, Wisconsin, city, county, board of education, and board of vocational education set up a joint purchasing commission, the city reorganizing its own purchasing department. The National Institute of Governmental Purchasing on the basis of a nationwide survey estimated local public purchases at three billion dollars annually, thereby underscoring the importance of centralized purchasing.[15]

[15] *The Municipal Year Book* (Chicago, 1948), 173-175.

The advantages of having a purchasing division or bureau in the finance department, or as a separate department integrated with management, may now be enumerated. (1) Amateur buying at retail by the various departments and agencies can be replaced by professional buying for group purchases, with a greater number of firms willing to compete for bulk orders. (2) Standards can be established for a number of articles, thus reducing varieties of supplies used for the same general purposes. By buying more of standard items rather than a wide range of non-standardized articles, money can be saved. (3) Group purchases can be made at appropriate market periods, and central warehouses established out of which departments can draw stores. (4) Standard specifications can be drawn for articles commonly used by the city. Careful definition of quality by a centralized purchasing unit facilitates accurate bidding by vendors. (5) Inspection and testing services can then be utilized to make certain the goods were delivered, and met the standard specifications. (6) More careful attention can be given to prompt payment of bills, taking advantage of cash discounts offered by vendors. (7) Through wide experience, a centralized purchasing unit can gain greater mastery of purchasing techniques, including the development of lists of qualified vendors.[16]

It does not follow automatically, that all of these advantages will accrue from centralized purchasing. The efficiency and training of the personnel assigned to the central purchasing department or division will tell the story. Purchasing is a skill which can be acquired only after training and practice. It requires a knowledge of the legal provisions governing purchases; the range of supplies used by the city; appropriate standards and specifications; responsible vendors; market conditions; and inspection and testing techniques. A centralized purchasing unit can acquire the skills and information essential to scientific buying.

Savings to be achieved under centralized purchasing depend on (1) the adoption of standards; (2) precise determination of specifications; (3) consolidated buying; (4) competitive bidding from responsible vendors; and (5) adequate testing and inspection. The waste of decentralized purchasing is evidenced by practices in Chicago during 1930 and 1931 when the city was paying average annual prices of 11.7, 14.33, and 16.33 cents a gallon for gasoline, depending on whether the gasoline was bought by the department of supplies, the municipal tuberculosis sanitarium, or the house of correction.[17]

Certain city units such as libraries and hospitals often contend that they should be outside the operations of centralized purchasing. Their use of specialized supplies is the usual claim advanced for exemption, whether it be books for the library or drugs for the hospital. Best

[16] International City Managers' Association, *op. cit.*, 328-329.

[17] National Consumers Tax Commission, *Centralized Purchasing: A Key to Lower Taxes* (Chicago, 1940), 4, citing a survey by C. F. Chute.

practice is to avoid exempting a department or agency as such from the rules pertaining to centralized purchasing. Certain materials, supplies, or types of equipment, may be exempted from centralized purchasing procedures. The hospital may be allowed to purchase drugs, while all other supplies and materials used by the hospital are made through the central purchasing division of the city. Many of these problems can be ironed out by consultation between the central purchasing unit and the departments in the drafting of specifications.

It is frequently provided in cities that large purchases which amount to $1,000, $2,000 or more, must be approved by the city council, and take the form of a contract. This does not or should not rule the purchasing unit out of the picture. The purchasing agency should negotiate with vendors, and act as the agent of the council in administering large purchases.

Large cities can afford the overhead cost of a central purchasing agency with a trained personnel. The volume of purchasing justifies the cost. Small cities and villages suffer under two major handicaps. The volume of their purchases does not justify an expensive central purchasing unit. The amount of their purchases for any given article will not be sufficient to effectuate large savings in unit costs. The answer for small cities and villages is in coöperative purchasing by a number of units. This can be done by cooperative buying among different units of government in the same area. In Hamilton County, Ohio, coöperative purchasing of certain products, such as coal and paint, has been done by the city, county, school district, and other units. In Michigan, the municipal league has engaged in a coöperative purchasing program since 1930. The program of pooled orders has encompassed such items as fire hose, street name signs, and water meters. In numerous items, the league has achieved substantial savings for member cities, through coöperative purchasing involving standardization and group purchases. Centralized and coöperative purchasing outrun decentralized departmental buying.

Assessment

Because the general property tax still provides such a large percentage of municipal tax revenues, it is important that this tax be well administered. The tax is based in most jurisdictions today on the assessed value of land, buildings, and tangible personalty, such as factory equipment, store inventories, and the personal household goods of individuals. For the most part, stocks, bonds, and other intangible personal property, are no longer blanketed within the general property tax, but are reached by state income or intangible taxes. The city assessor's office must be prepared to make and defend assessed valuations on the homeowner's land, residence, and tangible personalty and on business, industrial, and other properties.

The basic method long used in cities and villages was the comparative one, otherwise known as "look and see." The assessor viewed a property, and, from his comparative knowledge of similar holdings, put down a figure known as the assessed value. Since he could not look at all property for each assessment period, many of the assessments were copied from the previous rolls. In the absence of any scientific formula, gross inequities resulting from poor judgment or favoritism crept into the assessed values. One person might happily find his property assessed at 40 per cent of true or cash value, while a neighbor struggled under an assessment at 100 per cent of value.

In recent decades, cities have made rapid strides toward scientific methods of assessing property. First, it is essential to separate the basic problems of land, buildings, and tangible personalty. Land, buildings, and tangible personalty must be assessed separately and then a total valuation of land, buildings, and tangible personalty, obtained. To reach a scientific assessment of lands, city assessors have established front-foot values on different blocks, streets and avenues, those values being related to a lot of standard depth common within the city. Front-foot values were established first by obtaining data on sales and opinions of realtors to form a composite judgment. Once established, these front-foot values are recorded on maps which can be readily inspected by property-owners who want to compare assessments within their area. The value of a lot of standard depth can then be obtained by multiplying the number of front feet by the established value per front foot.

For the lot of less or more than standard depth, percentages of value must then be applied to the standard-depth valuations. Similarly, special rules must be used to determine the additional values arising from corner influence, especially in business areas. In business districts a corner lot will be more valuable than a lot of like area in the middle of the block. The corner site lends itself to buildings with more entrances and exits and greater window display area. Moreover, it attracts the attention of traffic and pedestrians on two separate arteries. The validity of land assessment depends on the establishment of equitable front-foot values for standard lots, with fixed ratios for variations in depth. It lies also in standard practices for computing corner influence in business areas.These techniques are well in advance of the old "look and see" methods.

A unit foot is usually defined as a rectangular portion of urban land with a frontage of one foot and a depth equal to the standard lot. In industrial areas, square foot or square yard values are more properly employed, but the front-foot rule serves well in residential and commercial districts of a city. Even with these scientific tools for the assessment of land, the assessor must still use judgment as to parcels of land which are unusual in shape, or greatly at variance in use from surrounding parcels. There is no such thing as a set of rules of universal application throughout the city in land valuation. However, great progress was made

when progressive cities went over to the unit-foot rule and established land value maps.[18]

For the scientific assessment of buildings a number of steps are necessary. (1) The buildings in a city are arranged into a number of classes such as single family residences, stores, hotels, apartment houses, and office buildings. (2) The classes are subdivided into various categories or grades including at least the ranges of cheap, average, and good construction. (3) As of a given year, a reproduction cost per square foot or cubic foot is established for buildings within these classes and categories. (4) Accurate data must be obtained on individual buildings so they may be allocated to classes and categories, and square or cubic foot costs of reproduction applied to arrive at basic values. (5) Established values for bathrooms, lavatories, plumbing, and other features which enhance the basic value, must be determined and computed. (6) Basic rules of allowances for physical depreciation and obsolescence must be established and applied.

The reproduction cost formula gives the assessor a definite set of standards as tools in fixing valuations. It is possible to show the individual property owner the basis of valuation placed on buildings. Once classes and categories have been established, and reproduction costs per square foot or cube foot fixed for a given year, the problem becomes one of applying the formula to individual buildings. This calls for an actual survey of the specific buildings by field workers who take measurements and note on an assessment record card a building description which covers such items as type, construction, foundation, roof, exterior walls, porches, rooms, apartments, interior finish, floors, basement, heating, plumbing, lighting, and garages. Data must also be obtained on the year in which the building was constructed, whether or not it has been remodelled, and the general condition. On the basis of the assessment record card, the building can be classified, and unit reproduction costs applied to determine base value. Additions must then be made for features which add to base value. Deductions must be made for the lack of features which are normally part of base value. The use of discretion or judgment cannot be ruled out entirely under the reproduction cost formula, but the vagaries, mistakes, and inequities of the "look and see" method, can be eliminated.

In the case of older buildings which have been reconstructed into apartments, it is not always possible to obtain an equitable assessment through the reproduction cost principle. An alternative method, in such a case, is to obtain a valuation based on capitalization of income from the property, but allowing for annual costs of maintenance, taxes, and other items.

For assessors, one of the most difficult tasks is the placing of valuations on tangible personalty, such as household furnishings, machinery and

[18] For a comprehensive statement of assessment principles for real and personal property, see National Association of Assessing Officers, *Assessment Principles* (Chicago, 1939).

equipment, raw materials, stock in trade, finished goods, and many other items. The location of such property is not difficult, but the fixing of an assessed value is certainly more complex than the appraisal of land or buildings, because of the wide variations in tangible personalty. Where under state law intangible personalty such as stocks and bonds may also be listed as valuation subject to the general property tax, a still more difficult task is imposed on the assessor.

Since the general property tax looms so large as a source of municipal revenues, the importance of having the assessor's office a division within the finance department is self-evident. The total of assessed valuations is the base to which the general property tax rates are applied. Often rates are inflexible or semi-inflexible. They are inflexible when state constitutional or statutory limits have been placed on the rates which can be levied. Charter provisions may likewise fix maximum rates. Even in the absence of constitutional, statutory, or charter limits, property has carried a heavy burden of local taxation, and popular resistance to rate increases is high. Under these circumstances the only substantial variable left may be the assessed valuation.

To the chief executive, to the finance director, and to the budget officer, it is important that assessment be done scientifically, that all property is placed on the rolls, and that valuations are adjusted upward in periods of rising prices. Policy questions are involved in the general ratio of assessed value to true value. These matters of policy concern the budget director, the chief executive and the council, for policy in assessment directly affects policy in expenditures. If the bureau of assessment is located within the municipal department of finance, the director of that agency can be responsible for bringing assessment and budget policies into line with one another. If the assessing function is a separate department, then the problem of coördination passes upward to the chief executive. If the assessor is independently elected, the chief executive must seek coöperation from the assessor's office.

Another important reason for placement of the assessor's office as a bureau within the finance department is proper use of staff. In many cities, the peak work loads come at varying times in the offices of assessor and treasurer. Having a bureau of assessment and a bureau of the treasury within the finance department facilitates a maximum use of staff.

Treasury Management

Popular election of the treasurer or tax collector is still a fact in numerous cities; compensation of these officers by fees is still the case in a few communities. Both of these practices have been materially challenged by the modern concept of an integrated finance department, within which an appointed treasurer serves as the head of the treasury bureau. The elected treasurer must cater for votes, and this runs counter

to his duty in administering the collection of taxes without laxity or favoritism. The fee system encourages a treasurer to seek collections from the large taxpayers and to neglect the small taxpayers. One large tax payment means more to the treasurer in fees than a whole series of small ones. Fortunately, the fee system has long been declining. Best practice indicates that the treasurer should be appointed, paid by salary, and fitted into the municipal department of finance. Likewise self-evident is the importance of centralizing all tax collecting activities under the administrative authority of the treasurer, although it is often necessary to decentralize actual collections of charges at municipal airports, golf courses, and parking lots.

Large issues of policy are not associated with the office of treasurer. The unit is concerned primarily with the collection of taxes, receipt of other revenues, custody of funds, and their disbursement according to the principles and practices prescribed in state law, in the municipal charter or ordinance, and in the administrative instructions issued by the chief executive. The treasurer's office deals with the public rather constantly; it can be a source of good, bad, or indifferent public relations. Tax collection must be prompt, certain, and impartial; it must conform to the tax laws in every detail, or law suits will be engendered.

The treasurer is properly concerned with the collection of many revenues other than taxes. Other revenues include licenses, permits, fees, fines for traffic violations, parking meter receipts, utility charges, revenues from services and sales. Where licenses, permits, fees or fines, for example, are collected initially by another department, it is important that the treasurer have functional control of such employees, and that the chief accounting officer issue pre-numbered controlled stationery to facilitate the process of audit. Where licenses, permits, and fees require prior approval by some other department, best practice is to require that the license be approved, and then validated by the treasurer upon collection of the money due. Physical decentralization of collections is inevitable, but administrative integration of the collection process under the supervision of the treasurer should be the goal.

Disbursement of funds should be made only on warrants which are drawn by the controller—usually a voucher warrant check. It is a voucher in that it contains a statement of the payee's account; it becomes an order or warrant on the treasurer when signed by the controller; it then becomes an order or check on the bank in favor of the payee when signed by the treasurer. The best procedure is to mail checks out to payees. In the case of payrolls, some one should be designated as paymaster, and checks distributed to employees at their place of work.[19]

[19] International City Managers' Association, *Municipal Finance Administration* (Chicago, 1946), 255.

Post-Audit

The pre-audit of expenditures is properly a function of the controller charged with the supervision of the bureau of accounting. It is an executive function to prevent expenditures which are illegal, for which appropriations or allotments have not been made, or which are inexpedient for a number of reasons. Without pre-auditing by an agency responsible to the mayor or manager, there is no guarantee that departments will live within their annual appropriations or their quarterly or monthly allotments. To the contrary, the post-audit is not an executive function. This is a review of the financial record of the city administration. It should be made by an agency independent of the executive. It is not good practice to merge the functions of pre-audit and post-audit. The pre-audit is a function of executive management; the post-audit is a responsibility of the legislative body.

What then should be the organizational arrangement for the post-audit? In some smaller cities the post-audit is carried out by a private firm of certified public accountants hired by the council. The work is done on a contractual arrangement, and the report is filed with the council. Where a municipal auditor or auditor general is established, this officer should be appointed by the city council for a long term, and should report to the council. The auditor should not keep any duplicate accounts for the city. The general accounts are properly kept by the controller responsible to the executive. The auditor's function is to check the record of a fiscal year to determine the legality of expenditures, to ascertain whether or not there has been improper expenditure of public money. His audit constitutes the council's check on the financial operations of the city's administration.

Summary

The integrated finance department constitutes a measuring device to test the organizational structure of a city in financial administration. The close interrelation of budgeting, accounting, purchasing, assessing, and treasury management, constitutes the key argument for their merger into a comprehensive department of finance. Of all the auxiliary service departments, finance is probably the most important tool of executive management of a city. It is, therefore, vital that all aspects of financial administration be integrated under the chief financial officer, whatever his title, and that the chief financial officer be appointed by, removable by, and directly responsible to the chief executive. In practice, one or more of these separate operations may be set up as a department under the executive, or vested in an elected officer. Under these circumstances, the span of control of the executive is increased by additional departments, or impaired by direct election of such officers as the treasurer or assessor.

The failure of many cities to achieve an integrated finance department does not obscure the importance of this device to the chief executive.

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CHAPTER XXIII

Municipal Finance

Fiscal management involves accurate estimates of revenues available to a city in a given fiscal year, planning for, and control over expenditures. The objective of budgeting and budget administration is to set a pattern of municipal expenditure, and keep within the appropriations once they are made by the city council. Fiscal management is closely related to executive management, and calls for an integrated finance department responsible to the chief executive.

Municipal finance is now treated broadly to indicate: (1) the revenue sources of cities; (2) the broad classifications of municipal expenditures; and (3) the amount of municipal indebtedness. What are the trends in revenue sources for cities, in expenditures, and in indebtedness? Are cities moving to a diversification of tax sources; to reallocation of funds among functional activities; to pay-as-you-go or bond issues for capital improvements? To understand the fiscal position of the city today, it is first necessary to review the rôle of the general property tax.

The General Property Tax

The general property tax is still a major source of municipal revenue. Originally, the general property tax was an annual levy on all forms of property: (1) land; (2) buildings; (3) tangible personalty such as household goods, machinery in factories, and inventories in stores; and (4) intangible personalty, such as stocks and bonds. Local assessors determined a value for the properties of residents, and annual rates were levied against assessed valuations. Because of the difficulty of ascertaining possession of intangible personalty, the property tax has become, in many states, a tax on land, buildings, and tangible personalty. Intangible personalty is no longer assessed under the general property tax in many states, because the income from stocks and bonds is reached by income taxes. In other states, intangible personalty is still assessed for purposes of general property taxation, but taxed at lower rates. Over the years, intangible personalty has escaped from burdensome general property tax rates either by legal exemption, by separate classification and levy of lower rates, or by lenient administration. The general property tax has tended to become a tax on real property—land, buildings, and tangible personalty, such as merchandise in a store, machinery in a factory, and household goods. It is still widely designated as the general property tax.

The validity of the general property tax as a mainstay of municipal revenues does not rest on ability to pay. The individual who owns a large lot and home may have less income than the modest home owner. The property tax may properly be criticized for failure to conform to the theoretical principle of ability to pay. Nevertheless, for many years it has been the basic source of municipal taxes. The large home owner pays more than the small owner. The justice in this procedure is that the large property owner has more values to be protected by municipal police and fire services, and to be served by public works. The probabilities are that his income enables him to make a greater contribution to municipal health, welfare, park and recreational administration. The general property tax is not strictly in accord with benefit, for the wealthy, large home owner may require little service other than police and fire protection, public works, and the zoning ordinance. Of necessity, the general property tax is still in force and will continue in force, if cities are to pay their bills. In recent years, however, diversification of municipal revenues has developed through municipal sales taxes, some local income taxes, and many other levies. The discernible trend for the future is a further diversification of municipal revenues.

In 1946, cities of more than 25,000 population had total general revenues amounting to $2,921,013,000. Of this amount 60.3 per cent was derived from the general property tax; 5 per cent from sales and gross receipts taxes; 5.3 per cent from license fees and permits; 18.7 per cent from grants-in-aid, principally from state governments; and 10.6 per cent from service charges and miscellaneous.[1] The general property tax, even in the larger cities, was carrying about three-fifths of the burden of total revenue. The biggest item other than the property tax was that of grants-in-aid. Transfer of funds between governments has developed into a major method of balancing municipal budgets. It has helped materially to close the gap between municipal expenditures and the productivity of the general property tax. All cities, in 1942, received 65 per cent of their total revenue from the general property tax.[2]

Limitations on the General Property Tax

The last decade has been marked by a diversification of municipal revenues. State grants-in-aid, new taxes, and service charges, have been needed to keep municipal budgets in balance. The question may well be asked: why do cities increasingly rely on sources other than the general property tax? Is it not possible to push assessed values upwards following inflationary rises in property values or to levy higher rates? The answers are numerous: (1) state constitutional and statutory limits on the general

[1] U. S. Bureau of the Census, *Compendium of City Government Finances in 1946* (Washington, D. C., 1948), 6.

[2] Council of State Governments, *State-Local Relations* (Chicago, 1946), 64.

property tax; (2) continued exemption of certain classes of property; (3) failure of assessors to keep assessments proportionate to inflationary trends in real estate; and (4) popular opposition to increases in rates.

1. Many state constitutional and statutory limits were placed on the tax rates of specific local units of government during the nineteenth century. Ohio, early in the present century, began a long experiment with over-all limits on the general property tax. During the depression years of the nineteen-thirties, six states adopted constitutional or statutory over-all limits on the property tax—Indiana, Michigan, New Mexico, Oklahoma, Washington, and West Virginia. These amendments and laws stipulated that aggregate levies on any parcel of property should not exceed a predetermined rate, as, for example, $15 per $1,000 of valuation in Michigan. Taxation to defray the cost of debts or prior debts was commonly exempted from these over-all limits, but this was not the case in West Virginia. In Michigan, judicial interpretation fortuitously exempted the cities from an over-all tax limit of 1.5 per cent binding on state, county, township, and school district levies. A number of cities then proceeded to vote themselves under the over-all limit by charter amendment, only to be later excluded in 1948 by state law.

In addition to over-all tax limits, many states have constitutional or statutory limits on municipal property tax levies. In the nineteen-thirties, almost three-fourths of the states had such limits and they have persisted. Most of these restrictions set a maximum municipal rate which may not be exceeded, with certain exceptions. Some of the limits are based on maximum percentages of increase allowed in annual budgets over preceding budgets. Exceptions to flat limits or percentage increases are usually allowed for debts, prior debts, special purposes, or by popular referendum.[3]

2. Tax exemptions have been and are a problem in the administration of the general property tax. It has been estimated by the Council of State Governments that tax-exempt real property totalled $26,000,000,000 or about 18 per cent of the taxable assessed valuation of all real estate amounting to $145,000,000,000 in 1942. Property exempt from the general property tax includes such categories as real estate belonging to federal and state governments, schools, churches, and charitable organizations. Exemptions have also been accorded by various state laws to homesteads, and to the property of veterans and their organizations, or to some proportion of their assessed value.[4] Individual communities have exempted certain industries for limited periods to attract capital investment. Tax exempt housing projects have been added in recent years. The growth of federally owned property has led to wide demands for federal payments in lieu of taxes, and this has led to such payments by the Tennessee Valley Authority, for example. In many cities, tax-exempt property

[3] R. L. Mott, *The Types and Extent of Existing Tax Limitations* (Chicago, 1934), 42-45.

[4] Council of State Governments, *op. cit.*, 99.

amounts percentage-wise, in relation to total property values, to more than the estimated national average of 18 per cent. The prospects for increasing the returns of the property tax by decreasing the number and amount of exempt property are slight. Meanwhile, those whose property is on the tax rolls are carrying part of the local government burden of the exempted classes.

3. In the years from 1945 to 1949, an inflationary spiral increased municipal costs materially. Real estate prices in cities rose sharply. In the late nineteen-forties, the construction cost index for steel, lumber, cement, and common labor, was more than double that of 1936. Prices of old houses rose accordingly, and real estate speculation was rampant in cities. State laws have long required municipal officers to assess property at full, fair, cash, or market values. The translation of these terms into definite values in periods of stable market prices is not easy, but, at least, possible. In periods of sharply rising prices, the assessor must steer somewhere between old and new values, estimating how long and how far speculative trends will continue. As a result, it was not uncommon in cities during 1947-48 for properties to be sold at two to three times their assessed values. If assessed values could be pushed close to sale prices in boom times, the general property tax could be made extremely productive for the time being. The danger of so doing is twofold: first, the necessity for sharp reductions in assessment when the boom busts; and second, the immediate political repercussions from the taxpayers. Assessed values in 1945-1949 lagged well behind the rising real estate market.

4. Another type of limitation on the productivity of the general property tax is taxpayer reaction to increases in rates and the ability of taxpayers' organizations to make their influence felt at city hall. All tax increases meet public resistance, but the general property tax levy seems to raise unusually quick and sustained reactions. It is paid in an annual bill in dollars. A municipal rate of 15 mills on $7,000 of valuation is a $105 tax bill in the mail; the property owner knows that 20 mills on $7,000 means $140. He is also smart enough to know that 15 mills on a valuation increased to $10,000 means an annual bill of $150. Resistance to rate increases go hand in hand with opposition to new levels of assessed valuation.

An Illustration of Effects of Limits on Property Taxes

In 1947, Jackson, Michigan, had been operating for a number of years under the state over-all 15 mill (1.5 per cent) tax limit, to which the city had adhered by charter amendment. This meant that the city had to share 15 mills annually with county and school districts, in a ratio fixed by the county tax allocation board. The city tax rate (1947) was $7.90 per $1,000 of assessed valuation, including levy for debt service outside the 15 mill limit. The city manager reported to the voters that the

revenues for current operations amounted to $1,326,572, toward which the property tax produced only 39.6 per cent. The balance of the funds were obtained as follows: state aid, 35.9 per cent; service charges, 7.2 per cent; fees and fines, 5.3 per cent; licenses and permits, 5.2 per cent; parking meters, 4.4 per cent; water department payments in lieu of taxes, 1.5 per cent; and miscellaneous, 0.9 per cent.

The city was currently spending its dollars on service in accordance with the following ratios—fire protection, 23.2 cents of every dollar; police, 19.6; public works, 15.7; general administration, 5.9; hospital, 5.8; health, 4.5; street lighting, 4.4; pension fund, 3.4; cemeteries, 3.3; libraries, 3.0; rental and maintenance, 1.7; inspections, 1.3; municipal court, 1.2; recreation, 1.2; parks, 1.2; airport, 1.1; insurance, 0.7; elections, 0.5; parking meters, 0.5; planning and zoning, 0.4; and miscellaneous, 1.4.

In a 1947 message to the voters, the manager indicated the long-run results of over-all tax limitation. The city could undertake only minor capital improvements. "In Jackson," according to Manager Elliott, "basements are still flooded after every heavy rain, yet your city administration is unable to even consider construction of the necessary additions to the sewer system for want of funds. Traffic is regularly tied up, and lives are endangered, on our main street for want of a grade separation at the railroad crossing, yet the money isn't available to even draw adequate plans. The present police station is hardly a credit to a city the size of Jackson, and the city offices are crowded into inadequate and antiquated rented quarters. Other projects long needed and still not even in the blueprint stage are a water softening plant, a new fire alarm system to replace the obsolete one now in use, major street and sidewalk replacements, an off-street parking area in the downtown section, many more miles of water mains and sanitary sewers, new and more extensive office equipment in the city offices, and extensive replacement and additions of heavy machinery in the public works department.... Capital improvements have been deferred in Jackson year after year for well over a decade. The physical properties of our municipal plant have deteriorated more and more each year." [5]

It is submitted that this is not an unusual example of what happens after 12 years of severe limitation on the general property tax in a city of 50,000 population. If the people refuse to pay for services, especially capital improvements, they will not get them. The public safety and convenience suffers. Severe property tax limitation forces a city to be highly dependent on grants-in-aid and service charges, unless the state legislature enacts broad authority for the levy of diversified taxes. This the legislature of Michigan has so far failed to do, although the cities have frequently demanded a general power to levy excise taxes. Flint, Michigan, adopted property tax limitation, in 1934. In a period of increasing

[5] C. H. Elliott, *Jackson Reports to Her Citizens* (Mimeo., Jackson, Michigan, 1947).

grants-in-aid, the property tax dropped from 90.9 per cent of municipal revenues in 1930-1931 to 51.4 per cent in 1946-1947. While service levels were maintained in most departments, tax limitation severely restricted expenditures for capital outlay. In public improvement programs, Flint markedly lost standing among cities of comparable size in the period 1935-1945.[6]

Assessment and Tax Rates

In 1948, the average property tax rate for all cities of more than 30,000 population was $42.66 per $1,000 of assessed valuation, as determined by local assessors. The rates included state, city, school, and county levies. Many cities reported rates levied by special taxing units such as park, library, relief, sanitary, and water supply districts, and these rates were computed under four general headings—state, city, school, and county. A number of cities were estimated to have a 100 per cent ratio of assessed value to true (not speculative) values, but most of them were below or well below this ratio. Adjusting all the cities to a 100 per cent ratio of assessment to true value, the average adjusted tax rate for all cities, including state, city, school, and county levies, was $29.57 per $1,000 valuation.[7]

Assessed values had not kept pace with inflated real estate values, since average per capita assessed value increased only 5.3 per cent from 1945 to 1946; 15.7 per cent from 1946 to 1947; and 6 per cent from 1947 to 1948. It has been urged that assessments ought not to follow sharp inflationary trends in sales, but be related to long-run "true" values. The tax rate, not the assessment, should be the major variable. To push assessments sharply forward after inflated real estate values would lead to extended municipal credit, an inflated revenue base, and eventual, fiscal distress. The average, per capita assessed value in cities over 30,000 population was $1,788 in 1948 as against a figure of $1,373 in 1941.

Among the cities over 30,000, some 177 reported in 1947 on the percentage of property carried on the rolls as tax exempt. The average of their replies amounted to a tax exempt percentage of 17.3 of assessed valuation. "It is not likely that all the cities answering the question included within the definition of tax-exempt property those parcels owned by themselves and by proprietary governmental enterprises, and the property in possession of the state and federal governments. Thus the percentage indicated as exempt is a minimum figure. Even assuming the 17 per cent to be an adequate figure, it is obvious that the privilege of tax exemption is fostering a heavier burden on 'paying' property, that the

[6] J. E. Larson, *The City of Flint: Tax Limitation Experiment* (unpublished manuscript, 1948), 68.

[7] Bureau of Governmental Research, Detroit, and the National Training School for Public Service, "Tax Rates of American Cities," *Nat. Mun. Rev.*, XXXVIII, 23 (January, 1949).

basic revenue source of local governments is being shrunk in the process, and that the entire problem requires some careful attention and extensive study." [8]

The city is not the only unit of local government which has its fingers in the general property tax pie by any means. School districts and counties depend likewise on this basic tax for a large share of their revenues. It has been necessary to supplement local revenues from state grants-in-aid. As early as 1942, local units of government were collecting approximately one-half of all state-local revenues, and disbursing two-thirds of all state-local expenditures. State aid filled the gap between local revenues from their own tax sources and local expenditures. The reason the states were able financially to make these grants-in-aid was diversification of state revenues. Between 1926 and 1942 the states increased their tax yields thirteen times as rapidly as local units which were still dependent, in large measure, on the property tax. The states had moved earlier into such lucrative tax sources as income, sales, gasoline, and liquor taxes. In 1942, states and localities had revenues amounting to $13.1 billion. Of these revenues the states received 46.5 per cent; cities 23.8 per cent; school districts, 13.7 per cent; counties, 12.4 per cent; townships, 2.8 per cent; and special districts, 1.1 per cent.[9]

Legal Empowerment to Broaden the City Tax Base

The current trend is toward a diversification of municipal tax revenues. Cities are developing new taxes on utilities, business (other than flat license fees), amusements, sales, gasoline, tobacco, alcoholic beverages and, in a few cities, on incomes. In addition, there is a growth of service charges for sewage disposal and refuse collection. The first requirement is a broad grant of taxing power from the state. As the city is a creature of the state in its basic powers, so is it dependent upon state legislation for power to tax.

In 1947, New York authorized cities of 100,000 to 1,000,000 to impose a tax of one-tenth of one per cent on the gross receipts of businesses, trades, and professions; and a tax of 5 per cent on the occupancy of hotels and lodging rooms. In addition, provided the following taxes were not used by a county in which such a city was located, cities of 100,000 to 1,000,000 might levy a 2 per cent retail sales tax; a 3 per cent tax on restaurant meals or drinks of $1 or more; a 5 per cent tax on admissions; a tax of $5 or $10 on non-commercial passenger vehicles depending on weight differential under and over 3,500 pounds; a tax of $10 on commercial vehicles other than farm trucks. New York City was empowered to levy taxes on restaurant meals, admissions, passenger vehicles, and trucks.

[8] *Ibid.*, *Nat. Mun. Rev.*, XXXVII, 18 (January, 1948).
[9] Council of State Governments, *State-Local Relations* (Chicago, 1946), 56-58.

Pennsylvania came to the aid of cities, in 1947, by authorizing them to levy taxes on persons, occupations, privileges, subjects, and personal property. The state may preëmpt a tax. Total amount to be collected cannot exceed the maximum property tax at the time of enactment of a new city tax, and local taxes may not be levied on utility gross receipts if rates and services are fixed by the state public service commission. Other states have also, like New York and Pennsylvania, moved to diversify municipal revenues. Ohio abandoned taxes on admissions, in 1947, and 79 cities promptly exercised an option to levy such taxes. New Jersey has permitted Atlantic City and other seashore communities to place selective sales taxes on cigarettes, tobacco, and liquor. These cities may also tax hotel room rentals and admissions to amusements.[10]

On the other hand, Michigan cities were rebuffed in their efforts, in 1948, to obtain a broad grant of power to levy excise taxes. Wisconsin prohibited any local tax measured by or based on income. Michigan and Wisconsin were exceptions to a strong trend among the states. A number of other states followed in the pattern of New York and Pennsylvania, by providing for the diversification of city taxes.

Trend to Diversification of City Taxes

During the nineteen-forties, municipalities began to levy income taxes in a number of states. Philadelphia and Washington, D. C., were the first to experiment with taxation of incomes. Toledo and St. Louis followed, but the St. Louis income tax was invalidated by the state supreme court in 1947, because of lack of authorization in the municipal charter. Columbus, Springfield, and Youngstown, Ohio, followed the example of Toledo. In Pennsylvania, Scranton, Jeanette, Johnstown, Monessen, and Sharon likewise levied income taxes. During 1947, Louisville, Kentucky, provided for an occupational license tax of one per cent based on salaries and net profits. One of the important phases of these taxes was their ability to reach the income of fringe-dwellers working in the city. Springfield, Ohio, patterned after Toledo in adopting an income-payroll tax of one per cent. Youngstown, Ohio, set a rate of three-tenths of one per cent on all income of residents, both individual and business income, including that earned within the city by non-residents.

The post-war 'forties also witnessed a marked trend to municipal sales and proportional business taxes. During 1947, some 115 cities over 5,000 population adopted such taxes. Eighty-seven of these communities provided for taxes on sales of tangible personalty. Twenty-eight adopted business license, privilege or occupation levies based, for the most part, on gross receipts. The retail sales tax was very popular among California cities where it was estimated that 84 communities would collect approxi-

[10] F. C. Peitzsch, "New Sources of Municipal Revenue," *Public Management*, XXX, 193-194 (July, 1948).

mately $25,000,000, during the fiscal year ending in 1948. The year 1947 was also marked by the levy of sales taxes in Jasper, Alabama; Denver, Colorado; and Syracuse, New York; and by the reënactment of a 3 per cent sales tax in Atlantic City, New Jersey.[11]

By January, 1948, some 240 cities over 5,000 population were taxing theater admissions, with Ohio and Pennsylvania being the leading states. In 1947, alone, 33 cities placed taxes on local private utilities, either on the basis of gross receipts, or the consumer's bill. Baltimore, Maryland, and Jacksonville, Florida, were each obtaining more than $1,000,000 per annum from levies on utilities. By 1948, some 257 cities were taxing the sale of gasoline. Cities were also beginning to levy taxes on cigarettes and tobacco; on beer, wine and alcoholic beverages; and on transfers of real property.

For years, authorities argued that municipal revenues should be diversified; that the general property tax carried a disproportionate share of local costs; that the gap between expenditures and revenues should not be closed by state grants-in-aid alone. In favor of diversification, it has been contended that two important results would follow: (1) flexibility in tax revenues; and (2) a continuation of local responsibility in the levy of taxes and expenditure of funds. Those who favor diversification appear to have time on their side. In the nineteen-forties, the march of cities was begun in earnest to levy sales, business, gasoline, beverage, income, and other taxes. Only the lack of state statutory authorization in various states kept the trend to diversification from greater impetus. The general property tax was still the principal source of municipal revenues, but it was being supplemented in city after city by a variety of taxes relatively new in municipal finance. Cities were faced with high price levels. They demanded state aid or legal power to levy new taxes. State legislatures responded on both counts. For the first time, diversification of municipal revenues was becoming a fact, rather than an argument. Some authorities saw a danger in a wide variety of municipal levies, and urged individual cities to proceed in a cautious and orderly way to exploit new sources of revenue made available by state legislation.

Aid from Other Governments

In 1946, 18.7 per cent of the revenues of cities over 25,000 population came from so-called grants-in-aid. Most of this amount came from the state governments, since the great P.W.A. and W.P.A. federal programs of the nineteen-thirties were a thing of the past. As now used by the Bureau of the Census, the term grants-in-aid includes both state-collected, locally shared taxes and grants. A shared tax may be defined as a specific tax imposed by the state but shared with local units in proportion to the

[11] *Ibid.*, 194.

amount of tax collected or produced in each unit, and, sometimes, by such rough measuring devices as population. A grant is an amount of money made available by federal or state governments to aid local units in support of a specific activity or general purposes. The essential difference is that a grant is usually allocated, in part, on the basis of need, whereas a shared tax varies according to tax yields from year to year. During 1937-1939, when separate figures were kept by the Bureau of the Census, grants-in-aid constituted 34 per cent of the total aid received by cities, and city shares of state-collected taxes amounted to 66 per cent of total aid received by cities from other governments.[12]

Aid to cities from other governments is made up, therefore, of federal aid, such as federal grants for municipal airport programs, state grants-in-aid, and state-collected, locally shared taxes. Among the state-collected taxes which various states have shared with cities from time to time are: liquor licenses, liquor store profits, liquor excises, gasoline taxes, motor vehicle licenses, sales taxes, levies on intangible property, income taxes, and levies on public utilities. The most common purposes for which the states have made grants-in-aid to cities have been education, highways and streets, public welfare, health and hospitals, and airports. In 1943, the four leading states when ranked according to per cent of total revenue paid over to local governments were: Wisconsin, 50.9; Colorado, 46.9; Massachusetts, 41.6; New York, 41.6. Four intermediate states were: New Jersey, 26.2; New Mexico, 25.9; Maryland, 24.7; Louisiana, 24.6. The four lowest states were: Oregon, 8.6; Montana, 8.5; Connecticut, 7.1; and Nevada, 6.8.[13]

Charges and Miscellaneous Sources

For many decades, with the development of municipally owned water systems, cities supported these activities by water rates charged to consumers. It was taken for granted that municipally owned utilities, such as water, electric power, gas, and street railways should be supported by rates and fares. The service could be metered or measured, and sold to consumers. This is, of course, standard practice, today, where utilities are in public ownership.

More recently, especially in the decades, 1930-1950, the use of service charges has been applied to "near" utilities. For example, sewage treatment plants, built in the nineteen-thirties under P.W.A., led to surcharges on water rates, or separate and distinct bills for sewage service, measured by fixtures or connections to sewers. Sewer rental charges returned over $2,000,000 to Detroit's coffers in 1944 and over $1,000,000 to Cleveland's funds. Sewer rentals or service charges are accepted as common practice.

[12] A. M. Hillhouse and Muriel Magelssen, *Where Cities Get Their Money* (Chicago, 1945), 161.

[13] *Ibid.*, 171.

They are ordinarily used to pay for current operation of treatment plants, to defray the interest, and to retire the principal of revenue bonds. Charges are also made for use of markets, stadiums, auditoriums, off-street parking lots, curb parking, and hospital care.

In the nineteen-forties service charges for refuse or garbage collection and disposal became popular with cities. By 1948, some 260 cities over 5,000 population were billing their residents for refuse collection and disposal. In one year, 1947, at least 34 cities adopted such charges. Most of the charges are at a flat rate per household with a graduated scale of charges for commercial properties.

Cities also collect a wide variety of miscellaneous fees for building permits; protective inspections of elevators, and restaurants; recreation facilities, such as golf courses. Since the voters have not been willing to support local government entirely from the general property tax, recent trends have been broad and deep to state-collected, locally shared taxes; grants-in-aid; diversification of local revenues by income, business, sales, and gasoline taxes; service charges; and miscellaneous fees. Where cities get their money is no longer a simple story but an increasingly complex admixture of revenue sources.

Special Assessments

Special assessments are charges levied against property-owners for improvements which are of benefit to a particular street, neighborhood, or district. Usually, special assessments are made for lesser public works—street pavements, curbs and gutters, sidewalks, water and sewer mains. Sometimes, they are also used to defray, in part, the cost of street widening, park development, ornamental street lighting, and other improvements which enhance the value of property in an area. Much of the development of lesser public works and utilities in our cities has been financed by special assessment charges. This explains why you will find in some of our cities, even today, dirt streets without sidewalks, and areas which are unsewered. The people have not petitioned for these improvements because they have been unwilling to pay the special assessments involved. While most special assessments are levied for public improvements which are installed, some cities utilize them for current operations—street lighting, street oiling, street cleaning, snow plowing, and other operations. This is not considered good practice, but it is another method of plucking feathers.

The special assessment technique for lesser public works involves often a division of costs between the city general fund and the special assessment charge on the property owners. This percentage division is determined for specific public improvements by state law, charter, or ordinance. The special assessments against the property owners are levied by a variety of methods. One of the most common measurements is to charge the

property owner at a unit cost per front foot of property which benefits from an improvement. Another system computes the land area of the property owner in relation to total land area receiving a benefit from the improvement. Sometimes assessed valuations of properties are used as a means of computing special assessments. In certain types of improvements, such as parks, it is important to relate special assessments to proximity to the new development, as well as to number of front feet or amount of area receiving a benefit.

Without the device of special assessments, it would be unfair to old city areas to bring in new subdivisions at general city expense. Each new area annexed to a city would be an added expense to the general fund for construction of necessary, local improvements. The property owner would get an appreciation of real estate values at the expense of the general fund. In American cities, the costs of more than fifty types of improvements and services have been defrayed, at one time or another, by special assessment.

Municipal Expenditures

To obtain a view of municipal expenditures prior to World War II, let us examine the revenues and costs of the cities of more than 100,000 population, in 1938. These cities had a population of 37,700,000, or about one-third of our total population at that time. Within this group of cities was a substantial portion of the nation's problem in maintaining educational and recreational facilities, caring for indigent, defective, and delinquent groups, and providing an increasing number of conveniences and services. These cities reported in 1938 total revenues of $2,806,848,000 including $29,112,000 transferred to general government from accounts of municipally owned public enterprises. "Of this total revenue, general property taxes accounted for 64.7 per cent; followed by grants, 16.1 per cent; other local taxes and licenses, 6.5 per cent; shared State taxes, 3.6 per cent; 3.0 per cent from charges for current services; and miscellaneous, 6.1 per cent." [14]

During 1938, the cities over 100,000 population reported total cost payments of $2,751,765,000, which was divided into $2,167,459,000 for current operations; $207,135,000 for interest; and $377,171,000 for capital outlays (public improvements). Of the $2,167,459,000 for current operations, general administrative, legislative, and judicial expenses took $163,089,000; police, $200,989,000; fire, $128,549,000; other public safety, $16,630,000; highways, $111,979,000; sanitation and waste disposal, $106,645,000; health, $30,311,000; hospitals, $105,004,000; charities, $380,910,000; correction, $22,220,000; schools, $625,032,000; libraries, $25,519,000; recreation, $64,946,000; pensions, $93,661,000; contributions to public service enterprises, $70,158,000; and miscellaneous (all other), $21,818,000.

[14] U. S. Bureau of the Census, *Financial Statistics of Cities: 1938* (Washington, D. C., 1941), 7.

Considering that this was still a period without full employment, it is not surprising to note the relatively large amount of expenditure for charities (public welfare). As is always the case, police, fire and public works comprised another large block of expenditures, especially when capital outlays and highways are considered, together with sanitation and waste disposal. On the other hand, public health administration, recreation, and libraries, were not so liberally supported at the municipal level.[15]

For the post-war year 1946, cities of more than 25,000 population had total general revenues of $2,921,000,000 and total general expenditures of $2,950,000,000. This amount of expenditures contrasted with a figure of $2,677,000,000 for 1942. The way in which cities spent these funds in the years 1942 and 1946 is indicated in the table which follows:

TABLE 8

SUMMARY OF CITY EXPENDITURES, 1942-1946

(AMOUNT IN MILLIONS) [16]

	1946	1942
Total general expenditure	$ 2,950	$ 2,677
Debt retirement	271	293
General expenditure less debt retirement	2,678	2,383
Operation	2,158	1,896
General control	185	158
Public safety	532	454
Highways	164	135
Sanitation	183	134
Health and Hospitals	189	142
Public welfare	206	264
Schools	486	448
Capital outlay	168	158
Aid paid to other governments	10	1
Interest	129	170
Contributions to trust funds and enterprises	214	159

Once again, an examination of municipal expenditures for groups of cities indicates that the major costs are: police, fire, and public works (highways, sanitation, and capital outlay). The service functions of public safety and public works bulk large in municipal administration. Out of the $2,158,000,000, for operation in 1946, some $532,000,000 was for public safety; $164,000,000 for highways; and $183,000,000 for sanitation. In addition capital outlay accounted for $168,000,000. These four items

[15] *Ibid.*, 164-167.

[16] This table is adapted from U. S. Bureau of the Census, *Compendium of City Government Finances in 1946* (Washington, D. C., 1948), 5. The figures for operation cited above include amounts for functions not enumerated. correction, libraries, recreation, and miscellaneous and unallocable operation expenditure. The figures for school operation do not include about two-thirds of the 397 urban areas over 25,000 population where school functions are financed by independent school districts or other non-city units of government.

accounted for $1,047,000,000 out of the total $2,678,000,000 of general expenditure. The figure of $486,000,000 for school expenditures does not give an accurate picture, since about two-thirds of the urban units over 25,000 population are not included in this total. Their school expenditures are made by independent school districts or non-city school districts. Public welfare expenditures, although reduced from 1942 figures, still totalled $206,000,000.

Assuming that city administrations are following public demands, and that is what they must do, police, fire, and public works, are the popular favorites, aside from schools. However, it is not solely a question of public demand, since police, fire, and public works, as will be indicated in later chapters, are expensive operations in terms of personnel and equipment costs. This points to the comparative inflexibility of municipal budgets. Taxpayers' organizations interested in cutting taxes cannot achieve substantial reductions in municipal costs without cutting into basic services—police, fire, and public works. Reducing recreational and library budgets does not strike at the big items of municipal expenditure. Public welfare costs are part of the price of modern social conditions, in which families and persons who cannot make their way economically are necessarily supported at government expense. Public health and hospital expenditures, although they do not loom so heavily in the municipal totals, are fully as essential as any others, and cannot be materially reduced without danger to public safety and convenience. The surge toward new and diversified types of municipal taxes appears to indicate public acceptance of the validity of municipal service levels which must necessarily be supported.

The problem of fiscal management, as noted in a preceding chapter, involves an accurate estimate of revenue sources and an executive budget plan of expenditures to be presented to the council. It also spans budget control after appropriations have been made. In the figures of municipal expenditure, one sees the end result of fiscal management of the various line operations of the municipal department. The support which municipal government provides for police, fire, public works, public health, welfare, parks, and recreation is a measure on the one hand of the complexities of these various operations and of their significance to the community, as determined by fiscal policy.

Municipal Debt

Municipal debts are customarily spoken of as gross debt and net debt. Gross debt refers to total debt of various types, without reference to any sinking funds accumulated for retirement. Net debt is derived by subtracting sinking funds, available to retire bonds when due, from gross debt. Municipal debts are also classified as general or public enterprise. General debt refers to bonds issued for public buildings, arterial streets, park development, and many other public improvements not supported by

rates or charges. Public enterprise debt refers to obligations incurred for the construction of waterworks, electrical utilities, and other municipal business or proprietary activities.

According to the faith and credit which supports them, bonds are classified as general obligation, revenue, and special assessment in character. General obligation bonds are a responsibility of the municipal corporation and are supported by municipal revenues, such as the general property tax. Revenue bonds are those payable from revenues of a specified income producing property, such as a waterworks, electric utility, or sewage treatment plant. The bonds are issued to pay for acquisition, construction, or improvement of a utility (waterworks) or near utility (sewage treatment plant), and the revenues from the enterprise are pledged to pay principal and interest on the bonds.

Special assessment bonds include all obligations to be paid wholly, or in part, from the proceeds of special assessments levied against the property owners deriving benefits from an improvement. Special assessment bonds were popular issues in the nineteen-twenties for financing paving, sidewalk, storm sewer, sanitary sewer, water mains, and similar improvements. They were used to finance improvements in numerous speculative subdivisions. With the collapse of the land boom, special assessments became uncollectible, and many special assessment bonds were thrown into default during the early 'thirties. As a consequence, this type of bond came to be regarded by investors with a wary eye. Often today, special assessment bonds are also a contingent liability of the issuing municipality. The issue of special assessment bonds, with this contingent municipal liability, became more common after 1930 to make them more attractive to investors. Recognizing this category as a separate type of bond, the four classifications would be: (1) general obligation; (2) revenue; (3) special assessment; and (4) special-general obligation.

Short-term debt refers to so-called "floating debt." This comprises temporary indebtedness evidenced by tax anticipation notes and interest bearing warrants, to be paid from current or succeeding tax levies. It also includes short-term bonds or notes to be redeemed from the proceeds of long-term bond issues. During the early nineteen-thirties short-term debt attained substantial figures, owing to municipal debts which could not be funded by long-term loans. Cities reached the limits on their borrowing capacity; unable to issue long-term bonds, they maintained payrolls by floating short-term debt. In subsequent years, municipalities made a sustained effort to avoid large amounts of floating debt. As tax delinquency lessened, the strain on municipal credit eased.

Amount of Municipal Debt: 1938 and 1946

In 1938, the gross indebtedness of the cities of more than 100,000 population was $5,328,848,000. Of this approximately 78 per cent was issued

by city corporations, 10 per cent by school districts and 13 per cent by other governmental units, such as park, sanitary, and similar improvement districts. In type of bonds, this debt was divided as follows: general obligation bonds, 86 per cent; revenue bonds, 2 per cent; special assessment bonds, 4.2 per cent; short-term debt, 7.6 per cent. The net indebtedness was $3,953,288,000, or about $104 per capita, at the close of 1938. The leading functional activities for which debt had been incurred were schools, 24 per cent of the total; highways, 21 per cent; sewers and sewage disposal, 13 per cent. Almost three-fifths of the then current debt had been used to build schools, highways, sewers, and sewage disposal systems.[17]

In 1946, for the cities of more than 25,000 population, the Bureau of the Census indicated a gross debt of $7,160,000,000. The figures for gross and net debt including general and public enterprise debt for 1942 and 1946 were as follows:

TABLE 9

SUMMARY OF CITY DEBT: 1942-1946

(AMOUNT IN MILLIONS) [18]

	1946	1942
Debt at end of fiscal year		
Gross	7,160	8,155
General	3,674	4,568
Enterprise	3,486	3,587
Net long-term, total	5,827	6,823
Total interest payments (general and enterprise)	254	293
Enterprise operations:		
Operating revenue	763	611
Operating expense less depreciation	463	332

It will be noted that net long-term debt, including general and public enterprise, had declined from $6,823,000,000 in 1942 to $5,827,000,000 in 1946. It had diminished each year since 1942, reflecting the stalemate in public works and public utilities construction during the war and immediate post-war year. During the war year, 1944, these cities reached a low in new bond issues (excluding refunding) of only $88,000,000, as compared with a figure of $233,000,000, in 1946.[19] During the war, cities were restricted in public improvements and public enterprise construction by shortages of labor and materials, and were living on their existing plant of capital improvements. With little new construction, the

[17] U. S. Bureau of the Census, *Financial Statistics of Cities: 1938* (Washington, D. C., 1941), 187-188.

[18] This table is adapted from U. S. Bureau of the Census, *Compendium of City Government Finances in 1946* (Washington, D. C., 1948), 5. The difference between gross debt and net long-term debt included $112,000,000 in short-term debt and $1,221,000,000 in long-term debt offset by assets of sinking funds in 1946.

[19] *Ibid.*, 3.

need for new bond issues was slight; meanwhile, existing bond issues were being gradually retired. The post-war years found cities in great need of replacement and expansion of public improvements. It was inevitable that new borrowings would increase to meet the needs of construction at high cost figures for labor and materials.

During the war years, by pursuing a policy of coöperating with the federal government in postponing public works construction, cities reduced their net long-term debt. Meanwhile, federal debt necessarily moved upward to meet the cost of global war. By December, 1946, it was estimated at $258,000,000,000.[20]

Of the gross municipal debt of $7,160,000,000, some $3,486,000,000 was represented in 1946 by public service enterprises. Some 397 cities over 25,000 population operated a total of 554 enterprises, more than half of these being water systems. Operating revenues of these enterprises amounted to $763,000,000 as against an operating expense, except depreciation, of $463,000,000. A number of municipally owned water and electric systems, and other enterprises, made contributions to city general funds. Nevertheless, net contributions received from general government exceeded the net contributions paid to municipal government by municipal enterprises, because of the large 1946 contribution from New York City to New York's transit (subway) system.

The problem which cities faced in the late nineteen-forties was not that of retiring debt incurred before and during World War II. This was certainly not, on average, burdensome. The scramble for revenues from 1946 onward was to meet soaring costs of current operations. Salaries, wages, and prices of materials used by cities rose sharply, but the burden of interest payments was relatively stable. Cities did, however, face the prospect of new borrowings for necessary public improvements. This was evidenced by the fact that new borrowings for municipal improvements, excluding enterprises, rose from $49,000,000 in 1944 to $181,000,000 in 1946, and new borrowings for both general and enterprise purposes from $88,000,000 in 1944 to $233,000,000 in 1946.

Types of Bonds

Depending on the security pledged to pay them, bonds are classified as general obligation; revenue; and special assessment. Bonds are also defined as coupon and registered, and as sinking fund and serial in character.

The difference between registered bonds and coupon bonds relates to methods of transfer and interest payment. Registered bonds are

[20] S. E. Harris, *The National Debt and the New Economics* (New York, 1947), 3. This figure did not include $25 billion in non-interest bearing notes; obligations incurred on account of old age insurance, and veterans' insurance; and other war obligations. Therefore, $300 billion could be used as a rough figure of total federal debt at the close of 1946.

recorded by the city, together with the name and address of the owner to whom interest payments are to be mailed. If the owner of a registered bond sells, he endorses the bond to the purchaser who then sends it to the city. The municipal records are then changed, and a new bond is issued to the new owner in his own name. Coupon bonds are transferred from owner to owner by delivery; ownership is not recorded by the city. The coupon bonds have coupons attached; these coupons are clipped and tendered to the city for payment of interest due. Registered bonds afford better protection to the owner against theft and loss.

Another classification of bonds, according to the method of retirement, is sinking fund and serial bonds. Sinking fund, otherwise known as term, bonds are all retired at the end of a period of time, such as ten, fifteen, or twenty years. Money is meanwhile set aside in a sinking fund so that it will be available, when the principal of the bond issue is due. This accounts in large measure for the difference between gross and net debt in cities. Gross long-term debt represents the total amount of bonds outstanding at any time. Net long-term debt is the gross figure minus the sinking funds available to repay outstanding issues. Sinking fund or term bonds were at one time the most common type of municipal borrowing. They are regarded as a second best today, because of unhappy experiences in some cities with sinking funds. Failure to levy sufficient taxes to provide adequate sinking funds, or poor management of the fund, can result in failure to match term bonds when due with sufficient reserves.

The most favored type of municipal bond issue is now the serial bond. With such issues, part of the principal is retired each year, and there is no need to build up a sinking fund over a long period of time. The creditors and the general public are aware at once of default if the city fails to pay that portion of the principal which is due in any given year. A straight serial bond issue of $400,000 for twenty years matures in blocks of $20,000 each year. Meanwhile, the city pays the interest due each year on the entire bond issue. Under this type, about 75 per cent of the interest charges on the $400,000 loan must be paid in the first ten years of the twenty-year loan. Obviously, as principal is retired in successive years, the amount of interest diminishes. Serial annuities, as distinguished from straight serials, so adjust the principal to be paid each year as to keep total payments of principal and interest relatively constant over the period of the bond issue. The technical difficulty with the serial annuity from the point of view of the bond houses is that irregular amounts of bonds mature in successive years. The straight serial is simple, and costs the city less in interest.[21]

The question of sinking fund and serial bonds points to the significance of a distribution in bond maturities. In borrowing money, cities must

[21] See C. H. Chatters and A. M. Hillhouse, *Local Government Debt Administration* (New York, 1939), 19-21.

study existing schedules of bond maturities, and the effect of new issues on their schedules. It is important for a city to avoid peaks of payments due in principal and interest. When such peaks coincide with years of depression, as was the case in some cities during the nineteen-thirties, the burden of debt service may cut deep into the money available for current operations. In some cases, refunding may be employed to level off the peaks of maturity and escape default. Refunding is not always possible in a given year, and if done, prolongs the interest payments and ultimate cost of the improvement for which the original bonds were issued. Bond maturity schedules should be followed assiduously with a view to protecting the credit of the city through fiscal ability to pay principal and interest in the most burdensome maturity year which lies ahead. New loans should be made with a policy of maintaining a reasonably constant level of future maturities in the years to come. Serial bond issues spread payments due on principal over successive years, and avoid the peaks which result when the total issue of term bonds becomes due at the end of ten, fifteen, or twenty years.

Debt Limitation

By constitutional and statutory provisions, most states have provided that municipal debt may not exceed a fixed percentage of assessed valuation. The most common figures are 5 per cent and between 5 and 10 per cent of assessed valuation. Such limits do not ordinarily apply to debts incurred for public enterprises such as waterworks, electric utilities, and sewage treatment plants, where revenues or service charges are pledged to pay principal and interest of bonds. Some states require a popular referendum before a city incurs bonded indebtedness which is a general obligation of the community.

For a number of reasons, constitutional and statutory requirements that a city can have a debt burden of not more than 5 or 10 per cent of assessed valuation are not entirely satisfactory. If each unit of local government, county, city, school district, and special district, has a 5 or 10 per cent debt limit in relation to assessed valuation, the limitation is ineffective because the same general property taxpayer can be saddled with multiple layers of local-unit debt. Such restrictions sometimes foster the development of new special district corporations, when existing units are bumping the ceiling of flat percentage debt limits. Moreover, a single city may push up its debt-incurring capacity by a concerted effort in boom times to push assessed valuations upward. When hard times come, assessed values fall, and the city may actually be over the legal debt limit with no reservoir of borrowing power left. This happened to numerous cities in the early 'thirties. The automatic constitutional or statutory limit cannot be regarded as effective under all conditions. It does not prevent a city from building peaks into its debt maturity schedule.

Constitutional and statutory debt limits are old style methods of controlling municipal policy in incurring debt. A more flexible device is state administrative control as in North Carolina. Review of proposed bond issues by a state administrative agency permits exercise of judgment and flexibility, which cannot be attained under legal limits.

Pay-As-You-Go

Within existing state legal or administrative controls, municipal debt policy rests with the elected city council and the voters. A basic question is whether a city shall use a pay-as-you-go method or borrowing for capital improvements. The cost of current operations should be met from current revenues. The city which embarks on borrowing to meet payrolls, or buy materials and equipment, is saddling the taxpayer with interest charges and delaying the year of matching current costs with needed revenues. Borrowing for capital improvements is another matter. Cities face from time to time large-scale capital outlays which are not annually recurrent. Only the large cities can consider such items as school and other public buildings as recurrent expenditures. The metropolitan city may have to build new or replace old buildings every year. For most cities, water filtration plants, sewage treatment plants, public buildings, major highway improvements, and similar capital outlays, must be met by new borrowings.

The two extremes of policy which a city may pursue for capital improvements are an all-loan policy and pay-as-you-go. The latter refers to a policy of meeting the cost of current improvements from current tax revenues. However, in the smaller cities, it must usually be coupled with a plan of putting aside reserves for a specific project or for public improvements generally. For example, Kalamazoo, Michigan, is known as a pay-as-you-go city. Reserves were accumulated to build a city hall without a bond issue; reserves have been set aside annually to construct a sewage treatment plant. Between the extremes of pay-as-you-go and an all-loan policy is an intermediate position of financing some predetermined portion of the annual capital outlay program by both methods.

The advantage of the pay-as-you-go plan is the avoidance of interest charges. Over the years, the taxpayer pays for many improvements twice, once on principal and again on interest. Where a city has the immediate tax resources, and can reasonably maintain a capital outlay program under pay-as-you-go, the taxpayer benefits. On the other hand, such a policy, carried to an extreme, may deprive a community of essential capital improvements at a period of time when citizens might better have the improvement and later pay principal and interest costs. Local shortsightedness can bring about a frugal, penny-wise municipal policy which fails to keep pace in public improvements with growth. The extent of a capital outlay program needed by a community, in a given decade, is

a matter of engineering consultation and executive management decision. The fiscal policy issue then arises between pay-as-you-go; partial pay-as-you-go and partial loan; and an all-loan basis.[22]

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[22] C. H. Chatters and A. M. Hillhouse, *op. cit.*, 383.

CHAPTER XXIV

City Planning and Zoning

Every city administration is concerned with current operations of line departments, auxiliary service functions to support the line services, and over-all management. Much of the energy of the chief administrator, the finance and personnel officers, and the heads of police, fire, public works, and other departments, must be devoted to day-to-day administrative problems. Municipal administration is an unending process of police protection, fire fighting, street maintenance, public health control, hundreds of activities. A continuous effort must be made to keep the city on an efficient operational basis. Personnel must be secured to perform services; the means of financing costs of personnel, equipment, and materials must be found. No city, however, is doing a comprehensive job in administration, if effort is devoted solely to current operations.

Planning for the future is equally essential to avoid waste of public funds through lack of research, imagination, and foresight. The expensive and complex street-widening project of tomorrow may result from the lack of adequate and intelligent planning today. No city administration is complete without personnel engaged in research and planning for the future. Cities not only grow in population, they also undergo changes in land-use patterns, and shifts in public demand for services. The transition from the horse and buggy to the latest automobile models have brought new problems of street widths, pavement types, traffic control, and municipal parking lots to city administrators. Our cities, through lack of intelligent and comprehensive planning in the past, are still trying to catch up with the motor vehicle. Air traffic brought new issues of airport location which are only now in process of solution. Peacetime uses of atomic energy may bring new trends in city administration yet unforeseen.

Charles Edison has indicated the interrelation between technological change and city planning. He wrote in 1947: "We have never caught up with the auto. The application of chromium has always outdistanced the application of controls. Our city streets are jammed—and our cemeteries are overcrowded, too. The air we breathe is polluted with exhaust fumes, our ears are bruised by perpetual tooting, and we wonder where our daughters are at night. For these blessings, remember, we are all paying higher taxes." [1] Americans have struggled administratively with

[1] Charles Edison, "The Atom in Local Democracy," *Nat. Mun. Rev.*, XXXVI, 608 (December, 1947).

the municipal problems created by mass use of automobiles, but we still have traffic jams and impressive records of accidental deaths and injuries.

Now a generation looks forward to the revolutionary aspects of wartime and peacetime use of atomic energy. Of the peacetime use of atomic energy, Charles Edison has also said: "We have a discovery of such magnitude that not even our leading scientists can foresee the full range of possibilities. It has been said that within ten years some of our cities may be heated by atomic power, eliminating the winter pall of smoke and soot. Industries, no longer dependent upon a supply of coal or water, may be located close to raw materials in any part of the country—whether the site be plain or desert." [2] The automobile has already had an effect in deconcentrating our urban population into the fringe areas around corporate limits. If atomic energy can clear up the smoke and soot in cities, it may make downtown areas again attractive; if it will foster decentralization of industrial locations, the United States will experience a wider dispersion of urban population. Planning in these terms is a comprehensive and imaginative exercise, in which one attempts to foresee the future ramifications of science and technology upon the city.

City planning can also be as mundane as the decision to recommend the cutting of six alleys through the center of six blocks in the business section, where city officials of the past did not foresee need for off-street loading and unloading facilities. Now the problem has arisen of the servicing of business establishments from the arterial streets in the downtown area. These arterial streets are already burdened with traffic and parking. Service alleys must be established even if some buildings, or parts of buildings, must be torn down. This is costly after-the-fact planning, zoning, and constructing. Shall water, sewer, and other utility lines be placed in the alley, duplicating those already in place, embedded in the arterial streets? These are practical problems resulting from a lack of planning in the past. They lie beyond the area of day-to-day administration.

The Scope of Planning

Planning involves research as to current problems and future developments, culminating in recommendations of programs with estimates of cost. Arterial streets must be studied with reference to existing widths, traffic flow, and future trends in location of industrial, business, and residential areas. Residential streets must be related to the present and projected major highways. All forms of transportation—street car, trolley bus, bus, and subway—must be reviewed in terms of present services and extensions. Using the best techniques, zoning is a part of comprehensive city planning. The layout of industrial, business, and residential areas has a profound effect upon the use of streets, the location of public buildings,

[2] *Ibid.*, 607.

schools, playgrounds, and parks. Oftentimes, cities have legally adopted zoning ordinances before master plans are drafted. Comprehensive planning then requires a reëxamination of the existing use of land prescribed by the zoning ordinance, and recommendations for changes. If a zoning ordinance is not already in force, the development of a detailed plan of land-use will be necessary. The future location of public buildings, schools, parks, and playgrounds, must be suggested. Parking facilities and off-street parking lots must be related to present and future traffic needs. Once a comprehensive plan has been made, recommendations as to the priorities to be observed in construction and controls are always in order. Estimates of costs and possible means of financing the proposed projects will bring the plan in touch with the realities of possible action by the city council.

Planning activities are closely related to: (1) executive management; (2) the auxiliary function of the finance department; (3) the line operations of such departments as public works, police, fire, parks and recreational administration; and (4) the responsibilities of governmental authorities controlling schools in an urban area. Planning also has an important bearing on public utilities in the city and their future development whether they are in public or private ownership. If it is to be functional and practical in nature, planning must consider the needs of the line departments and the realities of municipal finance. The earlier concept of planning, as the means to a city beautiful through the construction of a monumental civic center, has yielded to a more comprehensive approach.

Out of planning must be built a long-term program of public works. Long-term programming, to be realistic, must keep the aggregate of current expenditures and capital outlays within the financial capacity of the community. A reserve of borrowing power should be available for emergencies. Intelligent planning will indicate the means of financing specific projects whether from current taxes, bond issues, or special assessments on property-owners. If bond issues are to be used, recommendation must be made between issues of general obligation to be paid for out of taxes, and revenue bonds to be retired through utility charges. Attention must be paid to the allocation of improvements among the various sections of the city, for city areas are alert to their own needs for police and fire stations, schools, parks, and playgrounds. Careful planning will avoid peaks in expenditure, but will provide a sound basis for expanding public improvements during periods of depression and unemployment.

Planning requires a comprehensive research program. Data must be collected on population and growth; industrial trends in expansion and location; housing; costs of existing public services; estimates of taxpaying capacity in the immediate and long-range future; and physical features of the city. Planning cannot neglect a blighted neighborhood—a slum

area. It must envisage the redevelopment of such areas either by private enterprise or public housing. Some components of a comprehensive plan will be presented for immediate action by the city council; others will remain as basic recommendations and objectives. The plan cannot evolve merely as good intentions prepared by the planning commission, after technical recommendations by experts. It must be sold to the general public as functional and practical. The city council must be motivated to take the necessary steps giving legal effect at least to the official map, if not to the comprehensive plan. Management in the city must develop the financial support for the most pressing projects. Line departments must carry out the actual construction, or supervise that accomplished by contract. A common effort, all along the line, is essential if research and plans are to be carried into actuality in public administration. The pervasive effect of planning upon municipal administration makes the question of organization for and procedure in planning of tremendous significance.

Organization for Planning: Three Points of View

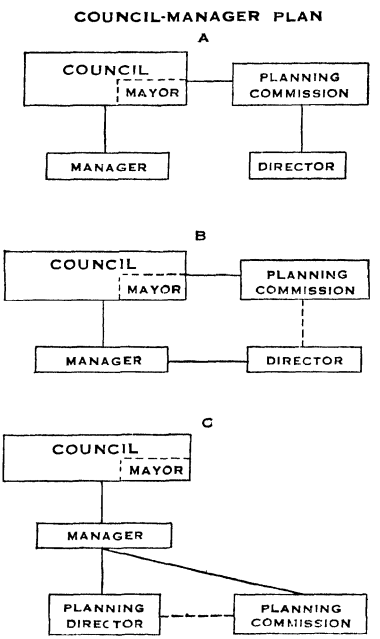
Most of the states have provided by law for city planning and zoning. Attempts by cities in the first two decades of this century to pass zoning ordinances controlling the private use of property were generally held to be unconstitutional by the courts, in the absence of state enabling legislation. Zoning is an exercise of the police power, and it is essential that the state make an adequate delegation of power to zone to the cities. It is also widely agreed that city planning can be best accomplished by an official agency of the city, established under state enabling legislation. The legality of city planning and zoning, when carried out under state enabling acts, is now generally recognized. Some of our states have based their planning and zoning legislation on the Standard City Planning Enabling Act and the Standard State Zoning Enabling Act, prepared by the U. S. Department of Commerce several decades ago. More recently, some states have likewise empowered counties to engage in planning and zoning operations.

Although the organizational patterns for planning commissions are many in number, three basic approaches to the problem may be indicated. Each has its proponents. (1) The planning function should be an auxiliary department under the city executive (mayor or manager), with the same relationship to the chief executive as the chief finance officer and the chief personnel officer. (2) The planning agency should be appointed by the city council and responsible to that body. It should have authority to report directly to the council, without processing its recommendations through the chief executive. (3) The planning agency should have a dual responsibility to the council and to the chief executive. It should be authorized and required to report its major recommendations both to

the council and to the executive. There are many "compromise" organizational patterns for planning which fall between the alternatives of (1) an auxiliary department under the chief executive and (2) a planning commission appointed by and responsible to the council. The commission form of municipal administration has such an admixture of legislative powers and administrative functions in the council, that distinctions concerning the organization and responsibility of the planning agency are superfluous in cities governed by commissions.

CHART 11

ALTERNATIVE ORGANIZATION—PLANNING COMMISSION



The arguments for the integration of the planning agency as an auxiliary department under the executive, such as the manager or strong mayor, are numerous and persuasive. The chief executive is responsible for the preparation of the budget, including plans for capital improvements. Planning results in long-range programming of public improvements. The executive should pass on the recommendations of the planning agency before they are transmitted to the council. Only by such a process can the chief executive be deemed responsible for a comprehensive budget, including both current costs and capital outlay expenditures. The mayor or manager is concerned not only with current operations but also with planning for future regulatory controls and public

improvements as well. To have a planning agency directly responsible to the council splits off an important segment of municipal administration from executive authority. An intelligent chief administrator will allow freedom to a planning department in the development of comprehensive plans, rather than require the planners to deal with current, pressing problems of street and bridge design, or traffic control. As an auxiliary agency under mayor or manager, planning will be closely integrated with executive management, on the one hand, and with the line departments on the other.

To the contrary, it has been urged that the planning agency be attached to the legislative and not to the administrative branch of a city. Let the planners be appointed by, responsible to, and report directly to the legislative body of the city. This permits the planning agency to concern itself with long-range studies and plans for the physical development of the city, apart from the immediate pressures for action which beset the chief executive. In 1940, Alfred Bettman urged the conference on planning problems and administration that the planning agency be attached to the legislative and not to the administrative branch. He argued that the busy executive under constant, daily pressures of municipal problems would convert the planning technician into an administrative technician. He said in part: "It would not be long before the technical planner, made subordinate to the city manager, would be doing city planning on a very small scale, if at all. He would be doing planning of this bridge and that street—current structural or administrative planning. He would inevitably be engulfed under the pressures of current administration and become an additional administrative technician. . . ." [3]

An intermediate position has been suggested by Ladislas Segoe, on the theory that planning involves both the administrative level and the policy-making level of city administration. Where the policy-making and administrative functions are separate, as in the council-manager plan, he suggests that the planning agency should be so placed as to be responsible to both. Its advice on over-all and long-term community development should be "directly available to, and may be taken fully into account by, both the chief administrator and the council." [4] It will be observed that this is a middle position between the extremes of making the planning agency an auxiliary department to the executive and attaching it to the legislative body.

The reason conflicting views as to the position of the planning agency in municipal administration have arisen is obvious enough. In so far as the planners are dealing with long-range policies and plans for physical development, they need wide latitude. However, modern municipal execu-

[3] American Society of Planning Officials, *Proceedings: Conference on Planning Problems and Administration* (Chicago 1940), 6-7; cited in International City Managers' Association, *Local Planning Administration* (Chicago, 1941), 37.

[4] *Ibid.*, 38.

tives of the manager or strong-mayor type are concerned with the recommendation of policy to the council. As soon as the actual implementation of plans into public buildings, public works, public parks, and recreational areas, becomes an issue, the chief executive cannot escape responsibility for effects upon current services and fiscal burdens of the community. If regulatory ordinances are necessary to carry out the plans, the executive will ultimately be responsible for their administration. Many types of planning bodies have been made to work effectively; no one can afford to be too dogmatic as to the right answer. The independent planning commission is still the most common type of planning organization.[5]

From the point of view of executive management, it is important that the chief executive have power to appoint the citizen members of a planning commission. Preferably five or six members should be selected and they should have long terms, with overlapping tenure, to keep a core of experienced members on the commission continuously. It is also important that the executive, or his personal representative, serve on the official planning body. Because policy-matters are invariably raised, it is equally desirable to have the council designate a member to serve on the planning commission. Finally, some urge that the head of the department of public works should likewise be a member of the commission. Since the executive supplies the initiative in other policy matters, should he be deprived of a preferred position in planning policy? To hold true to the course of developing executive management in American cities, it is desirable that long-range plans be submitted to the council as the policies of the executive, or, at least, as policies approved by the executive. Unless long-range policies have substantial executive support, they are not likely to be translated into action in so far as they require financing, for the executive in the modern city holds the initiative in fiscal policy.

The Model City Charter

The membership of a planning commission is specified in the state enabling legislation, in the city charter, or by ordinance. It is widely agreed that commissions should have a membership of approximately seven to eleven members, and should include both citizen members and city officials, or their representatives, especially representation from the council and the office of the chief executive. However organized, the planning commission cannot fulfill its mission without a staff of technicians headed by a competent director. The basic studies leading to major recommendations of a comprehensive plan or changes in a master plan require the services of a technical staff on the city's own payroll or of consultants under contract with the city. Detailed studies must be

[5] International City Managers' Association, *Local Planning Administration* (Chicago, 1948), 39.

made of population, land use, economic bases of the city, and of physical characteristics, such as streets; transportation routes and services; housing, including blighted areas; parks and recreation; public buildings; real estate subdivisions; and public utilities other than those involved in transit and transportation. Unless zoning has been entrusted to a separate commission or previously accomplished, elaborate studies must be made of prevailing land use and proposed zones in which the height, area, and use of buildings will be regulated.

The *Model City Charter* of the National Municipal League is a council-manager plan. The latest edition (1941) of the model charter resolves the position of the commission and of the technical staff in an interesting manner. The proposed planning commission is composed of five members appointed by the council, and of the city manager and mayor *ex officio*. On the other hand, the director of planning is appointed by the city manager, with the approval of the planning commission. The commission is authorized to adopt a master plan for the city. Public improvements projected by the council must be submitted to the commission for approval. If the planning commission disapproves the proposed action, the council may overrule any such decision by a simple majority vote. Since the manager appoints the planning director, and the commission must submit a recommended six-year program of capital improvements to the manager each year, the chief administrator is by no means deprived of executive management functions. The *Model City Charter* in its 1941 revision recognizes a compromise arrangement in which both the council and the executive have substantial but differing authority in relation to the planning commission and the city planner.[6] The council is authorized to establish an official map of the city by ordinance. This map will indicate existing public streets, planned streets or street lines, and may also include the location of existing or planned parks, or other public open spaces. The council may further provide by ordinance that no permit shall be issued for any building or structure on any land located between the mapped lines of a street shown on the official map.[7]

Planning in Our Cities

Some years ago, a field study of city planning in American cities indicated examples of distinguished planning activity in cities with divergent forms of administration—mayor and council, commission, and council-manager. For example, Denver (mayor and council), St. Paul (commission), and Cincinnati (council-manager) were among those communities cited for outstanding activity in planning. No city managers were found to be hostile to planning, and friendly interest on their

[6] National Municipal League, *Model City Charter* (New York, 1941), sec. 125-128.
[7] *Ibid.*, sec. 137-139.

part was the general rule. At that time (1929), the field study did not reveal city planning progress to be more marked in manager cities.[8] The most common method of appointing planning commissions was by the mayor, with approval of the council. It was almost impossible to draw any conclusion as to the effect of the size of planning commissions on results achieved. Chicago with 328 members, and Denver with 43, made real progress through smaller executive commissions. Memphis had 12 members, while Milwaukee used only 3 appointed plan commissioners.

The membership of planning commissions was drawn largely from realtors, architects, engineers, lawyers, bankers, manufacturers, and retail merchants. Clubwomen, contractors, corporation officials, wholesalers, and insurance men, were frequent members. The *ex officio* members were most often the mayor or the manager, a representative of the city council, and the commissioner of public works or city engineer. Monthly meetings of commissions were found to be most common. Many of the planning commissions had only advisory powers. Their most definite powers related to the approval or disapproval of subdivisions, within or near to municipal boundaries. Some city planning agencies investigated only matters referred by the council. In other cities, the council was required to submit all planning projects for consideration by the planning commission. Some of the cities had developed planning departments with staff members to carry forward technical research. The attitude of mayor, or manager, and of city councilmen, determined in large measure what could be accomplished in any city during a given administration.[9] The range in activity of planning agencies varied from nominal advisory functions to large-scale, comprehensive planning.

The unpaid citizen commission, with an independent or semi-independent organizational status, has been the favorite administrative arrangement. This semi-autonomous citizen board (in relation to executive management) has been achieved either by appointment by the city council, or through staggered terms of members where executive appointment is the rule. The city planning agency may be in process of a common evolution of activities. For example, the administration of the merit system in cities was originally entrusted to an independent civil service commission, apart from executive management. In recent years, it has been strongly urged that the personnel agency be integrated under the chief executive, and some manager cities have achieved this administrative relationship. Even line departments such as police, fire, public health, and public works, have a long history of semi-autonomous operation under boards prior to their integration under executive control and direction. This evolution has been described by one authority in the

[8] T. K. Hubbard and H. U. Hubbard, *Our Cities Today and Tomorrow* (Cambridge, Mass., 1929), 27.

[9] *Ibid.*, Chap. 3.

planning field in terms of: (1) citizen activity by private organizations; (2) pressure on government to take over and finance the activity; (3) governmental acceptance of the responsibility and administration by an autonomous or semi-autonomous board; and finally (4) integration with other governmental activities and loss of initial autonomy.[10]

Cincinnati was one of the outstanding examples of the gradual development of city planning from private citizen action to an official planning board. There, the United City Planning Committee, a private group organized in 1917, fostered the establishment of an official city planning commission in 1918. In the absence of a municipal appropriation for retention of a planning consultant, the United City Planning Committee was successful in raising funds through private subscriptions. After this money was turned over to the city, a contract was made in 1922 with city planning consultants for the preparation of a comprehensive city plan. This was published in 1925, and adopted by the city council, as one of the few "official" plans of the day in the entire country, and the first so adopted by a large city. After a period of comparative inactivity, the official city planning commission was revived and a technical staff was secured. Meanwhile the United City Planning Committee had quietly passed out of existence.[11]

Cincinnati is an outstanding example of what happened in American cities after World War I. In hundreds of cities, official planning commissions were established after active campaigns by civic organizations and influential citizens. Some of these planning bodies were never very active; others gave their principal attention to zoning maps and ordinances which they recommended to the city council for adoption; still others had sufficient financial support and technical staff or consulting service to promote and develop comprehensive plans. Most of these agencies were boards of appointed citizens, with *ex officio* membership accorded to city officials. Increasingly, they obtained support from general funds. The years, from World War I to 1929, were marked by the establishment of the semi-autonomous planning commissions. As appropriations were made to support technical staffs, planning was accepted as a municipal function. During the depression-laden years of the nineteen-thirties, planning was one of the activities which early felt the pinch of municipal economies. This was partially offset by the assistance which planning agencies were able to obtain through W.P.A. research projects under local sponsorship.

How extensive planning commissions have become is indicated by reports from 946 cities of over 10,000 population, in 1948. Some 617 of the reporting communities had official planning agencies; 83 had unofficial

[10] R. A. Walker, *The Planning Function in Urban Government* (Chicago, 1941), 134.

[11] *Ibid.*, 141-142.

agencies; and 246 had none. Some 164 planning bodies indicated that they had full-time employees. In the same year, 282 cities of more than 25,000 population reported total expenditures (1947) for the operation of their planning agencies amounting to $3,576,000. On the other hand, 96 cities over 10,000 population spent less than $1,000 each for city planning. While the size of planning commissions varied from one to 36 members, the median size was seven, including *ex officio* members, in all cities over 10,000. Appointive members of planning commissions in cities over 25,000 population were, according to reporting cities, selected: by the mayor in 197 cities; by the council in 82 cities; by the manager in 21; and by other officials or bodies in 2. The director or secretary of the commission was appointed by the planning agency in 165 cities; by the mayor in 53; by the city manager in 37; by the council in 21; and by other officers, or as a result of *ex officio* status in a few cities.[12]

Planning progress has been limited, in part, by a variety of factors. The semi-independent position of many planning agencies has left them apart from the main stream of executive management in which action programs are initiated. Councils have often been suspicious of planning agencies, especially those with more than advisory powers. Where planning commissions must be consulted on building projects, for example, and can only be overruled by an extraordinary vote of the councilmen, the planning commission should sell itself as well as stand on legal authority. The requirement of an extraordinary majority vote of the council to overrule the planners puts the planning commission in a watchdog rôle over the council, rather than as an auxiliary department of the executive. During the nineteen-thirties, many planning commissions were limited in operations by loss of technical staff, and by failure of councils to appropriate funds for outside consultants. Some authorities hold that the answer must be found in a greater integration of planning with executive management. The planning commission and the technical staff should implement the executive's responsibility to investigate, review, and plan, before he acts or recommends policy to the council. Associated with executive management, over-all planning could be more closely coördinated with departmental plans and actions which affect any comprehensive plan.

Over-all planning, particularly as related to the physical features of a city, can only be executed slowly whatever the administrative structure. Comprehensive plans can be set to paper, but years are required for their execution. A comprehensive plan which is not realized, except in segments over the decades, is far superior to no plan at all. Otherwise, a city is merely drifting with no sense of ultimate direction in streets, transit, transportation, public spaces, and buildings.

[12] *The Municipal Year Book* (Chicago, 1948), 245-247.

The Widening Scope of City Planning

The first national conference on city planning was not held until 1909; it was called by the New York committee on congestion of population and met in Washington, D. C. Emphasis was placed on economic rather than aesthetic phases of city planning. For some years prior to the first national conference, the emphasis had been on the city-beautiful, a trend set in motion by the Chicago World's Fair of 1893. In 1900, a committee of three architects and one sculptor was appointed to review the plan of Washington. Later this committee, all of whom had been associated with the Chicago Fair, submitted a report which revived and enlarged the original L'Enfant plan for Washington. This was the first of a long series of reports and plans dominated by consultants working primarily in the professional specialties of architecture and landscape architecture. Early city plans, such as that of Daniel H. Burnham for San Francisco in 1905, placed emphasis on a civic center, parks, streets, and thoroughfares, largely from an architectural approach. The early city plans were street plans, park studies, and civic center proposals. It was some years before the economic approach suggested at the first national conference was brought to fulfillment.[13]

The *Plan of Chicago*, prepared by Daniel H. Burnham and published in 1909, advanced city planning beyond the stage of attention to parks, thoroughfares, and civic centers. For many years, the Chicago plan was an exception to the more limited planning in other cities, since it dealt with problems of the central city, transportation and terminals, streets and subdivision control, parks, and rapid transit in relation to suburban growth. Some attention was paid to the menace of the slum to an urban community; emphasis was placed on sanitary regulations as a remedy. During the ensuing decade, planning gradually emerged in some cities beyond the early interest in civic centers, streets, and parks. The shift was a gradual one, with the *Plan of Chicago* an early and noteworthy advance.

Concurrent with the enlarging scope of city planning was an emphasis on zoning. Early zoning ordinances were limited to the restriction of nuisances from specified areas, and to limitations on the height of buildings. As the courts indicated their willingness to uphold limited zoning restrictions, as a constitutional exercise of the police power of the state, the city planners argued for comprehensive zoning. Comprehensive zoning may be defined as the districting of land as to use, height, and bulk of buildings, and concentration of population. By 1925, many states had passed enabling acts for comprehensive city zoning, and cities were pursuing preliminary studies, and enacting zoning ordinances. In 1926, the Supreme Court of the United States upheld the constitutionality of

[13] R. A. Walker, *op. cit.*, 10-14.

a comprehensive zoning ordinance of the village of Euclid in Ohio. Zoning added a great impetus to the planning movement. In many cities, it became the most absorbing and compelling phase of planning and, for the time being, overshadowed all other issues.

Comprehensive Planning and Zoning

As understood today, comprehensive planning and zoning involves a wide sweep of activity. To arrive at a master plan for an urban area entails studies of the following: (1) economic base of the community; (2) population; (3) major thoroughfares and residential streets; (4) transit and transportation routes and terminals; (5) parks and reservations; (6) public buildings; (7) blighted areas and plans for improvement; (8) neighborhood areas within the comprehensive plan; (9) comprehensive zoning; and (10) future public land and building programs. Out of these studies will come a master or a comprehensive plan.

Operationally, comprehensive city planning and zoning calls for: (1) a city planning commission integrated or partially integrated with the executive; (2) a technical staff, or consultants hired by contract; (3) a zoning board of appeals to hear individual appeals from the operation of the zoning ordinance; (4) an energetic chief executive interested in planning; (5) council action in adopting at least an official map, zoning ordinance and subdivision regulations; (6) action by the commission in adopting a master plan which will be revised from time to time; (7) reference of specific public projects by the city council to the planning commission with authority in the latter to check the proposal against the master plan; (8) authority of the city council to overrule the planning commission by a simple or an extraordinary majority vote; (9) exercise by the planning commission of specific powers as in approving or rejecting plans for new subdivisions; (10) the establishment of a long-term capital improvement program through coördinated efforts of the planning commission, the executive, the finance and line departments; and (11) education of the public in the objectives of the master plan.

Planning calls for combined efforts in public administration at the municipal level. The master plan will not live and develop if it is only the brain child of a planning commission. It can become merely a beautiful book of maps and projects, without any real impact on over-all trends in the community. For implementation, legal action by the council must be forthcoming by adoption of official maps, zoning ordinance, subdivision regulations, appropriations, and issuance of bonds. The council, as well as the planning commission, must be in support of the master plan. If the council frequently overrules the planners, comprehensive planning becomes an ineffective art. During any administration, much will depend on the support which the chief executive gives to the master plan. Financing and constructing projects, in conformity with the plan,

will call for executive action in integrating fiscal policy and public works needs. The line departments, as well as the executive, must understand the comprehensive plan and how their present and future operations fit into it as to sites and developments in construction. Wherever questions such as bond issues must go to a public referendum, public education must be attempted, and enlightened public interest engendered.

Failure, in many cities in the past, to carry planning down to the operational level can be seen in city after city. Residential areas are jammed close to factory sites through delays in zoning. The enactment of zoning ordinances after business and commercial establishments intruded upon residential areas left non-conforming uses. Failure to foresee traffic needs brought congestion of traffic on narrow residential streets. To offset the traffic movement, palliative measures were necessary to restrict parking to one side of a street, or to divert traffic through other routes, because the cost of street-widening was prohibitive. As population grew and the city expanded, failure to plan for the lay-out of fire stations, for example, left certain companies with overly extended fire runs, and too many fire stations in other areas. As traffic and commerce increased in the downtown sections, residential areas immediately adjacent were blighted and slums developed. Failure of cities to acquire and hold land for future buildings, park and recreation areas, in strategic locations, led to expensive land purchase or condemnation procedures. No further examples need be given of the unhappy end results from lack of adequate planning and zoning. Without a master plan, an area is in a state of drift. Problems will inevitably arise in street lay-out, building sites, and other public areas, whether planning is carried on or not. It is far better to look ahead, to investigate and plan, rather than to shift from one problem to the next.

Zoning

Zoning is the division of a community into districts or zones, and regulating within such districts, the use of land, and the use, height, and area of buildings, for the purpose of conserving the health, safety, morals, and general welfare of the people of the community. A zoning ordinance gives legal effect to that portion of a comprehensive city plan which deals with private uses and development of privately owned land. It is in one sense contrasted with, but in another sense, should be integrated with those elements of the master plan dealing with public uses and facilities. Oftentimes, zoning ordinances have been enacted prior to the development of comprehensive city planning. This is not sound from a planning point of view, but hundreds of communities have been more interested in zoning to protect the interests of private property owners than in comprehensive planning of public uses for the present and the future. The ideal procedure, of course, is to accomplish zoning in conjunction with comprehensive city planning.

Why did zoning become so popular in the nineteen-twenties and continue in popularity? The answer lies in the habit of seeking protection for property values. Zoning is popular with owners of property in residential areas as a guarantee against invasion by commercial and industrial uses. It stands guard against blight and loss of values in future sales of real estate, maintaining the stability of the area for the present and for the future. In general, business interests have also gone along with zoning, so long as the areas set aside for business and industrial purposes were deemed to be adequate.

Before zoning can be properly accomplished, a detailed land use inventory must be prepared, and the proposed use, height, and area zones indicated on a map or maps. Neighborhood areas must be studied, and provision made for shopping centers to serve them. The amount of area, needed for retail business purposes for the entire community and for the various neighborhoods, must be related to the population to be served and to purchasing power. Determination of the amount of land needed for industry will depend on estimates of increase in population, past and possible future trends in industrial growth, and possible changes in the type of industry likely to locate in the future. Out of these studies will be developed a tentative zoning plan. Older zoning ordinances often had different land areas or districts for specified use, height, and area limitations. Modern zoning ordinances establish classes of districts and apply uniform use, height, and area limitations to these districts.

After the tentative zoning ordinance has been prepared by a city planning commission, or by a separate zoning commission or committee, public hearings are called. Usually, these public hearings are held before the planning agency officially adopts the tentative ordinance as a recommendation to the council. In large cities, it is necessary to have district meetings to gain public support for the ordinance. After the hearings are concluded, necessary and advisable changes in the maps and text of the ordinance can be made, and the tentative zoning ordinance officially adopted by the planning agency, as a recommendation to go forward to the city council.

In council, the ordinance is usually referred to a committee for study, preferably in conjunction with the planning body. Again, the council will go through the procedural step of public hearings. Finally, the ordinance and maps are adopted by the council, and the city has at long last reached the goal of legal zones establishing use, height, and area restrictions in the various classes of residential, business, and industrial districts. The zoning ordinance is published, together with maps. It is customary procedure to establish a zoning board of appeals or adjustments. This is a necessary safety valve for individual cases of adjustment, once the zoning ordinance has taken legal effect. Zoning ordinances generally permit the zoning board of appeals to grant "variances" to property owners who have grievances against the height and area limita-

tions on their property. Changes in the use of land ordinarily require amendments to the zoning ordinance. In some cases, however, zoning boards of appeals have authority to modify the lines of the districts, in accordance with the principles of the zoning ordinance; in other words, to allow exceptions to the established uses prescribed for parcels of property in a district.

While cities use many classifications of districts in establishing ordinances, the basic types of districts are single-family dwellings; multiple dwellings; neighborhood business; general business; light and heavy industry. Within these broad classifications, more detailed use districts are often provided by law. Thus a zoning ordinance will have residential districts A, B, and C. For each type of residential district, the use, height, and area regulations will be specified. In cities of 25,000 to 200,000 population there is usually a need for the following districts: (1) one-family residence; (2) two-family residence or other specified multiple dwellings; (3) multiple family residence for any number of families; (4) central business; (5) general business; (6) neighborhood business; (7) light industrial and (8) heavy industrial. A heavy percentage of land is devoted to dwelling purposes. Of the total developed land area, including streets, public, and institutional properties, it is likely that about 40 per cent will be devoted to dwellings. The significance of residential buildings and values, and the importance of protecting this from intrusion and blight, are clear. Each city is a special case, and the amount of land to be zoned for residential, business, and industrial purposes must be carefully determined by the planners, and ultimately by the city council.[14]

The interrelationships between zoning and comprehensive city planning are numerous. The zoning of residential areas, for example, simplifies the future problem of school, work, and recreational locations. The establishment of use districts assists in planning the future pattern of street widths and improvements. The established and projected business areas will indicate the future transit and transportation problems. As zoning tends to stabilize the development of private land use, it adds durability to the comprehensive plan. Where zoning has preceded the master plan, the latter must be integrated with the zoning map of use areas, or zoning must be altered to conform to the projected master plan.

One of the most frequent shortcomings, in hundreds of cities, has been the enactment of zoning ordinances prior to comprehensive planning. This means that the private use of land is placed in a legal mold, before the public use of land has been planned. This puts the cart before the horse. One of the worst features of municipal zoning is so-called spot zoning. This means that small zones, comprising a few lots, have been set aside for business or other purposes. A "spot" is zoned rather than a district. If less than the four corners of an intersection are zoned for

[14] International City Managers' Association, *Local Planning Administration* (Chicago, 1948), 225, 237.

business, an ugly corner may and often does result, with mixed residential and business properties. Extreme differences in use are sometimes established for adjoining districts. Again, zoning has often been too late, with the result that non-conforming uses must necessarily be left in residential areas. With all its faults, zoning has assisted materially in stabilization of property values. For this and other reasons, it has received widespread public support.

Administration of the Zoning Ordinance

No law can operate automatically, and the same goes for a zoning ordinance. Two important features are necessary—provision for a building inspector and for a zoning board of appeals. The significance of the work of the building inspector is twofold. One is the requirement of building permits, so that a check can be made to see that new construction will conform to use, height, and area limitations. Completion of the building, in accordance with the plans submitted, results in the issuance of a certificate of occupancy. Such a double check on new construction is important to the enforcement of the ordinance.

The zoning board of appeals, established by statute, charter, or ordinance, is the most important agency to the successful operation of a zoning ordinance. This board considers appeals pertaining to details in construction and land utilization. In some cities, the planning commission acts as a board of appeals, but it is more common to have two separate agencies. Zoning boards of appeals are concerned with variances from and exceptions to the ordinance, primarily to relieve hardship which would otherwise accrue to individuals. Variance cases ordinarily come to the board of appeals from an original decision by the building inspector. Unusual lot sizes, or topographical conditions, may suggest to the board of appeals that it is necessary to vary the height and area regulations for a specific property-holding. Such variances are justified, on the grounds that the strict application of the ordinance might result in unusual hardship to the property owner. Except for temporary, nonconforming uses, the term variance does not ordinarily apply to modifications of the established regulations governing land use in the area.

Exceptions to restrictions governing land use are much more significant administrative rulings by the board of appeals. Applications for permanent exception from the land use regulations of a district usually come to the board in the first instance. To avoid improper delegation of legislative power to the zoning board of appeals, it is essential that the ordinance prescribe the general principles to govern such exceptions. For example, a zoning ordinance may provide that gasoline stations may be erected in business districts only in locations approved by the zoning board of appeals.

Significance of Planning

City planning and zoning are now well established features of municipal administration. Administration of comprehensive planning and zoning requires a city planning commission, a technical staff, and a zoning board of appeals. With these administrative units in operation, adequate attention to planning is not insured, but made probable. The importance of city planning is long-range in character. Future generations may well benefit in great measures from comprehensive planning, and from legal adoption of official maps, zoning ordinances, and subdivision regulations. City planning and zoning cannot be accomplished by planning technicians alone. The active support of the municipal executive, the council, and city department heads, is likewise essential. Public education and interest are equally significant for the development and administration of master plans and zoning.

Beyond techniques of physical planning and zoning lies the broad problem of total planning for municipal administration. This is a function of the executive and council. It involves all matters pertaining to the budget, personnel, equipment, expansion or contraction of existing services, new functions, and such matters as public ownership and operation of utilities. A city rarely stands still in its administrative operations; it is either progressing or retrogressing. From time to time, many capital improvements which are vitally related to the physical plan must be undertaken. These capital improvements for water supply, public buildings, arterial streets, for example, must be considered in the light of financial resources and the over-all needs of the community.

It is the business of management to resolve these factors of public need and money. As an illustration, Pontiac, Michigan, in 1947, found a program of recapping arterial streets to be essential, but seemingly blocked by the fact that the city labored under the legal restraint of a severe charter limitation on the rates of the general property tax. Management in Pontiac resolved this problem by levying a special assessment over a wide area of the city for the specific purpose of improving arterial streets. This is an example of broad managerial appraisal of a need, review of the means of financial support, recommendation of policy to the council, and ultimate execution of the administrative program.

From time to time, many major decisions must be made in municipal administration in which reliance is placed on planners and other technicians. During the nineteen-forties, Escanaba, Michigan, was faced with the problem of improving its water supply. The city manager recommended that the city use lake water as a course and construct a rapid-sand filtration plant. However, this project was rejected by the council as too costly. Management then shifted to an alternative plan for the sinking of wells in underground water sources. With provision for elevated storage and pumping stations controlled from a master switchboard in

the police department, this source of water supply was estimated to cost $50,000. Admittedly, the underground source was less attractive to management, because of the greater hardness of the water supply. The cost factor was controlling and management proceeded to drill wells, install pumps and elevated storage. The system, after five years of operation, was still providing an adequate water supply, but the public, as management had foreseen, complained about the hardness of the water. In this case, where executive planning and management failed to convince the public of the soundness over a long period of a more costly investment, resort had to be taken to the next best or second best program. At the time, Escanaba did not have a planning commission, and all aspects of planning for the immediate and long-range future of the community were formulated by a dynamic city manager.

Without a planning commission Escanaba, in the period from 1936 to 1944, undertook many new projects. Old garages and business structures were bought by the city at low prices, rehabilitated with W.P.A. labor and leased to small industries, which were attracted to the city by the efforts of citizens. Deterioration of community morale through unemployment was thereby checked. A steam plant was constructed to provide central heating for public buildings and to sell service to private buildings in the business area. A new system of water supply was installed. With or without a planning commission, a city must make basic decisions or fail to make them. In either event, policy is fixed.

After World War II, Escanaba established a planning commission, but dynamic change in city affairs was still dependent on executive leadership and management. The immediate post-war years found Escanaba operating four municipal utilities—water, gas, steam and a municipal distribution system for sale of electricity to consumers—all at peak or near-peak capacity. The community was faced with fundamental decisions as to expansion of capital improvements and their financing. The city planning commission and the manager had to review the situation and set a new course of policy. With W.P.A. projects a thing of the past, and construction costs at very high levels in 1948, new factors pressed in on the city planner and manager.

(All phases of municipal administration require planning. The budget is basically a plan for expenditures during the ensuing fiscal year, and a capital improvement budget is a plan for large-scale projects over a period of years. The purchase of new equipment for police, fire and public works departments must be planned; otherwise a haphazard policy of buying individual items of motorized equipment, for example, will ensue. Management must plan a positive personnel policy with adequate salaries and wages. Planning is basic to all operations. It is the science of looking ahead to provide adequate service for public needs at a cost which can be met by the municipality.)

City planning of the physical plant of the community is one phase of the total planning, for which municipal executives must assume responsibility. The planning commission is essential for the development of a comprehensive plan, and as a check on city projects in relation to the plan. Action by the council is necessary to give legal effect to an official map and to other aspects of the master plan. The executive must take the responsibility for the financing and implementation of capital improvement programs related to the plan. A planning commission which is interested only in a monumental civic center, or some other city beautiful project, will fail to integrate city planning with the total planning of the community.

Practical Planning

Planning, to be accepted by municipal executives and councils, must be practical in terms of evolution rather than revolution of the physical plant of a community. Robert Moses, Commissioner of New York City Parks and a member of the city planning commission, expressed himself forcefully on this issue in 1948. He took to task those who favored planning in the grand manner. Specifically, he pointed to some of the limitations in four planning axioms: (1) dispersion; (2) urban decentralization or disintegration; (3) a grand controlling plan; and (4) green belts.

Under the heading of dispersion, Robert Moses referred to strategic dispersion of populations into urban concentrations of not more than 50,000 people to meet the threat of the atomic bomb. The National Security Resources Board has noted the strategic desirability of this type of planning for industrial expansion. The assumption underlying this projected planning is that it would be uneconomic, because of production costs of atomic bombs, for any country in the foreseeable future to strike at each city with less than 50,000 population. Robert Moses raised questions about the validity of a dogma of dispersion in these terms: "As yet we know little about industrial dispersion for either war or pacific ends. Were the people living under the smog in a little Pennsylvania village safer because they were remote and small in numbers? . . . In emergencies of all kinds, hospitals, ambulances, fire and other equipment are closer at hand in metropolitan areas. No one knows the answers to such riddles sufficiently to be dogmatic about them, and an open mind is still the surest avenue to the truth." [15]

Urban decentralization or disintegration is used here to refer to the satellite town theory of scrapping large cities for ideal villages of 50,000 inhabitants in the nearby country. The potential forces making for decentralization are said to be the rationalization of the home building industry, strategic military considerations, and possible industrial use of atomic

[15] Robert Moses, "'Practical' or 'Long-Haired' Planning?" *The New York Times Magazine* (December 5, 1948), 13.

power. "The answer to this gibberish," according to Robert Moses, "is that rationalization of home building affects city, suburban and urban construction equally, that military decentralization has neither been officially recommended by the General Staff nor accepted by Congress, and that the harnessing of atomic energy for civilian utilities and other peaceful uses is decades off, according to the scientists who are working on it." [16] He rejected the idea that suburbs always have superior "amenities," and pointed to the cultural, scientific, entertainment, mercantile, and mentally stimulating side of the great city. People have amassed themselves in the metropolitan areas, although they must live the life of commuters or reside in cramped quarters in town. These metropolitan masses can be served by parkways, expressways and other avenues of transportation. Scoffers call these "escape routes." Only one out of a hundred of the patrons of these routes has the slightest interest "in theories of decentralization, diffusion and disintegration." [17]

The grand controlling plan, prepared by appointed officials and calling for wholesale rebuilding and reallocation, was dismissed as unlikely to attract mass support. The people are more likely to follow their elected councilors in a policy of piecemeal improvement to achieve limited objectives. Under the microscope, the green belt axiom of labeling areas of built up land for future open spaces runs head on into city tax authorities who regard these areas as valuable to produce the necessary taxes for city services. In the words of Robert Moses: "I am a park, parkway and playground enthusiast. I deplore the lack of open spaces well located in our older American cities. I know how difficult and expensive it is to supply them, but I would rather battle for them one by one and neighborhood by neighborhood, than subscribe to the crazy notion that splashing green water colors all over a city map will produce anything but public revulsion and contempt." [18]

All this is not to say that planning is to be discouraged or the development of master plans deferred. Planning is always in order. To be accepted, however, it must be realistic enough to attract support from elected councilors, from municipal executives, and from the voters who pay the bills. It must reach upward but not skyward. The hard facts of taxes and bond issues must be considered, as well as the most socially desirable amenities. Wholesale reallocation of industry and populations will necessitate more comprehensive and restrictive governmental regulations than the American people have accepted to date. On the other hand, the planners who deal in economic and social planning on a broad scale criticize the approach outlined by Robert Moses as limited in outlook and restricted to public works programming.

[16] *Ibid.*, 39.
[17] *Ibid.*, 40.
[18] *Ibid.*, 42.

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CHAPTER XXV

Police Administration

The "line" departments, such as police, fire, public health, welfare, parks and recreation, and public works, are service-rendering agencies. They have constant contacts with the general public and primary responsibility for day-to-day administration. Management (the council and the executive) commands, coördinates, and integrates the line departments. Auxiliary service departments facilitate the financing and staffing of the line operations. Performance in administration rests, however, in the first instance with the police chief, the fire chief, the superintendent of public works, the health director, and other departmental executives. Of these line departments, the police function lies at the core of municipal administration. It is responsible for law and order in the community. Without the work of the police, public security would soon be endangered and municipal administration would be ineffective.

The American tradition in police administration has been one of localism. With few exceptions, such as state control in Boston, Massachusetts, and Kansas City, Missouri, American municipal police forces have been responsible to the mayor, to the city manager, or to the commissioner of public safety, respectively in strong-mayor, council-manager, and commission-governed cities. During the nineteenth century, there was a temporary trend toward state control of municipal police in metropolitan cities, but this movement was halted, and municipal control over municipal police forces was generally preserved.

As state police forces have been developed in recent decades, they have supplemented, but have not supplanted city police and county sheriffs. The organization and development of state police was directed largely to the need for more effective police administration in rural areas than that made available by county sheriffs and their deputies. The state police have not relieved municipalities of responsibility for law and order within their own boundaries. Moreover, the county sheriff's organization has continued in state after state, and shows no signs of being replaced by the state police. In many local areas, coöperation between state, county, and city police forces has greatly strengthened the web of law enforcement at the local level.

Likewise, agents of the Federal Bureau of Investigation, in tracking down criminals who have violated federal law, have supplemented the efforts of the state and local forces. In spite of the growth of the Federal Bureau of Investigation and of the state police, desirable as these trends

have been, the American city is still dependent upon its own police chief for order and security in the community.

To take a specific example, in 1947, Police Commissioner Arthur W. Wallander of New York City, in a drive to rid the city of bookmakers and graft, transferred all but one of his twenty-three division commanders. Officers and detectives were summoned before the Commissioner on short notice, informed of the gambling enforcement policy, warned against betrayal of trust, and informed of the list of police transfers. *The New York Times* chronicled Commissioner Wallander's statement in these terms: "Earnestly and in staccato tones he explained the new gambling enforcement policy of the department, saving his bombshell for the end. The only incident in recent police department history comparable to the sweep of division commanders occurred two decades ago when Commissioner Richard E. Enright placed charges against virtually every inspector for failing to enforce the Volstead Act. Mr. Wallander spoke frankly of the graft charges, saying they were damaging to the morale of the department. While expressing confidence in the force as a whole, he warned against a betrayal of trust. Sharply he told 'any man in this room' to quit the department at once if he felt he could not enforce the new regulations. Chase the bookies off the street, arrest them again and again, he ordered. Failure to enforce the gambling laws would bring disciplinary action, he said. He would not tolerate shirkers or disloyal officers, he declared. 'Work or get out,' he told his men, saying that he was thus restating Mayor O'Dwyer's policy and his own as well." [1]

From metropolis to small city, police administration is one of the key line departments by which a municipality is appraised. No municipal executive can escape responsibility for lax enforcement of laws and ordinances, or for police corruption. In the American community, police standards and operations are, in the first instance, a municipal problem. Some one must shoulder this local responsibility for the general public. In strong-mayor cities such as New York it must be the mayor; in council-manager cities such as Cincinnati, Ohio, it must be the manager.

The responsibility of the police in municipal administration is pervasive. In occupied areas in Germany, during World War II, the civil police were often dispersed by invasion. In crucial weeks, until civil police could be reconstituted, a heavy burden was thrown on American military police. Without police control, any community may turn to looting and shooting. The mere presence of an armed, uniformed, and trained force is a deterrent to crime. In the modern American city the police have the usual tasks of crime prevention and suppression. In addition, traffic control has become a major burden. In larger cities, there must be numerous specialized divisions dealing with crime prevention, vice in all its forms, juvenile delinquency, records, and communications. Police patrol now utilizes the

[1] *The New York Times*, August 5, 1947.

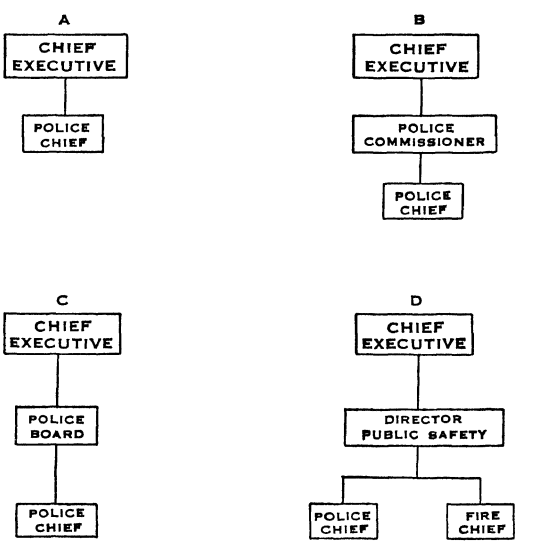
prowl car with two-way radio communication; traffic control requires motorcycles; a police radio station must be maintained. The police function calls for extensive manpower and expensive equipment. The policewoman as well as the policeman is essential.[2]

In 1947, the number of police employees per 1,000 population in American cities ranged from 1.37 in cities of 10,000 to 25,000 population to 2.47 in cities over 500,000 inhabitants. The average number of police employees per 1,000 population in all cities over 10,000 was 1.89; the average cost per capita of police administration for these same communities was $6.17. Most of these cities had found it necessary to employ policemen to man three shifts working eight hours per day. Some 773 cities over 10,000 population having a total population of 50,991,000 reported total costs of police administration at $314,791,000, of which $281,927,000 was spent for salaries and wages. A group of 864 cities of more than 10,000 population had 11,511 police motor vehicles and 4,657 motorcycles. Police administration is big business.[3]

CHART 12

POLICE ORGANIZATION

ALTERNATIVE METHODS



Integration of the Police Department with the Chief Executive

A number of organizational forms have been used to integrate the police department with the chief executive of the city. In council-manager

[2] On the importance of police administration in city government, see E. D. Graper, *American Police Administration* (New York, 1921), 5-7.

[3] *The Municipal Year Book* (Chicago, 1948), 387-398.

communities, it is common to have the chief report directly to the manager and subject to appointment and removal by the manager. This makes unified command from manager to patrolman possible. In Dayton, Ohio, for example, the police chief is appointed by the city manager. In some cities, police and fire services are drawn together in a department of public safety, and police and fire chiefs are responsible, through a lay commissioner of public safety, to the executive—mayor or manager. The arguments against this arrangement are numerous. Police and fire services are of sufficient importance and diversity to justify separate departments under the chief executive. The interposition of a lay commissioner of public safety between the manager and police and fire chiefs appears, for most cities, unwarranted, and an invitation to friction.

Another arrangement is to have a separate police department, with a lay commissioner at the head and the chief responsible to the commissioner. The police commissioner drawn from civil life is presumably more sensitive to public attitudes and less ingrained with police traditions. The arguments for the lay commissioner are similar to those for the civilian head of a military organization—the lay secretary, to whom the generals are immediately responsible. On the other hand, the lay police commissioner may suffer from inexperience and brevity of tenure. His broader interests and wider experience in public administration must be weighed against these possible limitations.

The police administrator drawn from the ranks knows police techniques from experience. Already familiar with the problems of the force, he may be able to move more rapidly toward objectives in administration. The professional policeman is more disciplined in the police function, and more prone to leave politics and policy to his superiors. The alternative merits of the lay commissioner and the professional police chief as the department head must be weighed, and each community must resolve this issue. In manager cities, however, the trained, appointed chief executive with wide experience in administration can certainly represent the broader interests of the public when a professional chief serves as the department head.

During the nineteenth century, it was popular to lodge control over the police in a board appointed by the mayor, subject to the confirmation of the council. This was, and still is, often characteristic of weak-mayor-and-council governments. Under this arrangement, the chief reports to a plural, departmental executive. The police board is now deemed antique, but still persists in many cities which have continued to operate under nineteenth century and early twentieth century charters. The use of a board to head the police department is a poor choice of means. Police administration is a semi-military, command performance. Like the fire department, it should be headed by a single administrator. It would be just as illogical to have an Army division take the field with a board in command. Police policy is established by state law, by charter, by ordinance, and by executive direction. A board between the executive and

the chief is a vulnerable administrative device. Responsibility can be lost, and politics can be screened, within such a plural departmental executive as a police board.

When commission government was popular from 1901-1914, control over the police in hundreds of cities passed to a commissioner of public safety, who also served as a city councilor. The commissioner was usually saddled with supervision of the police and fire services, and with other administrative operations as well. With five commissioners, all aspects of municipal administration had to be spanned in as many departments. The actual appointment of a police chief is, in commission-governed cities, ordinarily vested in the commission as a whole on recommendation of the public safety commissioner. Other methods of selecting police chiefs are appointment by the city council, which still continues in some weak-mayor cities, and selection by the governor of the state. The latter system persists in Baltimore, Boston, Kansas City, and St. Louis.

Police chiefs, depending on the form of government, and on the provisions of state laws and charters are appointed by: (1) mayors; (2) managers; (3) police boards; (4) city councils; (5) lay police (or safety) directors; (6) governors in exceptional cases; and (7) the voters where election prevails in some small communities. In 1948, 655 of the cities over 10,000 population reported on the method of selecting police chiefs. These reports indicated the chief to be appointed by the mayor in 29 per cent of these cities; by the council in 26 per cent; by a police safety board in 14 per cent; by a city manager in 22 per cent; by the director of safety or police commissioner in 5 per cent. In 3 per cent of the cities the chief was elected.[4]

Relations with Other Departments

Police departments, like other line agencies, have numerous interrelationships with auxiliary departments. The fiscal policies, established by the council on recommendation of the executive and budget director, will materially affect the personnel and equipment which can be thrown into the battle against crime. Like other line departments, the police chief must prove his needs for manpower, equipment, and contractual services. He must work within the framework of annual appropriations, quarterly, or monthly allotments. He cannot escape from the long-range fiscal policies any more than any other department. He must do the best possible job with the money available. Where centralized purchasing is in operation, the chief will not have a free hand in buying equipment, but will work through the familiar pattern of requisitions. He will be governed by the specifications drawn by the central purchasing agency, after consultation with the department.

The personnel policies established by management, and the techniques

[4] *The Municipal Year Book* (Chicago, 1948), 393.

employed by the personnel agency, will be binding on the police chief. In the city with a central personnel agency, recruitment, ratings, promotion, discipline, and removal of personnel will be governed by the rules and regulations of the personnel department. The police ranks will be fitted into a general classification and pay plan for all city employees. In recruiting, training, promoting, rating, disciplining, dismissing or retiring employees, the chief will have interrelations with the secretary of the civil service commission or personnel director.

Finally, to the extent that the city's legal department is responsible for the prosecution of cases in court, the police department will have another interdepartmental problem. In enforcing ordinances and laws, the police chief will often need legal advice from the city law department, especially in the case of new or revised ordinances, or grave emergency situations where drastic action must be taken. Finance, personnel and legal departments are the auxiliary agencies with which police departments are primarily concerned.

With other line departments, the police must coöperate and coördinate, and this is particularly true of the fire department. Fire fighting calls for police action. The police control traffic and people at the incident. Streets must often be blocked off, so the fire department can have ample room to maneuver without interference from traffic flow and excited citizens, many of whom will risk their own safety for a better view of the blaze.

The public works department in making cuts in streets, or by major street construction and repair, imposes a burden on traffic which can be met only by police assistance. The police can be of unusual value to public works by reporting street defects, missing manhole covers, and defective street lights. The schools present a special traffic problem. This is met by the assignment of special police officers to guard school areas against traffic, and by the organization under police supervision of junior traffic patrols made up of schoolboys. Wherever you turn, whether it be to the fire department, public works, schools, public health, welfare, parks, or recreation, the interrelationship to the police is always there in some phase of administration.

Internal Organization of the Department

In larger cities, police administration calls for an integrated administrative organization, with careful attention to purpose, process, area, clientele, and time. The large city police department has such outstanding purpose divisions as the uniformed force, the detective force, and the traffic division. Administrative units based on process are often organized for record keeping and communications. To cover the area of the large city with police protection, police precincts are established, and grouped into divisions reporting to the chief of the uniformed force. Clientele, as a basis of organization, is recognized in specialized units dealing with

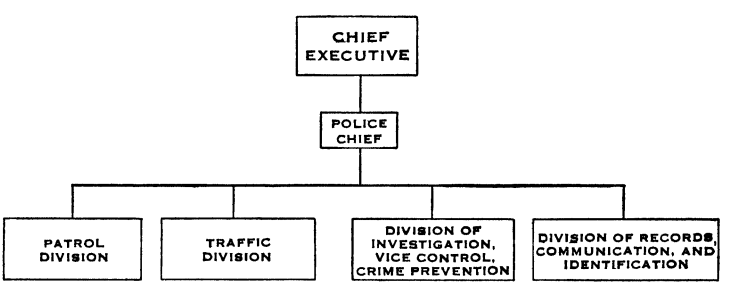
juvenile delinquency. Time is another factor in organization, since policing goes on twenty-four hours a day. Three shifts of eight hours are maintained in most cities by three separate platoons.

Bruce Smith, noted police authority, has indicated how police administration is likely to evolve from the one man force to the department with thousands of policemen. The small force of eight persons will often have a chief to give direction; a lieutenant and sergeant to provide supervision; and patrolmen to execute the orders. With additional growth, specialization develops. A sergeant and several patrolmen are assigned to desk duty at headquarters; other patrolmen are assigned to patrol and investigation; a few patrolmen begin to specialize in traffic regulation.

With further growth, the department is organized into four main divisions reporting to the chief—the patrol force; the detectives; the traffic squad; and a "housekeeping" unit. A captain commands the patrol force, with a lieutenant in charge of each of the three platoons essential to span a twenty-four hour day. A captain of detectives is responsible for criminal investigation. A lieutenant superintends the traffic patrols and fixed-post details. Another lieutenant is responsible to the chief for certain housekeeping functions such as records, communication, and property maintenance. In the large city, the demands of police protection over many square miles, and the intensification of police problems, lead to territorial subdivisions and additional functional specialization. The patrol force is subdivided into precincts at the base and divisions as intermediate groupings of precincts. Specialized units dealing with vice control, crime prevention, and other phases of police work, are evolved in addition to the basic pattern of: (1) patrol force; (2) detectives; (3) traffic; and (4) housekeeping.

CHART 13

BASIC INTERNAL POLICE ORGANIZATION



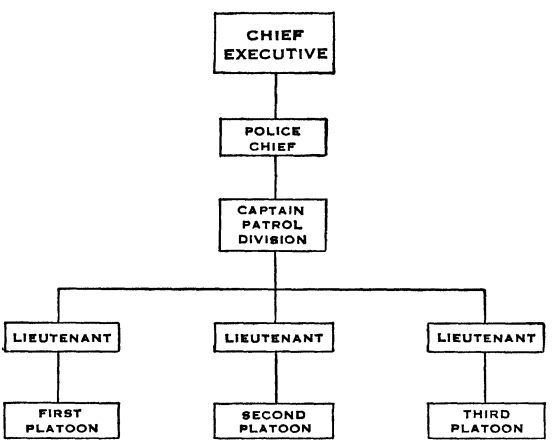
Even in the largest cities, Bruce Smith indicates that police activities can be grouped into eight major divisions reporting to the chief—(1) patrol; (2) traffic; (3) criminal investigation; (4) records; (5) property (including communications); (6) personnel management; (7) crime pre-

vention; and (8) morals regulation. Smaller cities may reduce this span of control and specialization by combining records, property, and personnel administration into one headquarters unit, and by assigning crime prevention and morals regulation to the detective division. This would leave them with (1) patrol; (2) traffic; (3) criminal investigation (including crime prevention and vice control); and (4) housekeeping (combining records, property, and personnel management).[5] The only way in which the small departments may be further simplified is by combining patrol and traffic units, thereby reducing the units reporting to the chief to three in number. Against this arrangement must be weighed the importance of traffic control in the American city, and the advantages of a specialized headquarters unit for traffic education, engineering, and enforcement.

CHART 14

PATROL DIVISION

ORGANIZATION OF PLATOONS



The reorganization of the Chicago police in 1932 can be used to illustrate a systematic, organizational pattern. Reporting directly to the commissioner were the following: chief of uniformed force; chief of traffic; chief of detectives; director of personnel; department secretary; director of bureau of criminal information and statistics; crime prevention division; and morals division. The major purpose organizations were the traffic bureau, uniformed force and detective bureau. As illustrative of a process agency, the personnel bureau included inspection, training, trial boards, and medical division. The department secretary headed a bureau of department records and property. Illustrative of clientele emphasis was the crime prevention division with policewomen and juvenile officers.

[5] Bruce Smith, *Police Systems in the United States* (New York, 1940), 253-265.

The morals division was organized to control vice, liquor traffic, gambling and narcotics. To relate the uniformed force to area, provision was made for 41 districts organized into 6 divisions.[6]

The very small cities have little police specialization. The chief has a few patrolmen under his command, and possibly a single detective. By the time a city reaches 25,000 or 30,000 population, provision may properly be made for a uniformed force, a detective division, and a traffic squad. Records, property (including communications), and personnel management, should be organized into a fourth division.

Seattle, Washington, reported in 1947 a departmental organization with five divisions under the chief of police. These were (1) patrol; (2) traffic; (3) detective; (4) crime prevention; and (5) technical services. The patrol division was subdivided geographically into three precincts, and functionally into mobile patrol, special investigations, city prisons, and police reserve. The traffic division was organized into the following: accident investigation, enforcement, junior safety patrols, school crossing guards, and analytical unit. The detective division had (1) a bureau specializing in homicide, robbery, burglary, larceny, sex offenses and felon investigation; (2) a bureau dealing with auto theft, pawnshops, bunko, and checks; (3) an identification bureau; (4) a general office; and (5) a uniformed investigators' unit. The crime prevention division comprised branches dealing with women, juveniles, missing persons, and public information. The technical services division spanned records; communications, a business office (including property room); equipment maintenance, training school; and printing.[7]

In Ann Arbor, Michigan, four units report to the chief: the captain in command of the uniformed force, the captain of detectives; a record division; and a radio engineer. The force is divided into three platoons on eight hour shifts, each commanded by a lieutenant. The men assigned to traffic control serve under the lieutenant in command of the patrol platoon on duty. The force is administered from a central headquarters with no breakdown by area into precincts. There are four beats regularly patrolled on foot, but most patrolling is done by prowl cars with two-way radio communication. The administrative organization in relation to the chief is, therefore, (1) patrol force including traffic; (2) criminal investigation including a police woman specializing in crime prevention; (3) records; and (4) communications.

Organization by area is one of the numerous problems of police administration. With modern use of motorized patrol and two-way radio communication, the development of district headquarters is unnecessary, except in the large cities. Even cities of more than 250,000 population, such as Akron, Houston, and St. Paul, have found it feasible to maintain

[6] International City Managers' Association, *Municipal Police Administration* (Chicago, 1943), 83.

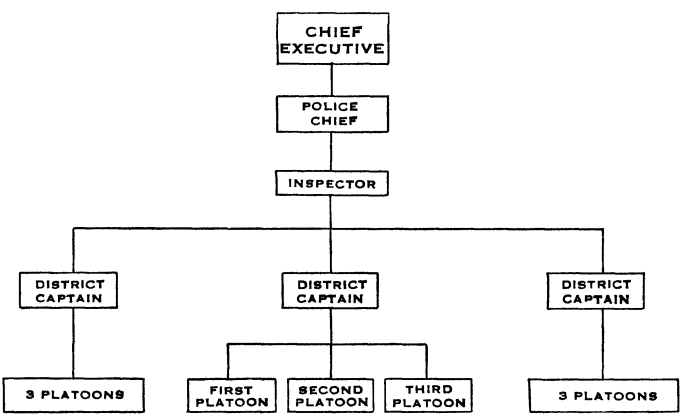
[7] *Annual Report of the Police Department* (Seattle, Washington, 1947), 44.

police administration from one central headquarters. Some cities are still using precinct stations because they were established many decades ago, when foot patrol, horse drawn vehicles, and limited communication facilities, were the order of the day.

During 1946, the police department of Seattle, Washington, closed three of its six precinct stations. In explaining this decision, the department stated: "Precinct stations were originally established at a time when no department had modern facilities of transportation or communication. This meant a need for and the use of a great many precinct stations in a metropolitan city. Policemen in the earlier days either walked, rode the street cars, or went on horseback about their duties." The advantages of precinct consolidation were deemed to be: "(1) centralizing control of program and policy in police headquarters; (2) providing better administration for each precinct; (3) giving improved supervision of the men on the street; and (4) substantially increasing the number of units working on the street in cars and on foot beats." [8]

CHART 15

POLICE DISTRICTS AND PLATOONS



The advantage of avoiding subdivisions by area, wherever possible, is that decentralization tends to diminish control over the force by the chief. His relations with the force become more remote, and he must span both time and area organizational units. Where numerous police precincts are used, careful attention must be given to grouping them under commanding officers, with a reasonable span of control. It is essential to group precincts into divisions commanded by officers reporting upward to the chief of police.

[8] *Ibid.*, 25-26.

Patrol

Patrol by the uniformed force is the most important element in police operations. It requires the bulk of manpower and equipment at the disposal of the department. Every day, twenty-four hours a day, the force is in constant contact with the public and engaged in protecting life and property. Because of their proximity to crime on foot patrol or in prowl cars, the uniformed members of the force are the first line of defense in cases of crime, disorder, and disaster. The quality of the entire department rests, in the first instance, on their competence. They are responsible for prevention and suppression of crime; apprehension of criminals; preservation of peace and order; regulation of conduct; and protection of life and property. An analysis of the duties of patrol indicates the range of activity. The duties include (1) patrol and observation; (2) answering specific calls and complaints; (3) investigation on patrol or in response to complaints with appropriate disposition; (4) arrest of offenders; (5) preservation of evidence; (6) preparation of reports; (7) testifying in court; (8) policing of public gatherings; and (9) miscellaneous services such as cooperation with the fire force, public works, schools, and other line departments.[9]

The basic types of patrol are on foot; by motorcycle; and by automobile. Some use is made of fixed posts, where hazards are very great, but this is a costly use of manpower. In our motorized urban environment, auto patrol has become the most effective method of control, except in large cities of more than 100,000 population where foot patrol of beats is still necessary. The advantage of motorized patrol is that the policeman is protected from the elements, has a greater mobility, and is better equipped to deal with crime when he arrives at the scene. With radio communication, he can be summoned by central headquarters, and made quickly available at a scene of crime or disorder. Foot and motor patrol are not mutually exclusive; the latter may be used to supplement the former. Foot patrol is maintained on established beats which are either of the straightway type, patrolling a given street, or square posts, patrolling a number of blocks. In 1946, only 4 per cent of 860 cities reporting stated that all their patrol work in residential areas was done on foot. Some 62 per cent indicated no foot patrols in residential areas. The remaining 34 per cent reported some foot patrols in residential areas.[10]

Auto patrol is maintained either with one-man or two-man patrol, increasingly with two-way radio communication. The one-man auto patrol is adequate under ordinary patrol conditions, but numerous, technical advantages are urged for the use of a second officer. It is argued that the second man is available for observation, and diminishes the personal risks in apprehension and arrest. On the other hand, two officers

[9] International City Managers' Association, *op. cit.*, 237-239.
[10] *The Municipal Year Book* (Chicago, 1947), 385.

in a patrol car may become less alert as individuals. This is a problem to which no single answer can be given. The decision of the department must depend on manpower and equipment available, the prevalent crime conditions, and long experience with various areas of the city. During 1947, according to 826 cities reporting, 296 used two-man patrol cars exclusively; 401 had both one-man and two-man patrol cars; and 129 had one-man patrol cars. The trend was toward experimentation with one-man patrol cars, in the face of mounting costs of police administration.[11]

Motorcycle patrol is more flexible than auto patrol. The officer patrolling by motorcycle is able to turn more rapidly for pursuit, or to assist in a traffic snarl. The motorcycle is the traditional vehicle of the specialized traffic officer. It is more flexible and uses less street space; it is especially valuable for escort duty. On the other hand, the officer on motorcycle patrol is exposed to inclement weather and more vulnerable to hazardous driving conditions. The physical strain is greater. Studies have indicated that motorcycle patrol is responsible for a greater number of injuries, and more lost time, to the force than auto patrol.

Horse-mounted patrol is a specialty of the greater cities. Its peculiar value is in the control of crowds, or crowds which have become mobs. Its value to the community for either traffic or crowd-mob control must be weighed against the additional cost.

During World War II, police personnel diminished because of service of police officers with the armed forces. After the war, with crime on the increase, it was necessary to rebuild police forces to meet the need of the public for protection. In the smaller cities of 10,000 to 25,000 population, there were, in 1948, 1.37 police employees for every 1,000 inhabitants; in the larger cities of more than 500,000 population, the ratio was 2.47 to 1,000 inhabitants. National averages for cities of comparable size are only rough indicators, for many factors determine police needs—crime rates and trends in a community; social characteristics of the population; location of the city within or beyond influences of a metropolitan area; social composition of adjacent communities or suburbs; presence or absence of large slum areas; and values of property to be protected. Other circumstances which affect per capita figures as between cities are whether two or three shifts are used; whether reserve officers are used to replace absentees; whether regular police or special school crossing guards are employed; and whether traffic volume is heavy or light. Like the Army, police departments are prone to call for more manpower. The emphasis must not be on manpower alone, but also on selective recruitment, adequate vestibule and in-service training. A highly trained police force is worth infinitely more than sheer manpower.[12]

[11] *Ibid.* (Chicago, 1948), 398.

[12] Illustrative of the trend to training are such books as: B. W. Gocke, *Police Sergeants Manual* (Los Angeles, 1944); R. M. Perkins, *Elements of Police Science* (Chicago, 1942); and J. J. Skehan, *Modern Police Work Including Detective Duty* (Brooklyn, 1939).

Organization for Traffic Control

The traffic bureau or division in the American city is an administrative unit of the present century. The earliest "traffic" officers were the mounted police assigned in 1903 to direct traffic on Fifth Avenue, New York City. By 1925, approximately 2,000 members of the force were assigned to traffic control in this metropolis. Between 1911 and 1923, traffic bureaus were organized, for example, in Baltimore, Boston, Cleveland, Chicago, Detroit, Kansas City, Philadelphia, Pittsburgh, Los Angeles, Portland, St. Louis, and San Francisco. It became common in the larger cities to assign about 10 per cent of the police force to traffic duty. Police administrators reached the conclusion that traffic control was materially different from other types of police work, and required a separate, organizational unit.[13]

The functions of traffic bureaus centered initially around the enforcement of laws and ordinances, and direction of traffic. The emphasis was on traffic direction and punitive action. With increasing congestion, prevention of accidents through public education was recognized as appropriate action for traffic bureaus. The need for scientific analysis of accidents and their causes led to the development of accident investigation squads. Records had to be kept and analyzed. Finally, traffic engineering in the modern sense developed. These functions are embraced by the pattern of the three E's (1) enforcement; (2) education; and (3) engineering. Investigation and record keeping are administrative tools to better traffic enforcement, education, and engineering. The responsibilities of traffic bureaus extend, in general, to (1) traffic regulation posts and patrols; (2) accident prevention and education; (3) accident investigation, records, and analysis; (4) traffic engineering, except as the latter may be maintained by a bureau of the department of public works; and (5) junior traffic patrols organized under police supervision.

The importance of traffic control is so great in the American city that, except in the smallest cities, a separate traffic bureau is called for to rank with the uniformed force and the detective force. A traffic unit is found in most of the cities over 25,000 population. A traffic division or bureau permits the chief to center responsibility for traffic control on a divisional head, and assures greater attention to the problem. While it stimulates the interest of officers in traffic control, it also permits them to specialize in traffic in all its phases. A traffic division should also coördinate and stimulate the activities of the patrol force toward better enforcement. Just as investigation of crime, beyond the open and shut case, calls for a separate detective division, so the volume and specialized nature of traffic calls for recognition in the administrative structure.

The best techniques of traffic engineering and education will not pre-

[13] Miller McClintock, *Street Traffic Control* (New York, 1925), 185-187.

vent accidents caused by reckless or drunken driving, the serious offenses of the major violators. A small minority is impervious to education and exhortation. They yield only to arrest, fine, and imprisonment. The steady pressure of the police in law enforcement is the greatest deterrent to willful and careless violators. To make traffic control effective, the city police are dependent upon coöperation from the county sheriff and the state police. Uniform effort directed toward persistent enforcement by all police agencies makes the motorist consistently careful, wherever he is, within or without the corporate limits. The city police are likewise dependent upon the courts. Arrests are effective ordinarily because they lead to imprisonment or fines. If the courts follow through with prompt and certain punishment, police duty in enforcement will have greater results as a deterrent to others.

No amount of enforcement will solve the problem completely, for traffic control is a human problem. Educational campaigns are important to sell the public on the established rules of safety. Public coöperation can be developed toward observance of speed limits, stop signs, automatic signals, and the signals of traffic officers on duty. The great mass of the driving public responds to directions and regulations, when convinced that they are reasonable, and in the interests of public safety. Beyond existing regulations, the police must develop public relations to "sell" the driving public and pedestrians on new rules and regulations.

Traffic Engineering

Traffic engineering in the broad sense involves such problems as design of streets; signs and signals at intersections; automatic signal devices; timing of lights at intersections; layout of through and one-way streets; control over loading and unloading of vehicles; parking. It is engineering to improve the basic traffic functions which have been described as (1) the movement of vehicles and persons (traffic flow); (2) the loading and unloading of passengers and merchandise; and (3) storage of vehicles (curb and off-street parking).[14]

Traffic engineering is a matter for experts. The installation of automatic signals, and the timing of green, red, and amber lights should be done scientifically after traffic counts; studies of arterial and cross streets; and other factors. Traffic engineering can divert heavy traffic around neighborhood areas, promote certain streets for through traffic, and reserve others for limited residential traffic. It must strike a balance between use of a street for traffic flow and storage (parking). The parking meter has become a popular favorite in business areas. Almost 44 per cent of the cities over 5,000 population reported, in 1948, that they had installed

[14] H. K. Evans and F. M. Kreml, *Traffic Engineering and the Police* (New York, 1946), 9.

meters. In recent years, cities have also been moving rapidly into the parking-lot business.

Traffic engineering is related to the police department, and to the department of public works. It has been suggested that traffic engineering be assigned to the traffic bureau within the police department. Alternatively, it has been recommended that traffic engineering be a division within the department of public works. Authorities have recommended that a traffic engineering unit be established in the department of public works, in large cities. "When a city exceeds 100,000 population a traffic engineering unit, comparable in authority and influence to other major divisions of the department of public works or corresponding organization, should be established." [15] In cities of 25,000 to 50,000 one police officer should be assigned full time to handle traffic engineering after specialized training. From 50,000 to 100,000 population, employment of a trained traffic engineer is recommended. The organizational arrangement which police must make for traffic engineering depends on the size of the community, and the emphasis accorded to traffic engineering in public works. Where the police are engaged in traffic engineering, they usually get better results by seeking the coöperation of the city engineer. Similarly, a traffic engineering division in public works needs the coöperation of the police to obtain full information about accident records and analysis.[16]

The Detective Bureau

Police action in the detection and apprehension of criminals is known as criminal investigation. All police officers are involved from time to time in criminal investigation. The patrolman on his beat may, through investigation, obtain and preserve evidence which will lead to the arrest and conviction of an offender. Specialization in criminal investigation is accomplished by division of the department, commonly designated among cities as the detective division or bureau. The patrolman on the beat, or in a patrol car, has neither time nor training to make elaborate criminal investigations. He has other duties which are demanding and constant. So the task logically falls to a separate organizational unit.

Many types of investigation require the use of an officer in plain clothes. Detectives are assigned to felony cases which cannot be cleared by patrolmen on the spot. They should be assigned to all cases which are felonies, or may be felonies. The work of the detective agency spans criminal homicide; rape; robbery; aggravated assault; burglary; theft; auto theft; forgery; embezzlement and fraud; buying, receiving, and possessing stolen property; and bad checks.

The nature of detective work demands a number of organizational and

[15] H. K. Evans and F. M. Kreml, *op. cit.*, 14-15.
[16] *Ibid.*

procedural arrangements. It is generally established as a separate division, with a commanding officer responsible to the department head. It is a mobile force with city-wide operations. Only in the largest cities will detectives be assigned to decentralized areas, and there mobility can be attained by reassignments from district to district as needs fluctuate. Even in a small detective force, personnel ordinarily specializes in certain types of crimes. Assignment to cases by rotation, rather than by specialization, should be avoided. Criminals operate in a pattern as bad check artists, bank hold-up men, store burglars, pickpockets, or "bunko" operators. The detective bureau, to be really expert, must develop specialists to match the criminals. Only the necessity of levelling off work loads on individual detectives or specialized detective units should interfere with the development of specialization. Because work loads in the detective division may fluctuate widely, peak loads are handled by temporary assignment of patrolmen to criminal investigation.

Functioning of detective divisions includes the accumulation and preservation of physical evidence from the scene, and the obtaining of direct evidence from those who have a personal knowledge of the crime. The investigation must be relentless and persistent in the gathering of physical and direct evidence which may bear on the solution to a crime. Identification of the criminal, through analysis of his distinguishing characteristics, pieced together from the accounts of observers on the scene, is always a difficult task. Often identification must be sought through latent fingerprint, footprints, hair, lint, distinctive tool marks. One of the modern advances in criminal investigation is the subjection of shreds of materials found at the scene of crime to intensive laboratory analysis. Once the offender has been identified, detectives must press to learn all facts about friends, relatives, possible hide-outs, sources of food, clothing, and other needs. Efforts must be turned to the apprehension and arrest of the offender. When this is accomplished, the prosecutor is dependent on the detective division for evidence, arranged in intelligible form, which comprises the case against the offender. Greatly over-dramatized in fiction and story, the work of detectives is essentially hard and painstaking care in gathering, compiling, analyzing, and interpreting evidence leading to identification, arrest, and building of a case against the offender. A detective bureau brings these skills together in an administrative unit.

Where modern civil service examinations are used to recruit patrolmen, members of the patrol force possess many of the qualifications for detectives. Under these conditions of recruitment, the detective division is an appropriate ambition for patrolmen. Selection must be made on the basis of appraisal of traits frequently found in outstanding detectives. The officers assigned to the detective force must be more highly trained in criminal law, evidence, techniques of investigation, *modus operandi* of criminals, property analysis and description, report writing, and the

scientific laboratory methods available in identifying materials and bits of physical evidence.[17]

Crime Prevention

The patrol, traffic, and detective divisions, are common to most police departments of any size, especially in cities of more than 25,000 population. All police departments likewise encounter the problems of crime prevention. Small cities rarely carry specialization to the point of establishing a crime prevention division. This does not mean that the small department has no juvenile delinquency problems. It indicates rather that, in the small community, crime prevention is carried on by the patrol and detective divisions, if at all. A small department may have one officer specializing in crime prevention, or a policewoman who handles problems as to juveniles, and cases involving women. Beyond such specific assignments, the entire force will be responsible for whatever is accomplished in crime prevention. In the largest cities, a separate and specialized unit is established to deal with crime prevention and juvenile offenses.

Why have a crime prevention division? An important aspect of crime prevention is control of juveniles. The objective of juvenile control is to prevent children from becoming delinquents. Many children can be turned into the "straight and narrow" by specialized police handling, when it is observed that they are lacking in parental supervision, associating with undesirable companions, loitering on the streets, or committing minor violations of city ordinances. If the case does not call for arrest, other techniques can be applied. In many instances, the problems can be discussed with the parents, referred to school authorities, or cleared with social service agencies devoted to the welfare of youth. The child may be placed on voluntary probation; transferred to appropriate authorities for official probation; or referred to a social service agency. For this reason, it has been noted that policewomen need training in social work. In dealing with adults and juveniles, policewomen often precede and lead up to the work of probation officers, and case workers in private welfare agencies.[18]

It is important that officers assigned to crime prevention work be understanding of juvenile problems, and interested in the development of contacts with social service and recreational agencies designed to build a wholesome city environment for children, especially the underprivileged. Adequate supervision must be maintained over dance halls, taxi dance halls, and places where juveniles may tend to congregate. Control of the liquor traffic, to make certain that sale of liquor to juveniles is suppressed, is also of outstanding importance. In the large and medium-sized city, the answer is found administratively in the operation of a

[17] International City Managers' Association, *Municipal Police Administration* (Chicago, 1943), 271-303.

[18] E. L. Hutzel, *The Policewoman's Handbook* (New York, 1933), 4.

crime prevention division, with emphasis on juvenile control. In the small cities, the easiest administrative solution is the employment of a policewoman to specialize as a juvenile officer and to deal with cases involving women.

Vice Control

One of the greatest criticisms levelled against American communities is that they have a penchant for legislating against vice, without following through with effective enforcement. The police department is left in the embarrassing and vulnerable position of drawing the line between the law, on the one hand, and social customs and traditions calling for laxity in enforcement, on the other. The public is universally against the murderer, the thief, the burglar, and the hold-up man. The law and the public are at one. When it comes to vice, there is too often a gap between the law and the public demand for laxity in enforcement. Many interests, from property-owners to gamblers, may seek to influence police action in vice control. In any community, gambling, prostitution, and the traffic in liquor and narcotics, can, when combined, run into big business. These interests can, in turn, make their influence felt in politics and reflected in police administration.

The only sound position, for the municipal executive and the police, is that the laws and ordinances regulating or prohibiting gambling, prostitution, and the traffic in liquor and narcotics, are to be enforced. Once the police department begins to make concessions, to adopt half-hearted enforcement policies, or to wink at violations, the force is open to graft and corruption. The police department is then making policy, and the chief is headed for trouble. Eventually, a big citizen reaction will set in; politics will respond to a clean-up drive; top management will be overturned in the city; and the inevitable police shake-up and grand jury actions will ensue. The community will start all over again with strict enforcement, and hold its own, or gradually drift into the same muddled conditions. Nowhere is the acid test of a municipal administration more certain than in the responsibility of the executive, mayor or manager, and the police chief, for enforcement of vice control.

In the larger city police departments, a headquarters vice-control unit is considered essential. Specialized training and techniques are then available to maintain a constant pressure toward enforcement. The problem of vice is potentially one of magnitude, and tends, as it grows, to increase other criminal offenses as well. Officers assigned to morals regulation will be subject to pressures to accept graft. With authority for vice control in a special unit, responsibility is more clearly established; officers who prove inefficient or dishonest can be shifted to other work, or suspended. Another real advantage is that information concerning vice is integrated in a special unit trained in its interpretation.

The most important problem in control of gambling and prostitution is

to get at the large scale operators who promote and profiteer. The arrest of individual prostitutes, for example, does not get at the root of the problem if the promoters and madams are still free to operate. It takes much more effective police work to build a case against the big-time operators, and to put them out of business. It is widely held that toleration of segregated districts in which prostitution is not repressed is an unsound public policy. In tolerating a "red-light" district, a city runs grave risks in the social consequences; in the spread of venereal disease; and in potential corruption of the police force. During 1941 Congress passed the May Act which permitted the Federal Government, wherever necessary, to police areas near military installations. During 1942, "red-light" districts were repressed in some 350 cities and towns in the United States.[19] The necessity of a federal statute and federal pressure to bring about these results was certainly a reflection on local *laissez faire* in this important aspect of police administration.

The smaller cities cannot afford a specialized unit, so vice control must be exerted by the patrol force and the detectives, in addition to their other duties. Under these circumstances it is incumbent on the chief to see that the entire force is trained in enforcement policies and energetic in their fulfillment.

Records

All line departments have a vital problem in the keeping of records, but the task of keeping adequate police records is especially important. The reports of the patrolmen, traffic officers, and detectives must be systematically filed in case histories. A master file must be developed, and to it are constantly added reports, results of investigations, notations on disposition of cases. All divisions of the police department will have frequent occasion to use these records, but it is important that they be centrally maintained and administered. This calls, in all departments but the very small police forces, for a central record keeping unit. The records must be built around complaints, arrests, and identification. To simplify reporting, it is necessary to develop standard forms for noting complaints, filing the results of investigations, records of arrests, motor-vehicle accident reports. Personal identification records necessitate finger-print files, photograph files, and in the larger communities, classification of criminals by *modus operandi*.

Since many crimes are not detected or reported, there is no complete and definitive record of crimes committed in the United States. Since 1930, the Federal Bureau of Investigation has been securing the number of crimes known to the police from chiefs throughout the country, compiling and publishing the returns. These are known as *Uniform Crime Reports*. From this source statistics can be obtained on crime rates based

[19] International City Managers' Association, *op. cit.*, 479.

on offenses known to the police, and classified by population groups of cities. This permits comparative observations on crime rates for murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, and auto theft, for example, between some six groups of cities ranging from those over 250,000 to those under 10,000. Because of the tremendous variety of factors which influence crime rates, the F.B.I. urges caution in the comparison of crime rates between communities. It is not alone the number of police employees per thousand population, or the efficiency of the police, which affect crime rates. In general, crime rates increase with population, but there are extreme variations among cities in the same population group.

In addition to size of a city and the police force, other forces which influence crime rates are composition of the population as to age, sex and race; economic status and activities; educational, recreational and religious facilities; the work of prosecutors and courts; and public reaction to law enforcement. Accordingly records of crime, as set forth in *Uniform Crime Reports,* cannot be used comparatively to get a definitive measurement of police efficiency.

Record keeping is of significance in building case histories of individual crimes and arrests; in preserving files of identification materials; and in making possible the compilation of *Uniform Crime Reports.* In addition, no department can escape the necessity of keeping personnel records and other files pertaining to the police force itself and its activities. In addition to the keeping of records, it is important to establish in the records division a satisfactory follow-up system. Such a follow-up system is designed to determine, in any given case, whether appropriate and timely action is being taken. This requires a follow-up card index for all complaints, requests, and inquiries which are not completely disposed of by the initial report. Where the follow-up officer finds that action is not being taken within reasonable time limits in reporting on or disposing of the complaint, request, or inquiry, he notifies the commanding officer of the police division making the investigation.[20]

Concluding Observations

Some of the main problems of internal organization of the police department have now been indicated. By proper arrangement of activities into divisions, it is possible to give the police chief a reasonable span of control. The establishment of a sound organizational pattern is important. Adequate recognition must be given structurally to patrol; traffic; criminal investigation; crime prevention; vice control; communications; records; personnel; and property management. The larger de-

[20] An outstanding monograph on police records is: O. W. Wilson, *Police Records: Their Installation and Use* (Chicago, 1942). For his discussion of follow-up control, see pp. 194-201.

partment can afford more specialization into functional divisions, and usually makes more use of area subdivisions for patrol. Important as organization is, it is equally essential to build morale in the department by clear and honest direction from the municipal chief executive to the department head, to the commanding officers of divisions, and to the rank and file. The honest officer is entitled to official support from headquarters. If he is banished to patrol in the "sticks" for action in a particular case, the morale of the force is soon undermined. Police administration must be a blend of sound organization, effective departmental leadership, and efficient personnel. The chief executive of any city cannot afford to neglect the problem of morale and honesty in the police force. It is likely to be the acid test of any municipal administration.

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CHAPTER XXVI

Fire Administration

Police and fire departments stand guard against disorder and disaster. The police are constantly in motion, by foot and motor patrol, to maintain the peace. The firemen are in reserve at central fire headquarters and substations, awaiting alarms which bring them into action. In the popular mind, the firemen alternate between long periods of waiting and short intervals of being smoke-eaters. While police and fire departments are similar in their semi-military formations, they are fundamentally different in training and objectives. The police are constantly dealing with people; the firemen are dealing with things—pumpers, hose, hydrants, ladders, searchlights. When the fire department does deal with people it is largely at fires where loss of life is imminent and must be prevented if possible. The police deal with the citizens constantly; the firemen must handle them intermittently under emergency situations.

The objectives of the fire department can be stated broadly as fire prevention and fire fighting. In fire fighting, the immediate aims are prevention of loss of life and property damage; controlling the fire in the place of origin, if possible; and extinguishing the blaze. As compared with European cities, the American emphasis has been on fire fighting rather than fire prevention. American cities have made heavy expenditures for motorized and specialized equipment: pumpers, ladder trucks, high-pressure "fog" vehicles, combinations, aerial ladders, water-towers. Fire-fighting tactics have been advanced in American cities. We have had to pay for less attention to fire prevention by more expenditures for fire fighting. This is not the whole story, however, for American cities have problems made up of greater burnable values; wooden frame construction even in central city areas; and critical hazards in inflammable liquids and chemical storage.

Fire Losses and Costs

Fire loss is related to other factors than the efficiency of departments in personnel and equipment. One big fire in the business area, which results from carelessness, will send a city's annual fire loss sharply upward. One case of arson, which means a large property loss, will do likewise. Economic and industrial conditions play a part. From 1921 to 1930, a decade of industrial and urban growth, our annual average fire loss in the United States was $510,674,833. From 1931 to 1940, a period of

depression, diminished industrial activity, and slow urban growth, the average annual fire loss, according to the National Board of Fire Underwriters, was $296,708,816. With World War II, industrial activity turned upwards; war industries grew like mushrooms; and people trekked to cities and suburbs to meet the demands for war production. It is not surprising that fire losses began to rise again, and reached, for 1944, the figure of $437,273,000.[1] Restricted business and industrial activity, especially in the early 'thirties, was a significant factor in lowered fire loss for the decade 1931-1940. Many small mills, factories and shops, were either shut down or operating on a limited output base.

Estimates of loss of life due to fire place the figure at approximately 10,000 persons annually, and another 20,000 seriously injured. Some 50 per cent of these casualties occur in cities over 10,000 population.[2] These casualty figures are serious, and every effort must be made toward prevention. Like our motor vehicle fatalities, our fire loss casualties pose a constant problem for the municipal administrator. Peace as well as war must be prepared with ambulance and hospital.

The year, 1947, was severe in fire losses in the United States. Preliminary estimates placed the figure at $700,000,000, the highest annual loss recorded since 1926, when the total was $561,980,751. The year was marked by 250 fires with losses in excess of $250,000. Part of the cause of this sharp trend upward from 1944 figures ($437,273,000) was the inflationary spiral of prices. Dollar estimates of fire loss were pushed upward by soaring construction costs. With due respect to all explanations, fire loss remained substantial. The year, 1947, was marked by the great disaster at Texas City, Texas, when two ships loaded with ammonium nitrate blew up. The resulting conflagration cost about 500 lives; injury to 3,000; and property damage estimated to be $67,000,000.[3] The median 1947 per capita fire loss ranged upward from $2.34 in cities of 25,000 to 50,000 population to $3.51 in municipalities over 500,000 population.

The cost of fires cannot be measured alone in terms of fire loss. Losses are paid for, either by the individuals who suffer uninsured losses, or in insurance premiums paid by those who buy protection. Beyond this expense is the annual cost of fire departments to the municipal taxpayers. In 1947, some 720 cities of over 10,000 population reported fire department expenditures for salaries and wages of $195,742,000 or $4.21 per capita. Total fire department expenditures amounted to $219,348,000 or $4.71 per capita. Salaries and wages accounted for 89.2 per cent of fire department expenditures in 1947, and this was not an unusual percentage.[4]

[1] International City Managers' Association, *Municipal Fire Administration* (Chicago, 1946), 3-4.
[2] Crosby-Fiske-Forster, *Handbook of Fire Protection* (Boston, 1941), 6.
[3] *The Municipal Year Book* (Chicago, 1948), 341.
[4] *Ibid.*, 350.

Fire administration ranks second to police administration as big business in municipal administration.

One factor in costs of fire departments is the agglomeration of small cities and villages in metropolitan areas. While metropolitan district areas have a common fire prevention and fire fighting problem, in terms of over-all regional public administration, the organization for fire fighting is comprised of separate departments in the satellite cities and villages. Each of these small departments has overhead costs in buildings and expensive equipment. Fire departments have been traditionally based on cities, villages, and townships, rather than on any metropolitan district or county-wide area of operations.

Departmental Organization

The fire service has widely been organized as a municipal department, or as a division within a combined department of public safety spanning police and fire administration. Let us consider it first as one of the departments of the city, with a fire commissioner or fire chief reporting directly to the chief executive. It is a line department which is organized for the major purposes of fire prevention and fire fighting. Within its own internal structure, especially in the largest cities, it will have such central units as a bureau of fire prevention; the fire alarm system; a training school; and a records unit. The fire companies which man the equipment are decentralized into substations. In large cities, the commanding officers of companies are often grouped under district chiefs responsible to the fire chief.

Small cities under 25,000, and without unusual physical features or hazards, may operate successfully out of a central headquarters. Beyond that figure, the need arises for fire department substations, each of which protects a given area of the city. This organization by area is of vital importance, to cut down the time of fire runs, and to assure adequate protection for residential areas outside the central business district. Since firemen usually work on a two platoon system, and sometimes on a three platoon basis, the factor of time is another major issue in organization. Fire protection must be available around the clock, and the fire department which operates two platoons with 24 hours on and 24 hours off duty alternately is organized on a simple time basis.

Central fire headquarters and substations make provision for the firemen's mess and sleeping quarters. A kitchen and mess hall and a barracks type array of beds are common physical arrangements. Quarters where firemen sleep are usually located over the main floor, where equipment stands ready. The well-known poles, down which the firemen slide from quarters to vehicles, are standard equipment. On duty or off duty, the fireman, like the soldier and the policeman, is subject to call. Off-duty firemen are in reserve, and are called in, when a fire threatens to exhaust

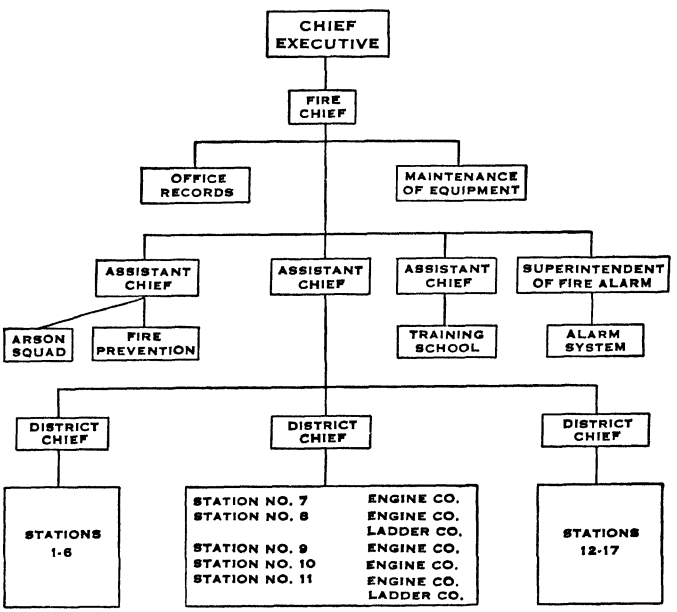
the manpower on duty. In 1948, most cities over 10,000 population were operating on a two-platoon system. Fifteen cities used a single platoon; 35 cities employed a three-platoon; and 793 cities operated a two-platoon system. Of the cities using two-platoons, about 71 per cent used the 24-hour-on and 24-hour-off shift.[5]

To say that a department must be organized for fire fighting is not enough. It must be developed to provide as well for fire prevention; rescue work; communications; records; in-service training; investigation of the causes of fire; salvage operations; and repair and maintenance of

CHART 16

FIRE DEPARTMENT ORGANIZATION

LARGE CITY



vehicles, hose, and other equipment. In a large department, many of these activities other than fire fighting will be administered by separate bureaus or divisions reporting to the chief, such as a fire alarm division, a fire prevention bureau, a records unit, and a repair and maintenance division. In the small department, these operations may not be recognized by separate administrative units, but they are present through assignments which the chief makes to individual firemen.

Fire departments are organized for fire fighting by companies. In the small cities, organization begins with the development of one company

[5] *Ibid.*, 349.

which carries on all fire fighting operations. The firemen are not specialized as pumpermen, laddermen, or drivers. The company mans the available apparatus without reference to specialized techniques, but in accordance with the assignments of the chief. In a large city, development of specialized apparatus and manpower available permits establishment of specialized fire companies.

Most basic of the fire companies is the engine or hose company. This company mans the motor vehicles which carry hose to the fire, and such vehicles are equipped with a 750 gallon or 1,000 gallon pumper feeding water into 2½ inch lines. Ladder or truck companies operate motorized vehicles carrying ladders or aerial ladders to the fire. These companies are highly trained in ladder work, so that rescues may be made, and hose lines carried into upper stories. Laddermen also perform work necessary to ventilation and prevention of water damage, through use of waterproof covers. A pumper-ladder company is the usual designation for units in residential substations, where a single vehicle is used to carry engine company and ladder company equipment. In fire administration, these three basic company units are the ones most frequently organized: (1) engine or hose; (2) ladder; and (3) pumper-ladder. In the very large cities, rescue squads are developed to perform first-aid for persons suffering from asphyxiation, electric shock, burns, and other injuries. Likewise the largest fire-fighting units can afford to organize salvage squads using waterproof covers and other equipment to minimize fire loss, and to assist in "cleaning up" after fires. They also employ arson squads to investigate fires of suspicious origin.

The Department Head

Sound practice in the top management of a fire department calls for a single administrative head responsible to the mayor in mayor-council cities, or to the manager in council-manager cities. The fire chief may have sole responsibility for the department, and report directly to the chief executive. This is one way that responsibility for management of the fire department can be definitely fixed, administrative leadership and command established beyond question.

Still another method of fire department management is to have a fire commissioner responsible to the mayor or manager; the fire chief then reports to the fire commissioner. Alternatively, a public safety commissioner, responsible to mayor or manager, superintends both the fire chief and police chief. In commission-governed cities, there is no chief executive in the sense of a strong mayor or a city manager. Under commission government, the fire chief, together with the police chief, is responsible to one of the commissioners who is widely known as the commissioner of public safety.

Weak-mayor cities frequently possess older charters written in past

decades, when it was customary to place boards in charge of administrative departments. Under this arrangement, the mayor, subject to confirmation by the council, appoints a board of three or five members to head the fire department. Frequently, the members have overlapping tenures. The fire chief is then responsible directly to the fire board and through this body to the mayor. This is a clumsy, administrative organization, avoided in most modern city charters. It pulls into the stream of management a group of laymen who can diminish the authority of the chief by forming a block between the mayor and the fire chief. The board invites friction, and often contributes little to management of the department. To this general rule, there are some notable exceptions in a few cities—the exceptions which prove the rule. Large cities which still have fire boards include Baltimore, Detroit, Indianapolis, Los Angeles, Milwaukee, and San Francisco.

In 1948, some 808 cities over 10,000 population reported on the authority making the original appointment of the fire chief, regardless of such checks as the requirement of confirmation. The fire chief was appointed by the city council in 27 per cent; by the mayor in 28 per cent; by a fire or safety board in 12 per cent; by a manager in 19 per cent; by a fire or safety commissioner in 11 per cent. The chief was elected by members of a volunteer department in 3 per cent, and elected by the people in less than one-half of one per cent of the cities.[6]

Functions of the Chief

The basic unit within the fire department is the company. At the top is the chief serving either as department head or as a subordinate of a commissioner or board. In a large city, the chain of command passes downward from the fire chief to an assistant chief to district chiefs, who control five or six stations. Within each station, there will be at least an engine company or a pumper-ladder company. Some of the stations will house both engine and ladder companies. The commanding officer of each station will report to the district chief. Smaller cities are not divided into districts with district chiefs. Where there are only five or six station houses, the chief and assistant chiefs can span the entire fire fighting force without an intermediate administrative level of district chiefs.

In addition to the assistant chief who supervises the fire fighting companies in the larger cities, other assistant chiefs head the bureau of fire prevention; the training school; and the fire alarm system. Provision must also be made for record keeping and maintenance of equipment. No single formula for administrative organization can be fixed, since fire departments range from volunteer companies with a few paid firemen to large city departments with thousands of firemen and no volunteers.

As in any administrative organization, the fire chief must command

[6] *The Municipal Year Book* (Chicago, 1948), 351.

and coördinate the organization. He must hold conferences with his subordinates (assistant chiefs and district chiefs) to explain policies and programs. Any reorganization of the department should be taken only after adequate consultation and exploration of the advantages and disadvantages. Through his immediate subordinates, the chief must maintain a trained and alert organization. The chief who reports directly to mayor or manager has the responsibility for budget preparation, and for the presentation of the department's needs to the municipal executive. He has a major duty in interdepartmental coöperation with other city departments under policies set by the municipal executive.

From time to time, the chief must inspect units within his own organization to make certain that the officers and men are well trained in fire fighting, and in a knowledge of the areas which they protect.[7] The chief must, in the interests of morale, make certain that disciplinary actions taken within the department are uniform. Through requirement of reports from subordinates, the chief may not only obtain information but also keep the department alert.

Recruitment and Testing of Firemen

Where a city has the merit system with a civil service commission or personnel board, the personnel program of the fire department is ordinarily integrated with that of the city. The fire department, like any line department, needs a comprehensive personnel program, including classification and pay plans; competitive merit examinations for entrance into and promotion in the service; in-service training; service-ratings; regulations governing hours of work, vacations, sick leaves and transfers; policies as to discipline; and a retirement system. Final policy decisions as to personnel administration, including classification and pay plans, are within the power of the city council. In addition, the council must determine policy governing recruitment, conditions of employment, and retirement. The chief executive, whether he be mayor or manager, will have authority to recommend basic policies and standards to the council. The latter, through its power over the purse, has the greatest impact on salaries, wages, conditions of employment, and numbers of municipal employees. The detailed personnel work, in recruiting, examining, and rating procedures, will be performed by or under the supervision of the central personnel agency.

Personnel administration, however, is a conjoint activity which involves teamwork between council and manager or mayor; central personnel agency; and line departments. Each has an appropriate rôle to play. The fire department, like other line departments, will have certain personnel duties. The department has responsibilities in maintaining morale; satis-

[7] See Fred Shepperd, *The Fire Chief's Handbook* (New York, 1932); and Crosby-Fiske-Forster, *Handbook of Fire Protection* (Boston, 1941).

factory conditions of employment; service ratings; recommendations for salary increases within pay scales set by the council; assigning duty hours and vacation periods; and last but not least, conducting an in-service training program.

In smaller cities, where there is no central personnel agency, a greater burden of administration falls on the fire chief. In some areas, as in Michigan, a city may contract with a municipal league for technical personnel services in establishing classification and pay plans, holding examinations, and maintaining rating procedures. In other jurisdictions, as in Massachusetts, technical services are supplied by a state personnel agency. Some small cities still lack a municipal personnel agency, and have no arrangements for technical personnel services from the state, from other governmental jurisdictions, or from a municipal league. Under these circumstances, the fire chief must devise his own recruitment and employment program, subject to any general regulations determined by the council and the chief executive.

In the absence of a merit system, the fire chief of a small city described a fireman as one who met certain minimum height and weight figures, had a strong back, possessed some experience in working with his hands and in keeping records. This "look and see" method of picking firemen is still used in some cities, but it is not good practice. Experience of cities with the merit system has resulted in the development of adequate tests to assure a more satisfactory type of firemen than can be obtained by trial and error methods of recruitment.

In recruiting firemen by merit procedures, emphasis is properly placed on a comprehensive firemen's examination. To qualify for the examination, an individual must meet the minimum height requirement, the weight ranges related to specific height, and other physical specifications. In addition, a minimum of formal education is prescribed. If the applicant meets the preliminary requirements, he is notified to appear for examination. The examination properly includes: (1) written tests; (2) a performance test; (3) an oral interview; (4) an appraisal of experience and training; and (5) a medical examination. The written tests should include examination of mental ability and mechanical aptitude. They will weight heavily in the total score for the entire examination. The performance test will determine physical strength and agility of the applicant. Oral interview technique is designed to appraise requisite personal characteristics. Beyond these three types of tests, additional credit may be given for training or experience which exceeds the minimum requirements established for firemen. The medical examination, on a pass or fail basis, will determine whether or not the applicant has any disqualifying physical disease or disability. Those who pass the examination have their names placed on the list of eligible candidates.[8]

[8] International City Managers' Association, *Municipal Fire Administration* (Chicago, 1946), 183-194.

Under the merit system, firemen, like other municipal employees, are selected from those who rank at the top of the list of eligibles. Once accepted for employment, the recruit must go through an intensive period of vestibule training, emphasizing the drill tower, use of ladders, handling hose, and operation of motorized equipment. Merit examinations are not designed to produce trained firemen, but to develop eligible lists of candidates capable of becoming trained and efficient firemen. The fire chief, in his training program, must take up where the process of examination leaves off. Having passed successfully through a probationary period of approximately six months, the new recruit achieves status as an employee, similar to that of any other employee under the rules and regulations of the merit system.

Other Aspects of Personnel Administration

Training does not end with the probationary period. Fire departments emphasize in-service training, designed to promote individual fire-fighting efficiency and coördinated team-work in the fire companies. Specialized in-service training is related to skills needed by drivers, pumper operators, ladder companies, and rescue squads. Provision must also be made for advanced instruction in fire prevention, fire fighting and departmental administration for firemen who seek to qualify, through promotional examinations, for positions as officers and executives within the department. Since, of all the line department employees, firemen have an unusual amount of time available for training, it is important to use this to advantage. The training program will also serve to keep the department from deterioration in morale and efficiency. Like the Army in peacetime, fire departments emphasize in-service training, even though it becomes repetitious. The fireman must be so thoroughly disciplined and indoctrinated in manual operations, that he will perform them automatically at fires under great stress and tension. There is no time for individual or company training once the alarm has sounded.

As to working conditions, the fire department has peculiar problems. The department must be on the alert twenty-four hours a day. The standard system by which cities meet this need is through the two-platoon system. The most common method is to have the two platoons alternate, with twenty-four hours of duty and twenty-four hours off duty. The three-platoon system, reducing firemen to an eight-hour day, is strenuously urged in some quarters on behalf of firemen, but most cities have thus far been unable to bear the additional cost involved.

Because firemen must of necessity spend long hours on duty at the fire stations, it is important that adequate provision be made for their quarters. This includes suitable washroom facilities; a modern kitchen; a mess hall for meals; a barracks type room or rooms with beds or cots; and recreation space which can be used for the usual games of cards,

reading magazines, and other means of filling in time between training and alarms. No one argues that these quarters should be luxurious or fancy, but they should be well painted, well lighted, and equipped with plain but adequate furnishings. The fire station has to be a second "home" to the officers and men. Satisfactory layouts and furnishings will be reflected in morale. It goes without saying that the departmental executives have a responsibility to see that these quarters are kept in spic and span, if not spit and polish, condition. The average work hours per week for firemen in cities over 10,000 population was 72 in 1947, a figure which had been materially reduced from 84 in 1946. The median entrance salary for firemen ranged, in 1947, from $2,220 in cities of 10,000 to 25,000 to $2,652 for cities over 500,000 population. The corresponding median, maximum salaries for firemen in these classes of cities were $2,444 and $3,119.[9]

Equipment

The basic apparatus in the fire department is the pumper with pump, water tank, and space for carrying hose to the fire. Pumpers are classified by the number of gallons per minute which they are capable of supplying through two to four discharge connections to 2½ inch hose lines. The 1,000, 750 and 500 gallon pumpers are designed respectively for high-value and manufacturing districts; residential and business areas; and suburban and rural territory. In city fire departments, the 750 gallon pumper is standard equipment for pumper or engine companies. In and near high-value districts, in the large cities, pumpers of 1,000 to 1,500 gallons-a-minute are used for adjacent fire companies. The pumper has space for no less than 1,000 feet of 2½ inch double-jacketed, rubber-lined fire hose. A booster tank on the pumper is used to supply water for a ¾ inch or one inch hose line which is immediately available to fight small fires, or save lives before the large hose lines connections between hydrant and pumper are established. The pumper also carries ladders, axes, lanterns, fire extinguishers, other tools and appliances. A pumper company is the basic fire-fighting unit.

Ladder trucks are essential to lifesaving and fire fighting. The truck which carries ladders to be raised manually is commonly known as a city service ladder truck. When all exits are blocked, the saving of lives depends on use of ladders. The ladder company is also necessary to carry hose and tools to the higher stories, and to provide footing for firemen directing streams through windows. Assignments for the ladder company include also ventilation and protection of property from water damage. Ladder trucks which carry equipment to be raised manually are valuable for work up to 50 feet of height, although even this requires the efforts of six firemen. Beyond this type of equipment, resort must be made to

[9] *The Municipal Year Book* (Chicago, 1948), 347.

aerial ladders which commonly range in size from 65 feet to 100 feet. The aerial ladder can be elevated by one man, the mechanical hoisting mechanism being operated by coiled springs, air pressure, or the truck motor. The advantages of the aerial ladder in safety and saving of manpower are many. The aerial can be equipped with a ladder pipe or ladder hose, which can be used to perform fire fighting tasks otherwise requiring a water tower, an additional and costly apparatus.[10] The ladder company is a common unit in the larger cities.

The city service ladder truck, carrying only ladders which can be raised manually, is now considered to be an inefficient apparatus. It is recommended that service ladder trucks be replaced with aerial ladder trucks, equipped with at least a 65 foot ladder and carrying booster pump and water tank to supply a 1½ inch hose line. The initial cost of a power-elevated aerial truck is above the service ladder vehicle, but this extra cost is offset by greater efficiency, reduction in manpower, and lessened hazards to firemen. The standard city service ladder truck now used in many cities requires excessive manpower, whereas the aerial ladder can be operated by one or two men with much less danger.

If new equipment is needed for a residential area having only a minimum of ladder work, a combination pumper-ladder truck is more satisfactory. The pumper-ladders can do service in areas where heights of buildings do not call for aerial ladders.[11] A pumper-ladder truck is often called a "quad," because it is a "quadruple combination" of pump, hose carrying capacity, booster tank, and ladders. This is an ideal piece of equipment for residential areas where aerial ladders are not necessary. Used in combination with other apparatus, it has the advantage of being a spare pumper and a spare ladder truck. The city service ladder truck, when not in use, has no reserve value as a pumper. The pumper-ladder "quad" can do duty as an engine company.[12]

Auxiliary equipment to the pumper, or the pumper-ladder, is designed chiefly for high-value districts and tall buildings. For tall building operations, the aerial ladder with a pipe or hose line attached is used. Some cities, especially the largest ones, have water tower trucks which carry one or more nozzles at the end of a pipe mast. Such water towers can usually be extended to 65 feet in height, and can throw a stream of water for 50 feet above the nozzle. Their effective range of work is 8 to 10 stories, and they can throw heavier water streams than the pipe line attached to an aerial ladder. Turret pipes mounted on hose wagons are also used to provide heavy streams in districts of high-value. Deluge sets are portable and can be placed on the ground. They serve the same

[10] International City Managers' Association, *op. cit.*, 277-285.

[11] W. Y. Kimball, "Ladder Fire Trucks Should Be Equipped Also as Pumpers," *Public Management*, XXIX, 266 (September, 1947).

[12] For a description of quadruple combinations, see Crosby-Fiske-Forster, *Handbook of Fire Protection* (Boston, 1941), 517.

purpose as turret pipes. Multiple 2½ inch lines are connected into the base of the deluge set.

Pick-up trucks are used for brush fires, burning litter in alleys, and other miscellaneous purposes. An ordinary light weight commercial truck equipped with water tank, booster pump, and 300 to 500 feet of 1½ inch hose, fire extinguishers, brooms, and shovels will perform this service. Pick-up trucks are valuable for very small fires, brush fires, patrol of areas, automobile fires, and control of burning brands from large fires. To be most useful to the department, they must be equipped with two-way radio communication, so they may be redirected when on call or patrol, or call back for reserve equipment when needed.

In some large cities, salvage vehicles are used to carry specialized salvage squads, waterproof covers and other equipment to fires. The specialized salvage squad carries on the protective service from water damage which is maintained in most cities by the ladder companies. Other types of specialized equipment are rescue trucks, lighting trucks equipped with floodlights, and, in cities with port and shipping facilities, fire boats.

To fight small fires, some city fire departments have purchased high-pressure fog apparatus in recent years. A "fog" vehicle carries a water tank, and is capable of delivering water at very high pressure through a one inch hose line. This motorized equipment can be immediately placed in operation on arrival at a fire, without hydrant connections. The fog is effective in smothering small fires, and in checking larger fires until hydrant connections are made, and 1,000 gallon-per-minute pumpers go into action. More recently, fog apparatus has been built in combination with pumper-ladder trucks. For the future, in fighting fires in residential areas, an effective combination vehicle appears to be one which has water tank and booster pump capacity for high-pressure fog, a standard 750 or 1,000 gallon pumper, hose-carrying capacity, and ladder equipment.

Housing and Maintenance of Equipment

The fire department vehicles are housed in central fire stations and substations. These station houses must have an apparatus room on the ground floor with adequate space for pumpers, ladder truck, aerial truck, chief's car, and reserve equipment. The firemen on duty at the station follow a regular routine in maintaining their apparatus at a high level of efficiency, just as the individual car owner has to check on his battery, oil, gas, lubrication, tires, and radiator. Work requiring skilled mechanics must be performed in the fire departments' own shops, by a central city garage, or by contract with local garages. A fire department mechanic, with or without assistants depending on the size of the city, is considered desirable as soon as a city has more than six pieces of apparatus. A number of the larger cities have developed construction of fire apparatus in the

department's own shops, but most cities buy fire equipment from private firms.

One of the most important phases of departmental maintenance is the proper care of fire hose. It must be tested at regular intervals under pressure. The fire station must be equipped with a hose drying tower. As soon as wet hose is returned from a fire, it must be dried, and other hose lengths placed in service on pumpers. At frequent intervals, at least every several months, hose in service on fire trucks must be pulled off, examined for defects and refolded, before it is put again in place. Records are kept of fire hose showing a complete history of its purchase, cost, age, use at fires, on trucks, or in reserve. Routine care of equipment, vehicles, hose, ladders, and other paraphernalia, is a proper and necessary task for the firemen.

Distribution of Apparatus and Manpower

A technical problem in municipal administration is the appropriate distribution of fire equipment and fire companies to provide adequate protection for all areas of the city. The National Board of Fire Underwriters has developed schedules showing the number of engine and ladder companies required for cities of specified population ranges. Without taking into account unusual hazards in structures, or peculiarly complex topographical conditions, five engine companies and two ladder companies would be a standard applicable to cities of approximately 35,000 to 41,000 population. While standards have been established for cities of 1,000 to 200,000 population, above the latter figure the general standards in relation to population give way to specific analysis of individual city needs. Number of engine and ladder companies in relation to population is not the only guide. There should also be distribution of fire companies throughout the municipal area, so that an engine company will be not more than three-fourths of a mile, and a ladder company not more than one mile, from a mercantile or manufacturing district. Similarly, standards have been established for location of engine and ladder companies in relation to closely built and scattered residential areas.[18] Fire-fighting efficiency involves distribution as well as apparatus.

City populations are not static; they move from downtown areas to the periphery. As in-migrants take up residence, new subdivisions are developed. A distribution of fire companies by area, which was adequate when made, can be outmoded ten years later, at least with respect to the location of fire stations in the rapidly growing areas. Shifts in population from downtown may bring about a situation in which central fire headquarters and stations are over-equipped and over-manned. This problem of distribution of fire companies becomes even more complex in metro-

[18] See International City Managers' Association, *Municipal Fire Administration* (Chicago, 1946), 320.

politan areas, where satellite cities are adjacent to "core" cities. There, the distribution of fire stations by individual cities may not conform to the over-all needs of the metropolitan district as a whole. Each individual municipal corporation may establish stations to take care of its own area, with little attention to the location of stations in the adjacent city. The only solution appears to be more effective use of mutual-aid agreements between cities in metropolitan districts.

Small cities began in the past with a central headquarters housing one or more companies and all equipment. As the city grew internally and by annexation, the need for one or more substations became clear. These were added, and at a later period, more growth demanded new companies and stations. This process of historical growth does not necessarily result in a sound pattern of distribution for companies and stations. That is why it is important for a city to survey comprehensively, at time intervals, the existing manufacturing, business, and residential areas in relation to the established distribution of fire companies and stations. If this reveals the need for new stations, for redeployment of companies or abandonment of old stations, the fire chief must make his recommendations to the chief executive for necessary funds and personnel. Few cities can afford to meet fully the standards set by experts for equipment, personnel, and distribution.

Classification of Cities

When cities are classified to determine fire insurance rates, other factors are considered in addition to the fire department itself. The standard grading schedule, used in 47 states, is that of the National Board of Fire Underwriters. This schedule was first devised in 1916, after study and investigation; revised in 1922; and slightly modified in 1930 and 1940. It provides for a total of 5,000 deficiency points which may be scored against a city in relation to factors in fire defense. The factors of fire defense and the maximum number of deficiency points for each are water supply, 1,700; fire department, 1,500; structural conditions, 700; fire alarm, 550; fire prevention, 300; building laws, 200; and police, 50. In fixing deficiency points, consideration is also given to two additional features—climatic conditions and divergence between the dual factors of water supply and fire department. Water supply, structural conditions, and building laws, total a possible 2,600 deficiency points, or about one-half the total of 5,000. A city may have a fire department with relatively few deficiency points, and classify with a relatively large total of deficiency points, due to inadequate water supply and structural hazards. Adequate fire protection involves complex factors.

The classification of a city is related to the total number of deficiency points after a technical survey. As the number of deficiency points is reduced from the maximum of 5,000 by amounts of 500, the grade classifi-

cation of a city is raised from class 10 to class 1. Basic insurance rates are adjusted accordingly.[14]

A large percentage of fire loss (50 to 75%) can be traced in any city to a small percentage (1 to 2%) of the total number of fires, according to the National Board of Fire Underwriters. In view of this fact, the grading schedule and system of classification has been designed to measure city defenses against large fires, or conflagrations which occur mainly in industrial and business areas. Few cities can afford to meet the high standards set for fire fighting strength for areas of high value and periods of high hazard.[15] Actually, few cities ever get as high as class 2 with only 501 to 1,000 deficiency points. In 1948, the *Municipal Year Book* reported for cities over 25,000 population that 7.5 per cent were in class 2; 26.1 per cent in class 3; 32.4 per cent in class 4; 24.6 per cent in class 5; 9 per cent in class 6; and 0.4 per cent in class 7.[16] To bring cities into the top classes can often be done only at great cost.

The National Board Grading Schedule is used in 47 states. In Texas, ratings of fire defenses are made by the Texas fire insurance department. The grading schedule used in Texas varies somewhat in design from that of the National Board of Fire Underwriters. In 47 states, the classification of cities over 25,000 population is done by the engineers of the National Board of Fire Underwriters; in smaller cities, the work is accomplished by state rating organizations, private in nature. The Texas fire insurance department applies its own grading system to all cities.

Fire Alarm Systems

Most fire departments do not maintain patrols, but are in reserve at stations, waiting for alarm signals. In the event of fire, the department is dependent upon notification before the vehicles roll; the use of appropriate fire-alarm systems is imperative. Approximately three out of five cities of more than 5,000 population have a fire-alarm box system. The usual fire-alarm system has street boxes, from which alarms are sent to central headquarters of the department. When the individual pulls a hook at the box, the closed circuit is broken, and signals which identify the location of the box are reported to headquarters. From central headquarters this signal is then sent to all stations either automatically, or

[14] The ten classes with their respective ranges of deficiency points are as follows:

Class	*Deficiency Points*	*Class*	*Deficiency Points*
1	0 to 500	6	2,501 to 3,000
2	501 to 1,000	7	3,001 to 3,500
3	1,001 to 1,500	8	3,501 to 4,000
4	1,501 to 2,000	9	4,001 to 4,500
5	2,001 to 2,500	10	4,501 to 5,000

[15] The Tax Foundation, *A Civic Guide to Economy in Municipal Government: Fire Department* (New York, 1947), 3.

[16] *The Municipal Year Book* (Chicago, 1948), 355.

manually by an operator on duty. The department has running cards which determine the apparatus to respond, when the various alarms are transmitted automatically or manually to the stations.

The most satisfactory arrangement is to use telephone alarm as a supplementary system to box alarm. About two times out of three individuals will use a telephone to call the fire department, rather than pull a box at a street corner. Telephone calls are desirable for quick notification, and they are especially valuable for small fires involving trash, automobiles, and grass. The individual householder who discovers a fire in his own or his neighbor's home will usually react by picking up the telephone, rather than running out to pull a box down the street. The fact that the telephone does satisfactory and valuable service does not obviate the need for a box-alarm system. Some of our cities, largely for reasons of economy, depend entirely on the telephone for fire alarms. A compromise is to put box alarms in business but not in residential areas.

The disadvantages in depending on the telephone alone must be considered. One of the problems is that excited persons give garbled and inaccurate accounts as to the location of the fire, and this leads to fire runs to wrong areas. A telephone may be out of order, and the individual doesn't find this out until he picks up the instrument to call the operator or operate the dial system. In poorer sections of the city, individuals without telephones in their houses must look around for a pay station or find a neighbor with a telephone. At night, in business areas, doors are locked, and telephones are not readily available. Again, if telephone alarms alone are used, any general failure of the telephone system in an emergency leaves the city without any alarm system.

Fire alarm systems operate on closed circuits through which a small current is always flowing. They are provided with duplicate sources of current through standby storage batteries, for example. Failure of the primary source of current brings the secondary source into operation. Any break or failure of the closed circuit in the box system is automatically known to headquarters. The system is, therefore, either functioning, or it is known that it is not operating. The box system has its problems, too. Fire bugs who like to see equipment roll, cranks, and other misguided persons, turn in false alarms. The cost of installing the box system throughout business and residential areas is an additional one, since the telephone service charge is borne by the individual citizen anyway.

Box alarm and telephone alarm systems need not be regarded as competing or alternative arrangements. To have adequate communication facilities, it is desirable for a city to have a fire alarm box system, and to use the telephone as an auxiliary or supplementary service. Cities which are depending on the telephone alone run a risk which cannot be calculated in exact terms.

Fire Fighting

When the alarm sounds, training and discipline of fire companies are put to the test. Consider for the moment the problem of the commanding officer. The run to the fire must be made as rapidly as possible without unnecessary risk to men and vehicles. The general flow of traffic in the city always presents a problem; at certain rush hours, it may cause a delay of minutes which can be serious in the spread of fire. Once at the scene of fire, the commanding officer must size up the situation, and make an estimate of the necessary equipment and men to check and extinguish the blaze. If he fails to call for more companies and the fire is not checked, serious criticism will follow; if he loses his head and calls for more equipment to what later proves to be a small fire, his men will think that he lacked confidence and courage.

Once the commanding officer has "sized up" the fire, he must choose the positions for the attack. In making this judgment, he estimates the amount and type of combustible material involved. The structural hazards to the firemen are appraised in taking up positions for hose lines. If lives of occupants are at stake, emphasis is placed on life-saving operations as well as fire fighting. Saving lives ranks ahead of fire fighting, unless, in the judgment of the commanding officer, a prompt attack on the blaze is the best way of preventing needless loss of life.

The experienced officer will know approximately how many hose lines and positions will be necessary to check and extinguish a fire. He visualizes the avenues through which the fire may spread, and prepares to meet new problems. Ventilation is established so the firemen can get in close to the fire. Adjacent buildings which may catch fire as a result of exposure are protected by hose lines. After the initial manning of hose lines, and checking of the fire, emphasis is placed on salvage operations in so far as personnel is available. If the fire is a large one, heavy streams of water must be set up quickly by bringing into operation deluge sets, turret guns, and ladder pipes. Meanwhile, the commanding officer is dependent on the police to control and direct traffic around the area, and to establish lines to prevent energetic citizens from getting on the apparatus or between the apparatus and the fire.

In the case of large fires with many companies in operation, one senior officer must be in command and coördinate their efforts. The companies will be deployed at the front and rear, and on the flanks of the fire. When two battalion or district chiefs of equal rank are present, ordinarily the chief in whose district the fire is located takes command. It is important that the chief in command take a prominent position, where he can be readily seen, give orders, receive reports, consult, and observe the effect of operations. The second in command can take charge of the rear area and the subordinate chiefs, the flanks. In large fires at night, floodlights and loud-speaker address systems greatly assist a chief in

implementing his strategy and command. In the emergency of a fire, like that of a battle, it is of utmost importance to have a unified command, to avoid contradictory orders, and to establish a command post, where subordinates report for instructions. Like military units, fire departments benefit from study of tactics and the preparation of detailed alert plans to fight fires in specific buildings in a city.[17]

In the case of small fires in individual dwellings, the problems of command and coördination are less, because of the smaller amount of personnel and equipment involved. All fire departments get plenty of practice with run-of-the-mine, basement, single-room, attic and chimney fires in houses; grass and brush fires; rubbish and litter fires; autos on fire, and many other types. No fire can be treated lightly, until it is checked and extinguished. The large fire, which threatens a conflagration with brands swirling through the air, is the acid test of the department. Here training, technique, experience, and command, count heavily in addition to the equipment and manpower.

Fire Prevention

Once a fire is under way, there is only one solution, and that is to check and extinguish it. American cities have gone to great lengths in providing manpower and equipment to meet this eventuality. In the past, more emphasis has been placed on fire fighting than on fire prevention. Gradually, this lack of a balanced emphasis on fire prevention and fire fighting is being overcome. The loss of approximately 10,000 lives a year, and hundreds of millions of dollars in destruction of property, has spurred the development of fire prevention.

Routine fire inspections by officers and men of fire companies has basic objectives: (1) to locate and bring about correction of fire hazards, such as rubbish and litter accumulations, unsafe wiring and electrical appliances, and other violations of state and local regulations; (2) to familiarize officers and men with building lay-outs and structural hazards. This twofold inspection is most necessary in high value manufacturing and business areas, where buildings and hazards are more complex. More and more fire departments are also stressing educational campaigns during fire prevention week, and at other times in the course of the year. These campaigns are designed, through newspaper and radio publicity, to remind the property owner of fire hazards and the techniques of prevention. To stimulate civic interest, the department usually conducts demonstrations using pumpers, ladder-trucks, high-pressure fog vehicles, or other apparatus.

The organization of municipal administration for fire prevention is comprised of two basic operations: (1) a bureau of fire prevention or-

[17] A book designed for the citizen, professional, voluntary, and auxiliary fire fighter is J. J. McCarthy, *The Science of Fire Fighting* (New York, 1943).

ganized within the fire department and (2) the assignment of the fire companies to areas designated as fire inspection districts. Only a few cities maintain vehicles on patrol with radio equipment to be on the alert for hazards, and to spot outbreaks of fire. The modern bureau of fire prevention found in such cities as Dayton, Detroit, Los Angeles, Minneapolis, Milwaukee, Rochester, and Schenectady, is manned by engineers and inspectors capable of making technical surveys in large structures. The fire companies assign officers and men to make routine inspections in their designated areas, with emphasis on hazards in the district, such as manufacturing plants; buildings which are places of assembly for the public; garages and apartment houses. If violations of local regulations are found, notices are sent to property owners either by the company inspectors, or by the fire prevention bureau. Special risks and hazards are usually referred to the bureau for processing of the corrective notices and orders. Minor and more common violations may properly be handled directly by the fire companies through issuance of corrective orders. Ultimately, in the case of a property owner who remains negligent and fails to respond, procedures must be instituted in court to bring about compliance.

In the field of fire prevention and investigation, an important organization at the state level is the fire marshal. The state fire marshal's activities may be classified under such categories as education of the public; issuance of regulations governing fire hazards; and investigation of fires of suspicious origin. Many states having state fire marshal laws authorize municipal fire department officials to conduct investigations either by making them assistant fire marshals, or by authorizing the state fire marshal to deputize them to act. One of the most important functions of the fire marshal is the establishment of uniform state regulations governing such hazards as explosives, dry cleaning plants, handling and storage of flammable liquids.

Fire loss stems from defective equipment, improper use of household appliances, human carelessness and negligence. The careless use of cigarettes, and smoking in bed have been highly dramatized in recent years and roundly condemned. Different seasons bring different hazards. Hot, dry weather makes for hazards in brush and grass fires. Winter tests household furnaces, flues, and chimneys, as city dwellers stoke up to meet cold waves. The Christmas season has its hazards of the dried-out tree in the family living room. The most efficient fire department in the United States can cope with human carelessness by education, by inspection directed toward fire prevention, and by efficient fire fighting service, but it cannot eradicate the problem.

No one knows exactly what proportion of fire loss results from arson or incendiary fires. The term incendiary fire is generally applied to any fire which is maliciously kindled. Under the common law arson is restricted to the act of burning another person's dwelling. Many states have by law extended arson to include any fire maliciously kindled to burn

any property including one's own. Incendiary fires are usually a small proportion of the total number, but, since they often result in large fires, they constitute a considerable percentage of total losses. Several authorities have estimated incendiary losses anywhere from 10 to 40 per cent of total losses.[18] The exact total is difficult to ascertain, because many fires will be classified as unknown in origin. The important task for the municipal officials is to make a thorough investigation, and to carry out state fire marshal laws which require local fire chiefs to report fires of suspicious origin. Arson squads, which some cities use, ordinarily bring together a team made up of a detective and a fire department officer who devote full or part time to investigations.

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[18] International City Managers' Association, *op. cit.*, 526.

CHAPTER XXVII

Public Works Administration

Public works administration in American cities is ordinarily administered by a major department, subdivided into numerous divisions or bureaus. Whereas police and fire departments are entrusted with the public safety, the department of public works is primarily concerned with the physical environment of streets, sidewalks, street lighting, sewers, refuse collection and disposal. Its activities demand heavy and expensive equipment; a municipal labor force; and, in the case of many construction projects, the employment of private contractors.

The department of public works is marked by the employment of a municipal labor force, which is widely designated as the "force account." Where a city does a construction or maintenance job, using laborers from the city payroll, it is said to be done by "force account." When the city asks for bids on street paving, bridge construction, or other public project, it is done by "contract." No sharp line exists as to what should be done by "force account" or by "contract." The city ordinarily maintains equipment and force account labor for maintenance of streets and sidewalks, refuse collection, and construction of lesser public works. A large public works project such as a bridge, a sewage treatment plant, or rapid-sand filtration water plant, comes once in a generation in most cities. It would be economically unsound for the average city to keep its public works department supplied with specialized manpower and equipment to handle these occasional, large-scale projects. There are times and projects which call for "force account," and others which call for "contract." It depends on the size of the city; on the specific project; and on the cost of construction by contract. Cost accounting by the public works department for construction accomplished by force account is a means of checking on the reasonableness of bids by private contractors.

Because public works can be seen and are usually appreciated by the community, many city administrations have made a big show of building. It is one way to make an impression on the public. Long-range improvements in police, fire, public health and welfare administration, are not so obvious to the eye of the citizen.

Scope of Public Works

What is the scope of public works administration? In most cities the department carries on a number of traditional activities acquired over

the years, including engineering design and inspection; street improvement and maintenance; street cleaning and snow removal; street lighting; establishment and maintenance of traffic control signs, signals, and markings; street name signs; and sidewalk construction and maintenance. The collection of refuse, unless it is "let out" to a private contractor, is usually assigned to public works. It was common, before the germ theory of disease, to make collection and disposal of garbage a responsibility of public health administrators. Garbage and rubbish must be disposed of by incineration, land-fill, or other methods, such as the feeding of garbage to hogs. Construction and maintenance of storm and sanitary sewers are also standard functions for public works administrators. When motor vehicle pools were organized for servicing and repair of city-owned cars, the department of public works was considered to be the logical administrative unit. With emphasis on control of stream pollution, many cities were forced to stop indiscriminate dumping of raw sewage into lakes and rivers. Elaborate and expensive sewage treatment plants were needed, and public works departments were often placed in charge of operation and maintenance, after such plants were built initially under contract. A wide range of activities have been assigned to public works departments over the years.

Sometimes, departments of public works are entrusted with the administration of public utilities, although it is more common to place municipal waterworks, power plants and distribution systems, and similar governmentally owned utilities, under separate departmental organizations. The department of public works is also responsible in various cities for such activities as the care of public buildings and grounds; airports, and city equipment whether motorized or not. It may also be directed to provide for the maintenance of parks and playgrounds, including street trees; and to administer regulatory inspections essential to the enforcement of building, housing, plumbing and electrical codes. Such divergent facilities as bathhouses and cemeteries are sometimes allocated to public works administration. Like police and fire departments, public works administration involves large numbers of employees.

The common range of public works activities includes a wide variety of purposes and objectives. The engineering process binds much of the departmental activities into a common mold. It has been pointed out that a sewage treatment plant is by purpose a public health function. By process, it requires engineering skill in design, construction and operation.[1] A city engineer who had served a Michigan city for thirty years expressed the situation as follows: "When the council and mayor don't know where else to assign an activity, they hand it to me." Some activities accrue to public works departments, not on an engineering-process division, but on a catch-all basis, because no other department is more logical. The

[1] International City Managers' Association, *Municipal Public Works Administration* (Chicago, 1946), 2.

potent argument can always be advanced that the city engineer has equipment and men, and can "get this new job done."

In interdepartmental relationships, public works comes closely in contact with the police. In those cities where traffic engineering is a public works rather than a police responsibility, the two departments must work together closely. The absence of effective action by public works in snow removal can snarl any police chief's traffic flow in wintertime. On the other side of the ledger, the police can be of value to public works by reporting defects in streets and sidewalks, and any other failure in public works construction or maintenance. Where water supply is administered by public works (rather than by a separate board or department), coördination between the public works and fire departments is necessary, when any break, pump failure, or other cause, seriously reduces water pressure in an area of the city. With the times, interrelationships change. In the nineteen-thirties, unemployment brought work relief which necessitated coördination between public welfare agencies and public works administrators. During those years of depression, city engineers were eager to use any program (F.E.R.A., C.W.A., P.W.A., or W.P.A) which would furnish men, money, or materials.

Departmental Organization

Although numerous small cities with weak-mayor charters still head their departments of public works with lay boards, this is no longer considered good practice. Why should a public works administrator be responsible to a board of public works intermediate between him and the city's chief executive? If there are any major questions of policy in public works, these are properly studied and determined by the city council, pursuant to recommendations from the mayor or manager. If a board of public works merely rubber stamps the administrative acts of the public works official, it is an unwarranted duplication. One good way for politics and job seekers to find their way into public works is through the pressure which a lay-board of public works can bring to bear on departmental officials. The logical solution is to have the director or superintendent of public works directly responsible to the mayor or manager.[2]

What kind of training and experience should the director of public works have? He should have been trained as an engineer, gifted with executive capacity, and fortified by experience in public works administration. In the large cities, he is an executive, with or without engineering training, who coördinates engineers heading divisions or bureaus. As the size of cities increases, the significance of the executive function waxes,

[2] The head of the public works department is variously designated as a director, superintendent, or commissioner. See D. C. Stone, *The Management of Municipal Public Works* (Chicago, 1939), 10.

and the necessity of engineering training for the director diminishes. In the smaller cities, the so-called city engineer must sometimes handle design of structures and streets; superintend maintenance of buildings, streets and sidewalks; and, meanwhile, make certain that garbage is collected, streets cleaned, and the water plant operated satisfactorily. In the small city, the director of public works will be expected to act less as an "executive" and more as the city engineer and operating superintendent of public works.

For operations, a department of public works must have an internal organization along functional lines; in the larger cities, some of the functional divisions or bureaus will necessarily be administered through territorial districts. There is no hard and fast rule, since the area of the city, physical layout, population and functions performed, must be weighed in making an organizational blue-print. The activities of the department may be logically arranged into a number of fundamental divisions.

The engineering division plans street, sewer, bridge, and similar construction for public works, and buildings for other departments as well. It will prepare specifications; advise the municipal management in the awarding of contracts; and inspect projects under construction by private contractors. This division also keeps basic maps and engineering records of the city, including sometimes maps of special assessment districts. It may, in the large city, be strengthened by a staff of technical experts in paving, street cleaning, refuse collection and disposal, who serve in a planning and advisory relationship to operating units of the department.

A street and sewer division is logically organized to repair and maintain bridges, streets, sidewalks, and sewers. While its primary activity is usually maintenance and repair, this division is the logical one to develop lesser construction projects by city force account. It may also handle the erection of traffic control signs if this is a public works function in the city. Where the city erects and maintains its own street light standards and lights, those duties may also be assigned to the street division or to a combined street and sewer division. In the larger cities, separate street and sewer divisions are often organized within the public works department.

Divisional organization must also be established for street-cleaning, collection and disposal of refuse, and the operation of the sewage treatment plant. Depending on the size of the city, these functions may be organized in a single division or into multiple units reporting to the director of public works. One authority suggests that a sanitation division collect and dispose of refuse, clean the streets, and operate the sewage disposal plant.[3] Because the manager of the sewage disposal plant must be a competent engineer, and for other administrative reasons, some cities

[3] T. H. Reed, *Municipal Management* (New York, 1941), 564.

make the sewage treatment plant or plants a separate division, and the engineer in charge reports directly to the director of public works. Donald C. Stone suggests a form of organization with divisions of (1) streets and sewers (including street cleaning), (2) refuse collection and disposal; and (3) sewage disposal.[4]

Other logical divisions, depending on range of functions, relate to property maintenance; equipment pool; and water supply. A division of property maintenance is essential, where public works is charged with the maintenance and custodial care of city buildings. The necessity of operating a motor vehicle and equipment pool, to keep city cars and equipment repaired and serviced, will add still functional division reporting to the departmental director. Where the city water works and water mains are a responsibility of the public works director, a water division is generally established.

In the very large cities, it is necessary to have an auxiliary division which deals with matters of general administration within the department of public works. Such a division of administration, like the engineering division, has an auxiliary relationship to the operating units. To the division of administration will properly be assigned budgeting, cost accounting, personnel, and supply matters.

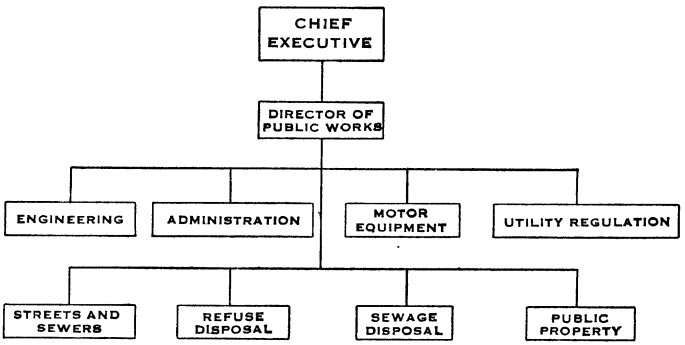
In summary, the internal allocation of public works administration into auxiliary and line divisions will logically result in a grouping of activities into a series of divisions as follows: (1) engineering; (2) administration; (3) motor equipment pool; (4) streets and sewers; (5) collection and disposal of refuse; (6) public property management; (7) sewage treatment plant; and (8) waterworks. Water supply may be administered by a separate department of utilities. Sewage treatment is alternatively administered as (1) a division within public works; (2) a separate department; and (3) a division within a department of public utilities. Where enforcement of regulations against privately owned public utilities, such as street railways, electricity, and gas, is entrusted to public works, it is suggested that the department include a division of utility regulation.[5]

Administration of public works is complicated further in large cities by the necessity of establishing, for certain functions, some type of district organization. This is especially important in street and sewer maintenance, street cleaning, and collection of refuse. Too much time may be lost in the transportation of men, equipment, and materials from a central headquarters. Accordingly, division of the city into districts with their own sheds, yards, and other facilities for storage of equipment, maintenance of equipment, and stock-piling of materials, becomes necessary. Such districts may be controlled by a district superintendent, who supervises all functional activities in the area. The disadvantage of this plan is that it breaks the chain of command between the divisional chiefs and their

[4] D. C. Stone, *op. cit.*, 9.
[5] See D. C. Stone, *op. cit.*, 8-10.

CHART 17

ORGANIZATION FOR PUBLIC WORKS ADMINISTRATION



operating units in the district. This may be avoided by having district centers (including equipment maintenance and storage of supplies) controlled by a central equipment maintenance division. Each operating division then uses the facilities of the district center, but there is no district superintendent to direct all activities in the area.

Public Works and Planning

Public works administration is only one component in a municipal master plan, but a most important one. In city administration, the master plan is usually prepared by a city planning commission or department. It deals with the desirable locations for residential, business, and industrial areas; public buildings (including schools); parks and recreational areas; arterial highways and residential streets; utilities; airports; and other phases of a planned, future development. Preparation of the master plan entails consultation between planning and public works officials. Many projects proposed in a master plan are engineering in character, and must ultimately be constructed by, or under the supervision of, public works administrators. This explains the desirability of having a public works official on the planning commission.

Once a master plan is approved by action of the planning commission, implementation of the plan requires the establishment of priorities. The planning agency, the council, and the chief administrator, in consultation with the public works director, establish priorities in street construction or widening, public buildings, and other phases of the master plan. Within the framework of these priorities, management in a city must build a long-range program of construction and a capital expenditures budget. This demands planning in terms of priorities for needed projects and availability of funds to finance them. Projects of the public works depart-

ment will form a large segment of any long-range program and capital expenditures budget. In each year, public works must build into its budget those long-range projects which have been scheduled as essential, and for which funds can be made available.

These long-range projects (or some portion thereof), plus the current operations of the department in maintenance of streets and sewers, street lighting, refuse collection and disposal; sewage treatment, public buildings, and equipment management, become the annual budget for the next fiscal year. The long-range capital improvement program may well look six years in advance, but the budget is normally for a limited period of one year. Public works which require long periods for their construction will be budgeted only for that portion of the work program to be carried out in the next fiscal year. In the execution of the budget, work programs and allotments of funds will be further reduced to a quarterly or monthly basis. In this way the long-range program and capital expenditures budget is ultimately stepped down to a three- or one-month work program and allotment of funds.

Many departments are also involved in the evolution of municipal administration toward the objectives of the master plan. A park department, for example, will be concerned with the future development of open-space areas in the city. The fire department with needs for additional fire stations must coördinate with the master plan on location of public buildings. The public works department, however, more than any other is directly involved in the translation of a long-range improvement program and capital expenditures budget into action.

The public works administrator, like the city planner, cannot start with a clean slate. The city has already been committed by previous public works directors to street plans, types of pavement, and sewerage systems. The city engineer cannot work miracles without adequate funds, for street widening, major repaving jobs, and other construction call for large funds, which must be either borrowed or met out of current taxes.

The intimate relationships between public works planning and fiscal planning is obvious. Public works are financed in a variety of ways. Under the pay-as-you-go plan, construction is paid for out of current taxes, or out of reserves accumulated from taxes in previous years. The issuance of general obligation bonds for construction projects is justified by the argument that large-scale public works are of value to future taxpayers. Therefore, let the costs be defrayed in the future by the users, rather than met at once in current tax levies. The practical argument for the issuance of bonds is that it is impractical, except in the very large cities, to expand a current tax levy to defray the cost of a major street-widening project, bridge, building, or other large-scale enterprise. Since 1933, the financing of water supply and sewage treatment plants has been frequently accomplished through issuance of revenue bonds, with revenues from the utility pledged to pay principal and interest. Lesser public works

such as sidewalks, curbs and gutters, and sanitary sewers are widely financed by creation of special assessment districts, with the city paying a share of the cost, and the individual property owner who derives the benefit paying a fixed percentage. Where special assessment bonds are offered to obtain capital for this type of public works, they are generally not attractive to investors, unless they are also general obligations of the city. It is more satisfactory, if possible, to finance such lesser public works out of reserve or revolving funds, which are then repaid as special assessments come due upon individual property owners.

Problems in Public Works Administration: Streets

Many practical problems confront the director of public works. In street improvement and maintenance, the selection of types of pavement for a particular street is illustrative. The administrator must determine whether a proposed paving job calls for black-top, bituminous concrete, portland cement concrete, macadam, brick, stone, or low-cost surfaces in which a wide variety of materials are treated with oil. Good judgment must be used in fitting the paving surface to the type of street. A street bearing heavy traffic will call for a high-grade pavement which will mean a high unit cost. A residential street carrying light traffic will necessitate an intermediate type or low-cost surface. Daily traffic density over 1,500 vehicles will call for concrete, brick, stone or sheet asphalt; density of 600-1,500 vehicles will require black top; light traffic may be served by a gravel surface treated with oil for dust prevention, or by oil macadam.[6] The type of surface must be reasonably related to use; the base must be well designed and prepared to carry the pavement selected. The public works department must also consider the ability of property owners to pay, where special assessments are involved; the capacity of the department to repair and maintain the type of pavement; the safety factor for vehicles; and local soil and climatic conditions.

A department of public works should have standard operating procedures for control of "pavement cuts." Because of the sub-surface water mains, sewers, gas lines, and other utilities, the necessity for new connections or repairs inevitably will arise. In the case of privately-owned utilities, the usual procedure is to require the filing with the public works department of an application to make a pavement cut. The permit to be issued will describe the size of the cut, and the fee to be charged for restoration of pavement if this is done by the city. If restoration of the cut is to be made by the utility, this calls for inspection. Public works departments can avoid extensive cutting of new pavements by coördination between the city department, private utilities, and municipal utilities as to the plans for future paving projects. All utilities should be informed

[6] International City Managers' Association, *Municipal Public Works Administration* (Chicago, 1946), 27.

of the current and future operations of the department of public works, so that they can install or repair all utility sub-surface lines before the new pavement is laid.

Street Cleaning and Snow Removal

The type and maintenance of pavement is closely related to street cleaning as well as traffic safety. Old brick and stone block pavements, because of large joint openings, accumulate street dust and filth. Sand-filled, block pavements are especially unsuited for modern motorized sweepers and flushers. Rough surfaces, sticky surfaces, and surfaces which tend to disintegrate under brooming present a problem in street cleaning. Savings in low-cost pavements may bring additional charges for street cleaning.[7]

It is not only types of pavements which present a municipal problem in street cleaning. The characteristics of the local population are part of the difficulty. Some cities have developed public attitudes against littering of streets; others have streets and alleys in which people habitually allow trash and litter to accumulate. The adequacy of refuse collection, and the use of enclosed vehicles for transportation of refuse, has a marked effect on the street cleaning problem. Market centers are other target areas for litter, trash, and spoiled food. Design for good street drainage into surface inlets or catch basins is vital.[8]

Street cleaning involves decisions on basic methods of operation. Use of an extensive labor force is required by manual methods, known as cleaning by beat patrol, gang sweeping, and hose flushing by a crew of laborers. These methods are sometimes necessary in downtown business centers of large cities or in market and dock areas. The use of manual labor to sweep streets or to hose them by using water from fire hydrants is expensive. Accordingly, most cities have tried to solve the problem by anti-litter campaigns, provision of adequate litter receptacles, and machine sweeping or flushing.

Machine sweeping is accomplished most frequently by sweepers with rotating brooms and a pick-up hopper, which can accommodate anywhere from one to two-and-a-half cubic yards of dirt and litter. The motor pick-up sweeper is operated by one man, and can handle from sixteen to thirty curb miles of sweeping per eight-hour shift. Variations in miles cleaned are due to the types of pavement; amounts of dirt and litter; distances to dumping points used by the sweeper; and interference by parked and moving vehicles. Machine flushing is accomplished by motor vehicle with water tank, booster pump, and nozzles. It may be used as the only method of street cleaning, or in combination with hand or

[7] American Public Works Association, *Street Cleaning Practice* (Chicago, 1939), 24-25.

[8] *Ibid.*, 26-43.

machine sweeping. Financial condition of the city and public demand will determine the amount of street-sweeping service. Where conditions permit, the city, which can solve the problem by machine sweeping of the motor pick-up type, will obtain the most service for the least expenditure per cleaning mile.

With the reliance of urban life on motor transport, snow removal has become a critical phase of winter operations in departments of public works. Industrial plants are dependent on snow removal operations for transshipment of parts and arrival of employees. Commercial delivery services, employment in urban offices, and municipal police, fire, and other services, are dependent during heavy snow falls on the efforts of crews operating snowplows, snow loaders, and trucks. The department in northern cities must maintain flexibility in the assignment of its labor force to fight the annual battle against snow, sleet, and ice. Thawing agents such as calcium chloride are stock piled to be used on intersections and slippery traffic arteries. Abrasives such as sand and cinders must likewise be stock piled and spread. Cities use salt with no abrasives for ice control; calcium chloride mixed with sand or cinders; and abrasives alone. After the winter technique of applying sand and cinders to icy streets, a special effort must be made in street cleaning during the spring. Relatively few cities extend their snow removal operations to sidewalks; they leave this annual struggle to the individual property owner under regulatory ordinances.

Street Lighting

Moonlight may do for the country lane, but street lighting is demanded for urban streets. Street lighting is basic to traffic safety and police protection. For the pedestrian, street illumination is an important guard against death and injury from moving vehicles, and molestation by criminal elements. The design of street lighting systems is a function of illuminating engineers, and the development of a master plan of lights is an essential administrative operation. If the city does not have an engineer capable of producing such a master plan, it will do well to hire a consultant or to obtain a proposed plan from a private utility which serves the area with electricity. The downtown "white way" was originally designed for show, with ornate standards and upright lighting fixtures. It is more important to have a reasonable standard of illumination throughout the city, based on studies of street classification; traffic densities; spot maps of crime locations; and costs in relation to funds available. In addition to its important contribution to traffic safety and crime control, street lighting promotes the public comfort and welfare.[9]

Three fundamental systems for provision of street lighting may be noted. (1) The city owns and maintains standards, lamps and circuits,

[9] Ward Harrison and others, *Street Lighting Practice* (New York, 1930), Chap. 3.

and obtains electric current from a publicly owned power plant. (2) The city owns and maintains standards, lamps, and circuits, but buys electric current from a privately owned utility. (3) A privately owned public utility supplies and maintains standards, lamps, circuits, and current. Except for the cities with municipal ownership of electric plants, public ownership is usually confined to whiteway or ornamental lighting standards, lamps, and circuits. Relatively few cities construct and maintain their street lighting systems. The great majority of cities are serviced by privately owned electric utilities supplying standards, suspensions, lamps, circuits, and current, at a price per lamp fixed by state regulatory agencies, by franchise, or contract. Under these conditions, the major administrative decision in a city will be the number and type of lamps which the city budget can provide. Only the rare city can afford to put into effect a complete master plan of lighting, as recommended by illuminating engineers.

Refuse Collection and Disposal

Collection and disposal of refuse is managed by cities in a variety of arrangements. The term *refuse* is widely employed to refer to all the solid wastes of a community as distinct from liquid wastes (sewage). It includes garbage, ashes, and rubbish of all types, whether combustible or not.

1. Municipal collection and disposal of refuse is regarded as the most desirable practice. This means that the department of public works is entrusted with administration, operates equipment, and employs a labor force. The city can set its own standards and maintain them through efficient management and operation. The municipality does not have to operate on a "profit" motive, and can, therefore, emphasize sanitation, protection of the public health, and maintenance of good public relations. Long range policies and standards can be more readily fixed and sustained.

2. Under another basic method, the city lets the collection of refuse out to a contractor. The only sound argument for this arrangement is possible greater economy in getting the work done. However, inherent difficulties lie in the control of the contractor by specifications as to service and disposal, and in the necessity for constant supervision to see that service is satisfactory. The city must take the burden of complaint if the contractor fails to maintain standards in the urge for profits.

3. Private collection of refuse refers to systems in which individual householders contract with private collectors for the collection and disposal of refuse. Under this system, the city does not publicly manage or finance the collection of refuse.[10] The result is ordinarily that many householders will not participate, to the detriment of public health and sanitation.

[10] American Public Works Association, *Refuse Collection Practice* (Chicago, 1941), 371-372.

In summary, the three basic methods are: (1) municipal operation; (2) municipal action in letting refuse collection to a contractor; and (3) private collection. The best practice is municipal operation.[11] This is a policy decision made by the executive and the council. Another major issue is the method of financing the collection and disposal of refuse. Traditionally, cities have financed this activity from general revenues, but increasingly in recent years, service charges on individual householders have become popular, due to tax limits on the general property tax and rising costs of municipal administration.

The method of disposal of refuse will determine the municipal regulations governing the sorting of refuse by the individual householder, prior to pick-up by the city or contractor. It is not satisfactory to dump refuse, including garbage, on open land. The city dump can be properly managed and controlled only if it is used for refuse other than garbage. When garbage is placed on open city dumps, it becomes an available food supply and breeding place for flies and rats. The sanitary fill method is considered to be the outstanding trend in disposal of refuse, including garbage. This involves the digging of trenches with bulldozers and drag lines; the compacting of the refuse in the trenches; and covering with at least two feet of dirt on top and one foot on exposed sides. Other methods of disposing of garbage are hog feeding, incineration, reduction, grinding and disposing with sewage. Feeding to hogs has been criticized because of the prevalence of trichinosis in regions of the United States where disposal of garbage by hog feeding is predominant.[12]

Incinerators are generally of two types—low temperature furnaces for the destruction of garbage alone, and high temperature furnaces for the burning of garbage and other combustible refuse. The latter has become more common because of the greater absence of offensive odors. The location of incinerators must be selected with a view to keeping costs of hauling refuse at a minimum, yet avoiding offense to residential and commercial areas. When garbage is ground up and added to liquid wastes (sewage), two basic techniques are used. One is the use of special grinding plants for discharge of the garbage into main trunk sewers. The other is the grinding of garbage at sewage treatment plants and its introduction into the sludge digestion tanks. Where garbage is added to sewage in the trunk sewers, and run through primary settling tanks at the sewage treatment plant, the capacity of these tanks must be greater. On the other hand, grinding of garbage at the sewage plant for introduction into the sludge digestors means greater hauling costs if the treatment plant is distant from the city.

Many factors affect the cost of refuse collection and disposal, where

[11] For the views of certain city managers in Michigan on this point, see A. W. Bromage, "An Appraisal of In-Service Training," *Public Management*, XXX, 190 (July, 1948).

[12] International City Managers' Association, *op. cit.*, 126.

cities undertake this as a municipal operation with city equipment and labor force. (1) The extent of the service varies widely: collection of garbage alone; collection of garbage and combustible refuse; collection of all refuse. (2) Costs are also governed by the regulations imposed on householders, and corresponding city responsibility. The city may collect from the curb or from the door. If the city collects from the door, the collectors and equipment will progress more slowly, unless an additional set-out and set-back labor force is employed to bring refuse from door to curb, and to set back empty receptacles after the collectors have passed. (3) The techniques of disposal, such as feeding of garbage to hogs, incineration, and sanitary fill, influence materially the over-all cost of refuse collection and disposal. Accordingly, comparisons of costs from city to city have little validity apart from careful analysis of the extent of service; system of collection; and method of disposal. Cities vary widely in all three of these component features of refuse administration.[18]

Sewerage Systems

The disposal of liquid wastes presents two major administrative problems—the type of sewerage system and the method of ultimate disposal. Sewerage systems are of two basic types—combined sanitary and storm sewers; and separate storm and sanitary sewers. Historically, disposal was accomplished by discharge of raw sewage into rivers, lakes, and harbors. Sewage pollution of lakes, streams, and harbors, has led to the necessity of building expensive sewage treatment plants in recent decades. State administrative agencies have often ordered cities to build treatment plants.

The origin of the combined sewerage system was largely in our older, water-front cities. Sewers were built to carry streams and storm waters which the city wished to carry underground. As sanitary sewers were built for private residences, these were connected to the existing storm sewers and so the combined systems originated. In earlier decades, when discharge of raw sewage into water courses was taken for granted, the development of combined systems of storm and sanitary sewers seemed logical to avoid the expense of duplicate lines. Since sewage treatment works have been developed, best practice is to have separate storm sewers and sanitary sewers. The storm sewer system can be discharged directly into water courses, while the sanitary sewers are connected by intercepting lines to the sewage treatment plant. The separate sanitary sewer system calls for a sewage treatment plant of smaller size and, therefore, less expensive to build and operate. Where combined sewerage systems are connected to treatment plants, it is usually necessary to provide, in times of heavy rain fall, for the bypassing of the raw sewage and storm water directly into water courses.

Sewage is the used water supply of a city, together with industrial

[18] American Public Works Association, *op. cit.*, 115.

wastes and surface water runoff mixed with it. Sewerage refers to construction for collecting, transporting, pumping, treating, and disposing of sewage. The term sewer refers to a pipe or conduit for the carrying of sewage and waste liquids.[14] The amount of used water discharged into a sewerage system is generally less than the amount of water supplied to the community, due to leakage, lawn sprinkling, and consumption of water in manufacturing. Average water consumption in American cities is roughly 100 gallons per capita per day, and sewage flow is ordinarily slightly less, except under unusual circumstances of entrance by ground water and surface water into sewer systems. Sewers must be designed for minimum and maximum rates of flow, and flow is influenced by seasons of the year, day of the week, and hour of the day.[15] Design of sewers must be adjusted to existing and probable population for some decades to come, and on estimates of commercial and industrial activity in the area. Cost is another important factor.

Financing of sewerage systems is always a serious issue, because of the heavy capital investment for sewers and sewage treatment plants. The usual sources of financing in recent decades have been: (1) general taxation; (2) special assessments on property owners; (3) general obligation bonds; (4) revenue bonds; and (5) federal grants and loans, as illustrated by Public Works Administration during the nineteen-thirties. The revenue bond requires the administration of a separate sewer service charge at flat rates; per fixture; or a surcharge on water rates. Placing a surcharge on water rates is most feasible because of the correlation between water consumption and used-water discharged into sewers. Administratively, the addition of a surcharge to water rates permits billing for two services in one operation. Financially, the sewerage system often represents a variety of financial operations: (1) main and interceptor sewers having been originally financed by general obligation bonds; (2) small pipe sanitary sewers, by special assessments in specific districts; and (3) sewage treatment works, by revenue bonds. For this necessary and essential service, the property owner must expect to contribute in the modern city by general property taxes, by special assessments, and by service charges.

Sewers call for maintenance and repairs by the public works department to keep them in good condition and unobstructed. Inspection is necessary for new construction and established systems. Measurement of flow, cleaning, flushing, and repairs are essential functions of the sewer maintenance crew. Grease and tree roots are frequent causes of obstruction in sewers. When sewers are misused as receptacles for rubbish and waste, the private individual errs and the public pays for increased maintenance. Broken sewers resulting from poor foundations, deterioration, vibration, and other factors result in clogging, and major repair jobs.

[14] H. E. Babbitt, *Sewerage and Sewage Treatment* (New York, 1947), 5.
[15] *Ibid.*, 30-32.

Sewage Treatment Plants

With the extension and intensification of municipal services, municipal administration becomes more costly. One of the examples of this trend is the modern development of sewage treatment plants. American cities, with federal assistance from P.W.A., made considerable progress in the building of such plants during the nineteen-thirties. Pollution of our streams by discharge of raw sewage had long been a problem; it took a combination of mass unemployment and federal grants and loans to stimulate extensive action at state and local levels. The capital investment required for sewage treatment plants led to imposition of sewer service charges in many cities. In 1948, this type of charge was made in 21 per cent (432 out of 2,042) of the cities of more than 5,000 population. The most popular methods of fixing sewer service charges are metered water consumption; fixed percentage of water bills; uniform rates; number of plumbing fixtures or sewer connections. Some 76 per cent of cities over 50,000 population reported using metered water consumption or fixed percentage of the water bill as the basis of charges. It has become a common practice to attach sewer service charges to water bills.[16]

Prior to the development of sewage treatment plants, the most common method of disposal was dilution. Raw sewage was discharged into bodies of water. Many factors determine whether this method can be used without danger to public health and creation of a nuisance. These are the size of the city; composition of the sewage, including industrial wastes; size and condition of the stream or body of water receiving the sewage; use of the body of water for recreational activities; later use of the lake, stream, or estuary, as a source of water supply; and aquatic life. Increasingly, cities have not had an option to determine whether or not a sewage treatment plant is required by environmental conditions and public health factors. The states, by law and administrative control, have moved against stream pollution by requiring cities to build treatment plants. Administrative orders have pulled cities up sharply from time to time.

Treatment of sewage may be divided into two fundamental phases: (1) tank treatment and (2) oxidation of organic matter. Settling and digestion tanks are illustrative of the first phase. The raw sewage passes through primary sedimentation tanks where suspended solids are allowed to settle out. The sludge thus obtained is pumped to digestion tanks for further treatment by anaerobic decomposition. Following digestion, the sludge is usually spread on sand beds; after drying it may be used as fertilizer. In this way, the sludge has been settled, digested, and dried; but the liquid effluent from the primary sedimentation tanks must be further treated by oxidation.[17]

[16] *The Municipal Year Book* (Chicago, 1948), 297-298.

[17] The Imhoff tank combines both the primary settling operation and sludge digestion in one compartmentalized structure.

In complete treatment plants, the liquid effluent from primary settling tanks is subjected to a process of oxidation before discharge into water courses. This may be achieved by passing the effluent through such processes as sand filters, trickling filters, or aerated, activated sludge tanks. Sand filters are used to stabilize sewage by biological action and mechanical straining. As the sewage effluent passes over the sand filter, oxidation of putrescible material occurs by aerobic bacteria. Drainage is promoted by a bed of gravel under the sand. Trickling filters are so designated because the settled sewage effluent is applied by stationary nozzles or fixed sprays to beds of coarse material, such as crushed rock, limestone, or gravel. As in the case of sand filters, oxidation takes place.

The activated sludge plant has become one of the most common types used by American cities. This takes its name from the use of aerated, activated-sludge tanks for oxidation. As in other systems, the untreated sewage passes through primary settling or sedimentation tanks, from which the sludge is pumped to digester tanks. The liquid effluent from the primary tanks is then passed into aeration tanks, agitated by compressed air or mechanical devices. Into these aerated tanks biological communities known as activated sludge are introduced. The activated sludge is similar in character and action to the biological film in trickling filters. The biological communities, supplied with oxygen from aeration, oxidize the fine organic material remaining in the settled sewage. From the aeration tanks, the effluent passes to final or third-phase settling tanks and then through an outfall to the river or other body of water. In the most complete treatment plants, chlorine is added before the final effluent is disposed of by dilution in a natural body of water. In the complete activated sludge plant, the sewage passes through: (1) primary settling tanks; (2) secondary tanks into which activated sludge is introduced; and (3) final settling tanks before discharge into water courses. The sludge from the primary settling tanks is treated in digesters, and the effluent from the digesters is dried as fertilizer.

The development of sewage treatment plants is essential to public health and comfort, expensive as they may be to the community. Disease producing organisms, such as those causing diarrhea are present in sewage. The untreated sewage from an up-river community may overload the water-treatment plant of a down-river city, resulting in the passing of intestinal organisms into water supply. Pollution by sewage of bathing beaches and shell-fish regions may bring about epidemics of typhoid and other intestinal disorders. Sewage treatment, by reducing pollution and killing intestinal organisms, materially assists in protecting water supplies, recreational facilities, and shell-fish production.[18]

[18] Willem Rudolfs, *Principles of Sewage Treatment* (National Lime Association, Washington, D. C., 1942), 11-13.

Contracts

It is deemed unwise for cities to buy the necessary specialized equipment, and expand unduly their own labor forces, to build intermittent, large-scale projects in public works. Once the project is completed, the city is left with idle, expensive equipment and manpower. It is not as easy to reduce the labor force as to increase it. Examples of such projects are water filtration and softening plants; extensive programs to lay new water mains or sewers; sewage treatment plants; bridges; and major paving jobs. The private contractor who specializes in large-scale public works projects builds an organization in management, equipment, and personnel which the city cannot afford to establish for intermittent construction. In such projects, contractors often have an advantage over the municipal department of public works, unless it is a large city with a well-administered and highly equipped organization. On the other hand, the contractor is governed necessarily by the profit motive if he is to stay in business. It is the responsibility of the city to check bids on construction to determine, so far as possible, whether they are reasonable in the light of costs of materials, wages, and risks which the contractor must take. The contractor has risks inherent in changing prices, weather conditions, unanticipated soil and other conditions, which will interfere with operations and influence costs. He makes an estimate of his probable risks in the bid which is presented.

Whether the department of public works should be required to bid on all projects is questionable, especially the large-scale ones. It is unimportant in one sense, since a city should reserve the right to reject all bids from contractors anyway, if they appear to be out of line with estimates of cost including reasonable allowances for risks and profit. The city may then follow a policy of deferring the construction until new bids are submitted, or canvass the possibility of construction through expansion of the city's own force account and equipment. When the city undertakes construction by its own force account, it is important to do an efficient and economical job, as a demonstration to contractors that bids will not be accepted in the future unless they are reasonable. The councilor must depend on the city engineer and staff for advice on contracts.

When construction is done under contract, it does not mean that the city public works department has no responsibilities. In the first place, the department will have participated, with or without the assistance of consulting engineers, in the preparation of plans and specifications for the project. When bids are submitted, it is important not only to determine the lowest bidder, but also to ascertain whether or not the lowest bidder is responsible and capable of performing the proposed construction. Council and executive usually pass on the bids and bidders. During the work, and upon completion, inspections must be made to determine that specifications and standards are being met by the contractor. Only the

department of public works will have the technical know-how to carry out inspection designed to protect the interests of the city.

The letting of contracts for the construction of public works, like purchasing procedures and police operations, must be scanned by all city officials concerned for evidences of dishonesty and favoritism. The drafting of specifications, the awarding of contracts, and the inspection of performance must be honest and thorough. Any evidence of collusion between bidders, in order to run up costs to the city, or to favor one bidder over another, calls for investigation. Where contractors have built up political influence in the community, it takes a courageous executive and public works department to tackle issues of possible collusion between contractors.

It is equally, if not more important, to make certain that there is no collusion between city officials and contractors. Such collusion may be accomplished by writing of specifications which virtually eliminate competition, such as the requirement of patented processes or materials. Special requirements may result in what is known as "closed" specifications. To avoid this situation, it is advisable to prepare standard specifications for public works contracts, making use, wherever possible, of standards developed by such organizations as the American Society for Testing Materials, the American Public Works Association, and Associated General Contractors.

Municipal administrators must also see that no one in the official family permits a favored contractor to see specifications in advance of general distribution to all interested parties. Such advance information gives an undue advantage to one contractor, when the time for preparation of bids is short. Another malpractice is to allow a favored contractor to see "sealed" bids which have already been presented. This permits him to have knowledge of the range of bids already submitted, and to bid slightly below his competitors if this seems feasible in view of costs, risks, and profits involved.

Where charters require that projects over a specified number of dollars must be awarded by formal bidding, this may sometimes be evaded by breaking a project into a number of small jobs. This splitting of a project into many small units opens the door to the award of small contracts without formal bidding. The council, the chief executive, the legal department, and the public works director all have a responsibility to see that contracts for public works construction are awarded according to required legal procedures, and enforced through adequate inspection.

In awarding contracts, it is not always feasible to award them to the lowest bidder. Statutes and charter provisions properly allow city officials to make the award to the lowest responsible bidder. The point is that the lowest bidder may not be a responsible contractor, measured by the size and complexity of the construction. The city must be assured that his organization, equipment, financial condition, and experience, indicate

capacity to build and complete the project. It is sound procedure to require bidders to submit organizational and financial data on which a judgment as to probable performance can be made.

Responsibility and faithful performance need not be left to chance or to an offhand judgment. Bidders may be required to submit a check for 10 per cent of the amount of each bid. If the successful bidder receiving the award then fails to enter into a contract, this sum is then forfeited to the city. Surety bonds furnished by contractors are for the amount of the bid, and conditioned on the faithful performance of the contract. The surety for the contractor then has a responsibility for loss suffered by the municipality as a result of inferior or partial performance under the contract. Withholding of a percentage of the partial payments due the contractor, as work progresses, is another technique to assure final compliance with the contract in a faithful and complete manner.

Measurement of Adequacy and Efficiency

In all phases of municipal administration, measurement of adequacy or efficiency of an activity is highly desirable wherever possible. Is the paving program adequate to present and future needs? Are street cleaning operations and refuse collection adequate? Is the sewage treatment process and plant adequate? Are snow removal programs adequate? What one community may accept as adequate, may be rejected by citizens in another city as inadequate. In some cities refuse collection is adequate if the city collects from the curb, and the householder trundles ashes, trash, and garbage from the back door to the curb. In others, the citizens have demanded, and have obtained refuse collection from door to truck. Adequacy, therefore, may mean different things in different areas, whether one is talking about police protection, fire administration, public health, or public works, in the sense that citizens tolerate varying degrees of adequacy.

Many times, inadequacy is painfully apparent. If a sewage treatment plant was built for a population of 40,000 and is presently handling liquid wastes from a population of 60,000, inadequacy is evident. This may be met temporarily by speeding up the flow through settling tanks, by operating all tanks constantly without interruption for repairs and maintenance, and by bypassing peak loads of raw sewage into water courses. Ultimately, however, adequacy of sewage treatment, as determined by a state administrative agency, will require an expansion of plant. Similarly, inadequacy may be apparent through holes in streets; breaking up of street surfaces which require treatment; dirty, littered streets; failure to remove snow in downtown sections for days.

When a city manager states that a city is several years behind the times in street paving and maintenance programs, he means that according to *his* standards of adequacy, due to war, high costs, inadequate revenues, or for

other reasons, the city is failing to keep abreast of current needs. The citizens may prefer inadequacy to costs which would result from application of the manager's standards. For the public works administrator, the unhappy fact is that inadequacies are usually apparent to the lay citizen as well as to the expert. The citizen may not be as conscious of the need for another fire station, more policemen, and more public health nurses, as he is wise to poor pavements, sloppy garbage collection, or dirty streets.

Efficiency of municipal operations is another matter. Efficiency poses the question: are the amounts of money allotted to a specific activity spent in an efficient manner? The city may be making efficient use of the money appropriated for street cleaning. The service may still be inadequate because the department does not have enough money to attain adequacy however efficient. On the other hand, a service may be reasonably adequate, although adequacy is attained by expenditure of large sums in an efficient manner.

How to measure efficiency is a complex issue. Comparative analysis of public works expenditures per capita between cities are almost meaningless, unless effort is made to analyze activities and accomplishments to determine their comparability as well. Per capita costs of refuse collection and disposal in a particular city are high, well above the average for cities of comparable size. What does this prove? It may be that the city is doing an inefficient job with old equipment, a slack labor force, and poor management. To the contrary, investigation may show that the city collects and disposes of all types of refuse, maintains frequent collections, provides door to truck service, and carries out disposal techniques which are costly but highly sanitary. In other words, the city is sustaining a very adequate service level and doing it efficiently. If per capita costs are high and service levels are low, this calls for investigation to find the root of the difficulty—whether it lies in management, equipment, labor, or methods.

Unit cost measurements have been more highly developed in public works administration than in any other phase of municipal administration. This is due, in part, to the fact that certain public works activities lend themselves more readily to unit cost measurements than do police, fire, public health, and other departmental operations. To arrive at unit costs, it is necessary to establish work-units for which costs are to be ascertained. For example, a work unit may be a cleaning mile for machine sweeping, a ton of garbage collected, or an area of sidewalk and pavement construction.

A work and cost ledger must be set up for the entry of work units and costs. It is essential that all elements of cost for the project or operation be entered, including labor, material, equipment, and administrative overhead. Such records may be maintained either in the department of public works or in the department of finance. Cost accounting necessitates record keeping of field reports from projects or operations, posting of

work units and cost figures, analysis of costs in relation to work units. Once available for a period of years, unit costs will show trend-lines toward higher or lower costs. Again, administrative analysis will be necessary to determine accurately why unit costs are rising or falling. The unit-cost approach is more accurate and offers sounder basis for comparisons than such rough gauges as per capita cost figures. In lesser public works, unit-cost figures on force account operations permit a city to compare its own costs for construction with bids submitted by contractors.

Public Relations

Because the department of public works is so widely under observation by the people, and affects them so directly, the department must have a public relations program. Courteous handling of complaints received is most important. The citizen who has a complaint about garbage collection, street defects, or sanitary sewer maintenance, wants action. If he calls in person, by telephone, or writes a letter, the complaint must be noted, and forwarded to the appropriate division for action. The division is then responsible for investigation and correction, or for an explanation as to why the condition cannot be remedied. Prompt correction of the conditions causing the complaint will produce satisfactory public relations. Long delays and "brushing off" of complaints will soon build up a citizen reaction. Unless there is a central complaint bureau, with a follow-up system to make certain that action has been taken, the department of public works should establish its own system to check on the operating divisions.

Good public relations also require that adequate publicity be given to the long range work program and construction projects of the department. If the sewage treatment plant is overloaded, adequate publicity will be necessary to sell plans for enlargement, increases in service charges, and proposed new bond issues to the public. The local newspaper or newspapers will handle such city hall news, but it is important to present the projects, the need for the construction, and the cost estimates in terms which the layman can understand. In annual reports, or in special releases to the press after clearance with city management, the department can build public understanding of future needs. In actual construction projects, the department must be alert to see that there is a minimum of inconvenience to traffic and to private owners of property in the neighborhood.

Municipal employees who are daily in contact with the public, whether they are clerks on the desk at the department or refuse collectors, need instruction in dealing with the public, standards of dress, and departmental policy. Much fun has been poked at European cities for their tendency to have a uniform for every type and class of employee. Our

tendency has been to minimize the uniform, especially in public works. Belatedly it is being recognized, for example, that a uniform for refuse collectors may help to "build up" the job, and improve public relations.

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CHAPTER XXVIII

Public Utilities

The citizen of the local community is dependent upon municipal administration for police and fire protection, and public works including streets, sidewalks, street cleaning, lighting, sewers, sewage disposal, and refuse collection. He must also obtain from government such necessary functions as public health and welfare administration, schools and libraries, public parks and recreation. These services constitute the "good society" for the community. Beyond these operations, the householder must have additional wants met by public utilities in private or public ownership. Homes must be supplied with a safe and potable supply of water. Electricity and gas utilities are equally essential for cooking and lighting. Private corporations supplying water, gas, and electricity, are ordinarily monopolies within a city and must make extensive use of city streets for mains and wires. Street railway and bus lines serving the local residents are likewise public utilities.

These public utilities meet the basic needs of the citizen for service delivered by, or within, the community. As to their operation, two basic questions arise and are, in a general way, similar as to water supply, gas, electricity, and local transportation systems. First, shall they be municipally owned and operated? Second, if they are privately owned and operated, what authority, apart from federal and state regulation, does the municipality have to control rates and service?

No categorical conclusion can be given to the issue of municipal ownership. The answer varies with the utility under consideration, many circumstances and facts pertaining to the individual community. If a utility is being supplied at fair rates and with adequate service to a community by private enterprise, there may be no good reason for the city to expand its operations through municipal ownership. The financial condition of the community and its capacity to undertake the necessary investment in a municipal gas plant, for example, are factors which weigh heavily in any decision. Another consideration lies in the temper of the citizens, their basic attitudes toward public and private ownership. Some communities are municipal-ownership minded; others have been conditioned to private operation of utilities. For instance, Escanaba, Michigan, has a municipally owned water plant, gas plant, electrical distribution system, and a steam plant which supplies heat to business buildings. In a central meter repair shop at city hall, the city maintains water, gas, electric, and steam meters. Water supply is the utility most frequently owned and

operated by cities. It is widely argued that the intimate relationship of a safe water supply to the public health presents a conclusive reason for municipal ownership.

Extent of Municipal Ownership

In 1948, of 2,033 cities of more than 5,000 population, some 1,396 or 68.2 per cent reported municipal ownership of water supply and distribution systems. An additional 124 cities or 6.1 per cent owned water-distribution systems. Water supply and distribution is the leading example of municipal ownership and operation of a utility. It has become the prevailing practice for American cities to undertake the supply of water to residents. Generally, municipal ownership and operation is complete from the source of supply to the delivery of water through the meter in the consumer's basement.

Some cities have excellent sources of water supply which require little treatment. Sault Ste. Marie, Michigan, obtains Lake Superior water which is "soft" and can be pumped into the mains with nothing more than chlorination by way of treatment. Ann Arbor, Michigan, pumps from artesian wells and this "hard" water is treated by passing it through rapid sand filters; by a softening process; and by chlorination prior to delivery to a reservoir, from which it flows by gravity to consumers. Water is, in many cities, a manufactured product, for citizens demand not only safe, but also a potable water supply.

Cities have gone into the water business on a larger scale than is the case as to other utilities. Resistance to public ownership in this field has been overcome, in part, by the close correlation between water supply and the public health. It is assumed that cities have been able to supply satisfactory water service to the consumer; otherwise a trend away from public ownership would have developed.

Generation and distribution of electricity is more commonly in private ownership. In 1948, of 2,033 cities over 5,000 population, some 267 or 13.1 per cent reported municipal ownership of electric generation and distribution systems. An additional 168 cities or 8.3 per cent had municipally owned distribution systems. During the years of the New Deal, there was an increase in municipal ownership due, in part, to the influence of the Tennessee Valley Authority. The development of T.V.A. power, and other federal policies, encouraged municipal ownership of distribution systems. After acquiring local distribution systems, many cities in the region purchased energy from T.V.A. While municipal ownership of electric generation and distribution systems has developed, especially in recent years, there is little evidence at this time to suggest that public ownership in this field is likely to become as common as in water supply and distribution.

Apart from water supply and electricity, municipal ownership of basic

utilities is less common. In 1948, only 45 cities or 2.2 per cent reported municipally owned gas manufacturing and distribution, together with 42 or 2.1 per cent in the business of gas distribution only. Bus or trolley-bus systems were owned by 40 cities or 2.0 per cent. Some eleven cities had municipally owned street railway systems. It can readily be seen that private ownership is dominant in electricity, gas, bus, and street railway utilities.

Attention must also be drawn to municipal ownership of other utilities or "near" utilities as they are sometimes called. Approximately one-half of the cities have municipal sewage treatment plants. In 1948, the figure was 964 or 47.4 per cent of the cities over 5,000 population. A group of 357 cities or 17.7 per cent reported municipal ownership of airports. Some 375 cities or 18.4 per cent had a municipally owned auditorium.[1]

Financial Policy for a Municipal Utility

Since water supply is the most common form of municipal ownership, special consideration is given to the municipal management problem involved in this utility. Many cities have organized to control their water utilities by setting up semi-independent boards or commissions to administer this operation. Another plan is to supervise the municipal water supply through a committee of the common council. In the commission plan, one of the commissioners, acting as the head of a municipal department, usually has responsibility for public works and utilities. Under the strong-mayor plan, the administrative agency controlling water supply is generally responsible to the mayor. In manager cities, better practice makes the superintendent of water supply, or a superintendent of utilities, responsible to the manager.

In administrative theory, water supply is logically administered by a single director responsible to the municipal executive. Good practice requires that such activities as billing and collecting, purchasing, accounting, and similar functions of a municipal water system be combined with the auxiliary departments of the city. The alternative is for the water department to maintain internally its own auxiliary operations of billing, collecting, purchasing, and accounting, or some of these operations.

Important policy or management decisions face any city with a municipally owned water supply. The city itself is a user of water in public buildings, parks, and fire hydrants. At what rate or in what amount shall the city pay from its general fund to the water department for this service? If the central auxiliary departments render accounting, purchasing, personnel, legal, and other services to the water department, should these be charged as operating expenses of the utility? Should the municipal utility make a payment to the general fund in lieu of the taxes which a

[1] *The Municipal Year Book* (Chicago, 1948), 49.

private utility would pay on a fair, assessed value for the water plant? In fixing rates charged to consumers, how much revenue should be assigned to reserves for replacements and extensions of plant, in addition to costs of current operations and debt service?

When cities are hard pressed financially, in periods of depression or inflation, there is an understandable pressure to make "profits" from municipally owned utilities and transfer surpluses to the general fund, where they can be expended for any municipal service. Such profits or "contributions," as they are sometimes called, are actually hidden taxes levied by the city upon utility consumers in proportion to their use of water. By the same argument, if the water utility operates at a loss and is supported, in part, by contributions from the general fund, the taxpayers are called upon to subsidize the consumers of water.

It is too easy an answer to such a question to argue that everyone pays taxes directly or indirectly, and everyone consumes water. An industrial plant with a low assessed value may be a heavy consumer of water, while another with a high assessed value may be a light consumer of water, because of the nature of the industrial process. Within the rate structure for water service itself, the interrelationship between the rates paid by small domestic users and large industrial concerns is a vital question of municipal, managerial policy.

Arguments from expediency and necessity are often employed to justify the taking of contributions from water profits to support the city's general fund. A municipal water utility may avoid contributions by earmarking accumulated profits as reserves for replacement and extension of plant. When a utility shows a profit for a given fiscal year, it is always sound policy to ask if this is a paper profit resulting from a failure to provide adequate reserves for future replacements. Clearly, these are questions where good judgment must assess the consequences of alternative policies in the long run. As a basic principle, water rates ought not to support the general fund, and the general fund ought not to subsidize water rates. The exact and technical determination of the water rates, essential to hold these two principles in balance, is a matter for experts and accountants.

A long range fiscal policy for a municipal utility can be based on the fact that it is a monopoly; revenues which can be earned through rates can be planned. As consumption increases, the same rates will produce more net revenue, provided plant expansion is not required, and costs of operation are stabilized. To set rates, it is necessary to determine the estimated life of the plant, the rate of expansion, and the amount of "profit" the utility should make.

Rates should cover: (1) all current expenses for operation including interest on the debt; (2) charges made by the city for services furnished by other departments; and (3) any transfers required in lieu of property taxes. Rates should also provide: (4) working capital requirements, since

consumers usually pay after receiving several months of service; (5) payments necessary to retire indebtedness and (6) funds to provide for emergencies. Rates should further cover: (7) the estimated cost of replacements, and some authorities urge that they provide, in addition, (8) for reserves to make future plant expansions possible without incurring new debts. The argument against reserves for plant expansion is that present water users are then paying both to retire the outstanding debts of the present utility, and to create capital for plant expansion which will be of greatest value to future users. However, since most customers remain in residence and consume water over a long period of time, the inequity of setting aside reserves for expansion is thereby diminished. This is a matter of judgment and the rapidity of population growth, and the size of plant expansion required, must be considered in determining policy.

The most divergent views relate to the question of (9) charging rates which will produce a "profit" over and above all other expenses and reserves, such profits to be transferred to the general fund. If the municipality requires such transfers of profits from the utility, then rates must be charged accordingly, and a hidden tax is paid by the utility consumer. In the infrequent community, where water, electric, and other utility profits, are so great as to relieve the council from the necessity of levying a general property tax, the city is said to be "tax free." In the legal sense, the community is free of the general property tax, but it is paying hidden utility taxes to support police, fire, and other services. This problem is not one for water utilities alone, but appears in relation to all municipally owned utilities. Irving Tenner has summarized the question of rates for municipal utility services by pointing to need for estimating "how much revenue will be needed to take care of all expenses and provide sufficient additional money: (1) to take care of working capital requirements, (2) to finance additions to plant, (3) to retire indebtedness, (4) to provide funds for meeting emergencies, and (5) if required, to make contributions by the utility to the municipality's general fund." [2]

Rate Structures

In municipally owned as in privately operated utilities, rate schedules must be established for different classes of customers. Theoretically, each group of consumers from the small householders to the large industrial users should contribute to revenues on the basis of costs for rendering service to the respective classes of consumers. This involves an analysis of: (1) ready-to-serve costs, (2) production costs of the utility per unit determined by dividing fuel, labor and other expenses of operation by the number of units manufactured; and (3) customer charges for such items as meter reading and billing. The internal consistency of the rate schedules

[2] Irving Tenner, *Financial Administration of Municipal Utilities* (Chicago, 1947), 15.

as between small and large users should rest on detailed analysis of these three types of cost.

Since the municipally owned utility is ordinarily a monopoly within the community, it may appear feasible to charge any rate to cover all expenses, charges, and reserves, plus a profit for the general fund. However, many factors must be evaluated and considered in determination of the rate structure. Rates should be designed to promote the use of the utility service in the interest of public health and convenience. In water supply, a rate which will promote adequate or greater use of water will be in the interest of public sanitation and health. A high rate, or an increase in rate which discourages the use of water supply by the small consumer, will be undesirable from a social point of view and detrimental to public health. It is not good policy to maximize rates if this leads to appreciable reductions in use, especially among small consumers who are forced to live on limited budgets.

It does not follow that rates for large consumers can be fixed on the presumption that industrial corporations can, and always will, pay more for basic utilities. It is possible to push rates to the point where the manufacturing plant or office building will seek alternative solutions. Beyond a certain point in rate structures, the industrial plant may find it advantageous to drill its own well and install pumps. Thus an economic factor of a competitive type enters into the problem of rate making.

If the municipal water plant is more than adequate for existing urban industry and population, it is advantageous to sell water beyond the corporate limits at rates above those charged within the city area. This will bring increasing returns on existing plant capacity. However, this principle of increasing returns is valid only to maximum capacity of the existing plant. If sale of water outside corporate boundaries results in demand beyond maximum capacity, then the need for costly extensions of plant and distribution facilities arises.

Water rates are classified into three fundamental types: (1) flat rates; (2) step rates; and (3) block rates. The flat rate applies to unmetered water service, and usually is based on number of fixtures—sink, set tub, wash bowl, and toilet. This method of pricing is inexact, but has survived in municipal water utilities longer than in other utilities. The flat rate has two serious disadvantages. It is impossible to determine accurately that customers are paying in proportion to water consumed; it encourages waste of water without penalty.

Step rates are based on metered service and ordinarily provide for a lower rate as more gallons are consumed. An example would be a rate of 25 cents per 100 cu. ft. for one to 3,000 cu. ft. per month, and 20 cents per 100 cu. ft. for 3,001 to 6,000 cu. ft. per month. The disadvantage of step rates is that an increase in consumption may bring about a smaller total bill. For example, in the above illustration, the consumer who used 3,400 cu. ft. would pay slightly less ($6.80) than the one who used 2,800

cu. ft. ($7.00). For this reason, use of a block rate is more satisfactory.

Under the block rate system the consumer pays, for example: 15 cents per 100 cu. ft. for the first 1,000 cu. ft.; 13 cents per 100 cu. ft. for the next 4,000 cu. ft.; 10 cents per 100 cu. ft. for the next 5,000 cu. ft. Everyone must pay the higher rate for the first blocks of water supply consumed. The block rate schedule is most satisfactory; it is usually coupled with a minimum service charge, related to the size of the water meter. It is fair for the consumer to pay such a minimum charge even though less water was used than the minimum charge during the time period. There was an expense to the city in being ready to serve the customer, although the property-owner may have left for a two-month vacation.

The establishment of rate schedules for customers who live in fringe areas outside city boundaries presents another problem. Many cities, selling water to the fringe, charge from one and one-half to double the rate within the city. Politically, such rates are sometimes designed to push fringe areas in the direction of annexation. Since the city is under no legal obligation to sell water beyond its corporate boundaries, it is, in a sense, charging what the traffic will bear. Where cities provide water for fringe dwellers, it is better practice to sell to another governmental unit, such as township or special district, and allow that unit to retail to consumers. This diminishes the administrative burden, and avoids friction which may arise when fringe residents have individual, direct relations to the city water department.

In supplying water to city buildings, the water department properly installs meters, and charges the rate fixed for other consumers. If the water utility is to be kept on a business basis, the general fund should pay for services obtained by other departments of the administration. The issue of price becomes more complex in the case of fire hydrants. Here the important cost is not the water actually supplied, but the stand-by service furnished by the water department. One consulting engineer has estimated that, under most conditions, approximately 25 to 40 per cent of water department revenues should come from fire service.[3] The customary method of billing the city for water supply to provide protection against fire is by a fixed figure for hydrant rental per year. This practice is not exact, and may result in a tendency to decrease the number of hydrants. Where cities make no payment for fire protection service from the water department, this is usually condoned on the theory that the water department is neither paying taxes nor making in-lieu payments.

Waterworks

When the individual householder turns the spigot to draw a glass of water, a long process of planning, constructing, pumping, maintaining, and

[3] Reeves Newsom advanced this view in *Journal of the American Water Works Association*, XXXII, 996 (June, 1940); cited in Irving Tenner, *op. cit.*, 28.

metering, has been translated into a necessary service. The American community demands not only water but processed water which has been run through slow-sand or rapid-sand filtration plants, and chlorinated. The consumer needs a safe and potable water supply in constant supply and of adequate pressure. For this commodity, he customarily pays a service charge based on flat rates adjusted to number of fixtures, or block rates applied to metered consumption.

In effect, the city is in the water business. This accounts for the tendency under older mayor-and-council governments to place water boards in charge of administration, and to make them semi-independent of the municipal executive through overlapping terms. It was assumed that the administration of a water utility should be partially blocked off from the main currents of municipal politics. With the evolution of the council-manager, the emphasis was placed on administrative management of all functions. Under a well-established manager plan with a professional manager, the superintendent of the water plant should be appointed by and responsible to the manager. The citizen can thereby hold the manager accountable for quality and pressure of water from the kitchen tap, as well as for the police, fire, public works, and other functions. Executive management in a city should not leave off where certain municipal functions end, and public utility operations begin.

Geography and geology determine whether a city must use a surface or sub-surface supply for its water. The city on lake and stream may have an available surface supply, provided this source is not polluted by the sewage from other cities in the region. Sub-surface supplies are taken by deep wells which reach ground water below the soil. Such ground water sources often produce hard water which may be softened by the city. Alternatively, the householders may be left to install individual softeners, or take the consequences of residue in pipes and stain on fixtures. Ground water sources must be pumped from deep wells, filtered, softened, and chlorinated to get a manufactured product. Surface waters are more open to pollution, and require elaborate filtration plants for purification. In various regions today, such as southern California, water is unavailable locally in sufficient volume, and must be brought hundreds of miles through aqueducts.

Municipal water filtration plants are of two basic varieties—the slow-sand and the rapid-sand process. Where the rate of filtration through sand is less than 6,000,000 to 8,000,000 gallons of water per acre per day, it is said to be slow-sand filtration. Rapid-sand filters operate at varying rates, but a common one is about 125,000,000 gallons of water per acre daily.[4] The slow-sand filter requires a considerable land area for a large city. Slow-sand filters are beds from ¼ acre to an acre in extent, the number of beds required depending on the size of the city and industrial use of water. They are operated both with and without covers, depending on

[4] J. W. Ellms, *Water Purification* (New York, 1928), 130.

climatic factors. Where cities are located in cold climates, the necessity of providing covers to prevent freezing is obvious. The major cost item in slow-sand filters is that of installing, cleaning, and moving the sand. As the sand becomes dirty, there is a loss of flow from the filter, the filter must be put out of service temporarily while the sand is removed, cleaned, and restored.

Rapid-sand filtration plants, because of the smaller area required, are usually enclosed within buildings. They are composed of three separate operations. (1) Coagulation basins are used for treatment of the water by chemicals. The objective of chemical action is to create a "floc" which attracts and holds suspended matter to be settled out in sedimentation tanks. (2) The rapid-sand filters are composed of layers of sand and gravel, together with the necessary piping, valves, and drains. Passage of the water through these filters is designed to remove additional suspended matter after coagulation and sedimentation. As a final step in the process, chlorine is frequently added. (3) The water is then stored in a reservoir from which it is pumped to or flows by gravity to the city mains. As the rapid-sand filters become inefficient and dirty, they are regularly cleaned by back washing water through them. From time to time they must be overhauled and cleaned, as in the case of the slow-sand filters. The building housing a rapid-sand filtration plant is designed to contain all the regulating and controlling apparatus, a laboratory, and office space. It must also provide for storage of chemicals and apparatus for the application of chemical solutions.[5]

The city, under municipal ownership, installs and maintains the water distribution system including the mains on residential streets. It is common, in many cities, to defray the cost of extending water mains into residential areas by special assessment. The customer also pays for the installation of the service connection from the house to the water main. It is considered good practice, however, for the city to own the water meter which is installed on the customer's premises. Where water is not metered, waste is likely to ensue from the customer's carelessness in leaving water on, or failing to adjust leaky taps. Winter consumption of water is usually less than that of summertime. Where water is unmetered, consumption may rise sharply in cold weather, as owners turn taps on to prevent possible freezing of pipes at no additional cost to themselves.

Electric Utilities

In 1948, of cities of more than 5,000 population, 267 or 13.1 per cent reported municipal ownership of electric generation and distribution systems. An additional 168 or 8.3 per cent had municipal ownership of distribution systems only. This gives an impression of public ownership out of proportion to the facts when measured by kilowatt hours produced. Excluding

[5] *Ibid.*, 123.

production by industrial plants, in 1939, electric utilities generated 127,642 millions of kilowatt hours, of which 115,078 millions were produced in privately owned plants. The figures for municipal production were 5,688 millions of kilowatt hours; for federal production, 5,476; for coöperatives, power districts and state projects, 944; and for non-central stations, 456. In 1945, electric utilities generated 222,486 millions of kilowatt hours divided as follows: privately owned, 180,926; municipal, 9,624; federal, 28,001, coöperatives, power districts and state projects, 3,146; and non-central stations, 790. In 1920, municipal power plants had produced 3.1 per cent of the total kilowatt hours; in 1945, they produced 4.3 per cent of total kilowatt hours.[6] The explanation of the divergence between percentage of cities and percentage of production is that many municipal power plants are owned by small cities. However, the increase in the production of power by the Federal Government is marked, and many cities in the Tennessee Valley buy T.V.A. power for distribution through municipally owned systems.

In 1946, among 204 cities of more than 50,000 population, 178 obtained electric service entirely from privately owned utilities. Of the other 26 cities, eighteen were served exclusively by a publicly owned utility: Glendale, Los Angeles, and Pasadena, California; Jacksonville, Florida; Kansas City, Kansas; Holyoke, Massachusetts; Lansing, Michigan; Springfield, Missouri; Chattanooga, Knoxville, Memphis, and Nashville, Tennessee; Austin and San Antonio, Texas; Tacoma, Washington; Mayaguez, Ponce, and San Juan, P. R. One, Lincoln, Nebraska, was served by two publicly owned utilities. The remaining seven cities obtained electricity both from a privately owned and a publicly owned utility: Springfield, Illinois; Fort Wayne, Indiana; Kalamazoo, Michigan; Cleveland, Columbus and Hamilton, Ohio; Seattle, Washington.[7] The influence of T.V.A. power can be seen in the fact that four of the eighteen cities over 50,000 population, served by public power alone, were in Tennessee.

For 1946, the Federal Power Commission ranked the cities over 50,000 population from Low to High, based on typical net monthly bills for 25 kwh, 100 kwh, and 250 kwh of residential electric service as of January 1, 1946. The cities rated among the lowest ten for 25 kilowatt hours were Lansing, Chattanooga, Hamilton, Knoxville, Memphis, Nashville, Springfield, Missouri, Cleveland, Seattle, and Birmingham. All of these were served by publicly owned power except Birmingham. The cities rated among the lowest ten for 100 kilowatt hours were Tacoma, Lansing, Lincoln, Chattanooga, Cincinnati, Covington, Kentucky, Glendale, Knoxville, Memphis, and Nashville. All of these were served by publicly owned power, except Cincinnati and Covington. The communi-

[6] U. S. Bureau of the Census, *Statistical Abstract of the United States 1947* (Washington, D. C., 1947), 482.

[7] Federal Power Commission, *Typical Electric Bills: 1946* (Washington, D. C., 1946), II.

ties rated among the lowest ten for 250 kilowatt hours were: Tacoma, Spokane, Lincoln, Glendale, Cincinnati, Covington, Kentucky, Topeka, Springfield, Illinois, Madison, Washington, D. C. In this list were four served by publicly owned power: Tacoma, Lincoln, Glendale, and Springfield, Illinois.[8] In 1944, the average annual use of electric energy by residential customers in cities over 50,000 varied from 3,640 kwh in Tacoma, Washington, to 505 kwh in Lawrence, Massachusetts. The U. S. average for all these cities was 1,102 kwh annually.

For most classes of typical bills, the highest rates are in the Northeastern cities, the lowest are on the Pacific Coast. There is a tendency for rates to vary inversely to the size of cities. On the other hand, wide variations exist between cities in the same population category. For 250 kwh among the cities of 100,000 and 250,000 population, Tacoma, Washington, had the lowest rate ($3.20), in 1947; Somerville, Massachusetts, had the highest ($9.30). Since 1924, when the Federal Power Commission first began to compile rates, there had been a steady decrease in rates for cities over 50,000. The average monthly bill for 100 kwh was reduced from $6.18 in 1924 to $3.64 in 1947; the average monthly bill for 250 kwh was likewise reduced from $13.36 to $6.77 in the same period.[9] Both under public and private ownership, rate reduction was characteristic of the decades from 1920 to 1950. However, at the close of the period, inflationary trends were forcing appeals for adjustments upward in rates.

In 1945, of the 50,111,000 kilowatt generating capacity of electric utilities in the United States, some 3,586,000 were in municipal ownership and 5,081,000 in federal ownership.[10] The range in municipal systems is from the metropolitan city such as Los Angeles to the small hamlet. S. B. Robinson, as Chief Assistant City Attorney for water and power in that city, stated, in 1944, concerning municipal electric systems: "They range in size from the system of the City of Los Angeles, which I modestly admit is the largest publicly-owned power system, serving a city now estimated to have a population of 1,750,000 people, with between 500,000 and 600,000 consumers, and about 70,000 lamps for street lighting, to a village of undetermined population with, say, 50 meters and a few street lights. The average municipal electric system is probably serving a population of between 4,000 and 5,000." [11]

Other Municipally Owned Utilities

Municipal ownership has been outstanding in water supply; it has become an established fact in the generation and distribution of electricity

[8] *Ibid.*, 7. Springfield, Illinois, Cleveland and Hamilton, Ohio, were served also by a privately owned utility.

[9] *The Municipal Year Book* (Chicago, 1948), 324-325.

[10] U. S. Bureau of the Census, *op. cit.*, 482.

[11] S. B. Robinson, "Cities and Public Power," in C. S. Rhyne, ed., *Municipalities and the Law in Action* (Washington, D. C., 1944), 325.

on a limited scale. Municipal ownership of gas manufacturing and distribution is much less significant. Of the cities over 5,000 population, only 45 reported municipally owned gas manufacturing and distribution in 1948. Most of these plants are in relatively small communities. Among the cities over 100,000 population Richmond, Virginia, owns and operates gas manufacturing and distribution. In Omaha, Nebraska, gas production, like water supply, is operated by the Metropolitan Utilities District, under the control of an independent board of six members.

Private ownership dominates the field of bus, trolley bus, street railway and rapid transit, in most cities. Examples of municipal ownership in cities over 100,000 are: the New York City transit system; department of street railways, Detroit; Cleveland transit system; municipal railway of San Francisco; Seattle transit system; and the Tacoma municipal belt line.[12] In New York City, the board of transportation, composed of three members appointed by the mayor, operates subway and elevated railway service and city-owned trolleys and buses. In Detroit, street railways and buses are under the supervision of a street railway commission appointed by the mayor. Cleveland has a transit commission of three appointed by the mayor and approved by the council for six-year, overlapping terms. The use of the board or commission to control municipal transit utilities is a common device in the large cities.[13]

The Cleveland transit system was purchased by the city in 1942. During 1943, it carried some 470,000,000 passengers, serving 1,200,000 residents of the metropolitan area. The San Francisco system dates from 1913; in 1944 the municipal railway acquired the Market Street railway company, which had previously been a competitive system in private ownership. In 1946-1947, the municipal railway of San Francisco carried 314,623,044 passengers in electric street cars, cable cars, motor coaches, and trolley coaches. The system was operated under a general manager for the municipal railway responsible to a manager of utilities. The latter served under a public utilities commission appointed by the mayor. The major administrative units under the manager of utilities were: the municipal railway; water department; airport; Hetch Hetchy water supply, power and utilities engineering bureau; bureau of light, heat and power.[14]

Municipal Management of Utilities

Municipal ownership, basic in the field of water supply and slowly extended in electric power generation and distribution, controls only a small segment of the gas utilities and transportation systems. Public

[12] American Transit Association, *Municipally Owned Transit Systems in the United States* (Mimeo., 1946).

[13] Municipal League of Seattle, *Management of Our City-Owned Utilities* (Mimeo., 1945).

[14] *Report of the San Francisco Public Utilities Commission* (1946-1947), 256; see also chart preceding p. 1.

ownership raises fundamental organizational problems in relation to the administrative structure of municipalities. Some alternative solutions are: (1) the creation of a separate "authority" to administer publicly-owned utilities; (2) establishment of a department of utilities headed by a board or commission, or by a single director appointed by mayor or manager; (3) organization into a series of utility departments such as water, power, street railway, under separate boards, commissions, or directors appointed by mayor or manager.

Use of authorities has developed in Pennsylvania pursuant to a state law of 1935, which empowered all types of local government to create municipal authorities. A municipal authority is a special public corporation whose obligations are payable solely from its own revenues; it performs a municipal service, but is not a municipal government or department. The life of the corporation is limited to 50 years; it is governed by a board of five citizens for staggered terms of five years. The board has full power to manage the properties and business of the authority. Many utilities and near utilities may be administered by this method. By 1945, some 95 public corporations had been organized in Pennsylvania, 12 of them in cities. About 60 per cent of these authorities had been established to manage waterworks.[15] However successful the authority may prove to be as a device, it creates a new public corporation for management of a municipal service, apart from executive management in a city.

The City of San Francisco combines water and street railway utilities and airport under a general manager of utilities responsible to a public utilities commission appointed by the mayor. Los Angeles combines water and electric utilities in a board of five water and power commissioners appointed by the mayor with approval of the council for five-year, staggered terms.[16] The department has the power and duty to construct, operate, and manage works and property to supply water and electric energy. The board employs a general manager and chief engineer.[17] Kalamazoo, Michigan, has a department of public utilities which combines administration of water and electric utilities. The department is administered by a manager of utilities responsible to the city manager who is designated by charter as department head. These cities illustrate the combination of municipal utilities into a single department.

Other cities have established separate departments for the administration of specific utilities. In Detroit, a public lighting commission of four members has charge of the department of public lighting, which supervises generation of power and public lighting. A similar body known as the board of water commissioners has charge of the department of water

[15] C. F. Leedecker, "Device for Operating Utilities," *Nat. Mun. Rev.*, XXXIV, 283-286 (June, 1945).

[16] *Charter of the City of Los Angeles* (1946), Art. VI.

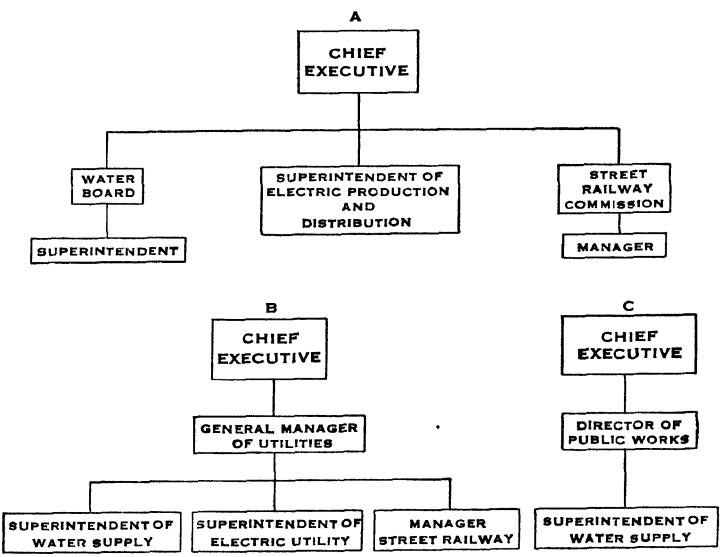
[17] See H. A. Van Norman, "When Should a Municipality Operate Its Own Utilities?" *The American City*, LIX, 69 (June, 1944).

supply. A board of street railway commissioners, composed of three members, controls the municipally owned transportation system. The members of the commissions and of the board are appointed by the mayor.[18] Seattle, Washington, has a lighting department headed by a superintendent, and a water department directed by a superintendent.[19]

The foregoing illustrations span three basic methods of organizing for management of publicly owned utilities at the municipal level: (1) an authority established as a new public corporation; (2) combination of utilities into a municipal department headed by a board, commission, or single director; and (3) establishment of a separate department for each utility headed by a board, commission, or director.

CHART 18

PUBLIC UTILITIES
ALTERNATIVE ORGANIZATION



Near Utilities

It is common to designate as near utilities such municipally owned projects as airports, sewage treatment plants, tunnels and bridges, supported by service charges. The development of sewage treatment plants financed by sewer service charges has already been noted. During recent decades, municipally owned airports have been established in 17.7 per cent of the cities over 5,000 population. These may be used to illustrate the growth of near utilities.

[18] *Charter of the City of Detroit* (1944), Chaps. 11-13.
[19] City of Seattle, Department of Lighting, *Annual Report* (1947), 3.

In 1948, 223 cities reported ownership and operation of one or more airports; 139 owned airports and leased them to private operators; four leased to the Federal Government; and 20 had airports under construction or going into operation. These figures relate to cities of more than 5,000 population, and do not include airports in the smallest communities. A number of municipally owned airports are leased to authorities, for example: the New York Port Authority; Port of Oakland; Minneapolis-St. Paul Metropolitan Airports Commission; Raleigh-Durham Airport Authority.[20]

Where cities both own and operate airports, the airport manager is appointed in a variety of ways. The most common appointing authorities are the city manager, the council, an airport board or commission, and the mayor. The airports are supported by charges for use; by leases of hangars; by revenues from terminal facilities, such as restaurants; and by profits in sale of aircraft fuel and oils. Municipal airports are usually relatively small business operations, with the exception of such giants as La Guardia Field, Miami International, Newark Airport, Oakland Municipal. In 1947, a total of 173 municipal airports reported operating revenues of $8,921,900 and expenditures of $8,194,700.[21]

Airports are variously organized in cities in terms of departmental structure. In smaller cities the airport is sometimes assigned to such departments as parks or public works for administration. As airports develop into larger administrative operations, they are usually set up as separate departments, or as divisions within departments of public utilities. Four basic alternatives may therefore be noted: (1) an airport authority; (2) integration into traditional park or public works department; (3) a separate airport department; and (4) a merger of airport administration into a department of public utilities. Where airports are managed by park or public works department, various defects may ensue in administration. The department may tend to subordinate and play down this new and growing activity. Administrative problems must pass upward through a departmental executive whose main interests are outside the field of airport management. The traditional department is not always equipped to understand and handle the management problems of airport operation.[22]

As in many new fields of municipal activity, a tendency has developed to place airport departments under the control of appointive commissions, selected by the mayor or manager of the city. The airport commission then appoints an airport manager. While notable success has been achieved by airport commissions in some cities, it is generally desirable to have the airport manager head the department with a direct line of responsibility

[20] *The Municipal Year Book* (Chicago, 1948), 314.
[21] *Ibid.*, 314-315.
[22] L. L. Bollinger and others, *Terminal Airport Financing and Management* (Boston, 1946), 257-258.

to mayor or manager. Policy controlling the airport is properly a function of the city council; general supervision belongs to the manager or mayor; and administrative management of the airport accrues to an airport manager under sound principles of organization.[23]

An airport, as a near utility, represents an investment in a business enterprise. It is essential to have a trained airport manager. He must plan and direct maintenance and operation; plan for expansion and improvements; and maintain good relations with tenants and patrons. The airport manager must be familiar with airport operation, safety requirements, and federal and state regulations governing aviation. For this reason, some cities have selected airport managers by means of merit examinations. If civil service tests are not used, it is incumbent on the mayor, manager, or other appointing authority, to use good judgment in selecting a qualified candidate.[24]

Federal aid has been forthcoming for municipal airport development. The Federal Airport Act of 1946 authorized appropriations up to $500,000,000 for airport aid, over a seven year period beginning July 1, 1946. The federal money is to be matched by a similar amount provided by state or local sponsors. Under this program, cities considering new airport projects, or certain expenditures on existing facilities, may apply to the Civil Aeronautics Administration for aid. Class III or smaller airports may obtain 50 per cent of the allowable cost for construction of the project. For major airports, the Federal Government will pay up to 50 per cent of the cost. Projects for large air terminals must be submitted to Congress for approval. Seventy-five per cent of the money goes to the states on the basis of area and population; the balance can be used by C.A.A. as a discretionary fund in making grants.[25] As the Federal Government had stimulated the construction of municipal sewage treatment plants by grants-in-aid during the nineteen-thirties, the trend of the 'forties was toward airport utilities. Two of the most important municipal near utilities, sewage treatment plants and airports, have been assisted by federal funds at one time or another.

Regulation of Public Utilities by Municipal Franchise to 1907

Privately owned public utilities such as gas, electric, and street railway systems, were originally regulated in the public interest by municipal franchises. It was not until 1907, that Wisconsin provided by law for a state public service commission having mandatory power over public utilities. The Wisconsin act was extensive, bringing street railways, telegraph, heat, light, water, power, and telephone companies, under the

[23] International City Managers' Association, *Municipal Public Works Administration* (Chicago, 1946), 230.

[24] Civil Aeronautics Administration, *Airport Management* (Washington, D. C., 1944), 7.

[25] L. A. Bryan, *Municipal Airport Management* (Urbana, Illinois, 1947), 5.

jurisdiction of an established state railroad commission. Because they operated over wide regions, the railroads had been the first of the utilities regulated by state and federal commissions.

Other utilities, such as gas, electric, and street railways, originally developed locally. They obtained the right to use city streets, often to operate as local monopolies, by negotiating franchises with city councils. The city fathers wrote provisions as to rates and services into the franchises. The five cent fare for street railway service was a popular favorite. During the nineteenth century, the regulation of public utilities by municipal franchises became unsatisfactory.

The reasons, for the transition from regulation by municipal franchises to control by state commissions, were numerous. Public utilities ceased to be local in character. Gas, electric and telephone systems, for example, were combined to serve many cities; they became state and federal, as well as municipal problems in public regulation. Control by municipal franchise proved to be rigid in character, not easily adjusted. Rates and services could not be reasonably fixed for a long period of years. The enforcement of franchises was widely left to city attorneys who lacked the time, skill, and, sometimes, the inclination to maintain effective control in the public interests. Influence over city councils became of prime significance to utility interests, as a means to obtain favorable franchises, to reduce subsequent enforcement, and to negotiate liberal adjustments of franchises. Residents were eager to receive utility services; councils had to learn the hard way that franchises established corporate rights over long periods of time. Councilors, burdened with many other responsibilities, were not in many cities appropriate agencies for detailed studies of capitalization, valuation, rates, and services.[26]

Franchises were written without accurate knowledge of the economic principles involved and with insufficient safeguards of the public interest. They rarely established municipal authority to regulate rates and services from time to time. They were fixed obligations of the company which could be enforced only on the basis of contract. In some instances, such as the five cent fare for street railway service, a common figure of the eighteen-seventies and 'eighties, speculation was encouraged. As electrification proceeded, new companies acquired old franchises, consolidated operations, and for the time being, possessed a lucrative contractual position. Experience proved that rates, fixed in franchises as reasonable, proved unreasonable later; controls originally written into franchises were subsequently ineffective in the public interest.[27] An occasional city council bartered away the public interest in long-term or perpetual franchises, which precluded adjustment of rates and service. It will be recalled that the era from 1865 to 1900 was a lush one, in which bossism and party

[26] A. W. Bromage, *State Government and Administration in the United States* (New York, 1936), 454-455.

[27] John Bauer, *The Public Utility Franchise* (Chicago, 1946), 2.

politics were rampant in cities. The municipal franchise was one factor in the then current, great game of municipal politics.

Regulation by State Commissions

Wisconsin began the march to state regulation by public utility commissions in 1907, followed by New York. The Wisconsin commission was given a broad jurisdiction over many utilities. It was authorized to investigate the rates charged and to determine whether they were unjust, unreasonable, insufficient, unjustly discriminatory, or preferential. On finding that rates were in violation of the state law, the commission could order such rate or rates, tolls, charges, or schedules deemed to be just and reasonable.[28] The movement begun by Wisconsin and New York spread rapidly through the states.

By 1913, more than one-half the states had established public service commissions; by 1920, the municipal franchise had ceased to be the principal instrument of utility control in the public interest. Rates and services fixed by franchise were subject to review and adjustment by many state public service commissions. Most of the issues, which had developed between city councils and public utilities, were transferred to another level of public administration, the state public service commission. After World War I, the state commissions achieved under state law and judicial interpretation control over rates and services, irrespective of rates and restrictions set by municipal franchises.

Not only did cities widely lose jurisdiction over rates and services, but also over the grant of new franchises to utilities. Since the utilities were required by state law to furnish adequate service, and were entitled to a fair return on capital invested, they became protected in their established territories of operation against competitive encroachment. The right to occupy local streets still rests upon municipal grants. Yet, the scope of this municipal power has been delimited by the requirement of state certificates of convenience and necessity, issued by state commissions. In most states, the granting of a franchise or the legal effect of a franchise is dependent upon issuance of a state certificate of public convenience and necessity.[29] Ordinarily, today, the service area of a utility extends beyond corporate boundaries, and includes numerous local jurisdictions. This is especially true of electrical utilities. Economic and corporate trends have therefore dictated the march to state rather than municipal regulation of rates and services and new installations.

The transfer of primary, regulatory authority from municipal to state jurisdiction has not brought about a uniform, effective control of public utilities in the public interest. All the states but Delaware have established public service commissions. In 1913 Congress created a Public Utilities

[28] Wisconsin, *Laws* (1907), Chaps. 499 and 582.
[29] John Bauer, *op. cit.*, 3.

Commission of the District of Columbia. Variation exists among the states in the range of utilities over which the public service commission has jurisdiction. Differences likewise exist in the powers vested in state commissions to deal with rates and services. For these and other reasons, it would be inaccurate to regard the municipal franchise as completely outmoded today. The amount of success achieved by state commissions has depended on legal authority provided by law, and on the competency of state administrative personnel. Not every state by any means has lived up to the high standards set by Wisconsin and New York.

Municipal Franchise Regulation Today

As originally conceived, state regulation was to supplant franchise control by municipalities. In legal power, function, and administration, state administrative control has now virtually superseded the local franchise in numerous states. In others, legal limitations on powers of state commissions, or ineffective personnel, have left a need for municipal franchises which deal with rates and services, as well as with use of the streets, and physical changes in plant and distribution systems.[80] The municipal franchise is still a supplementary, although not a primary, regulatory device in various states. The basic categories of municipal franchises are: (1) the perpetual franchise; (2) the short-term franchise; (3) the long-term franchise; and (4) the indeterminate franchise or permit.

Perpetual franchises are permanent in character. Any franchise granted for 999 years is considered to be of the perpetual type. This category of franchise stems in large measure from the wide-open days prior to state regulation. In the haste to obtain utility services by attracting private capital to serve a territory, invaluable franchises were granted permanently or for 999 years. Perpetual franchises were common for street railways in Connecticut, Maine, Rhode Island, New Jersey, Maryland, Delaware and Pennsylvania. This is a type of franchise commonly avoided today; in fact, many states have legislated against municipal grants of perpetual franchises.

Franchises which run for five, ten, or fifteen years are usually considered to be short-term in character and sometimes contain a right of renewal. In favor of the short-term franchise it is argued that it permits readjustments at more frequent intervals. On the other hand, it lacks inducement to the private corporation to proceed with extensions of service if there is any real doubt about the prospects for a renewal. When the short-term franchise expires, the municipality may not be prepared financially to take over the properties. The franchise may be renewed under these circumstances, although service is unsatisfactory.

[80] For example, in 1947, H. H. Trachsel noted that Delaware, Florida, Iowa, Minnesota, Mississippi, Nebraska and South Dakota had practically no control over electric utilities. H. H. Trachsel, *Public Utility Regulation* (Chicago, 1947), 114.

Long-term franchises customarily run for twenty to fifty years, with provision for renewal or recapture at the time of their expiration. Like the short-term, the long-term franchise has certain limitations from the point of view of the public interest. Changing conditions require adjustments in rates, services and physical properties at unpredictable periods. The necessity of readjustments may occur previous to the expiration of the franchise; at the time of expiration, they may be unnecessary. In so far as these readjustments are made in the interim by the authority and activity of a state public service commission, the public interest can be protected. In the absence of such state action, the long-term franchise may prove to be unduly lucrative for the private corporation, or in times of inflation, unduly burdensome. As the term of any franchise comes to a close, it is difficult to induce the private utility to extend lines, improve facilities and services. The renewal of the franchise may become an issue in city politics.

Many of the difficulties of the short- and long-term franchise can be avoided by the indeterminate franchise or terminable permit. A public utility is a continuing enterprise, which develops its facilities and services with the growth of the community. Reasonable and satisfactory gas, electric, and transportation services are vital to a community. They have a bearing not only on the comfort and convenience of the inhabitants, but also on the location of new industry. Under franchises for a fixed term, the public may lose in extension and quality of service, while the issue of renewal is pending. One answer is the indefinite or terminable franchise. The utility is granted use of the streets for an indefinite period of years, subject to the right of the city to purchase the utility at any time at a reasonable price. Under this scheme, the company has assurance to proceed with extensions of plant and service over an indefinite period of years, so long as the city does not move in the direction of municipal ownership. The company has a definite stake in maintaining good service at reasonable rates, to avoid the issue of public ownership. The city, provided it has or can develop financial capacity to undertake public ownership, has a means of effective pressure on the private utility.[31]

John Bauer has indicated that there is no real significance in fixing any period of years for the duration of a franchise. The indeterminate franchise is meaningful if the city has the financial capacity to undertake public ownership. It is important that any franchise reserve to the city the continuous power to require physical changes and improvements needed for public safety and convenience. It may prove important to require that overhead electric lines be placed underground, that gas mains be relocated, that obsolete equipment be modernized. Franchise control over service is difficult to achieve, and is probably best left to a state public service commission which is competent and active in the public interest. The modern franchise should not attempt to fix rates for

[31] H. H. Trachsel, *Public Utility Regulation* (Chicago, 1947), 91-99.

the duration of the grant. It should establish initial schedules, and prescribe the basis of future rate revision, subject to state control. Rates should provide revenues to pay operating expenses, depreciation of properties, taxes, and the returns required on the private capital investment under any existing state regulations. Provisions for special reserve or surplus for equalization of returns over a period of years are important to avoid frequent, minor changes in rates. Periodic rate revision can only be achieved in the public interest if the city has full and complete reports of the financial operations of the utility. The city should assign supervision of franchise enforcement to a competent bureau or department. If the city and the company cannot agree on rate adjustments from time to time, recourse must be taken to the state public service commission for a decision within the terms of the franchise and subject to the regulatory power of the state.[32]

In the past, representations of cities to state public service commissions for modifications in service and rates have been spasmodic, and interrelated to citizen action and pressure. Only in a few cities have regular departments been established to provide a clear and continuous responsibility for protection of the local consumers of utility services. Such departments need adequate financial support if they are to deal competently with franchise matters. What should be the rôle of such a department? Apart from investigation, analysis, and recommendation, it should be prepared, with official sanction of the council, to take action before a state public service commission for rate adjustments that can be justified by a showing of fact. It might also be responsible for a continuing review of municipal ownership.[33]

State Regulation of Municipally Owned Utilities

The reasons for state regulation of privately owned public utilities are well recognized. A potential conflict always exists between the private company's interest in profits and higher rates, and the public interest in services and lower rates. When municipalities failed in the closing decades of the nineteenth century to protect the public interest adequately, the development of state public service commissions followed. Subjected as they were to state regulation, the private corporations frequently contended that public service commissions should likewise fix rates for municipally owned utilities. Many cities held that this was unnecessary because there was no divergence of interest between the public owners of a utility and the consumers. If the people of a community were not satisfied with service and rates of a municipally owned utility, they had a ready means of redress through their control over the municipal administration.

[32] John Bauer, *op. cit.*, 9-10.
[33] *Ibid.*, 15.

Numerous arguments have been advanced in favor of state regulation of municipally owned utilities. One is that the city, by undertaking public ownership, engages in a proprietary or business function, and should, therefore, be subject to state administrative control. It is also pointed out that, where cities sell utility services to fringe areas, those consumers have no direct control over the municipal administration. Their interests can only be protected by a state agency. Finally, it is urged that state commissions can render valuable advice and assistance to municipal utility agencies on operation, equipment, accounting, and other aspects of management. In response to these and other contentions, some states, including New York and Wisconsin, have extended the jurisdiction of public service commissions over rates charged by municipally owned utilities within and outside corporate boundaries. Other states have compromised by subjecting municipally owned utilities to the jurisdiction of public service commissions, when sales are made beyond municipal boundaries.[34]

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[34] H. H. Trachsel, *op. cit.*, 510.

CHAPTER XXIX

Public Health and Welfare Administration

Public health and public welfare administration protect the health and provide social services in cities. To span the activities in this broad segment of administration three types of administrative units are common: (1) a public health department; (2) a separate board to administer hospitals which are municipally owned and operated; and (3) a public welfare department. Where cities have developed public housing projects, a fourth unit known as a local housing authority is customarily established for development and management of low-rent housing.

The pattern of public health and welfare administration is diverse. Many small cities are now served in these fundamental operations by county health and county welfare units. The larger cities have their own public health departments and, with some exceptions, public welfare departments which provide general public assistance and social service, such as child welfare, family case work, juvenile probation. Metropolitan cities and city-counties sometimes administer also, through their welfare departments, the categorical aids to the aged, to the blind, and to dependent children which are supported in part by federal grants and by state funds. However, these categorical aids are administered in many states by counties under state supervision, and, in some states, by administrative districts of state welfare departments.

The basic tasks of public health authorities are to improve community sanitation and health, and to reduce morbidity and mortality from causes affecting large numbers of the municipal population. Originally concerned with the environmental sanitation, public health administration now includes services for the prevention of illness and promotion of good health practices. Beginning largely with the prevention and control of communicable diseases, public health work has been extended to include some of the chronic non-communicable diseases which affect large segments of the population. The organization of a municipality to perform the activities of public health administration usually centers in a department of public health, and in a separate administrative unit to supervise any municipally owned hospital.

Public Health Programs in a Community

The United States Public Health Service has indicated that it takes a population of at least 50,000 to support an adequate local health unit. The

minimum staff recommended for a population of 50,000 includes one full-time medical officer, a sanitary engineer, a sanitarian, ten public health nurses, three clerks, and part-time clinicians. Small cities, without sufficient population to support an adequate health department, are best served by providing for joint support of a public health unit, including a number of cities and villages, or by a county health unit, administering both in rural and urban areas. A dollar a year, per capita, is an essential minimum to support a professionally staffed local health unit providing basic services. Additional services will run the cost to $2.50 per capita.

What can a municipal health department do for the community? Aside from keeping vital statistics of births, deaths and diseases, the department is properly concerned with the control of communicable diseases (smallpox, typhoid fever, diphtheria, scarlet fever), and with facilities for immunization and vaccination. It assists in the control of tuberculosis through clinics, X-ray, and provision for early hospitalization. It participates in the campaign against venereal diseases through diagnosis and outpatient treatment. The department conducts health programs for mothers and children, and gives physical examinations to school children. It also provides public health nursing services in clinics, homes, and schools. It contributes to public health education through pamphlets, posters, and charts, directed to personal and community health problems.

Other traditional activities of a health department relate to the inspection of sanitation in public places, such as restaurants, tourist and trailer camps, swimming pools, hospitals, and to programs designed to eliminate rodents, mosquitoes, and flies. The department is likewise involved in safeguarding water, milk, and food supplies, through inspections. Municipal departments commonly work with state industrial hygiene units to promote adult health in local factories, and to develop programs for dental care, nutrition, cancer control, and mental health.

The public health department is of value not only to the community and to the individual, but also to the private physician. The public health activities which are of concern to the private physician are weekly health reports on current communicable diseases; analysis of vital statistics; public health nursing service; laboratory service; distribution of free drugs and biologics when needed; and diagnostic services, when consultation is requested. The community without a full time health department may pay a high price in preventable sickness and death. A public health department "pays off," by raising health standards and lowering the death rate.[1]

Internal Organization of Municipal Health Departments

Except in the large cities, municipal health departments are customarily organized into functional bureaus and divisions. In the large cities, it is

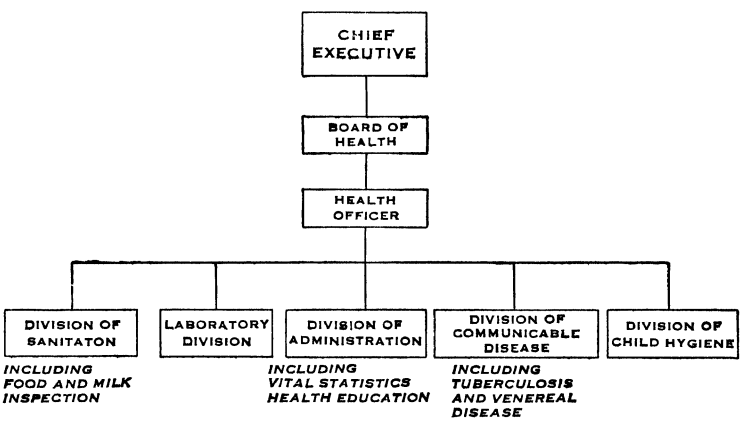
[1] U. S. Public Health Service, *Better Health for Your Community* (Washington, D. C., 1947).

often necessary to provide district health centers with district health officers, as well as the functional units operating at headquarters. Attention is first directed to functional organization. City health departments render direct personal service as primary units in public health administration. They are under varying degrees of supervision from state health departments, which may actually take charge of a local situation in an emergency.

To understand the functional organization, consider the major activities of a city health department. These are: (1) the recording and analysis of vital statistics; (2) communicable disease control, including tuberculosis and venereal diseases; (3) child hygiene, specifically prenatal and maternity work, infant and pre-school hygiene, and school hygiene; (4) sanitation, involving general sanitation, food and milk control; (5) laboratory facilities; and (6) public health education. Other functions relate to adult hygiene, and include control of cancer and heart disease, industrial hygiene, and nervous diseases.[2]

CHART 19

PUBLIC HEALTH ORGANIZATION



In a city of not more than 100,000 these activities can be grouped into five generalized divisions reporting to the municipal health officer. The appropriate divisions are: (1) administration; (2) sanitation; (3) communicable diseases; (4) child hygiene; and (5) laboratory. The division of administration handles internal administrative problems, vital statistics, and health education. The division of sanitation spans food and milk inspection and general sanitation. Communicable diseases, together with control of tuberculosis and venereal diseases, may be handled in the third unit. A child hygiene program will include infant, pre-school, and school

[2] W. G. Smillie, *Public Health Administration in the United States* (New York, 1940), 340.

programs, unless child hygiene in schools is handled by a separate administrative agency of an independent school district. The laboratory unit provides analysis, and free drugs and biologics as needed. In a large city, it will be necessary to provide bureaus within these basic divisions. In the division of communicable disease control, the appropriate bureaus will deal with (1) general infectious disease control; (2) tuberculosis; and (3) venereal disease. In each of these operations, provision must be made for control through reports from private physicians, public clinics, and nursing supervision for cases not hospitalized. As new activities, such as industrial hygiene are added, new divisions must be developed, or bureaus within older divisions created.

Large city departments of public health administration also face the necessity of providing for decentralization within their administrative structure. For example, in New York City, the city is divided into health districts, each serving about 250,000 people. "These centers are health departments in miniature, containing clinics, child health stations, nursing offices, health education units and other services specially geared to the needs of the neighborhood in which they are located. Offices of major volunteer health and welfare agencies are also located in the centers." [3]

The district health centers in large cities include offices for supervisory personnel, public health nurses, and sanitary inspectors. They contain also facilities for well-baby, tuberculosis, immunization, and dental hygiene clinics. The advantage of providing space, in addition, for private agencies of a volunteer character, is to bring about a coördination of public and private health activity in the district at one headquarters. District health centers are usually directed by a district health officer, who is appropriately charged with supervision over personnel assigned and clinics operated. The dividing line between central headquarters and district public health administration, in a large city, relates to personal service. Promotion of child hygiene, public health nursing, venereal and tuberculosis clinics, are examples of personal services which can well be decentralized in district centers. Functions that are more properly conducted from central headquarters are, for instance, vital statistics, laboratories, industrial hygiene, supervision of water supply and sewage disposal.[4]

With both functional and decentralized organizational units, who will have direct administrative supervision over a well baby clinic: the functional chief for child hygiene or the district health officer? A good administrative answer is that the head of the well baby clinic reports to the district health officer who is responsible to the city health officer. The program which is maintained in the clinic is planned and prepared by the central division for child hygiene. In the smaller city, without a decentralized series of district centers, the division of child hygiene would be directly responsible for well baby clinics in the community. The

[3] R. B. Rankin, ed., *New York Advancing* (New York, 1945), 148.
[4] W. G. Smillie, *op. cit.*, 361.

development of district centers complicates the administrative problems within the department, but these are by no means insuperable. District health officers are properly given general administrative responsibility; functional headquarters units then act in a technical, staff, or advisory capacity to the city health officer.

An Illustration of Public Health Administration

In Detroit, Michigan, the mayor appoints a board of health, and the commissioner of health is responsible to this board. The department is divided into seven bureaus as follows: (1) administration; (2) sanitary engineering; (3) vital statistics; (4) medical service; (5) industrial hygiene; (6) food inspection; and (7) laboratories. Most of these bureaus are self-explanatory. The bureau of administration incorporates general administration and health education. The bureau of sanitary engineering deals with sanitary inspection and sub-standard housing. The bureau of medical service has the largest span of control, being organized into five subordinate units: (1) administration; (2) communicable disease; (3) tuberculosis; (4) venereal disease; and (5) child welfare and school health service. In addition to the seven bureaus with their subdivisions, the department also administers Herman Kiefer Hospital and the Wm. H. Maybury Sanatorium. This illustrates the elaboration of functional bureaus and divisions in a large city, combined with institutional administration.[5] It is more common in cities to have hospitals and other institutions under separate administrative units reporting to the chief executive.

An examination of some activities of the Detroit Health Department in 1946 indicates modern programs in city health administration. A community blood bank was undertaken as a joint project of the American Red Cross, the city health department, and the Wayne County medical society. The tuberculosis, case-finding program was augmented by federal funds making possible the examination, with a 70 millimeter photofluorographic unit, of the food handlers in the city. With a second unit, examinations were also made of patients admitted to the out-patient and in-patient services at Receiving Hospital. While control of tuberculosis was still a real problem in Detroit during 1946, most acute communicable diseases were held at very low figures. A decided improvement was recorded in diphtheria mortality with only two deaths, and this was attributed to intensive efforts in improving the immunization status of the community. The birth rate was 25.2 per 1,000 population, 44,000 babies being born during the year. The city experienced its lowest rates for infant mortality and deaths of mothers in childbirth: 30.3 and 1.16 per 1,000 respectively. There were no epidemics which seriously affected the total death rate of 8.2 per 1,000 population, close to a record low of 8.1 in 1942. The only diseases which assumed epidemic proportions were

[5] Detroit Department of Health, *City Health* (Detroit, Michigan, 1946), 2.

measles and poliomyelitis, but neither materially influenced the total death rate.

During one year, the Detroit health department gave instruction in safe food handling practices to 46,294 persons who applied for food handler permits. The department recorded a total of 56,466 acute communicable diseases and reportable conditions, for a population of some 1,750,000. The city social hygiene clinic treating venereal diseases reported to the department a total of 9,671 new admissions for 1946. Early in the year, the city health department opened a prenatal clinic at the Brooks Housing Project for indigent mothers. Every effort was made to have all children examined by their physicians before they entered school; the average of 57 per cent examined left room for improvement. During the year, the practice of giving toxoid treatments in school was extended to include children through the eighth grade. The shortage of nurses held the nursing visits in 1946 to 289,267 as compared with 534,136 in 1940. The bureau of laboratories received 574,735 specimens for examination.

Constant inspection of water and milk supplies was maintained in Detroit. The bureau of sanitary engineering made a total of 42,645 field visits; issued 3,571 notices for compliance, and obtained a percentage of 89.8 in the matter of complete compliance. Between 1941 and 1946, a total of 15,410 substandard buildings were inspected. Within the 697 blocks involved, 234 dwelling structures were demolished as a result of orders. A new milk ordinance became effective in 1946, continuing the old requirement that all milk be pasteurized and recognizing two processes —the holding method (temperature of 142 degrees F. for 30 minutes) and the high-temperature, short-time method (160 degrees F. for 15 seconds). Pasteurizing plants and raw milk supply were improved by supervision and inspections.[6]

The Chief Executive and the Health Department

The major question of relationship of the city health department to the mayor or manager concerns the departmental headship. The municipal health department is customarily headed by (1) a board and health officer under the board, or (2) a director of health directly responsible to the mayor or manager. The single commissioner of health without a board is found most frequently, but not exclusively, in the larger cities. Detroit, a metropolitan city, employs the device of a board and health officer with notably satisfactory results.

This is the old issue of a single department head, as against a board with the departmental executive serving under the board. Many political scientists have urged in the interests of over-all integration in executive management, that the mayor or manager appoint a single commissioner of health, and that the public health board be either eliminated or reduced

[6] *Ibid.*, 3-60.

to an advisory status. On the other hand, many functional specialists in public health administration prefer that the department be headed by a board with the members having overlapping tenures. The familiar arguments are that the board usually consists of physicians and others familiar with public health problems; provides continuity in policy; is less influenced by politics when vested with the appointment of the health officer; supports and interprets the activities of the health officer to the city administration and to the public; and constitutes a sympathetic tribunal to which the health director and the public can appeal.

On behalf of the single health commissioner, it is urged that the trend is toward the council-manager plan with departments headed by single executives. The board system originated as an insulating device against city politics in public health administration, and this type of insulation is no longer needed with professional chief executive, budget officer, and personnel administrator, at the top of the administrative hierarchy. It must be recognized that, under conditions of official and public support for public health administration and with qualified personnel in place, either system can be made to work effectively.[7] It is a theoretical argument to insist that cities now operating efficiently with a public health board should transfer to the single commissioner type.

Where boards of health exist in municipal administration, they range in size from three to fifteen members, although five or seven are common numbers. They are generally appointed by mayors or managers, with or without confirmation by the council. Some councils in commission cities are *ex-officio* boards of health. Boards of health ordinarily have quasi-legislative and quasi-judicial powers and the executive function of appointing the health officer. The boards adopt rules and regulations to effectuate state public health laws or city ordinances. They may hold preliminary hearings on licenses, abatement of nuisances, and like matters.[8]

Ira V. Hiscock has taken the position that a board of health, or an advisory council, is an essential factor in the administrative plan: (1) to advise the health officer on policy; (2) to assist in preparing a sound budget; and (3) to promulgate a sanitary code that will conform to state regulations. Granting that larger cities have tended to eliminate the administrative boards of health, he holds that in such cases an advisory council should be established.[9]

Interrelationships: Federal, State, and Local Health Agencies

State health departments render advice and assistance to local health organizations, which provide direct services in public administration. Usually, the states provide little direct service except in cases of emer-

[7] See J. A. Tobey, *Public Health Law* (New York, 1947), 83.
[8] *Ibid.*, 84.
[9] I. V. Hiscock, *Community Health Organization* (New York, 1939), 35.

gency and the routine administration of laboratory facilities. State health departments direct many of their activities to the assistance of rural counties with and without local health units. On the other hand, some state departments assist in developing new or special city health programs, such as tuberculosis clinics. The most common relationships between state health departments and cities are: (1) state supervision of municipal water supply and sewage treatment plants; (2) free state diagnostic laboratory service and distribution of biological products; (3) state epidemiological investigation in emergencies; (4) advice and assistance; (5) enforcement of minimal standards of public health practice in all communities; and (6) coördination of authorities in dealing with inter-community health programs. The operations of the state health departments in assisting and supervising municipal health practices vary widely from state to state, depending on the quality of state personnel and the funds available to sustain the state program.

The first three county health departments in the United States were organized in the years from 1908-1911. Because of the larger territorial size, population, and valuation of the country, as compared with townships, villages, and small cities, the county unit has been favored by public health authorities. By 1946, there were some 1,700 county health units in the United States, and the number was still increasing. Usually, county health departments are operated primarily for the rural areas, villages, and small cities. State laws frequently exempt cities, cities over a certain population, or cities with full-time health officers, from the jurisdiction of county health units.[10] Some states provide by law that cities may elect to join county health units by action of the common council. As a result, a number of relationships exist between cities and county health units. (1) Increasingly, many small cities are part of a county health unit, and have no municipal health department. (2) Larger cities have their own health departments, independently organized and supported. In these cases voluntary coördination is important between the city health department and the county health unit. (3) In certain areas, joint city-county health departments have been developed, or city and county share the services of the same director.

Indicative of modern trends in city-county health administration, Indiana provided, in 1947, that the county commissioners and city councils of the second class cities (Fort Wayne, South Bend, and Evansville) could provide for city-county full time health departments, expenses to be shared pro-rata on the basis of population. The law authorized administration by a seven-member board: three appointed by the mayor; three, by the county commissioners; and one, by the county superintendent of schools. During 1947, a new plan for combined operation of the health department of Seattle and of King County, Washington, became effective.

[10] J. A. Tobey, *op. cit.*, 79-80.

In Lansing, Michigan, the city health department was discontinued, and the County of Ingham assumed responsibility for public health administration, included the city staff within the county unit, and leased the city hospital for communicable disease.[11]

The United States Public Health Service, in the Federal Security Agency, is the federal administrative unit specifically charged with the protection and improvement of public health. Among its authorized functions are research; coöperation with state and other health agencies; control of biologic products; prevention of the introduction of disease from abroad and spread of disease in the United States; dissemination of health information, and collection of vital statistics. The Public Health Service coöperates with state and local health departments on matters pertaining to public health practices, education, and sanitation. It assists states, counties, cities, and health districts in establishing adequate public health service, including the training of personnel. The Public Health Service administers appropriations to assist the states in such specialized programs as tuberculosis and venereal disease control, and the development of community mental health services.[12]

Hospitals

General practice in American cities is to provide a separate administrative agency, apart from the city health department, for the administration of a municipally owned hospital. In 1946, of the 6,511 hospitals in the United States, some 2,183 were owned by federal, state, city, and county governments. The balance were church and non-profit or proprietary hospitals. There were, in the same year, 314 general and 107 specialized city and city-county hospitals, comprising about 6.5 per cent of the total number of hospitals in the United States. A survey was made, in 1946, of 239 municipally owned and operated, and 27 city-county owned and operated general hospitals. This produced a composite picture of hospital organization and finance under local public ownership.

Most of the municipal hospitals were managed by separate hospital boards of five to seven members, appointed either by the mayor or by the council. Of 253 hospitals reporting on the question, 193 were managed by separate boards; 43, as separate departments without boards; 16, as divisions within health departments; and one as a division of a public welfare department. In the 193 jurisdictions indicating the use of separate hospital boards, 82 were appointed by the council; 56, by the mayor; only two by managers. The others were variously appointed, elected, or established as self-perpetuating. A hospital manager or superintendent served as the key administrative official, being variously appointed by the hospital board (172), the chief executive (33), the city council (23), or the city health or hospital commissioner (25).

[11] *The Municipal Year Book* (Chicago, 1948), 272-273.

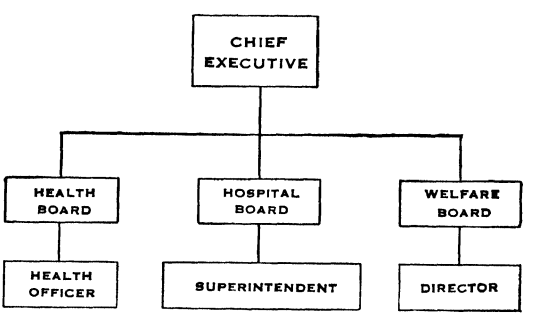
[12] *U. S. Government Manual* (Second edition, 1947), 361-362.

Of 266 hospitals, only 98 indicated that they were entirely self-supporting and did not receive support from city general funds. Sixty-five per cent reported more than three-fourths of their 1946 operating expenses paid from hospital earnings. Some 24 hospitals, almost all of them large city hospitals, were prohibited from accepting paying patients and derived all their operating funds from city appropriations. An additional 22 hospitals, likewise primarily large-city units, stated that anywhere from one to 49 per cent of their operating expenses came from earnings. In approximately three-fourths of the city and city-county hospitals reporting, the hospital budget was subject to review and change by the chief executive and council.[13] Where cities do not own and operate hospitals, and are legally responsible for the hospital care of indigents, arrangements must be made for hospitalization with private or other public institutions.

The term *municipal hospital* covers a wide variety of general hospitals. The large city institutions, caring for indigent patients and supported entirely by city appropriations, are one type. Small city hospitals, caring for both indigent and paying patients, and supported partly by private fees, and partly by municipal per diem, deficit-meeting, or flat-sum appropriations are another. Hospital management is a technical problem whether an institution is publicly or privately owned. Municipalities have leaned heavily toward administration by separate hospital boards, appointed in a variety of ways, and authorized to select a hospital manager. General practice has, however, kept the hospital budget subject to review and control by the chief executive and the city council. Where cities have entered the field of hospital ownership and management, the usual result has been to create, in effect, another municipal department with a plural executive. In addition to the 300-odd city and city-county general hospitals, there are more than 100 city and city-county specialized hospitals, dealing with communicable diseases, tuberculosis, and other specialties, such as nervous and mental conditions.

CHART 20

ORGANIZATION FOR PUBLIC HEALTH AND WELFARE



[13] *The Municipal Year Book* (Chicago, 1947), 263-265.

Municipal Welfare Administration Prior to 1930

Few municipal functions have undergone such a tremendous upheaval as did municipal public welfare administration in the decade from 1930 to 1940. It is, therefore, important to understand municipal responsibilities in welfare administration prior to 1930; the major modifications during the decade of the nineteen-thirties; and the situation today.

At the inception of the Great Depression in 1929, public assistance was considered a responsibility of the states and their local units of government. All types of individuals needing relief (variously referred to as general assistance, relief, direct relief, outdoor relief, or unemployment relief) went to municipal welfare departments to obtain monthly grants in cash, or orders for rent, clothing, and food. The cost was defrayed in large measure by the local general property tax. English settlers to the American colonies had continued the Elizabethan concept that public relief, for those who could not support themselves or obtain assistance from relatives, friends, or private charity, was a function of local government. Coördinate with this basic principle was the view that poverty was the fault of individuals who must be discouraged by small amounts of assistance from remaining on relief rolls. The workers and taxpayers should not be expected to carry heavy taxes for persons living in idleness.

Little differentiation was made between individuals as to the cause of their poverty. Whether they reached the relief rolls because of physical or mental illness, moral weakness, physical handicaps, or death of the male head of the family, made little difference. They obtained some measure of relief from the city. In a relatively simple economy, where most men, women, and older children could earn board and lodging, only those economically and socially rejected found themselves on relief rolls. Gradually, state laws made differentiation as to categories of persons, and provided some specialization in relief administration and support. The United States entered the Great Depression of the nineteen-thirties with the Elizabethan concept of poverty as a responsibility of local government. Some states had developed separate programs of old-age assistance, aid for dependent children, and pensions for the blind.

Early in the 'thirties the state and local governments were unable to meet the impact of widespread unemployment and destitution. A new situation had developed in which millions needed relief from cities and other units of local government. These millions were not analogous to the paupers of the Elizabethan poor law. They were the victims of a lengthening and deepening industrial depression. Having exhausted their own and, in most cases, their relatives' resources, they applied to city hall for relief in kind or in cash.

Municipal welfare departments had been adjusted, prior to 1930, to relatively small numbers of relief recipients. The cost of public welfare had not been a large item in municipal expenditures. The rise in relief

costs in 16 selected cities from 1911 to 1931 tells the story. The cities were New York, Chicago, Philadelphia, Detroit, Cleveland, St. Louis, Baltimore, Boston, Pittsburgh, San Francisco, Milwaukee, Buffalo, Washington, D. C., New Orleans, Cincinnati, and Newark. The aggregate governmental cost payments of these cities for outdoor relief, including outdoor care of the poor, aid to mothers, and aid to soldiers and sailors was only $1,559,000 in 1911. This cost reached $11,640,000 in 1923; stood at $18,989,000 in 1928; and reached $64,142,000 in 1931.[14]

The early nineteen-thirties found municipal welfare administration faced with unsurmountable difficulties. The traditional municipal public welfare board with an executive director to supervise social workers was suddenly overloaded with thousands of cases to be processed, to be supervised, and to be supported financially. The need for overhauling and expanding municipal welfare agencies came at a time when cities were hard put, because of general property tax delinquency, to expand administrative staffs. There was a shortage of trained social workers. Cities could not possibly appropriate for this major relief burden from current funds, supported by existing tax revenues. At a time when cities needed to increase general property tax revenues, the source was declining because of reductions in assessed valuation and increases in delinquency. Many municipalities could not borrow to meet relief costs, because of constitutional and statutory debt limits related to assessed values, or because of limitations against borrowing for current operations, such as relief administration.

Developments from 1930 to 1940

In the years from 1930 to 1933 the state and local governments fought out the battle of relief with little assistance from the Federal Government. As the cities exhausted their resources, they appealed to the states. Some states responded by setting up state emergency relief administrations, and by providing for state assistance to meet the mounting, aggregate costs. It became evident early in the nineteen-thirties that the resources of the states were inadequate to meet the crisis. At that time, state revenue sources were not as diversified as they are now. Some states were faced with constitutional debt limits; others could not borrow for operating expenses as distinguished from capital outlays; still others lacked power over relief administration, and were prohibited from borrowing for objects over which they had no power. The states and local governments had to borrow from the banks, and the banks could not arrange illegal loans, contrary to constitutional provisions. Municipal default on existing indebtedness was developing.[15] It was a desperate situation.

[14] R. S. Stout, *Unemployment Relief Financing in the States* (State College, Pennsylvania, 1946), 2.

[15] Lewis Meriam, *Relief and Social Security* (Washington, D. C., 1946), 11.

The Roosevelt Administration responded, beginning in 1933, to the issue of relief by accepting unemployment as a national problem to be met by federal tax and borrowing capacity. The Federal Emergency Relief Administration was organized to work with state emergency relief administrations. Money appropriated by the Federal Government was granted to state emergency relief organizations which, in turn, supported local units in their efforts to extend relief and work relief. F.E.R.A. put the Federal Government in the position of underwriting a large percentage (about 71 per cent) of the relief and work relief expenditures from 1933 to 1935. The nature of the crisis appears in the statistics. In December, 1933, some 7,000,000 households and almost 25,000,000 people were dependent on relief, work relief, or other emergency employments financed from federal, state and local funds.[16]

In 1935, the Federal Government made a major change in policy and established the Works Progress Administration, later known as Work Projects Administration. This organization was universally referred to as W.P.A. The basic principle of W.P.A. was that the Federal Government assumed responsibility for employing the employable unemployed on work relief projects under federal supervisors. States and localities contributed materials and supplies for the projects which they sponsored. To be eligible for W.P.A. employment, a person had to be receiving relief, or be eligible to receive it. In most states, a means test was administered by the state or local welfare agency. The employable person thereby determined to be on relief, or eligible for relief, was certified for W.P.A. employment. In the course of its operations from 1935 to 1943, W.P.A. employed, at one time or another, some 8,500,000 different individuals; built or improved 651,000 miles of roads; erected or improved 125,110 buildings; installed 16,110 miles of water mains and 24,300 miles of sewer lines. The Federal Government contributed 10.1 billions and the sponsors' contributions amounted to 2.8 billions of dollars.[17] Millions who would otherwise have been on municipal, county, town, or township relief rolls were certified to W.P.A. employment. A pattern of Federal Government responsibility was set which could be used again in the event of a grave and prolonged depression with millions of unemployed.

The Federal Government also stimulated employment during the nineteen-thirties by making grants and loans to cities for major public works construction, such as waterworks and sewage treatment plants under the Public Works Administration. The municipalities built these plants themselves, or under contract with private firms. The federal program of grants and loans made possible the revival of local initiative, in the face of local financial stringency.

Out of the experience of the depression was evolved the Social Security Act of 1935 which became our long-range program of public welfare

[16] Marietta Stevenson, *Public Welfare Administration* (New York, 1938), 38.
[17] See *supra*, Chap. X.

administration. The Federal Government undertook and has continued to make funds available to the states for categorical public assistance programs: (1) aid to the aged; (2) aid to the blind; and (3) aid to dependent children. A federal policy of old-age insurance was established as a contributory system, to cover most of the industrial and commercial workers. The Social Security Act provided also, under the authority of national tax policy, for the establishment of state systems of unemployment insurance to make compensation available to unemployed workers for limited periods of times. Thus, the nineteen-thirties witnessed a fundamental readjustment of federal-state-local relationships and responsibilities in public welfare administration.

The cities, after struggling during the early years of the decade with masses of unemployed, were again reduced to the traditional rôle of providing, with financial assistance from the states, relief for those needy individuals and families not otherwise supported. With W.P.A.; P.W.A.; federal-state categorical assistance for the aged, blind, and dependent children; and the development of federal old-age insurance and state unemployment compensation; the burden of direct relief in cities was eventually reduced. In some states, even direct relief was transferred to state-county administration, except in the metropolitan cities. In Michigan, for example, the programs of old age assistance, aid to the blind, and aid to dependent children were placed under county bureaus of social aid as units of the state department of public welfare. Administration of general relief was entrusted, during the nineteen-thirties, to county social welfare boards. Of the cities in the state, only metropolitan Detroit continued a department of public welfare administering general relief. Under the impact of depression, public welfare became a federal-state-local problem.

Current Programs for Relief and Social Security

The current programs for relief and social security in the United States have been described as an amalgamation of Elizabethan poor relief, with local responsibility, and modern policies of centralized administration. There are federal, federal-state, state, state-county, and municipal programs.

1. Old age and survivors insurance is a contributory system, operated by the national government for some salary and wage workers. It does not extend to agricultural laborers and domestic servants in private homes. It does not apply to self-employed persons such as farmers, independent business men, and professional people in private practice. Most commercial and industrial workers become fully insured after a substantial period of employment in a covered occupation. For those fully insured, the O.A.S.I. provides old-age benefits after age 65 if the beneficiary withdraws from substantial employment. Benefits are also available for the wife of an old-age beneficiary, when and if she attains the age of 65. Widows attaining

age 65 obtain benefits if a worker dies after reaching an insured status either before or after retirement. Provision is also made for benefits to surviving, unmarried children under eighteen years of age.

2. The old-age assistance program is a non-contributory, means-test system, operated by the states, and supported in part by federal grants-in-aid. The Federal Government contributes to the cost of such old age assistance not exceeding an aggregate amount per month in any one case. The states are left a wide area of discretion in determining the standards of need and the amount of benefits. Some states such as California, Colorado, Massachusetts, and Washington paid benefits exceeding $50 per month in 1947. Nine southern states had average payments under $20 per month in 1947.[18] The states have developed great variations in the percentage of persons over 65 years of age in receipt of old-age assistance.[19]

3. Aid to dependent children is also a non-contributory, means-test program, managed by the states with a grant-in-aid from the Federal Government. Benefits are provided for dependent children who are to make their homes with relatives of a degree determined by federal law. As in the case of old-age assistance, the Federal Government will share the financial burden in each case up to a maximum amount per month.

4. Aid to the needy blind is also a non-contributory, means-test program operated by the states with a grant-in-aid from the Federal Government. Blindness is the only type of permanent disability which has thus far been singled out for categorical public assistance under federal-state financial support. It follows the familiar pattern of a contribution by the Federal Government up to a maximum per month.

5. Unemployment compensation is administered by the states, and financed by the states from taxes on employers. The Federal Government levies a payroll tax to provide unemployment insurance, but employers can offset 90 per cent of the federal tax by payments to a state for a like purpose. Under compulsion of a national tax, the states have developed systems of unemployment compensation. They administer these contributory insurance systems to provide unemployment compensation to workers. Unemployment compensation does not apply to agricultural workers; domestic servants in private homes; employees of governments, or of educational, religious, or eleemosynary nonprofit institutions; or to persons working for an employer of less than eight persons. The number of weeks of compensation is limited in any one period of benefit. Then, the individual cannot obtain further unemployment insurance until he has new qualifying earnings.

[18] Federal Security Agency, *Annual Report* (Washington, D. C., 1948), 100. In 1949, the Federal Government contributed 75 per cent up to $20 per month and 50 per cent from $20 up to $50 per month.

[19] Lewis Meriam, *A Summary of the Publication: Relief and Social Security* (Washington, D. C., 1946), 5.

6. General assistance or relief (direct, outdoor, or unemployment relief) is still administered by units of local government, usually with state grants-in-aid. This aspect of public welfare administration is not contributory, and is founded on a means-test to determine eligibility for and amount of relief payments. General relief administration is the residue from the Elizabethan poor relief doctrine of local responsibility. The standards for relief and the amounts of money made available are determined by state and local laws, and applied to individual cases by social workers. Groups dependent on general relief are, for example: the needy disabled who are under 65 years of age and do not qualify under any specific, categorical program; unemployable, needy widows under 65 and having no children under 18; needy persons under 65 who are physically and mentally able to work, but cannot make a living because of prevailing conditions of employment; children who cannot qualify for aid to dependent children.[20]

The general relief program in counties and cities is today a last means of assistance to the needy. The individual who does not qualify under old age insurance, unemployment compensation, old-age assistance, aid to the blind, or aid to dependent children, must be provided for, if at all, by county, city, town, or township welfare administrators, using available local and state funds. Alternatively, general relief is used to supplement, where necessary, the monthly stipends of those who are receiving benefits, or categorical assistances that prove to be inadequate. Again, general relief may be called into play after a person has exhausted unemployment compensation, for example. The self-employed, agricultural laborers, and persons with heavy obligations to numerous dependents, may find resort essential from time to time to general relief, depending on conditions of employment. In the nineteen-forties, by comparison with the 'thirties, general relief administration had ceased to be as important a factor in public administration. The federal and federal-state programs of social security and categorical public assistance were in operation. World War II brought intense labor shortages. After World War II, contrary to the expectations of many dire prophets, more than 60,000,000 persons were employed—an all-time high.

It is too much to assume that general relief will always remain in such a subordinate rôle as that of the late nineteen-forties. A severe industrial depression could exhaust unemployment compensation benefits, keep youth out of the labor market, and idle self-employed and agricultural workers. Should such a prolonged crisis accrue, the states and cities might well urge that the Federal Government again assume responsibility for the employable unemployed, by reëstablishing W.P.A., or an analogous federal agency.

[20] See the summary by Lewis Meriam, *op. cit.*, 2-12. Omitted from the above listing are such specialized programs as the railroad retirement and the railroad unemployment compensation system administered by the Federal Government.

Administration of Categorical and General Public Assistance

The administration of categorical public assistance and general relief is variously organized from state to state. A number of general situations may be summarized as to administration of categorical aids to the aged, blind, and dependent children, and general relief. (1) A common system is one in which general relief, old-age assistance, aid to the blind, aid to dependent children, and general relief, are administered by county authorities. In administering categorical public assistance, local authorities are supervised by state public welfare agencies responsible for these federal-state programs. States illustrative of this combination of categorical programs and general relief under county administration are Alabama, Arizona, Arkansas, California, Colórado, Georgia, Iowa, Kansas, Louisiana, Maryland, Missouri, Montana, Nebraska, New Mexico, North Carolina, Oregon, South Carolina, Utah, Washington, and Wyoming. Certain city-counties such as Baltimore, Denver, and San Francisco, operate as units to provide both general relief and categorical assistance, because they function as counties as well as cities.

(2) In another group of states, there is state administration of the categorical aids usually through district units, with various arrangements for general assistance. Connecticut has a state division of public assistance, but general relief is handled by cities, as in Bridgeport, Hartford, Middletown, New Haven, and Waterbury. In Florida, categorical aids are handled by the state welfare board, but general relief is administered both by city and county agencies without state supervision. In Idaho, the state administers categorical aids, but the counties control general relief unless they request the state to act. Maine also has state administration of categorical public assistance, but general relief is administered by such cities as Bangor, Lewiston, and Portland. Michigan has state administration of categorical aids, and county administration of general relief under state supervision.[21] However, the City of Detroit has its own welfare department which administers general relief.

(3) In a third group of states, a wide variety of systems are used. Some illustrations of these diversities follow. In Illinois, categorical aids are administered by counties under state supervision. General assistance or relief is administered locally by 1,436 townships, the town of Cicero, 17 commission-governed counties, and the city of Chicago. Funds for general assistance are allocated to local units according to need by the state public aid commission, which sets broad policies as to standards, policies, and procedures. In New York, general assistance, called home relief, is conducted by town, city, and county departments of welfare, under supervision of the state department of public welfare. The categorical aids are generally handled by counties. However, cities which administer both

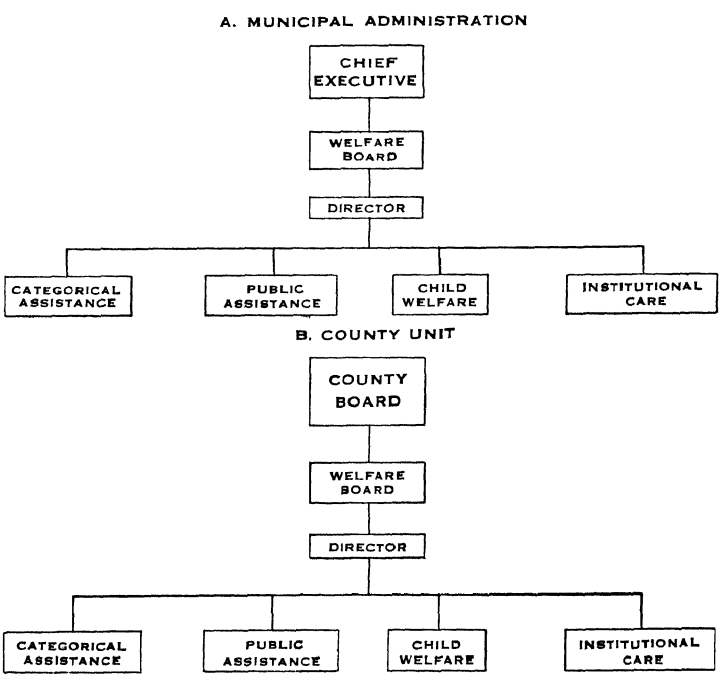
[21] In some counties, these operations have been combined under one administrative authority.

home relief and categorical aids include Auburn, Binghamton, Jamestown, New Rochelle, New York City, and Poughkeepsie. In Ohio, general assistance is administered by city and county agencies; old-age assistance, by the state; aid to the blind, by counties; and aid to dependent children, by juvenile court judges. Cities having their own welfare departments for general relief administration include Akron, Canton, Cleveland, Dayton, Hamilton, Lima, Mansfield, and Toledo.[22]

It is evident that no uniform pattern exists in the United States in public welfare administration. The trend to state and county administration of old-age assistance, aid to the blind, and aid to dependent children, has left the cities primarily in the administration of general relief. Even as to general relief, many states have adopted a county unit system. The larger cities in various states still administer general relief; some of the metropolitan cities (New York), city-counties (Baltimore, Denver, St. Louis, and San Francisco), and city-counties generally in Virginia, administer both general relief and categorical aids.

CHART 21

ORGANIZATION FOR PUBLIC WELFARE



[22] American Public Welfare Association, *The Public Welfare Directory* (Chicago, 1947), 26-276 lists the states and the state and local agencies.

Illustrations of Municipal Operation

Chicago operates a department of welfare obligated to assist the poor and indigent. In 1946, the department allotted an average assistance budget for a family of four without income as follows: $116.81 per month for food, shelter, cooking fuel, light, refrigeration, household incidentals and personal allowances. In addition, the agency provided for other items on the basis of need—heating fuel, medical care, dental care, hospital care, nursing service, and other possible requirements of a complex urban environment. Through case work, the department sought to create opportunities for self-development and rehabilitation. As mass unemployment eased, emphasis was placed on case work service for families and individuals.

The monthly average number of persons receiving assistance in Chicago from public funds dropped from 253,510 in 1939 to 26,445 in 1945. State and local expenditures for public assistance and administration in Chicago fell from $37,498,647 in 1939 to $8,138,385 in 1945. The commissioner of welfare had, under his office, administrative planning, public information, research and statistics, and resources consultant. The service bureau, under a deputy commissioner, had the following divisions: application, children, family, home economics, and medical. The business bureau, under another deputy commissioner, was divided into these operations—accounting and auditing, commodities, institutions, investigation, maintenance, procurement, and office services.[23] In Illinois, categorical aids were administered by counties.

In Baltimore, the department of welfare administered, in 1947, a broad program including: (1) general relief and categorical public assistance; (2) medical care; and (3) city hospitals. The department was headed by a director appointed by the mayor. It was divided into three fundamental sections, each supervised by an assistant director: public welfare, medical care, and city hospitals. The public welfare section was subdivided into units, such as the family service division which controlled general relief and categorical aids to the aged, blind, and dependent children; the children's division, which handled boarding and foster care; the protective service for children in their own homes; and the protective service for girls, which provided rehabilitation service for prostitutes and promiscuous girls. The medical care section dealt with such problems as admission service for needy medical and surgical patients to hospitals; public dispensaries; and emergency physician home service for the needy. The city hospitals section administered a general hospital, a chronic hospital, a tuberculosis sanitarium, and an infirmary. This is an example of a city welfare department with a broad range of functions, including hospital

[23] Chicago Department of Welfare, *Chicago Cases: Decennial Report, 1936-1946* (Chicago, 1946), 23.

management, which is commonly entrusted to a separate administrative authority in cities.[24]

In Cincinnati, the division of public relief was a unit within the municipal department of public safety until 1948, when public relief was transferred to Hamilton County, a centralized and consolidated county welfare department being established. The final report of the division of public relief in Cincinnati (1947) indicated the scope of welfare administration in that city. During 1947, some 120 partially incapacitated persons were assigned to work-relief projects, such as cleaning, dusting, and sweeping at the city hall. The total relief case load in December 1947 was 2,560 cases, of which 825 were totally disabled and permanently unemployable cases. Shelter care was provided for transient and local homeless men at the Mt. Airy Center. An employment consultation service was maintained. Medical cases were referred to hospital, clinic, and health-center services. Private employment agencies were supervised. Community garden plots were made available to families receiving public relief. Social service was provided for the protection of juveniles, for social rehabilitation of patients at the Venereal Disease Clinic, and for assistance to children involved in support of indigent parents.[25]

In New York City, five primary types of public assistance are administered by the department of welfare: old age assistance; assistance to the blind; aid to dependent children; home relief; and veterans' assistance. The city is reimbursed by New York State to the amount of 80 per cent of expenditures for the five primary types of relief, as well as for part of the salaries of local administrative personnel. The state is, in turn, reimbursed in part by the Federal Government, for amounts paid by the state to the city for old-age assistance, assistance to the blind, and aid to dependent children.[26] Like Baltimore, New York City is an example of municipal administration of general relief and categorical aids. The Chicago welfare department is concerned with general relief and other welfare functions, but does not include administration of aid to the aged, blind, and dependent children.

Varying Scope of Municipal Public Welfare Administration

While no generalized statement can be made as to municipal public welfare administration today, cities fall into certain general categories. (1) Many cities are no longer in the business of public welfare administration, because both general relief and categorical aids have been transferred

[24] Commission on Governmental Efficiency and Economy, *The Department of Welfare: City of Baltimore* (Baltimore, 1947), 5-7.

[25] Division of Public Relief and Welfare, Cincinnati and Hamilton County, *Annual Report* (1947), 1-13.

[26] The Mayor's Executive Committee on Administration reported by mimeographed letter to Mayor O'Dwyer, October 24, 1947, after an investigation of organization and policies.

to county authorities under state supervision. (2) Other cities are still responsible for general relief, but do not administer the categorical aids of the federal-state programs, the latter being variously administered by state agencies, or by county units under state supervision. (3) Some of the larger cities, and especially city-counties, administer a combined public welfare program, including relief and aid to the aged, blind, and dependent children. (4) Where large cities are involved in public welfare administration, they present collectively, a wide range of social service, child welfare, institutional, and licensing or regulatory responsibilities. Cities, therefore, range from little administrative responsibility in public welfare administration to a broad sweep of activities.

In the extreme examples of comprehensive public welfare administration, the large cities collectively deal in public assistance, social service, child welfare, institutional care, and regulatory operations. Public assistance refers to general relief, and categorical aids to the aged, blind, and dependent children, veterans' programs, and transient relief, for example. Social service involves case work, adult probation, supervision of parolees, shelters for homeless men, vocational rehabilitation, and legal aid. Child welfare refers to child placement, supervision of foster homes, care for handicapped children, juvenile probation, summer camps, child guidance clinics, and similar activities. Institutional responsibilities apply to those instances where public welfare departments have administrative authority over hospitals, sanatoria, homes for dependent adults, workhouses, and correctional units. Licensing and regulatory functions encompass diverse operations in supervising employment agencies, public solicitation of funds, public amusements, private welfare agencies.

Concluding Observations

Analysis of the range of public health and welfare functions indicates why cities have established three types of administrative units: (1) public health departments; (2) separate administrative units to manage hospitals; and (3) public welfare departments. Where a city has engaged in municipal housing projects to promote the welfare of families forced into slum areas, it has been the practice to develop also (4) a local housing authority.[27] Public health and social welfare have thus resulted in the evolution of administrative units dealing with: (1) the protection of public health; (2) hospital and institutional management; (3) limited or comprehensive public welfare administration; and (4) local housing authorities, where public housing projects have been undertaken.

The public health program comprises vital statistics, control of communicable disease, child hygiene, sanitation, and laboratory services. It is an integrated functional program, which can properly be brought within

[27] See *supra*, Chap. X.

the framework of a municipal department. Professional training has been directed toward the staffing of such departments with competent directors, technicians, and public health nurses.

Public welfare departments deal often with the same groups of people who concern public health administrators. In classification by clientele, public health and welfare often merge into common problems. However, their functional purposes are vitally different. Public health is concerned with the prevention of disease, and with the protection of society from the spread of disease. Public welfare is concerned with the amelioration of poverty through financial aid and case work. Illness may beget poverty and poverty may result in illness; it may follow that public health nurses and social case workers are dealing with the same families, from time to time. This calls for liaison and coordination, but does not constitute a valid argument for the merger of the two municipal services into a single department.

Where cities own and operate hospitals, the most common answer in practice has been to provide a separate administrative board or director, directly responsible to the chief executive of the city. Institutional management has suggested, to many charter framers and ordinance makers, the need for an administrative agency apart from public health or public welfare. Without dealing in all the theoretical arguments pro and con, and the successful examples of public health departments operating hospitals, the practice in municipal administration is usually to separate out hospital management administratively.

Municipal public health and public welfare administration have been markedly influenced by federal, federal-state, and state programs. The development of county health and county welfare units has given us an admixture of city and county administration. Many of our smaller cities have surrendered public health and welfare administration to county units. The larger cities have, of necessity, continued and developed municipal health and municipal welfare departments. In the broad sense, however, all local units involved today in public health and welfare administration are greatly influenced by federal-state, and state-local health and welfare programs.

The public health board and the public welfare board have been the traditional devices for headship of these respective departments. Functional specialists see a real value in maintaining a board which permits a representation of numerous lay groups in departmental policy. In recent decades, however, the single health, or single welfare, director has been introduced in a number of cities, thus bringing these departments in line with integrated management doctrines. When a board is used in public health or public welfare, it is important that it be restricted to policy matters and selection of the executive director of the department. A paid board which undertakes executive duties itself is no longer deemed desirable as the formal head of a municipal department.

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CHAPTER XXX

Park and Recreation Administration

Until recent decades, the responsibility of a city in recreation was met by providing parks and open spaces, where people could congregate and enjoy natural surroundings. Some cities added to the joys of life by zoos and band concerts. The municipal park provided an opportunity to find relaxation from the stresses and strains of urban life. Cities responded to urban need by acquiring, developing, and maintaining parks. In 1940, some 1,465 communities of 2,500 population, or more, reported a total municipal park area of 444,121 acres. Small in-town parks, rarely comprising more than two acres, and neighborhood parks of 2 to 50 acres represented 59 per cent of the total properties (19,336) but only 10 per cent of total acreage. Large parks of more than 50 acres, reservations, and forest parks constituted 62 per cent of the municipal park acreage. The balance was made up of children's playgrounds, playfields, special sports areas, parkways, airport parks, and other types.[1]

The municipal park movement resulted from urban need for contact with the great out-of-doors. It also supplied urban demand for active, outdoor recreation. As the United States has become more and more urban, it has been accepted that city governments have a responsibility not only to provide parks, but also other recreational areas, and active supervision of organized play. The municipal recreation program, like public health administration, demands a professional staff engaged in supervision and promotion. This need has been met administratively in cities by (1) park departments having a responsibility for organized recreation; (2) separate departments of recreation; and (3) development of organized recreational programs by school systems.

Reasons for Municipal Recreation Administration

Many factors have influenced the development of recreational programs. Congested neighborhoods left little room for children to play in safety, and prompted the development of children's playgrounds. The introduction of the forty-hour work week left additional leisure time available to adults, for which organized recreational programs were demanded. The tempo of urban life increased tensions and strains, making it important to provide physical facilities and leadership in municipal recreation.

[1] National Recreation Association, *Municipal and County Parks in the United States: 1940* (New York, 1942), 5-7.

Recreation is an important phase of our lives. No one works, eats, or sleeps, all the time. In the leisure hours available, organized recreation can contribute to physical health and mental well-being. In so far as organized recreation helps to build and sustain character by an appropriate use of adult and juvenile leisure, it assists in the prevention of crime and juvenile delinquency. In this way, idle time may be converted from a potential danger to a positive force in the community. While youth is engaged in organized recreation, the gang of boys cannot be operative in acts of vandalism. Recreation cannot put an end to crime and delinquency but, properly administered, can influence the lives of people toward good social living. Recreational systems can promote community solidarity; develop good community morale; prevent accidents by keeping children off the streets; and assist in prevention of crime and delinquency. Municipal administrators, because they deal with persons in an environment of congestion and conflict, have an unusual responsibility in maintaining adequate physical facilities and leadership in organized play.

In our complex urban environment, the expenditure of public funds by municipal park and recreational departments scarcely needs justification. The reasons for municipal assumption of this function may be briefly summarized. (1) Municipal recreation provides a large proportion of urban population with their only real opportunity for wholesome, organized recreation. The wealthy can create and pay for their own recreational trips and activities far beyond any facilities which cities can develop, but this is not true of the industrial worker. (2) The municipality is the only agency by which adequate land areas may be acquired through eminent domain or purchase, and adequate supervision provided. The city has resources in planning, taxing, borrowing, and managing, which cannot be matched by private enterprise. (3) Municipal recreation is comparatively inexpensive as a burden on participant and taxpayer. Recreation's share of total municipal expenditures is small, and fees for use of special facilities, such as golf courses and bathing beaches are usually nominal. (4) The municipal department of recreation provides for stability and permanency in the development of facilities and programs. Private recreational facilities may be abandoned, transferred to other uses, or restricted to special activities which do not reach the varied needs of a cosmopolitan population. (5) Municipal recreation is democratic, for facilities and leadership are open to all ages, backgrounds, political opinions, and religious denominations.[2]

Recreation was deemed so important that some cities first developed playgrounds on the basis of broad interpretations of the police power granted to them by states. In others, state enabling laws, governing park or school administration, were considered to be sources of authority to

[2] For a more extensive list of reasons for municipal recreation, see International City Managers' Association, *Municipal Recreation Administration* (Chicago, 1945), 31-32.

provide playgrounds for children. Gradually, under pressure of urbanization, state legislatures enacted laws authorizing cities to spend public funds for comprehensive facilities and programs of recreation. Such state legislation and judicial interpretation have long since established recreation as an essential function of municipal government and administration. This does not mean that American cities have universally accepted this responsibility. In 1940, some 339 communities of more than 2,500 population reported that they did not own a single park.[3]

Types of Recreational Areas

The various types of municipal recreation areas, which have been developed in the United States, range from the play lot of a few thousand square feet to the large reservation of more than 1,000 acres. The common terms used to describe these facilities are (1) play lots; (2) neighborhood playgrounds; (3) playfields; (4) large parks; (5) reservations; (6) special areas (golf courses or bathing beaches, for example); and (7) other areas which are used for recreational but less frequently for organized sports (squares, neighborhood parks, and parkways).

The play lot has been described as a substitute for the back yard. It is used in large cities in housing projects, and occasionally in city blocks. The play lot is a space of 2,000 to 5,000 square feet, surrounded by a fence or hedge, and designed for use by pre-school children. This type of facility is not commonly regarded as an essential part of municipal recreation systems. It is a specialized facility for housing projects or congested city blocks.

The neighborhood playground is developed primarily for children 6 to 14 years of age, with facilities for games requiring only limited space. When properly designed, the playground can serve a threefold purpose to provide play lot space for pre-school children; to facilitate activities of children in games requiring limited space; and to provide a focal point for neighborhood festivals and play nights. The playground is an essential, primary unit in any program of municipal recreation. From approximately three to six acres of land are required to serve from 2,000 to 5,000 persons. In dense neighborhoods, a playground is essential within a quarter-mile of every home. Conditions of settlement and population may raise this effective distance from one-quarter to one-half mile.

The playfield is a more extensive area than the playground. Minimum size for an effective playfield ranges from 12 to 20 acres. It provides the facilities for children and adults to engage in games requiring more space than playground centers afford. It may be combined with a playground center for the immediate vicinity. Playfields are deemed to be essential at intervals of one-half to one mile from every home, or one acre for each 800 people.

[3] National Recreation Association, *op. cit.*, 1.

The large park is an area of 100 or more acres designed to get the city dweller into a natural environment away from traffic and congestion. Such a park will serve 50,000 people. It should have large spaces in open lawn, meadow, and woodlawn, with use being made of natural features, such as water courses wherever possible. It may be combined with special attractions—zoological or botanical gardens. In addition to areas for picnics and refreshment, the large park may also incorporate playfield areas. There is no standard lay-out for large parks, since so much depends on the natural environment, and on the facilities which are elsewhere available in playfields or playgrounds.

The term reservation is usually applied to very large tracts of 1,000 or more acres with unusual scenic features. Reservations are commonly kept in a natural state, and provide facilities for picnics, hikes, camps, winter sports, for example. The large reservation is rarely found within city boundaries, and is often located near to or well beyond city limits. Most cities depend on county or state administration for acquisition and development of adjacent reservations which serve more than one community. The modern need for recreational areas has required a concerted effort.

Special recreation areas provide facilities for a wide variety of sports—golf, bathing, camping, highly organized games or sports requiring an athletic field or stadium. Many of these special services may be incorporated in large parks or in large playfields. There has been a trend, however, to develop golf courses in separate areas, because an eighteen-hole course requires about 100 acres. The location of bathing beaches is determined by natural resources. Either in large parks or as separate public reservations along lake, stream or ocean, they are significant recreational assets. Likewise, municipal camping sites or swimming pools may be acquired as special properties, or incorporated in the larger recreational areas. An athletic field or stadium is developed to provide a quarter-mile running track, football field, baseball diamond, with provision for handling highly organized sports and numerous spectators. Many special recreation areas are supported in whole or in part by nominal fees for participation, use, or attendance.

Other areas or properties which have recreational value but are not commonly used for active, organized play are squares, neighborhood parks, and parkways. The square or plaza is best described as a breathing space within the city. It is a triangle, circle, rectangle, or square, usually less than a block in area with grass, shrubs and trees. The individual can escape momentarily from traffic and congestion, possibly sit on a bench and watch traffic flow. Neighborhood parks may be comprised of areas unsuitable for commercial or residential building. They serve the same purpose as the large park, but on a limited scale of perhaps five or ten acres. The parkway is a connecting link in a series of parks, sometimes referred to as an elongated park. The roadway is appropriately provided with a strip of park which can serve various limited recreational purposes.

Only large cities or metropolitan regions have elaborate park systems, interconnected by parkways.[4]

Standards for Recreational Facilities

A modern program of recreational administration involves: (1) the provision of a diversified series of facilities with adequate land area; (2) appropriate administrative organization for leadership in and supervision of recreation; and (3) municipal appropriations to construct and maintain facilities, and to staff them with personnel trained in recreational administration. The first of these general requirements will be considered now.

A rough standard or guide has long been that a city should provide one acre of open space for each 100 inhabitants. For a city of 100,000, this would mean a minimum of 1,000 acres divided into playgrounds, playfields, large parks, small reservations, special recreation areas, and other properties. A formula related to population is considered more reliable than an artificial area standard, such as one-tenth of the land area of a city. What would constitute a tentative allocation of 1,000 acres of recreational space for a city of 100,000 population?

A well-balanced program would incorporate diversified units, such as 20 neighborhood playgrounds (100 acres); 4 playfields (100 acres); 2 playfield-parks (80 acres); 1 athletic field (20 acres); 1 separate golf course (120 acres); 6 neighborhood parks (90 acres); 2 large parks (240 acres); and 1 small reservation (250 acres). This makes a grand total of 37 different facilities with a minimum total acreage of 1,000.[5] The determination of the exact lay-out for any community depends on social characteristics of population, density of population in various districts of the city, natural resources, and financial capacity. Attention must also be paid to state, county, or metropolitan recreational areas, available to urban population. There is no point in duplicating large reservations which are readily available by action of state, metropolitan district, or county authorities.

In 1940, some 370 cities of varying populations had acquired and partly developed more than one acre of park for each 100 inhabitants. Although the largest parks owned by these cities were outside municipal boundaries, they were readily accessible. Analysis of 321 selected cities of 2,500 to more than 1,000,000 population demonstrated, in 1940, an average park area of one acre for each 47 people. The lowest denominator was represented by 339 communities which could not report a single park.[6] The

[4] G. D. Butler, *Recreation Areas: Their Design and Equipment* (New York, 1947), 1-4.

[5] International City Managers' Association, *op. cit.*, 79.

[6] National Recreation Association, *Municipal and County Parks in the United States: 1940* (New York, 1942), 2-3.

fact that a number of cities have already exceeded the ratio of one acre to 100 people suggests that this standard can be attained more fully among cities.

Equipment of Recreation Areas

The shift from the "park" phase to the "organized play" program in municipal recreation has led to improvement in design and equipment of playgrounds and playfields. Playground apparatus includes such common types as swings, slides, horizontal bars and ladders, traveling rings, climbing structures, see-saws, and other features. It is important that playground equipment insure: (1) safety; (2) durability; (3) serviceability; (4) economical maintenance; (5) simplicity of supervision; and (6) developmental and recreational value. Standards have been established for the dimensions and approximate amount of ground space which should be provided for the several kinds of playground apparatus. Larger playfields provide space for softball, baseball, volleyball and basketball, with appropriate backstops, posts, and rings for the games. The specialized athletic field or stadium incorporates such large lay-outs as quarter-mile tracks and football fields. Other features in modern recreation are open air theatres and concert spaces, with stages and band or orchestra shells. Modern recreation areas also incorporate physical facilities for wading and swimming pools, sand boxes, skating rinks, benches and tables for craft work, picnic sites with outdoor fire places and tables.

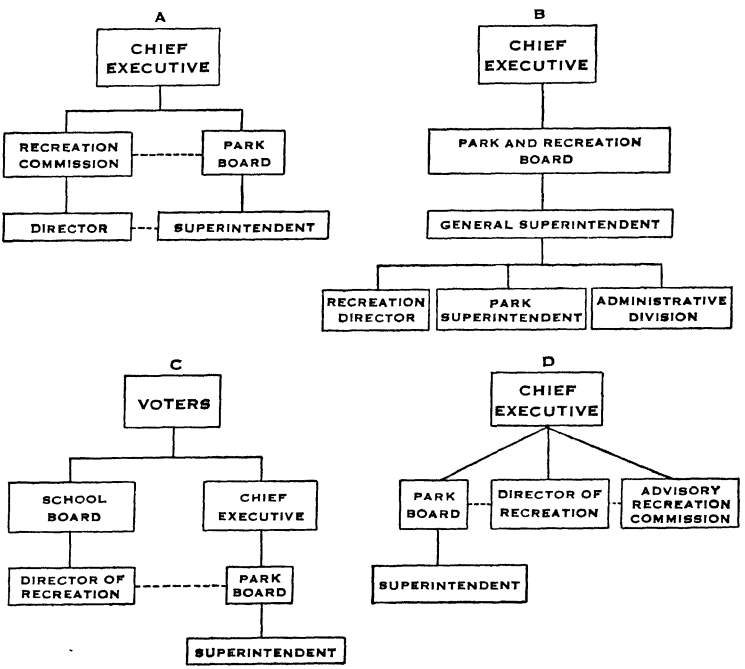
Buildings for recreational areas come in many types and varieties, such as open shelters and shelter houses, with enclosed play space to be used in inclement weather. Field houses accommodate people using playfields or athletic fields by providing showers, lockers, toilets, and dressing rooms. Recreation buildings are more elaborate than field houses, and include one or more of these facilities—recreation room, gymnasium, or auditorium with stage. Some recreational buildings are devoted to specialized operations, such as crafts, little theatres, and museums. Service buildings accommodate persons engaging in outdoor recreation, or provide for the operation and maintenance of recreation. Examples of the former are bath houses and golf clubhouses; examples of the latter are greenhouses and storage buildings for equipment and tools. Many recreational buildings have combinations of these specialized facilities. Design and construction must be related to the specific or combined objectives of the particular building. While exterior appearance is significant, it is secondary in importance to functional design and utility.

Areas for games and sports include lay-outs and facilities for softball, baseball, handball, basketball, archery, bowling, croquet, tennis, soccer, shuffleboard, volleyball, and many other games. Areas, which are used for playfields in spring, summer, and fall, may be so designed as to be flooded for skating and hockey in winter. Areas must be prepared for winter use by flooding and freezing, sweeping of snow by tractors with

scrapers and revolving brushes. Standard designs and lay-out of areas for games and sports contribute to safety and satisfaction. In large playfields and parks containing playfields, scientific design can promote multiple use of space for different purposes throughout the seasons.[7] The provision of physical facilities and maintenance is not enough. Supervision and leadership in organized play must be provided by an administrative department of the city or by school authorities.

CHART 22

ALTERNATIVE ORGANIZATION
FOR PARKS AND RECREATION



Administrative Organization

With the modern emphasis on organized play and recreation, an important shift has taken place and is still evolving in administrative organization for administration of recreation. The most common unit was a park board responsible to the mayor or manager, and authorized to appoint a park superintendent. This satisfied organizational needs when administra-

[7] G. D. Butler, *op. cit.*, chaps. 2-11 deals with equipment, buildings, design, construction and maintenance of playfields and other areas, preparation for winter uses, and similar matters.

tors were acquiring and developing parks for public enjoyment of natural surroundings. With the trend to playgrounds, playfields, and municipal responsibility for organization and supervision of play and sports, many cities established recreation commissions which reported to the chief executive. Such a commission develops the recreational program, appointing a director for this purpose. Where the recreation commission does not control and operate all the physical facilities, it may, by administrative interrelationships, use park or school areas for organized play. Sometimes, this problem is solved by establishing a combined park and recreation department. Either the old park board is expanded in function to include supervision and leadership in recreation, or a new recreation commission takes over the operations of the park authority. In other cities, the school board has been entrusted with, and continues to provide the necessary programs, supervision, and leadership in community recreation. Administrative management for recreation has been provided in divergent ways.

However organized, whether under separate recreational, or park authorities, the board or commission is a common device. As in public health and welfare administration, stress has been laid on the value of a board of citizens in control of the department. Their duties are to formulate policy and programs; to appoint a director; to interpret the needs of the department to the council and executive; to promote the use of departmental facilities by the general public; and to keep citizen groups aware of and in support of organized recreation. The single commissioner or director serving as department head holds a minority position in recreation administration.

By 1940, the movement forward to municipal departments administering recreation as a separate function was pronounced. At that time, 982 cities reported 324 examples of recreation authorities supervising recreation as a separate function. In 293 cities, authorities administered recreation in conjunction with park service. In 186 communities, authorities supervised recreation in conjunction with school administration. In 179 cities, other agencies were used to administer recreation. The separate recreation authorities were outstanding in the provision of year-round, full-time leadership in recreation, 202 of the 324 cities so reporting. The three common types of recreational administrative agencies are commonly referred to as (1) separate recreation authorities; (2) park authorities; and (3) school authorities.[8] Administratively, this frequently means control of recreation by (1) a recreation commission; (2) a park board; or (3) a school board.

Since 1940, the trend has continued to the separate recreation department. Between 1937 and 1946, about four out of five of the new public, year-round recreation agencies were separate authorities; 10 per cent were park departments; 1.5 per cent were school boards; and 6.5 per cent were

[8] International City Managers' Association, *Municipal Recreation Administration* (Chicago, 1945), 300-301.

miscellaneous administrative units. The movement forward to the separate recreation department was marked by continued use of the board or commission. Some 70 per cent of the separate recreation authorities (1946) had official boards and an additional 15 per cent had advisory councils.[9]

In recent years, a few of the larger cities have combined park and recreation agencies, for example, Los Angeles, and Omaha, Nebraska. In 1947, Jefferson City, Missouri, added recreation to the title of the park department. Lima, Ohio, transferred park administration to a recreation board on retirement of the park superintendent. In Klamath Falls, Oregon, coördination was assured by appointing the same citizens to the park board and the recreation committee. On the other hand, Providence, Rhode Island, and Cambridge, Massachusetts, have separated their park and recreation functions.[10] Many municipalities have faced the issue of whether recreation should be administered (1) by the department handling parks; (2) by the school board; or (3) by a separate recreation department. Amid all the shifting of authorities, the long-term and pronounced trend has been toward the development of a separate recreation department.

In 1946, among 1,400 cities reporting, 571 had separate departmental authorities administering recreation; 314 provided recreation in conjunction with park service; 252 school boards supervised general recreational programs; and 263 cities had diversified, other types of agencies. Among the 571 cities with separate recreation departments, 409 had boards, commissions, committees or councils; 102 had advisory councils; and 60 had single administrators for recreation. Among the 314 cities providing recreation in conjunction with park service, 207 had park boards, commissions, departments, and committees; 86 had park and recreation agencies; 14 had departments of parks and public property or buildings; and 7 had other combinations of functions. Other municipal authorities, in addition to separate recreation, park, and school agencies supervising recreation, included departments of public works, public welfare, youth commissions and boards. It is clear that American cities have evolved a wide series of administrative agencies for recreation administration, but the outstanding movement elevates recreation to departmental status.[11]

Why a Separate Recreation Department

Many forces have moved American cities in the direction of recreation departments. In the broad sense, recreation involves (1) arts, crafts, music, and drama; (2) nature, camping, and gardening; (3) social recreation such as dancing and club activities; (4) athletics and organized sports;

[9] *The Municipal Year Book* (Chicago, 1948), 440.

[10] *Ibid.*

[11] National Recreation Association, *Recreation* (Yearbook Issue, June 1947), 114-115.

and (5) recreation for special groups including housing projects.[12] A year-round, comprehensive recreation program demands, in the opinion of many authorities, separate departmentalization. Park and school authorities are already committed to heavy administrative tasks.

It is contended that more adequate recognition will be given to public recreation if this function is accorded departmental status. A board of citizens devoted to policy and programs in recreation, together with a capable executive, is urged as essential to expand municipal recreation; to coördinate use of park and school board facilities; and to attract volunteers interested in recreation. There is a danger, it is said, in leaving recreational programs to a traditional park board which is primarily interested in acquisition and development of parks, and secondarily devoted to recreation.

The disadvantages of the separate recreation department may now be considered. A separate department of recreation increases the span of control of the executive, and develops more administrative overhead. Where park boards and school authorities are responsible for most of the available physical facilities, the recreation department controls programs which involve the use of properties maintained by other departments. The very establishment of a separate recreation department suggests that park departments should be concerned only with park acquisition and maintenance, and educational authorities delimited to formal public instruction.

On weighing the pros and cons, many cities have determined that the advantages outweighed the disadvantages of a recreation department. In recent years, the trend has been to separate recreational authorities. A minority of cities have left recreation under park administrators; others have created new departments of parks and recreation. Still others have allowed independent or semi-independent school boards to supervise the recreational program for the community.

Many arguments are presented pro and con as to the relative merits of recreation administration under a separate department, park authority, or school board. If a community has an inadequate program of organized recreation, the fault may lie in a park board with traditional interests in construction and maintenance, or in a school board which lacks enthusiasm for recreation. Under such circumstances, the appropriate answer is likely to be a separate department. Where satisfactory programs of recreation are being administered by park or school boards, there may be no good reason for a change in administrative structure. Where separate recreation, school, and park authorities are involved, either through facilities or programs in recreation, coördination between the various boards, superintendents, and directors, is most essential. The chief executive in the community will have a problem in seeing that the best use is made of all facilities. Where separate recreation departments exist, the

[12] R. H. Kurtz, ed., *Social Work Year Book* (New York, 1947), 433-434.

director of recreation, under a board of laymen, should be responsible for over-all planning and programming. Since city school boards are often separately elected and not directly or indirectly responsible to city mayors or managers, many recreation departments must seek to coördinate, but cannot control the use of school facilities.

Internal Organization of a Recreation Department

Where a department of recreation is created, the usual problems of internal organization arise. Such departments are widely headed by lay boards, often called commissions, appointed by the chief executive. The board members ordinarily have overlapping tenures to promote continuity in policy. The director of recreation is responsible directly to the board and indirectly to the chief executive; a minority of cities with recreation departments have provided for a single commissioner of recreation, with or without an advisory council.

The functions of a department of recreation can be logically assigned to a series of divisions—(1) recreation activities and program services; (2) special recreation facilities; (3) administration; and (4) construction and maintenance. Recreation activities and program services constitute the general program of leadership and supervision of play and sports in playgrounds, playfields, and recreational buildings. They also include programs of music, crafts, hobbies, community and neighborhood gatherings. Special recreational facilities may be recognized administratively by a division which manages golf courses, bathing beaches, camps, and similar activities. An administrative division is essential, in large departments, to keep business, personnel, property, and records in an auxiliary unit close to the director of recreation. Finally, where the recreation department in large cities controls and operates physical facilities, such as playgrounds, playfields, and other areas, together with appropriate equipment, a division of construction and maintenance is logical.

When recreation is administered in conjunction with park service, it is usually a division of the park department. The recreation division is then responsible for activities and program services, and sometimes for special facilities, such as golf courses and bathing beaches. In a combined park and recreation department, the administrative division and the construction and maintenance division are ordinarily maintained as park units. In this type of arrangement the recreation division within the park department becomes a service unit devoted to programs and activities. Similarly, when school boards administer recreation, a recreation division is often created within the school organization, but confined to programs and activities in school playgrounds and playfields. By agreement with the city, this school recreation division may provide programs and activities in areas owned and maintained by the city government, apart from school land and buildings.

The administration of recreation in a separate department can be organized into functional divisions of programs, special features, administration, and maintenance. This functional orientation of the department may be elaborated in various ways. In Cincinnati, divisions were developed under the public recreation commission to include the following: (1) construction and maintenance; (2) design; (3) playgrounds; (4) nature and camping; (5) recreation fields and golf; (6) community activities; (7) work with Negroes; (8) music; and (9) municipal athletics. In this internal organization, the activities, programs, and special facilities are organized into six divisions. Two auxiliary divisions appear: construction and maintenance, and design. One division, namely that of work with Negroes, was based not on functional but on racial lines.[18] In Cincinnati, to a greater extent than in many cities, the department was organized into a variety of functional divisions.

The usual method of internal organization for departments of recreation follows functional specialties. In large cities, the internal administrative organization may also recognize district (area) subdivisions. Detroit has been cited as a combined park and recreation department emphasizing district organization rather than functional (purpose) divisions. The large cities pose the problem in police, fire, public health, and public welfare administration, of providing area centers with generalists in control of services for a district. The public health center is an example; others are police precincts, fire stations, and district welfare headquarters. It is similarly possible, and sometimes necessary in large cities, to divide the city into recreation districts with supervisory personnel handling recreational programs and activities in playgrounds, playfields, recreation centers, with the exception, of specialized features, such as golf courses, bathing beaches, or camps. These recreation districts may then be placed under the supervision of assistant directors of recreation reporting to the director. Under such an arrangement, the administrative division, construction and maintenance, and certain specialized features such as golf courses, bathing beaches and camps may be kept on a city-wide, operational base. The usual administrative problem is raised of coördinating the district administrative units into a unified city-wide administration of services in programs and recreational activities.

Development of Public Recreation in a Community

During World War II, the Office of Community War Services of the Federal Security Agency traced the evolution of community recreation in Decatur, Illinois (59,305 population in 1940). This story of emerging recreational facilities and programs illustrates progress in this function. Decatur's first playground was a vacant lot cleared of tin cans and ashes for use by six boys' clubs in the east end; it was operated by the Railroad

[18] Public Recreation Commission, Cincinnati, Ohio, *Annual Report* (1943).

Y.M.C.A., which was established in 1911. The first two publicly-operated summer programs were opened in 1913 with a budget of $150. In 1915, public spirited citizens turned over private property to the Railroad Y.M.C.A. for use as a community center. This provided a center for year-round recreation supported by the Y.M.C.A., donations, and community chest funds.

In 1924, with a gift of a 150-acre tract to the city, a park district board was created, but a referendum on a tax levy to support an active program of recreation resulted in a negative vote. Playgrounds were acquired and developed, nevertheless, with funds from the park board, the schools, community chest, P.T.A. tag days, and donations. By 1928, the park board had assumed much of the responsibility for and management of a growing program of recreation. In 1934 a community recreation association was formed, and fostered another campaign for a tax levy which was defeated in 1935. During the same year, a county emergency work relief project granted $19,000 for recreation, provided employment for 60 people, and $1,000 for equipment. This was followed by a W.P.A. project to develop recreational areas and equipment to the extent of $150,000.

Finally, late in the nineteen-thirties, a favorable vote was obtained for a tax levy of two-thirds of a mill, increased in the 'forties to 1⅓ mills. Public recreation programs had become varied and comprehensive, and reached so many citizens that public support was achieved. The Decatur playground and recreation department was organized under a state enabling act. A city ordinance established a playground and recreation board, provided for a staff of employees trained in public recreation, and called for a recreation program built around facilities of parks and public schools. The board was composed of one representative from the school board, one from the park board, and three members from the community at large. It was appointed by the mayor with the approval of the city council. The staff to carry out the board's policies was composed of a superintendent of recreation; supervisor of girls' and women's activities; supervisor of men's and boys' activities; recreation center and playground leaders, recreation center directors, and supervisors in music, handicrafts, and dramatics.

The playground and recreation department worked to integrate private and public recreational facilities and developed neighborhood associations to support recreation centers. The department operated in coördination with the park board which provided and maintained physical facilities, as did the schools. The playground and recreation department in Decatur was able to spend 70 per cent of its budget for leadership, since maintenance costs for facilities and areas were defrayed by park and school boards. The city developed 1,200 acres of parks and a varied array of playgrounds, gymnasiums, centers, fields, diamonds, tennis courts, and other facilities. In 1943-1944, the department was spending $47,421, which was derived to the extent of $43,645 from the 1⅓ mill tax levy. The

Decatur developments during the 'thirties and early 'forties were marked by the transition from "park" administration to a separate department of recreation.[14] The stages of evolution in Decatur were (1) private support of recreation; (2) administration of a beginning program by a park board; and (3) establishment of a separate department of recreation.

Other Illustrations

Not all municipal development in recreational administration has been in the direction of a separate department, although this has been the pronounced trend. Los Angeles established (1) a department of parks in 1889 and (2) a department of playground and recreation in 1904. Originally, parks were developed as landscaped areas, and little encouragement was given to active recreation. Beginning in 1904, municipal playgrounds, swimming pools, camps and other active recreational facilities, were developed under separate management. In 1947, the voters of Los Angeles approved a charter amendment to consolidate the two departments under a new board of recreation and park commissioners. The superintendent of recreation was made general manager of the new department. The superintendent of parks retained his title and responsibilities for maintenance and construction of playgrounds, facilities, and parks. Supervised recreation, under trained leadership, was then instituted in a number of parks for the first time. The voters, in the same year, approved a $12,000,000 bond issue for the expansion of the recreational system. This program called for additional neighborhood playgrounds and district recreation centers, swimming pools, children's camps, beach improvements, and modernization of existing facilities.

After experimentation with summer programs of recreation in housing centers, the recreation and park department of Los Angeles began a year-round program. The City Housing Authority made available outdoor areas and indoor facilities in twenty-two housing centers. By extending its program of supervised recreation, the department was able to reduce the incidence of juvenile delinquency in certain vital areas. The program is aimed at the interests of hundreds of thousands of normal young people and adults at every age level. The department was able to keep vast numbers actively engaged in constructive pursuits.[15]

In Milwaukee, recreational programs are administered by a department of municipal recreation and adult education under the school board, which is independently elected. The department is directed by an assistant superintendent of schools. Many of the playgrounds and other recrea-

[14] Federal Security Agency, *Community Recreation Comes of Age* (Washington, D. C., 1944). This pamphlet (30 pp.) was prepared by the Division of Recreation of the Office of Community War Services.

[15] City of Los Angeles, Department of Recreation and Parks, *Report for the Fiscal Year Ending June 30, 1947* (Mimeo., 8 pp.).

tional areas acquired by the city, and constructed by the public works department, have been turned over to the school department of recreation for maintenance and operation. The Milwaukee department, as an administrative unit under the school board, operates playgrounds, social centers, and an organized sports program. Programs in the social centers include music, drama, painting, sketching, photography, wood carving, needlecraft, gymnasium classes, dancing, and many others.[16]

Decatur, Illinois, illustrates the separate municipal recreation department; Los Angeles utilizes the combined park and recreation department; Milwaukee evidences the provision of a municipal recreation program under school board direction. The scope of this school-directed program in Milwaukee is indicated by a 1947 list of 26 activities ranging from competitive sports to informal hiking which, in the aggregate, reached 18,462 participants and attracted 1,375,189 spectators. Indoor community recreation programs included a wide variety of craft, hobby, club, game, sport, dancing, dramatic, and musical events. These programs were held in 21 social centers and 14 gymnasium and auditorium centers. They were arranged for children during after-school hours, and for teen-agers and adults in the evening. Milwaukee demonstrated the development of a community recreation program under school management.[17]

Financial Support for Municipal Recreation

A modern program of recreational administration requires diversified facilities with adequate land area; appropriate administrative organization for leadership in and supervision of recreation; and appropriations to cover construction and maintenance, supplies, and salaries of trained personnel. Recreation, in the modern city, demands a wide variety of play areas, parks, and buildings. The problem of administrative organization has been met by separate departments, by park departments dealing conjointly in recreation, and by school boards.

Where recreation is operated by a municipal agency, this service, like other municipal functions, should be financed largely by appropriations from the general fund, as is the practice in most cities. This means that the recreation department, together with police, fire, public health and others, annually submits budget estimates of needed funds for the ensuing fiscal year. It is incumbent on the municipal executive and council to determine the amount of funds for recreation, on the basis of revenues available, and the comparative necessities of all departments. This general method of financing makes it essential that recreational administrators prove the case, as to the value of recreation, to the executive and council, and to the public. A similar situation exists, where recreational agencies must prove

[16] For an unusual municipal "report," see Municipal Reference Library, *Civic Life in Milwaukee: 1937* (Milwaukee, 1937), 51-52.

[17] City of Milwaukee, *Annual Report* (1947), 64.

their worth to school boards making annual appropriations. The advantage of having a separate recreational department is that the commission or director may go directly to the executive on budget matters. Where recreation is a division within a park department of the traditional type, the park superintendent stands between the chief executive and the divisional director charged with responsibility in recreation.

Some authorities favor a special mill tax for support of recreation, as was ultimately achieved in Decatur, Illinois. The argument for this type of state enabling legislation is that it permits the more rapid development of recreation. In seeking to obtain funds in competition with long-established departments, recreation, like all newcomers, has a constant battle. It has often been attacked in the past as a "frill" of municipal administration, and is likely to be among the first agencies to receive cuts in appropriations, whenever municipal costs must be reduced. Where recreation is paid for by a special mill tax levy adopted by the people, it may have more chance for rapid development and maintenance of operations at high service levels. On the other hand, this position of special privilege will encourage sniping by other departments. If the special tax levy is defeated at any time, the battle must be waged all over again. While certain functional specialists argue the validity of the special tax levy adopted by the voters under state enabling legislation, this practice cannot be accepted as a sound principle generally in municipal administration. Special levies for special functions diminish the authority of executive management. They may result in undue expansion of one activity at the ultimate expense of other essential operations.

During the nineteen-thirties, recreation received support from emergency work relief programs. W.P.A. labor was used to build additional playgrounds, game sites, swimming pools, and buildings; W.P.A. also employed recreational leaders who worked in conjunction with municipal departments. The expansion of facilities and the liquidation of W.P.A. employment left cities, in the nineteen-forties, with an expanded plant to be manned by personnel paid out of city funds. During the war, Lanham Act funds were used to support recreational administration, in part, in war-congested areas, as the Federal Government faced a continuing responsibility.

Municipal recreation has been supported partly by fees charged for special facilities. The general programs and activities in playgrounds, playfields, and community centers, are usually furnished without charge. These programs are so general and participation is so widespread, that the most satisfactory answer is to be found in tax support either from general funds or special tax levies. Such facilities as camps, golf courses, and boating, require a heavy capital investment and are not so generally used. The payment of a fee by users appears sound in such activities. To a lesser degree, charges can be justified for the use of municipal swimming pools and bathing beaches, although free use by children at specified

periods is desirable. Adult teams are frequently charged entry fees for participation in sports organized by leagues, individuals are likewise sometimes required to pay nominal fees for participation in tournaments. In 1946, recreation funds for 1,270 cities were derived in an amount of $41,343,267 (83 per cent) from taxes and other public funds; $6,057,430 (12 per cent) from fees and charges spent directly by recreation agencies collecting them; and $2,288,947 (5 per cent) from private funds.[18]

The broad development of public support for recreation is evidenced by the fact that 80 per cent of the cities reporting, in 1946, stated that their recreational programs were supported in whole, or in part, from municipal funds. Out of 1,743 cities, some 874 indicated support from municipal funds only; 380, from municipal and private funds; 179, from private funds only. Other sources of public support enjoyed by some cities were state, county, and school funds, made available to support municipal recreation programs.[19] The trend has been to public tax support of recreational administration, with private funds supplying a relatively small percentage (5 per cent in 1946) of funds available.

Developing Recognition of Recreation

Increasing recognition of the function of recreation in the American city is evidenced by three developments: (1) the increasing financial support from public funds; (2) the development of separate recreation departments; and (3) the use of trained personnel for leadership in programs and activities. Just as the case worker has become vital in social welfare administration, so the trained supervisor and leader has become a necessary element in municipal recreation administration. Increasing attention has been paid to the recruitment of trained personnel, either by formal merit systems or by recreational authorities. The American city has need for the trained recreational leader, just as it demands trained policemen, firemen, public health and welfare personnel. The current objectives are the continuing establishment of full-time, year-round service in public recreation, and the further development of trained personnel. The former is a process of community education and financial support; the latter is a technical problem for personnel administrators, working conjointly with municipal directors of recreation.

The citizens, in too many communities, have put up with lack of parks, with inadequate park areas, or with park service which does not provide for supervision and direction of an active, organized program of recreation. The sure way to accomplish recreational objectives is to establish a legal, managing authority, preferably a separate department, or a com-

[18] National Recreation Association, *Recreation* (Yearbook Issue, June, 1947), 117. When account was taken of fees collected by recreation departments and paid into general funds, the percentage of support by fees rose to 18 per cent in 1947.

[19] *Ibid.*, 116.

bined recreation and park department. A responsible, lay board with legal authority to promote and develop the program is the most common type of agency directly responsible to mayor or manager. This board must obtain a trained, full-time executive, and subordinate administrators. The department must be staffed with trained year-round recreational leaders, and part-time summer leaders. Volunteers must be attracted to assist, and public and private efforts in recreation coördinated. The greatest possible use must be made of all physical facilities, whether they are controlled or maintained by recreation, park, or school agencies. The cost of recreation is preferably to be defrayed from general funds rather than a special tax levy. The program should be community-wide and year-round with a variety of activities appealing to young and old. Public relations demand that the community be sold on the recreation function as a constructive force in municipal life.

During World War II, the Office of Community War Services tendered advice on developing public recreation. Ten points were deemed essential to the building of a municipal recreation system. They are important goals in war or in peace. In summary these ten-point essentials were (1) know your community; (2) pool your resources; (3) check your legislation; (4) establish a legal managing authority; (5) get good leadership; (6) make the most of existing facilities; (7) secure a separate budget; (8) see that your program is community-wide, year-round, has broad appeal; (9) maintain public partnership; and (10) plan for the future.[20]

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CHAPTER XXXI

School and Library Administration

School administration is generally related to municipal administration, but not a part of it. Where public libraries are administered by urban school districts rather than by municipal corporations, libraries are also interrelated to, but not an integral part of, city government. Schools are administered widely by independent and quasi-independent authorities in accordance with American traditions of divorcing education from general-purpose municipal administration. On the other hand, most public libraries are administered by boards which are units within municipal administration.

Education is, legally speaking, a state, not a local function. State constitutions and statutes provide a pattern of school organization, power, and function, distinct from the framework of municipal corporations. State school codes have been developed by legislatures within state constitutional principles and limitations. These codes and laws contain mandatory requirements which specify the minimum educational program in the state. They indicate further, by permissive provisions, the many functions which school districts can perform. State laws determine not only organizational structure in school administration, but also the general nature of the instructional program, and the means of financial support. School districts are state administrative agencies; as local units they carry out the educational program of the state. While they may exceed minimum standards and requirements, they are bound by state law and administrative control.

School districts have also been a positive force as local institutions. The non-partisan, popular election of school boards in many states has stimulated local responsibility. The lay board of local citizens has been free to make a contribution to community life well above the letter of the law and the forms of administrative control. Training and certification of teachers are controlled by the states; minimum courses of study and minimum terms are prescribed; and design and construction of buildings are subjected to state administrative supervision. In some states, textbooks are prescribed and minimum salaries fixed for teachers. Above the minimum specifications and controls and within the revenues available, the school authorities have been relatively free to reach their own goals in buildings, equipment, personnel, term, and curriculum. Americans have taken great pride in their schools, and the school plant and program in community after community is a source of paramount citizen interest. Many

persons who would not give the time and effort to city councils will be found serving on school boards, because of the special American emphasis on educational opportunity in our democratic society.

American state school systems are widely established by law and judicial interpretation as agencies of the states, independent of municipal administration. The schools enjoy this status by constitutional and statutory principles, further delineated by numerous judicial decisions. The explanation lies deeper, however, in public opinion and acceptance of school administration as a separate administrative operation. The schools have sustained their special position of independence of municipal governments for a longer period of time, and in a greater number of cities, than any other agency functioning locally. This tradition has been built on the fear of a dependent school system subjected to municipal politics. People regard education as having a special and collateral position separate from municipal politics or management. School authorities are usually antagonistic to any organic relationship to municipal management and departmentalization.[1] Popular mistrust of merger of school and city administration still exists. It appears likely that the course has been set, for many years to come, in favor of the widespread independence of school administration from city government.

School Districts

The school district system in the United States is customarily classified as (1) state; (2) county; (3) town or township; (4) district; and (5) city or urban. City or urban districts are found in all the 48 states; they are often, but not always coterminous with city boundaries. Because of their relative independence of municipal administration, urban school districts are generally classified as separate units of local government.

Delaware is the only state having a state system of school administration with a highly centralized educational system. Nine states are organized generally on the basis of the town or township administrative system—the New England states, plus Indiana, New Jersey, and Pennsylvania. Twelve states have developed the county unit for the administration of education—Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, New Mexico, North Carolina, Tennessee, Utah, Virginia, and West Virginia. The remaining twenty-six states operate under the so-called district system which does not conform geographically to general-purpose units of local government, except as city school districts coincide territorially with urban boundaries. The school district in these twenty-six states averages only 18 square miles in area, or one-half the size of a standard township.[2]

[1] N. B. Henry and J. G. Kerwin, *Schools and City Government* (Chicago, 1938), 1-2.

[2] A. B. Moehlman, *School Administration* (New York, 1940), 166.

Interrelationship between cities and school administration pertains primarily to city school districts, which are found in all the forty-eight states. City school boards, elective or appointive, constitute the governing agencies of these city districts, which are generally, but not always, coterminous with the boundaries of municipal corporations. The term city school board, however, is misleading, since most school boards are independently elected by the voters of the district, and many of them are fiscally independent of municipal authorities. Within their district areas, these city school boards carry out a state program of education as administrative units of the state. As representatives of the state and of the community school district, the school board members exercise a determining local influence on the school program. The interrelationships which they have with municipal government can be classified in these terms: (1) instances of appointment of school board members by municipal authorities; (2) fiscal dependence of certain school boards on municipal review of school budgets, tax rates, and bond issues; (3) functional relationships in public health, recreation, and similar services; and (4) coöperative actions in planning, purchasing, and personnel administration.

The School District and City Administration

The city school district, with an independently elected board exercising powers vested by state law, creates a dichotomy in local government and administration. The schools are a major burden on state and local taxpayers, yet their administrations are widely separated as special district corporations from general-purpose municipal corporations. Many political scientists have emphasized the importance of unifying school and municipal administrations. Under current systems, the people of a community are responsible generally for electing two governing bodies—one for the municipality and the other for the urban school district. Two separate budgets, and in many instances, two distinct tax levies have been required by law. This divides popular attention and interest between two agencies—a city council and a school board; a city executive and a school superintendent. In numerous cities, high-class, representative talent seeks office in school boards; the city council comes off a second best. It is argued that a merger of city and school administration would promote a more alert interest in city government, and provide a single focus for community effort in all types of services—police, fire, public works, health and welfare, recreation, and education.

As an advanced proposal, William Anderson has suggested that separate school districts be eliminated. This follows from the principle of having one local government in each area. "To separate the function of education," according to Professor Anderson, "from other functions of government, to give school authorities and teachers a feeling of irresponsibility for the rest of the government, to permit school budgets to be made,

school taxes to be levied, and school bonds to be issued without reference to other governmental needs is in the long run unwholesome for the educational system itself and for the political institutions of the country." [8]

To effectuate such a program, the city school district would have to be disorganized and the school function transferred to departmental status under city mayors or managers. The board might be retained as the head of a municipal department responsible to the chief executive, as is the public health board or recreation commission. Alternatively, the superintendent of schools might become the head of a city department of education with an advisory council of citizens to suggest policy and program.

However desirable such a reorganization of school administration might be in achieving the ideal of one-area, one-unit of local government, the practical obstacles to integration of city and school administration are immense. The American public has accepted the principle of the independent or semi-independent school district for many generations. The theory and practice of educational administration avoid any organic merger with municipal administration. The point is invariably made that the schools ought not to be departmentalized and placed in line with police, fire, and public works administration under a common municipal executive. Whether warranted or not, it is easy to create fear that municipal "politics" will dominate the schools. Apprehension arises that a city school department, as compared with a school district, might achieve less financial support for educational purposes. The issue may not be settled for all time, but it is determined for the time being, that school administration shall be maintained by a separate corporate entity performing a special function under state law and in response to the community's concern. No major trend has been evidenced in recent decades to bring about a unification of school administration under municipal corporations.

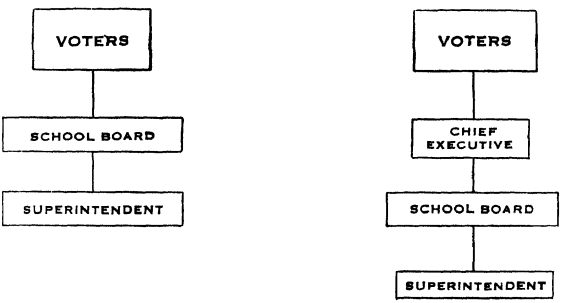
Another argument against merger of city school districts as departments of municipal administration is based on the educational trend toward the natural community school area which includes urban, suburban, and rural territory. In public administration, the natural community unit is sometimes described as the "trade area", or the city plus "rurban" areas. Municipal boundaries have tended in recent decades to become more rigid; annexation has failed to keep pace with the suburban fringe problem around corporate boundaries. Governmental boundaries divide people into city, county, or county and township governments legally distinct from each other. Many educational authorities have urged that school areas should increasingly be developed, not along county, city, or township artificial boundaries, but in terms of natural communities of urban, suburban, and rural population. Such areas, capable of sustaining both high schools and elementary schools, would break the existing barriers between rural

[8] William Anderson, *The Units of Government in the United States* (Chicago, 1942), 45.

school districts and city districts. Farm populations would have an opportunity to serve as school board members in the community districts containing the high schools, to which their children are often sent now within urban school district boundaries. If the trend is to be increasingly toward consolidated or community school districts, the feasibility of making schools, departments of municipal government is thereby diminished.

CHART 23

ALTERNATIVE ORGANIZATION FOR SCHOOL ADMINISTRATION



Boards of Education

The city school board is widely an agency elected by the voters of the district. For the student of municipal administration, this is a crucial fact, for it provides the salient proof of school-board independence of municipal appointive authority. In 1945, the National Educational Association made a survey of city and rural school districts, obtaining replies from 1,460 city districts and 1,608 non-city districts. The city districts reported that 85 per cent of the school board members were elected and only 15 per cent appointed. Comparable statistics for non-city school districts were 84 per cent elected and 16 per cent appointed. This evidence indicated a shift to a greater use of the elective system in cities of more than 100,000 population, from 1917 to 1945, and a relatively static situation in cities of 30,000 to 100,000 inhabitants.[4] The dominant pattern of selecting school boards in city school districts as in non-city school districts is therefore election. This means that the voters in city school districts hold school boards directly responsible to them, just as they hold elective city councils responsible for city administration.

Of the city school districts reporting to the National Education Association in 1945, some 15 per cent or 215 had appointed school boards. Appointment of school board members was made by city or county councils in 65 per cent of these 215 districts; by mayors in 26 per cent; by a judge or panel of judges in 4 per cent; by county superintendents and county

[4] National Education Association, *Research Bulletin*, XXIV, 56, 77 (April, 1946).

boards in 3 per cent; and by a special appointing board in one per cent. In these 215 districts, the elective council of city or county was the most common appointing authority for school boards. Where appointment of the school board was made by city authorities, the large cities more frequently than the small communities favored the investment of this power in the mayor rather than in the council.[5]

Where school boards were elected by the voters of a district, the members were chosen in 92 per cent of the reporting school districts at large; in 7 per cent by wards; and in one per cent by a combination of these methods. In 57 per cent of the districts school elections were completely separate from other elections; in 40 per cent they were combined with regular state and local elections; in 3 per cent they were alternately separated from and combined with regular elections. City school board members were elected in 81 per cent of the districts on non-partisan ballots. Methods of nomination were as follows: petition, 50 per cent; primary, 16 per cent; individual announcement, 24 per cent; party caucus, 4 per cent; open meeting, 5 per cent; other, one per cent. The most popular lengths of terms were: three years, 48 per cent; four years, 20 per cent; six years, 18 per cent; five years, 9 per cent; and two years, 4 per cent. In 85 per cent of the city school districts no compensation was paid to school board members. The average number of board members in city districts was 5.8; the range was from 3 to 16; and the number of school board members most frequently reported was 5.[6] The city school board comes in many different patterns but the dominant type is (1) elected by the voters at large; (2) nominated by petition; (3) elected by a non-partisan ballot; (4) selected for a term of 3 to 6 years with overlapping tenures; (5) from 5 to 7 members in size; and (6) provided with no compensation for the service performed.

The electoral process (85 per cent) was most favored in these city school districts analyzed by the National Education Association. Appointment (15 per cent) played a minority rôle. What have been the results in school board membership? Among city school board members, one out of ten was a woman (1945). Some 40 per cent had graduated from college; 43 per cent from high school; and 17 per cent ended schooling before high-school graduation. The median age of school board members was 48.6 years in city school districts. The median annual income was $4,641. In the cities of 30,000 to 100,000 population, 35 per cent of the school board members were proprietors and executives; 26 per cent, professional people; 10 per cent, housewives; 9 per cent, technical and supervisory workers; 7 per cent, general managers; and 12 per cent divided among skilled workers, clerical workers, unskilled laborers, and salesmen.[7] The outstanding thing about these school boards analyzed in 1945 was

[5] *Ibid.*, 57, 78.
[6] *Ibid.*, 77-79.
[7] *Ibid.*, 75-76.

that in educational, income, executive, and professional levels, they ranked far above city averages for people generally. Communities tended to select as school board members those who had demonstrated their competence in some area of business or professional life.

Elective school boards, in recent decades, have gone through a cycle of change in many respects similar to that experienced in city councils. There has been a trend toward the smaller school board, elected-at-large on a non-partisan ballot, for longer terms of office. As in the case of city councils, the emphasis has been on fixing responsibility of a small group which holds its office through an election non-partisan in form. The non-partisan ballot has produced many city school boards rated as superior by school superintendents. City councils, since the inception of commission and council-manager plans, have been marked by the shift to (1) a small council; (2) elected-at-large; (3) by non-partisan election; and (4) for longer terms.

The elective school board in a city district is one test of independence from municipal domination. It is a significant one, but it does not follow that appointment by council or mayor produces a dependent or politically servile school board. Appointment of a school board by council or mayor is not an appointment to a municipal department of public education. It is the selection of a board entrusted with the local administration of the state school law and administrative directives. Many authorities in educational administration take a strong position in favor of the direct election of school board members. They argue that the democratic competence of the American people is best trusted at the local level to select their own educational representatives. Further, they suggest that some of the worst examples of educational administration and the greatest degrees of partisan, political control have existed in communities, where the mayor or some other agent appoints the school board. Professor Arthur B. Moehlman cited the cases of Chicago, Jersey City, Newark, and Philadelphia, with appointive board members, as examples of the absence of superiority in appointment as opposed to election.[8]

During the nineteen-thirties, Professors Henry and Kerwin studied school and city interrelationships in 191 cities of more than 50,000 population. Election of school boards was used in 139 of these cities, appointment by municipal authorities was the rule in 43 communities. Other boards were variously selected. Two cities, St. Paul and Chattanooga, had no board of education. They were rare examples of school systems as municipal departments of education, one of the city commissioners being selected as commissioner of education. In the 43 cities having appointed boards, the mayor made the selections in 26 instances; the council or commission in 11; other authorities in 6. In the course of their investigations, Henry and Kerwin found it difficult to determine the advantage of popular election as contrasted with appointment. Appointive boards were

[8] A. B. Moehlman, *op. cit.*, 610.

found which represented the dominant political group of a city; elective boards were found which reflected dominant pressure groups of taxpayers, parent-teacher associations, and similar forces. An equal number of elective and appointive boards had forward-looking citizens, respected in their cities.[9] In American practice, whatever the merits of appointive boards of education, the elected school board has been the overwhelming favorite.

Fiscal Relationships

The independence of city school districts from municipal governmental control in the sense of selection of board members is assured by direct election. Whether school board members are elected or appointed, another issue arises as to fiscal independence or dependence. What makes a city school district fiscally dependent on municipal authority? The basic tests are (1) the requirement that the school budget be submitted to mayor or council; and (2) the authority which municipal officers may then exercise. Their power varies from virtually no control to review of budgetary detail. Where school budgets are submitted to municipal officers, it may be for one of three fundamental operations: (1) for the purpose of consolidation of the school budget with municipal estimates to determine the necessary, consolidated tax rate; (2) for review of the total school budget; and (3) for review of school budget totals and detailed estimates.

In their study of 191 cities of more than 50,000 population, Henry and Kerwin ascertained 77 instances where the school budget had to be submitted to municipal officers. In eleven cities, this was merely for the purpose of consolidating school and city estimates of expenditure to determine the necessary tax levy. Thus only 66 cities, or roughly one-third, had any actual authority to review school budgets of the city school districts. Moreover, in a majority of these 66 cases, the municipal representative entrusted with review of the school budget could control the total, but not the detailed estimates.[10]

The situation in New York State, in the nineteen-forties, was a complex pattern of varying relationships between cities and school districts as to fiscal independence and dependence. In 1948, New York State had 62 cities; in forty, the boundaries of city and school district were coterminous. Eight city school districts included the municipal area plus additional territory. In two municipal areas, there were no urban school districts. In five cities, the city school district included territory from outside as well as part of the municipal area. In seven others, the school district included no outside territory and only part of the municipal area. This is illustrative of the intricate geographical patterns as between cities

[9] N. B. Henry and J. G. Kerwin, *Schools and City Government* (Chicago, 1938), 11, 25.

[10] N. B. Henry, and J. G. Kerwin, *op. cit.*, Chap. 2.

and city school districts. What of the fiscal interrelationships? In 30 cities, the city authorities had no control over the amount of the annual tax for school purposes. In 32 cities, the municipal officials had some power to reduce the amount of money requested by educational authorities. However, in 17 out of the 32 so-called fiscally dependent school districts, the board of education could override any reduction made in school budgets by municipal authorities. Only in the remaining 15 of the 62 cities did the city officials have any final authority to reduce school budgets, and, in five of these, this power applied only to part of the estimates. Thus, in New York State the fiscally dependent urban school districts were distinctly a minority. The prevailing situation was that of the fiscally independent school district.[11]

Where school districts are fiscally dependent on municipal authorities, in the sense that the school estimates may be subjected to final and detailed review, the municipal corporation is presumably in a strategic position of over-all control of the local tax rate. However, only a minority of cities possess any real authority over school budgets. Suppose a city does possess a power of budget review. It is one operation to cut estimates of a municipal public works department, and a very different problem to review and lower school board estimates. Since the school districts are not municipal departments but district, corporate entities, their budget requests are likely to have more weight. Any municipal action to cut school costs could very easily be countered by the heavy social and political influence which school boards can wield through parent-teacher and other organizations. The fear of many educators, nevertheless, is that fiscal dependence can and will be used as a tool by municipal authorities to influence public school administration. Many educators argue that the city school board should be independently elected, and fiscally independent of municipal councils and mayors. In other words, school administration should stand apart from city government.

Another example of the fiscal dependence of school districts relates to the issuance of bonds. (1) The usual position of the city school district is that of independent borrowing power, the bonds being issued on the credit of the school district. (2) In a minority of cities, in the United States, the mayor or council must be consulted and give consent to a bond issue, although the bonds are issued against the credit of the school district. (3) In other cases, municipalities issue bonds for school purposes against the credit of the city itself.

Where municipal officers had authority to review proposed school bond issues, Henry and Kerwin found examples of refusal of municipal authorities to grant school board requests and other instances of favorable coöperation by city officials. They cited Kenosha, Wisconsin, as an instance

[11] F. C. Moore, *Fiscal Relationship between Cities and Their School Administration* (Mimeo. release, January 22, 1948); Address of the New York State Comptroller.

where municipal authorities had been generous in the division of available bonding power between the city and the schools.[12] They found no specific evidence that the welfare of schools had been generally affected by supervisory procedures, entrusted to municipal officers in the review of municipal bond issues. Municipal review of proposed school district bond issues, in the minority of cities which have such power, is part of a pattern of fiscal dependence. Educators who object to the review of school budgets by city officials are likely to protest equally against municipal supervision of school bond issues.

Functional Relationships

Certain line services in municipal administration, such as public health administration and recreation call for municipal-school district coördination. The health and recreation of children is of concern to both city and school district authorities. One or the other of the units must provide public health service and recreation for school children; if both units operate the function, coordination between the two services is desirable.

A close relationship exists between municipal and school administration in the field of recreation. The outstanding trend is to the development of a separate recreation commission, charged with the development of a program using park and school facilities. On the other hand, in a considerable number of cities, the school board of the district controls and supervises the recreational program for the entire city as well as for the schools. Recreation is one of the primary examples of functional interrelationships between general-purpose municipalities and school districts.

Public health may be cited as another instance of a functional activity which cuts across the dichotomy of municipalities and independent school districts. The school systems afford an excellent opportunity for certain public health functions in examination, education, and supervision of children. For this reason, some school systems provide their own health service for children under expert school health supervisors, doctors, and nurses. Cleveland, Denver, Des Moines, Indianapolis, Los Angeles, Newark, and Seattle, are examples of outstanding school health services. School health service is not necessarily limited to the children, but is sometimes extended in educational matters to the informing of parents of good health practices. Where both a school health service and a public health service operate in a community, coördination is essential, especially in control of contagious diseases. Where a child is found by school authorities to have a contagious disease and is not hospitalized, the public health department of the city must take appropriate action to handle home cases. Coöperation between city and school health services on programs of immunizing children is likewise essential.

Another type of administrative solution entrusts the school health program to the city health department. The service is provided either at no

[12] N. B. Henry and J. G. Kerwin, *op. cit.*, 43.

cost or on a cost basis by the city to the school district. Cities which have used city health departments to provide school public health service include Atlanta, Birmingham, Buffalo, Cincinnati, Detroit, Milwaukee, and San Francisco. Berkeley, California, has utilized a program of joint action by which a director of health supervises public health in the city and in the schools. The director has been appointed by the school superintendent and the city manager, his salary being paid by both units.[13]

Since city and school health service are of vital importance, one of three administrative arrangements is essential: (1) a school health service supervising the school program and coöperating with the city health department; (2) the administration of school health service by the city health department, with costs defrayed in whole or in part by the city; or (3) the utilization by the schools and the city of a joint health director. With the growth of county health units which provide public health service in smaller cities or in cities without full-time health officers, similar questions of responsibility and coördination have arisen in recent years as between counties and school districts.

The point of view taken by Dr. Wilson G. Smillie is that the schools should be responsible only for school health education and physical education. The medical and nursing aspects of school health work constitute an integral part of the total public health program of a community. Administratively, medical and nursing service in the schools should be within the province of the city health department. In the past, the excuse for administration by school authorities of public-health medical and nursing services for children of school age has been that the schools were in advance of local authorities in employment of professionally trained personnel. With municipalities employing well-trained and qualified personnel, the arguments for separate school health administration has less force. The basic approach is that all administrative activities, pertaining to the protection and promotion of public health in a community, should be allocated to a single governmental agency. This means that medical and nursing aspects of health work in the schools fall logically to the child hygiene and public health nursing program of the city health department. All plans of the health department for medical and nursing service in the schools should be submitted for approval to educational authorities, and organized to conform with general educational programs of the school board.[14]

Public health and recreation have been used as examples of functional interrelationships between city and school administrators. They are key but not exclusive examples. Traffic presents a serious hazard for school children, and has resulted in the development of school-boy safety patrols under police supervision and guidance. Problems of juvenile delinquency

[13] N. B. Henry and J. G. Kerwin, *op. cit.*, 71-75.

[14] W. G. Smillie, *Public Health Administration in the United States* (New York, 1940), 254-255.

call for police and school coördination. Adept municipal administrators can use the interest of school children in municipal departments to inform classes of planning and service programs, thereby reaching the next generation of voters and, indirectly, the parents.

Auxiliary Service Interrelationships

The interrelationships between cities and schools thus far considered relate to (1) independence or dependence resulting from election or appointment of the school board; (2) fiscal dependence resulting in a minority of cities from the authority of municipal officials to review budgets, bond issues or other financial matters; and (3) functional services which are administered separately by both units, by one unit for both, or by joint arrangement. In the fourth place, interrelationships exist sometimes in the operation of auxiliary agencies such as personnel, purchasing, and planning.

Municipal civil service commission or personnel agencies do not generally have control over the recruitment and examination of school personnel. Teachers are hired by school authorities from applicants available on the basis of state certificates, required by state law. School administrators are appointed by school boards. Supervisors and teachers in local school districts are, as a rule, exempt from any municipal civil service regulations. In a minority of cities, certain school district employees are hired through municipal civil service procedures—clerks, secretaries, janitors, carpenters, electricians, accountants and architects. However, it is the exception, rather than the rule, for municipal civil service commissions to exercise jurisdiction over any employees of city school districts.

Where the statutes require or permit such arrangement, it makes good sense to use a municipal personnel agency to serve the schools as to positions, which are neither supervisory nor teaching in classification. Certain positions in school employment are analogous to employments in the municipal classified service. A personnel agency already familiar with the problems of recruitment, examination, rating, and discipline, can make its facilities effective for certain types of school employments as well as for the municipal service. The independence of school districts has prevented any broad-scale movement toward the use of municipal personnel agencies by school districts. Henry and Kerwin found that the municipal personnel agency had been given jurisdiction over appointments to school positions corresponding to classified positions in the municipal service in only 51 of the 191 cities of more than 50,000 population.[15]

Legal provisions for joint operations between municipal purchasing departments and school administration exist infrequently. In most jurisdictions, the schools do their own purchasing, even of such common materials as stationery and fuel. Cities in which coöperative arrangements have

[15] N. B. Henry and J. G. Kerwin, *op. cit.*, 19.

existed include Baltimore, Minneapolis, St. Paul, and San Francisco. The advantages of centralized purchasing are well known. A specialized, central purchasing agency, established by a city, can serve satisfactorily as a purchasing agent in a wide variety of supplies commonly used by both city and school district governments. Voluntary coöperation in purchasing has been developed in Cincinnati to include the city, county, schools, and the University of Cincinnati. Each agency has its own purchasing agent, but the requirements of the four units are consolidated, and bids asked on materials in common use, such as coal, oil, soap, paint, and certain pharmaceuticals.[16] In 1947, the city, county, board of education, and board of vocational education in Superior, Wisconsin, established a joint purchasing commission.

The planning for and selection of sites for school buildings is usually the responsibility of the board of education. A few cities have authority to approve or reject sites selected by the board of education. This is the rule in Detroit, Providence, Knoxville, and cities of the second class in Wisconsin. In a majority of municipalities of Massachusetts, exclusive of Boston and Cambridge, city authorities select school sites subject to approval of the school committee. Where state laws do not authorize any municipal control over school-site selection, the importance of coördination between school and city planning authorities is very great. From the standpoint of educational and administrative requirements, school boards are best qualified to select school sites. Yet, mistakes can be made unless information is obtained on such broad questions as the probable future growth and development of the city and of surrounding areas. A city planning agency will have available a large fund of information about growth and probable growth of a city, distribution and composition of population. An active planning agency is in a very advantageous position to assist school authorities in site location of schools.[17]

School Administration as a Municipal Department

St. Paul, Minnesota is governed by a commission of seven including the mayor and commissioners of public safety; finance; public utilities; parks, playgrounds and public buildings; public works; and education. Within the education department, headed by a commissioner, are the bureaus of schools, library, and auditorium.[18] The charter of St. Paul vests in the commissioner of education the power to control, maintain, and provide for the public schools and the general educational interests of the city as a special school district. He has power to appoint, subject to the approval of the council, the superintendent of schools, superintendent of

[16] International City Managers' Association, *Municipal Finance Administration* (Chicago, 1946), 333.

[17] International City Managers' Association, *Local Planning Administration* (Chicago, 1948), 182.

[18] City of Saint Paul, *Comptroller's Annual Report* (December 31, 1946).

school buildings, a librarian, and a superintendent to administer the auditorium. He is directed to appoint the members of an advisory school board and to confer with them at regular intervals.[19] After a city commission has been elected, it is the duty of the mayor to assign one member to serve as the commissioner of education.

The allocation of school administration to a municipal department in St. Paul is one of the rare exceptions which proves the general rule of the independence or quasi-independence of school districts in relation to municipalities. In fact, St. Paul is unique among the cities of Minnesota in having a department of education which administers the schools as "part and parcel of the ordinary city government."[20] The school budget estimates can be changed by the commissioner of education, the controller, the mayor, or the council. Coöperative purchasing exists between the municipal department of education and other municipal departments. The city commissioners control the selection of school sites in St. Paul, since the schools are administered as a municipal department.

Evolution of the American Public Library

The status of the American city school district is one of independence or semi-independence of the municipal corporation. The American public library has been established (1) as a school-district library, and (2) as an administrative agency of city government. Where libraries have been developed within the structure of municipal administration, their control has been widely vested in appointed boards of trustees. Even within the municipal structure, their position has been a semi-independent one in relation to executive management.

The association of free library service with school district organization is traced to the New York law of 1835, authorizing districts to levy a tax for the purchase of a library. School district libraries were designed to serve their communities as well as the schools. Experience with them in New York was not satisfactory, because of the small size of the districts. In 1892, they were temporarily reduced by law to the status of school libraries. During the nineteenth century the principle of providing community library service through school districts took root also in Michigan, Massachusetts, and Rhode Island. In spite of auspicious beginnings in various states, the principle of developing free community library service in school districts gradually gave way to the maintenance of public libraries by cities and towns.

The evolution of the American public library under municipal auspices began with the Boston public library. In 1848, the General Court of Massachusetts, by special act, authorized Boston to establish a public

[19] City of Saint Paul, *Charter* (1935), sec. 385-417.

[20] William Anderson, *Local Government and Finance in Minnesota* (Minneapolis, 1935), 89.

library, and later, in 1851, passed a general library law. The board system of library administration was formally enacted as an ordinance by Boston in 1852. The board of trustees was initially comprised of one alderman, one councilor, and five citizens chosen annually by a concurrent vote of the city council. Following the example of Massachusetts, many states passed library laws, authorizing the creation of public libraries by cities. The latter half of the nineteenth century was marked by the use of boards to administer many municipal functions, and the public libraries were likewise placed by cities under the control of boards. The era of corruption and bossism left library administration relatively untouched. The semi-independent board survived, and the calibre of citizen members remained high. During the years 1900-1950, even the growth of commission and council-manager systems, and the development of home-rule charters, did not challenge the board in library administration as a favorite device.[21]

The School District Library

The school-district library is still found in a group of states—New York, Delaware, Pennsylvania, Ohio, Indiana, and Michigan. In these states, the school-district library is comparatively important, but exists together with municipal libraries. Some forty cities of more than 30,000 population had public libraries of the school-district type in 1935. Important examples were Cleveland, Indianapolis, and Kansas City, Missouri. Most of these libraries were concentrated in Ohio, Michigan, and Indiana. The Ohio group was comprised of school-district libraries with separate library boards. The Indiana and Michigan groups were largely school-district libraries administered directly by boards of education. Examples of school-district libraries appeared also in New York, Pennsylvania, and West Virginia, among cities of more than 30,000 population. Columbus, Georgia, Kansas City, Kansas, and Kansas City, Missouri, were examples of school-district libraries outside the belt of states in which most of these units were found.

The reasons for the extensive development of school-district libraries for community service in Ohio are natural growth and artificial stimulation from tax limitation in Ohio. In Ohio, a trend to school-district libraries resulted from the search for adequate revenues, and legislation of 1921 which was favorable to a separate library tax outside the school levy. The drastic limitations on municipal taxing power and the library legislation of 1921 set the stage for libraries to shift from municipal organization to the school-district type. Next to Ohio, Michigan has made the greatest use of the school-district library for community service in such cities as Battle Creek, Flint, Kalamazoo, Lansing, and Saginaw.[22] In Michigan, the

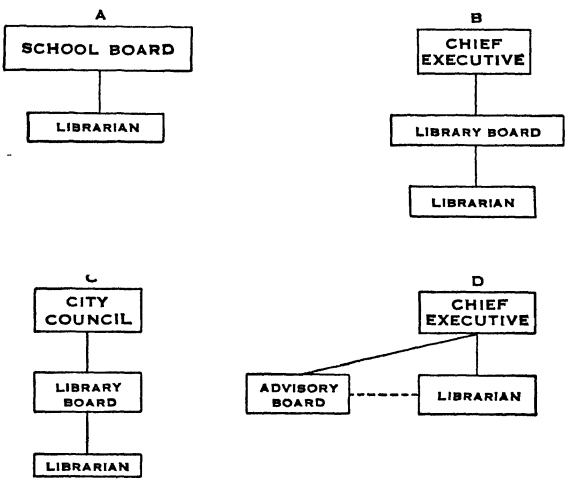
[21] C. B. Joeckel, *The Government of the American Public Library* (Chicago, 1935), Chap. 1.

[22] Michigan State Library, *Statistics of Public Libraries in Michigan* (1944-1945).

continuation of school-district libraries has been attributed in part to the system of allotting all fines, assessed and collected for any breach of the penal laws, to townships, school districts, and cities certified by the state superintendent of public instruction. The laws governing this distribution afforded a tactical advantage to school-district libraries. [23]

CHART 24

ALTERNATIVE ORGANIZATION FOR LIBRARY ADMINISTRATION



Various other states have school-district libraries, which serve communities. In Pennsylvania, many of the school-district "public" libraries are primarily school libraries and secondarily serve the general public. In some cities of Pennsylvania, the boards of education assumed responsibility for public library service when cities failed to take action. The national trend has been toward the development of municipal rather than school-district libraries. In Indiana, the school-district libraries providing service for the community were established, for the most part, in the nineteenth century. Since 1901, a municipal library law has been available for the development of city libraries. In New York State, the school-district library managed by an elected library board is, under existing laws, an alternative form of library organization. This type, when used in New York, has been employed principally to extend school library service to villages and towns. The school-district libraries providing public library service for communities are a minority group. The usual rôle of the school-district library is limited to provision of facilities for school children.

[23] C. B. Joeckel, *op. cit.*, 121.

The Municipal Public Library

The most common type of library in cities is the public library which is a unit of the municipal government, and administered by a board. While a few municipal public libraries are supervised by single directors, the board system is an overwhelming favorite. These boards are known by such titles as boards, trustees, commissions, and committees. However designated, they constitute a group of persons jointly responsible for management of public library service in the city. Library boards conform to the nineteenth century tradition of creating a group of laymen to supervise a professional director of a department, in this case the city librarian. Municipal libraries, operating as city departments and controlled by boards, are found generally in the United States. The tradition of the library board has been firmly established in state library laws providing for the administration of public libraries by cities. Where cities have been permitted, under broad enabling legislation or in drafting home-rule charters, to prescribe the form of library organization, the board has still been generally adopted. In approximately two-thirds of the cities of more than 30,000 population, there is a municipal library administered by a board.[24]

The most common method of selecting municipal library boards is appointment by the chief executive or council, or by the council on recommendation of the mayor. Other methods of selecting a municipal library board (found in a minority of approximately one-fifth of the cities over 30,000 population) are appointment by the board of education; election by the people; appointment of new members to vacancies by a self-perpetuating board; or selection of specified numbers of members by city, school, or county authorities. Detroit has a city library, but the board is selected by the board of education, and is relatively independent of municipal authority. Minneapolis uses the elective principle; Salem, Massachusetts, has a self-perpetuating library board. In Indiana, municipal library boards have two members appointed by the circuit court of the county; two selected by the city council; and two designated by the board of school trustees. These are the exceptional methods of appointment apart from the general rule of selection by chief executive or council. In approximately three-fourths of the cities over 30,000 population, library boards range in size from five to nine members.

If a public library serves the city and derives its support from tax sources raised by or in the city, the logical scheme of selection appears to be appointment of the board by the chief executive or governing council. Few would quarrel with the device of the board in library administration. The management of the public library is not one of the key problems in

[24] In 1935 there were board-administered, municipal libraries in 201 out of 310 cities of more than 30,000 population. Only 13 municipal libraries existed without boards. C. B. Joeckel, *op. cit.*, 173, 178.

executive management by any means. The use of a group of laymen to interpret the public interest to the librarian is certainly desirable. From the point of view of the library, which must obtain appropriations from the city, it is more satisfactory to have selection of the board vested in chief executive or council. Municipalities may lose interest in supporting agencies which they do not control. The election of library boards is an unwarranted lengthening of the ballot. Specialists in library administration, like other functional specialists, prefer that the appointed boards be made up of members with long and overlapping tenures. The usual arguments of continuity of service, semi-independence, and the general good of the function, are made for the library board with members serving long and overlapping terms of service.

The municipal public libraries vary in status from city to city, ranging from those libraries which are departments of the city to others which enjoy a corporate status. Some municipal libraries are incorporated and have independent powers of action derived from their corporate status. The St. Louis Public Library is organized under a separate law; has been declared judicially to be of state concern; and enjoys a mandatory tax levy. It is not considered to be a city department, and the staff is not subject to civil service regulation. Detroit and Boston have libraries of the corporate type with significant, independent powers. However, budgetary control, as in Boston and Detroit, is an important means of municipal supervision. The municipal libraries, which can be said to be most independent for the long pull are those which have the unusual status of being supported by a separate and mandatory tax levy. Although laws exist conferring tax-levying powers on certain classes of libraries in some states, most libraries, apart from private endowments, must obtain appropriations from governing councils of cities as do other municipal departments. Professor Joeckel found that some 86 municipal libraries and 17 libraries of other types, such as school-district libraries, were supported by special library taxes, while appropriations were made from general funds in about two-thirds of the cities of more than 30,000 population.[25]

Joeckel classified municipal library boards into three types—(1) strong boards; (2) boards with limited powers; and (3) weak boards. He considered about one-half of the municipal libraries to be administered by strong boards, with a high degree of independence in the administration of the library. Boards with more limited powers resulted from the growth of city manager government; the imposition of centralized budgetary and purchasing controls; and from the application of centralized civil service procedures to library personnel. Weak boards were few in number, and resulted from municipal charter changes which had diminished the authority of the board in favor of integrated executive management.[26]

[25] C. B. Joeckel, *op. cit.*, 118.
[26] *Ibid.*, 225-230.

Current Problems in Library Administration

At the present time, the prevailing pattern of library organization in cities over 25,000 population is the independent or semi-independent city library, administered by a board. The minimum standards for efficient library service are considered to be not less than 25,000 population, and a minimum of $1.50 per capita in annual expenditure. City libraries provide service for a compact and densely settled urban area. Only 80 of 412 cities over 25,000 population had libraries, in 1948, which were part of county or other types of large library units. Many of the city libraries are likely to remain within the framework of municipal government and to serve the corporate area only. From the point of view of more efficient library service, city libraries would be appropriate centers to serve large areas, including urban fringes and rural territory. It would be logical in public administration to extend the services of these core libraries to the counties or regions of which they are natural centers. The alternative is to set up new county or regional libraries.[27]

With respect to area problems, the city library faces a situation similar to other municipal services. Fringe and rural populations adjacent to the city need and demand these services, but the necessary intergovernmental relationships are often lacking. As of 1945, it was estimated that 50 million Americans were served by municipal and county libraries with annual incomes of $37,500 or more. About 50 million people were served by public libraries with incomes of less than $37,500—an income deemed to be too small for fully effective service at that time. Finally, some 35 million persons lived in areas without public library service.[28] The 50 million Americans served by libraries of more than $37,500 annual income were resident in 189 cities of more than 25,000 population. Nineteen of these cities, with a total population of only 3 million, had a library standard of $1.50 per capita. Aside from the 189 cities, the balance of the 7,500 American public libraries were, with little exception, below the $37,500 figure of annual income.

Evolving patterns of library administration are not limited to the school district and municipal public library. The county is increasingly becoming an area for library administration. Under this plan, a single library serves an entire county without reference to subordinate governmental units. The library may be administered as an administrative agency of the county, or service may be provided by a city library for the county area under contractual arrangements. Examples of unified county library service exist in Hamilton County, Ohio; Multnomah County, Oregon; and Kern County, California. Another system develops the county library to serve the area outside one or more cities served by their own libraries. Numerous

[27] C. B. Joeckel and Amy Winslow, *A National Plan for Public Library Service* (Chicago, 1948), 37-39.

[28] *Ibid.*, 21.

examples of this pattern of county library administration are found in California, New Jersey, and Ohio. The logical future trend at the county level appears to be the development of regional, multi-county libraries serving the area of several small counties. Regional library laws have been enacted in Michigan, Virginia, and other states. The trend to county or regional libraries may ultimately have the effect of diminishing the importance of the municipal public library in small cities, or in bringing about its use for service to larger areas. The independent, large city libraries have the resources to continue as separate and distinct administrative agencies to urban populations.

Concluding Observations

In many cities, the public library has developed within the framework of municipal administration, but with a semi-independent position resulting from (1) the use of the multi-member board of trustees and (2) a legal position acquired under state library laws. This tradition is well established in American municipal administration. No broad trend exists to establish libraries under single heads responsible directly to city executives. Executive management in cities must closely supervise police, fire, public works, and similar line functions, which absorb heavy percentages of municipal costs. Municipal executives control library administration less directly and closely. Capable citizens are usually attracted to library boards which have become fixtures in municipal administration. The city public library has been the dominant type, with the school-district library which provides community service playing a minority rôle.

The interrelationship of city and urban school district is likewise firmly rooted in American law and tradition. The evolving pattern of administration has been that of the independent urban school district with an elective board of education. Fiscal independence of the school district from municipal control has been the general rule; fiscal dependence has been established only for a minority of school districts. The views of some political scientists have favored a merger of school and municipal administration. In general, the educators have stood their ground in favor of the independent school district, and have continued to attract public support for their position. Some municipal control exists over a minority of urban school districts through (1) power to appoint school board members, and (2) authority to exercise varying degrees of supervision over school budgets, taxes, and bond issues. Because of the independence or semi-independence of urban school districts from municipal corporations, emphasis has been placed on coördination and coöperation with such line services as recreation and public health administration, and such auxiliary operations as personnel, purchasing, and planning.

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CHAPTER XXXII

Municipal Law Departments and Courts

Throughout the discussion of municipal organization and functions, the importance of legal principles has been self-evident. The municipal administrator, like all public servants, works necessarily within a framework of law. For this reason, it is important for the small city to have a competent city attorney, and for the large community to develop a specialized legal department. New procedures in administration, new functions, and extensions of existing operations are safely made only after competent legal advice has been secured. Where a strong municipal executive has been developed, the law department may properly be regarded as an auxiliary agency of the mayor or manager. The chief executive is dependent on the finance and personnel departments for advice and assistance in control of line departments. To perform well as an administrator, he must also have legal advice on proposed policies and procedures. The city attorney should preferably be appointed by the mayor or manager, and made directly responsible to the executive. The older American tradition of electing the city attorney has largely been supplanted by appointment, either by the city council or by the chief executive. In cities of more than 5,000 population, approximately 11 per cent, however, still elect the municipal attorney.[1]

Functions of City Law Departments

The functions of municipal law departments, in large cities, are usually classified into line and auxiliary operations. The line operations involve such matters as (1) acting as general counsel in matters of municipal finance, civil service, public utilities, and other matters for the city council and administrators; (2) serving as legal representative of the city in tort cases brought against the corporation for personal injury and property damage; (3) prosecuting cases involving violations of city ordinances such as health, fire, weights and measures, license requirements, and many other regulations; (4) preparing drafts of ordinances and resolutions for consideration and enactment by the council; (5) advising officials in matters pertaining to special assessment and condemnation of property and handling cases involving special assessments and damages resulting from public improvements; (6) representing the city in appellate

[1] *The Municipal Year Book* (Chicago, 1947), 48.

courts where the municipality is involved in litigation; (7) representing the city before federal and state administrative boards and commissions; and (8) handling a wide range of technical matters pertaining to contracts, deeds, abstracts of title to property, and similar matters.

Within their own administrative structures, some large city law departments operate certain auxiliary functions which support the work of their departmental line divisions. Auxiliary functions relate to research, investigation, and general administrative services, such as records, office and stenographic sections, and library. Auxiliary sections support the efforts of the law department's operating divisions which draft ordinances, represent the city, and advise the council and officers. The entire law department is properly classed as an auxiliary agency to the municipal executive and administrators.

Los Angeles gives evidence of the diverse obligations of city law departments. In Los Angeles: "The city attorney is charged with handling all legal matters involving the city, rendering legal opinions to the various city officers and boards upon request, preparing city ordinances in accordance with council instructions, approving contracts, bonds and insurance policies for all city departments, and prosecuting in the municipal court of the City of Los Angeles all misdemeanors committed within the city." [2] The city attorney in Los Angeles is elected by the voters, an unusual example of the retention of this tradition in a large city.

In Milwaukee, the city attorney is also elected by the voters. The work of the attorney, in 1947, was described in part as follows: "Of the 207 appeals pending in court on the benefit assessments and damages for the Kilbourn Ave. widening, 177 were settled; and the remaining 30 were in the process of completion.... The city had its usual volume of supreme court appeals.... An action is pending in the supreme court involving increased telephone rates in the Milwaukee metropolitan area. The office appeared before the public service commission and the Dane County circuit court in regard to 47 applications relating to transportation facilities.... During the 1947 session of the Wisconsin legislature, the city attorney advised the common council and the three independent boards on legislative matters; drafted numerous bills and amendments; and represented the city before legislative committees. The city attorney also handled a large volume of routine services, including the drafting of 12 charter ordinances, 100 regular ordinances, and 650 resolutions."[3]

Organization of a Law Department

Chicago may be taken as an illustration of well-designed organization in a large city law department. The corporation counsel administers a department which is divided into five line and three auxiliary divisions.

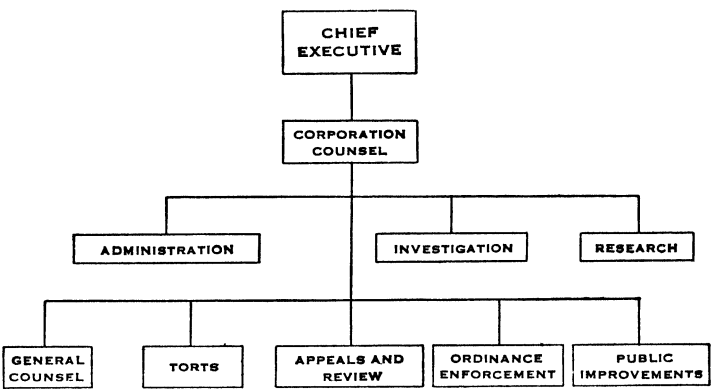
[2] Los Angeles, *Year Book* (1945), 103.
[3] City of Milwaukee, *Annual Report* (1947), 17.

The line divisions are (1) general counsel; (2) torts; (3) appeals and review; (4) ordinance enforcement; and (5) public improvements. The auxiliary divisions are (1) administrative; (2) research; and (3) investigation. The work of these respective divisions may now be described.

(1) The division of general counsel is responsible for the legal aspects of municipal finance, public utilities, civil service, general litigation, and legal opinions. It handles all legal matters not specifically assigned to other line divisions. Moreover, it drafts official opinions, ordinances and state statutes upon request of the Chicago city council. (2) The torts division has as its main function the defense of the city in cases of personal

CHART 25

LAW DEPARTMENT ORGANIZATION
LARGE CITY



injury claims and workmen's compensation claims. In one year (1946), the division disposed of 361 cases, and held total claims of $5,260,400 sought by plaintiffs from the city to $495,945 actually awarded. (3) The appeals and review division handles all the legal work of the Chicago law department pertaining to courts of review. It defends the interests of the city in state and federal courts of review, and recommends to the corporation counsel the advisability of appeal of adverse lower court decisions to the higher courts. (4) Violations of the municipal code are a responsibility of the ordinance enforcement division. In 1946, this division dealt with 81,000 quasi-criminal cases of ordinance violation. The municipal code of the city has 6,000 sections. It is the policy of the legal department to secure compliance and public acceptance of the municipal code, thereby holding prosecutions to a minimum. The enforcement division deals with such matters as short weight violations, misrepresentation of merchandise, health hazards, smoke violation, fire prevention and arson investigation, financial misrepresentation by relief clients. (5) The division

of public improvements handles special assessment and public improvement damage cases. It also has an advisory relationship to city council committees concerned with initiation and maintenance of public improvements.[4]

Within the Chicago law department are also three auxiliary divisions. (1) The research division coordinates activities of the department, and serves in liaison with legal departments in other communities. The division exchanges information with cities, and makes research studies on problems of municipal law. (2) The investigation division obtains information vital to the preparation and defense of personal injury claims and cases brought against the city. It also collects the physical facts necessary to the successful prosecution of cases involving ordinance violation. (3) The administrative division operates a record section, office service section, stenographic section, and library.

The volume of work of a large city law department is indicated by the problems handled by the Chicago department from 1935 to 1946 inclusive. During twelve years, "the Chicago Law Department disposed of 1,562,942 quasi-criminal cases and 9,462 civil suits. It examined 754,183 police reports, conducted 15,549 legal investigations and 3,775 investigations of suspicious fires. It participated in 9,311 hearings before administrative bodies, rendered 2,543 formal opinions and examined 20,342 legal documents. It represented the city in 414 actions before the Illinois Appellate, the Illinois Supreme, The U. S. Circuit Court of Appeals, and the United States Supreme Court." [5]

The City Attorney in the Small City

The large city law department has the resources in money and personnel to develop a staff organized into so-called line and auxiliary divisions. Value of specialization lies in the expertness which the attorneys can develop in particular types of problems—ordinance drafting, defending the city in cases of tort, municipal financial problems, contracts, special assessments, and condemnation proceedings. The large city has a volume of legal business which supports this allocation of duties to specialists, formally recognized in internal departmental organization.

At the other extreme is the small city which hires a part-time attorney, who devotes most of his time and energy to private practice. One level above this is the community which can afford one full-time city attorney, who must span from time to time a wide variety of legal tasks. This is a more difficult art today than it was several decades ago. The development of federal-city and state-city administrative and fiscal interrelationships, and the expansion of municipal activities, have greatly increased the amount and diversity of legal work for city law departments.

[4] City of Chicago, *Department of Law Report* (1946), 35.
[5] *Ibid.*, 36-37.

The city attorney of Lynchburg, Virginia (population, 45,000), reported, in 1947, that the legal paper work of the department involved 53 deeds, 40 written opinions, 74 ordinances and resolutions, 98 contracts, 28 abstracts of title, 35 reports to the council, and the draft of one legislative bill. An ordinance involving considerable time dealt with the issue of $1,000,000 of bonds by the city for public improvements. One of the major contracts provided for the operation of the Lynchburg general hospital by a hospital authority. The city attorney found it necessary to procure outside legal assistance for abstracting titles and drawing deeds, resulting from acquisition of property for school and park purposes. Court cases involved a suit by an infant for injuries sustained at the Lynchburg General Hospital, which resulted in a judgment of $5,000 against the city. Several damage claims were settled. The attorney also represented the city before various federal and state boards and commissions.[6]

In small cities and villages, and in larger communities of the weak-mayor-and-council and commission types, tradition has favored the appointment of the attorney by the council rather than by the chief executive. The common argument is that the attorney gives his most important advice directly to the council on the legal validity of proposed ordinances and resolutions. Where there is no distinct municipal executive, or a weak executive, a significant relationship frequently develops between the attorney and the council. With an inexperienced council lacking executive leadership in municipal administration, the full or part-time city attorney can readily assume an informal executive position through his legal knowledge and experience in municipal affairs. Many small-city councils are dependent upon the attorney not only for legal advice but also for some executive direction. Under these circumstances, a skillful and experienced attorney can assist in shaping policies, put them in legal form, and follow through with any necessary steps in enforcement. In this way, the attorney participates in administrative management.

The tendency of councils in small communities to lean heavily on the attorney's legal advice and general experience makes a case for appointment of the attorney by the council. He is the key consultant and works more consistently with the council than with the administrators. However, where a city has developed an important executive office in the mayoralty or managership, the case for appointment of the attorney by the chief executive is clear. An integrated, municipal executive office should have the power to appoint the attorney, and to use the facilities of his department in executive management. To be sure, the attorney or the city law department must serve the interests of the council as well as those of the executive. As leadership in policy and responsibility in administration passes from the council to the executive, it is important that the law department be made a tool of executive management. While election of city

[6] City of Lynchburg, *Annual Report* (1947), 8-9.

attorneys has ceased to be a common practice, attorneys are still frequently appointed by city councils.[7]

Varying with historical developments, size of city, and theories of public administration, there have been three schools of thought as to the position of the attorney in the structure of municipal administration—(1) election; (2) appointment by the council; and (3) appointment by the executive. Election is the oldest type and belongs to the Jacksonian, long-ballot tradition. It is still used in a considerable minority of cities (11 per cent of those over 5,000 population). Appointment by the council can be deemed reasonable in the small city or in the larger city which has not developed a strong executive. Selection by the mayor or manager is the most modern arrangement, and is logical in strong-mayor and council-manager communities. It conforms to the present-day concept that an attorney, like the personnel officer and the chief finance officer, should be auxiliary to executive management. The chief executive has many duties, and needs competent managerial agencies to assist him.

However selected, the attorney in the small city must of necessity be a legal jack-of-all-trades dealing with everything from ordinances to torts, contracts, bonds, and public improvements. Except as a city may hire other legal counsel for complex problems or cases, the city attorney spans the gamut of legal practice. His office is not organized into divisions. If he is fortunate enough to obtain funds for an assistant attorney, specialization can be instigated by assignment of certain phases of the work or types of cases to the assistant.

The Work and Position of the City Attorney

Legal advice to the city council and officers broadly describes a large segment of the work of a city attorney. His office drafts ordinances and resolutions for consideration by the council and executive upon request. Where strong leadership exists, recommendations of policy to the council by the executive should be supported by legal opinion and drafts of appropriate ordinances, resolutions, contracts, and other documents. It is common practice for the city attorney to attend meetings of the common council and of its more important committees. In the smaller city, he may not only attend meetings and give legal advice but also exert executive influence. In larger and strong executive cities, the attorney or his representative is more likely to appear before the council in support of executive policies and programs, as one of the auxiliary team serving the executive. In addition to the drafting of ordinances and resolutions, the

[7] In 1940, a survey of 200 cities by the National Institute of Municipal Law Officers produced relatively few replies on the method of appointment. Out of 36 cities reporting, 26 city attorneys indicated appointment by the council; 9 by the mayor; and one by the city finance commission. National Institute of Municipal Law Officers, *Municipal Law Department Organization and Administration* (Washington, D. C., 1940), 8-9.

attorney must also furnish legal opinions on the powers of the city, or the powers and responsibilities of individual officers.

The city attorney has many functions aside from that of legal advice. Many of these are executive in character or relate to legal implementation of executive action. The attorney brings suit on behalf of the city; he defends the municipal corporation in suits brought against it. He often represents the city before the state public service commission in hearings pertaining to the rates and services of private utilities operating in the municipal area. The attorney deals, for example, with legal procedures (1) in acquisition of land for public purposes whether by purchase or eminent domain; (2) in the levying of special assessments; (3) in the making of contracts; and (4) in the sale of bonds. He has a duty to represent the city in prosecutions for violations of city ordinances.

The city attorney is, therefore, responsible for the legal position and affairs of a city, much as the private attorney protects the interests of the corporation or individual. The competent city attorney will seek to keep the city within the framework of its powers; admonish against ordinances which are likely to prove unconstitutional; and advise officials against *ultra vires* actions which are beyond the power of the corporation. Where power is in doubt and the city has acted, the attorney must be prepared to defend the municipal corporation in suits contesting the validity of such operations. Without the efforts of the city attorney, violations of regulatory ordinances would be more common than they are. It is one thing to place a regulation in a municipal ordinance and another matter to achieve effective enforcement.

The small city which must depend on a part-time attorney is often at a disadvantage. Many small communities try, unwisely, to get along with little legal counsel. Because of the necessity of expert legal advice for small communities, some state municipal leagues have provided for legal counsel through their own staffs. The Michigan municipal league has found it vital to employ an attorney as one of its staff members if adequate service is to be provided. For small cities and villages without law departments, the opportunity thus afforded of obtaining legal advice on current problems is invaluable.

The National Institute of Municipal Law Officers was organized in 1936 with a membership of 45 cities which, by 1945, reached the figure of 416. This organization has provided a clearing house for information on municipal legal problems. In 1945, the 416 member municipalities had over 2,000 attorneys and assistants. The Institute publishes an annual volume on *Municipalities and the Law in Action*. The rapid development of this organization gives evidence of the increasing recognition of the work of city attorneys in municipal administration.[8]

The functioning of the city attorney or legal department is an integral

[8] C. S. Rhyne, *Municipalities and the Law in Action* (Washington, D. C., 1946), 19-20; Report by F. T. Van Liew on the work of the N.I.M.L.O. in 1945.

part of municipal administration. A large city needs an adequate law department fully as much as it requires a personnel agency and a finance department. The development of policy and the administration of policy demand legal implementation and support. Increasingly, a demand is arising for trained personnel with legal preparation and general knowledge of municipal administration. Within recent decades, the function of the city attorney has become specialized and distinct from private practice of the legal profession.

Current trends indicate that the municipal law department is also becoming a means of representing city policies and programs before state legislatures and legislative committees. The large cities have interests, especially as to public utilities and near utilities, which require representation before Congressional Committees and federal administrative agencies. More and more, city law departments are being used to present municipal points-of-view in technical problems at state and federal levels.

Litigation

The importance of the attorney in litigation needs special emphasis. One aspect of litigation of broad citizen interest is the question of torts. A municipality as a corporation is subject to suit for damages. Suits may be brought against the corporation for personal injury or property damage. A motor vehicle driven by a city employee may hit and injure a pedestrian. Suits are brought against municipalities to recover damages for these and many other types of injuries. These wrongs are known as torts. In determining the liability of the city in tort, the courts have attempted an intricate classification of municipal functions into *governmental* (political or public) and *corporate* (proprietary, or private). The immunity of a state from liability has been extended to cities, when they are acting in governmental capacities. The judicial assumption is that the city shares the immunity of the state, when acting in a governmental capacity. On the other hand, when a city acts in a corporate capacity, and the courts so determine, the city may be found liable for torts committed by its employees in the discharge of municipal services.

The state courts are in general agreement that police, fire, health, and public welfare administration are governmental activities. Cities are commonly not held liable for unlawful arrest or assault by a policeman, for injuries resulting from fire runs to and from a fire, or for injuries sustained by individuals through the negligence of city employees in health and welfare departments. The individual officer or employee may be personally liable, if negligence can be proved.

Other municipal activities are interpreted by the courts as corporate. The city is generally liable for torts committed by employees engaged in the performance of such functions. Corporate activities are largely those which the city operates for the primary benefit of its own inhabitants or

from which the city derives important revenues. Examples of corporate activities are municipal water, electrical, gas, and transportation utilities, and municipal property such as public markets and wharves.

Between the well-known governmental and corporate functions fall a number of borderline activities which are treated divergently by various state courts. Although the general tendency is to classify city parks as governmental, a substantial minority opinion holds parks to be corporate in character. Sewers are likewise in the no man's land between governmental and corporate. Planning and design of sewers are broadly construed as governmental; actual construction and maintenance are often held to be corporate. Municipalities are generally held liable where damage results from negligence in sewer construction and maintenance. Cities are also held liable where injury results from negligence in the construction and maintenance of streets; however, a strong minority view among the New England states holds this function to be governmental, and cities to have no liability for the condition of streets. Street cleaning, as a health activity, is widely classified as governmental, but as corporate in Minnesota and Illinois.[9]

The city law department must investigate the facts in instances of tort; prepare the cases; and go into court to defend the interests of the city. If the function is deemed by the courts to be governmental, no city liability will follow. If the activity is held to be corporate, liability may follow if the city employees were negligent. The city attorney may be able to prove that the function was governmental; that there was no negligence, although the operation was corporate; or that the damages sought are in excess of the injury sustained. The torts division of the city law department must investigate, sift, and organize many facts pertaining to each suit brought against the city for tort.[10]

Similarly, the law department initiates suits against private citizens and corporations to recover for damages to city property. The negligent motorist who shears off a fire hydrant or demolishes a traffic light standard has committed a tort against the city. If he will not pay willingly, the city attorney will, on request of the department concerned, bring suit to recover damages. The law department may likewise have the obligation to bring civil action against consumers who fail to pay their water bills, and against individuals or corporations who refuse to pay city fees for inspection of boilers, buildings, and elevators.

The city's litigation also includes more than civil actions. A wide variety of ordinances must be enforced eventually by judicial process—health, fire prevention, traffic, weights and measures, and other regulations. As Robert W. Siebenschuh indicated with reference to the work of the Chicago law

[9] C. M. Kneier, *City Government in the United States* (New York, 1947), 216-220.
[10] R. W. Siebenschuh, *The Administration of Municipal Legal Services: The Chicago Law Department* (Chicago, 1942), 45-57. This document contains a series of forms used by the Torts Division of the Chicago law department.

department: "The reckless driver, the butcher who weighs his thumb with the lamb chops, the proprietor of a disorderly house, the street-walker, and the apartment owner who permits fire hazards to exist on his premises are summoned into court by the Police Commissioner or by other department heads. To the Law Department falls the task of supporting these city officials . . . by prosecuting the misdemeanants." [11]

Litigation also involves a law department in representation of the city before state appellate and federal courts. Another form of litigation, in the broad sense, extends to judicial proceeding before state and federal regulatory agencies and commissions. A skillful law department can save cities many thousands of dollars, through adequate representation of the city's interests before courts and regulatory agencies. Correspondingly, incompetent legal advice can result in costly litigation for any city.

Position of Legal Departments and Municipal Courts

Analysis of the functions and work of city law departments has indicated that they must be organized as integral units within municipal administration. The early tradition of electing attorneys gave way to appointment by the council. Selection by the council has, in recent decades, given ground to appointment by mayor or manager. The trend has been toward recognition of the law department as an auxiliary agency to the chief executive. With the increasing complexity of federal-city and state-city relations, and the expansion and diversification of municipal operations, the importance of making the law department part of the managerial team is increasing.

To the contrary, so-called municipal courts are not basic units within the framework of municipal administration. They are specialized units within the court system of a state. The justice of the peace has been and still is the trial judge in rural areas for misdemeanors and civil cases involving several hundred dollars. He has been commonly elected in townships, towns, and magisterial districts. As cities developed, the justice of the peace became a fixture in urban areas. Often, essentially the same office appeared under the title of magistrate, or police magistrate. Urban justices of the peace, magistrates, or police magistrates, are important cogs in the administration of justice. However, they are not known as municipal courts; rather they are urban counterparts of the rural justice of the peace. For example, police magistrates and police courts frequently exercise the criminal jurisdiction of a justice of the peace.

The term "municipal court" is usually reserved for a court which replaces the justice of the peace, or magistrate in cities. Such a court may have a more extensive jurisdiction. It usually has a chief magistrate who has supervision over associate magistrates. When organized on a functional

[11] *Ibid.*, 2.

basis, municipal courts have specialized divisions, such as criminal, civil, small claims, juvenile, and domestic relations. Not all municipal courts are elaborate organizations with functional divisions. The term "municipal court" is also applied in smaller cities of some states to justices of the peace who have been placed on salary. The traditional rural justice of the peace has long been remunerated by fees charged in individual cases. Municipal courts, broadly speaking, range from the justice of the peace on salary in cities to unified and functionally organized municipal courts, such as that of Philadelphia.

The municipal court of Chicago, established in 1906, was the first unified municipal court in the United States. Three principal objectives were achieved by this court. (1) Independent justices of the peace and magistrates were abolished in favor of a unified court. (2) The chief justice was given supervisory authority over other justices. (3) Special divisions were developed. In Chicago, some fifty-four justices and police magistrates existed before development of the municipal court. The unified court provided for a chief justice and thirty-six associate justices. The chief justice was authorized to preside at meetings of the justices; to assign them to different specialized branches; and to prepare court calendars. The court developed integration under a chief justice, and permitted specialization.

In Chicago, the jurisdiction of the justices of the peace and police magistrates was conferred on the municipal court justices. Jurisdiction of the municipal court extended to misdemeanor cases, and to examination and holding for trial in felony cases. The civil jurisdiction depended on the amount of money which was involved in controversy. From time to time specialized divisions have been added to the unified court, including domestic relations, speeders', and small claims branches, the morals court, and boys' court. Urban problems similar to those which led to the development of a unified municipal court in Chicago have likewise necessitated the development of other specialized municipal courts, as in Atlanta, Buffalo, Cincinnati, Cleveland, Kansas City (Missouri), Milwaukee, Philadelphia, and Pittsburgh.[12]

Municipal Courts and State Judicial Organization

Organization for judicial administration is by no means uniform among the states. Nevertheless, the broad outlines of judicial administration are similar. At the base of the hierarchy of state courts are the justices of the peace with authority to adjudicate minor civil cases, impose small fines and sentences for misdemeanors, and hold preliminary hearings in felonies, crimes of a more serious nature. In urban areas, this type of jurisdiction is exercised by justices of the peace, magistrates, police magistrates, or unified municipal courts.

[12] A. W. Bromage, *State Government and Administration in United States* (New York, 1936), 288-289.

The second major factor in the court structure is the general trial court, known by a diversity of names—district, circuit, or superior. In some states, every county has such a general trial court. In other states, one judge, known as a circuit judge, holds general trial court in a number of the less populous counties. Judges of general trial courts, like justices of the peace, are usually elected by the voters. They are widely authorized to try all cases, whether in law or equity, but, in a few states, separate courts are established to try equity cases. General trial courts hear cases when they are appealed from justice courts or municipal courts. Important cases in civil law and equity, and trials of serious crimes, originate in general trial courts, and are there determined. Right of appeal exists to the state supreme court, or to an intermediate court of appeal between general trial courts and the supreme court of the state.

At the apex of the judicial structure in each state is the highest court of appeals, widely known as the supreme court. In some states other titles are used. For example, New York has a Court of Appeals, and Connecticut has a Supreme Court of Errors. These courts, however designated, serve as tribunals of last resort in their respective states. While the state supreme courts have some original jurisdiction, their main function is an appellate one. The variations from the basic structure of (1) justice of the peace, (2) general trial court and (3) supreme court are many. The intermediate courts of appeals, used in approximately one-fourth of the states, are one such divergence. Their establishment resulted from the necessity of relieving state supreme courts of some of their appellate burdens. Important as appellate courts are, most citizens are more familiar with minor courts.

Municipal courts appear within this order of state court organization as variations from the justice of peace, magistrate, or police magistrate. They do not supplant the general trial courts, but exercise either the jurisdiction or the justices of the peace or a more extended jurisdiction.

Other types of courts which have been established under state law are small claims, juvenile, and domestic relations courts. Adjudication of small claims is provided sometimes as a special branch of a unified municipal court, or by special procedure in other courts as determined by state statutes. A small claims court or branch provides a simple method for adjudication of civil cases involving small amounts of money. When only a few dollars are in dispute, court costs and attorneys' fees must be negligible. Otherwise the claimant for a small sum cannot afford to sue. The movement for small claims courts began in Kansas; small debtors' courts were established in Topeka, Leavenworth, and Kansas City in 1913. In the same year, the Cleveland municipal court began to handle small claims in a conciliation branch. In 1916, the municipal court of Chicago established a special branch for small claims; other cities have followed these early models. Chicago and Cleveland set up small claims branches by rule of unified municipal courts. Many states have provided by law for the operation of small claims courts as divisions or branches of justice, or of municipal,

courts. Small claims courts sit informally and the parties involved may represent themselves.[13]

Juvenile courts recognize the importance of according children trial by simpler procedures, and disposition of their cases by a variety of methods. Punishment is not their primary objective. Illinois in 1899 provided for a juvenile court in Cook County. By 1925, all but one state had passed legislation authorizing establishment of juvenile courts, and every city of more than 100,000 population had a court especially developed for delinquent and dependent children.[14] In large cities, juvenile courts exist as separate and independent courts, or as branches within unified municipal courts. In many states, general trial courts, probate, or inferior courts, are vested with jurisdiction over juveniles and hold special sessions in such cases. When separate juvenile courts are established by law, the judges are variously selected by the governor, mayor, or city council, or are elected by the voters. Appointment by the governor, as in Boston, Birmingham, and Jersey City, has been considered a desirable method.[15]

Juvenile courts may commit a child for special institutional training and discipline. More frequently, the juvenile court judge orders appointment of a guardian, commitment to a child placing agency, or probation as the laws provide and the case indicates. Especially in large municipalities, extensive cooperation exists between juvenile courts and private agencies for child placement of dependent and neglected children.

Courts of domestic relations deal with domestic troubles such as non-support and desertion. Their basic objective is first the readjustment of family difficulties through conciliation. Frequently, courts of domestic relations deal with families whose children are likely to be dependent or delinquent. The jurisdiction of domestic relations and juvenile courts sometimes is, and logically may be, combined in a family court. Thereby, conflicts in jurisdiction over children and adults in the same family may be avoided. The same result may be achieved in large measure by establishing juvenile and domestic relations branches within a unified municipal court.

Illustration of a Municipal Court

The municipal court of Philadelphia, an outstanding tribunal, may be used as an example. It is a court of record established by act of the state legislature in 1913. This act, plus subsequent amendments, gives the court exclusive jurisdiction in proceedings dealing with (1) dependent, delinquent, and neglected children under 18 years of age; (2) desertion and non-support of wives, children, grandchildren, and indigent parents; (3) incorrigible, runaway, and disorderly children, 18 to 20 years of age;

[13] For a comprehensive discussion of the problem of small claims, see R. H. Smith, *Justice and the Poor* (New York, 1919).

[14] W. F. Willoughby, *Principles of Judicial Administration* (Washington, D. C., 1929), 323.

[15] H. H. Lou, *Juvenile Courts in the United States* (Chapel Hill, 1927), 70.

(4) disorderly street walkers; and (5) adoption proceedings. In addition, the Municipal Court of Philadelphia has concurrent jurisdiction with other courts in the area in (1) civil actions at law and equity, where the amount in controversy does not exceed $2,500, and (2) criminal actions, except in crimes of the most grave nature.[16] Contrasting with seven common pleas courts and twenty-eight magistrates' courts, the Philadelphia municipal court is a single and unified organization. Judges of the municipal court are also *ex-officio* justices of the peace, and may sit summarily to dispose of cases in which their jurisdiction is concurrent with magistrates.

The municipal court of Philadelphia is comprised of a president judge, and one associate judge for each 200,000 of population or fraction thereof in excess of 100,000 in the county. The judges are elected by the voters for terms of ten years; they select the president judge for a five-year term. He has power to direct the business of the court, and to assign judges to their respective duties. The judges as a board have authority to appoint employees and fix salaries. A house of detention for juvenile offenders is managed by a separate board appointed by the judges of the court. The district attorney serves as prosecuting officer in the municipal court, and an assistant district attorney is assigned to each of the non-civil divisions of the court.

To hear the types of cases coming before the municipal court of Philadelphia there are numerous divisions—(1) civil; (2) criminal; (3) juvenile; (4) domestic relations; (5) misdemeanants'; (6) adoptions; and (7) small claims and conciliation. The civil division has jurisdiction in civil actions and in equity, where claims do not exceed $2,500; in all civil appeals from magistrates; and in civil cases transferred by order of any court of common pleas in Philadelphia County. The criminal division has jurisdiction in criminal actions, except in crimes of the most grave nature. The domestic relations division handles cases of desertion or non-support of wives, children, grandchildren, indigent, aged, or incapacitated parents and grandparents, and the custody of children. The juvenile division deals with delinquent, dependent, neglected, mentally defective, and dependent physically handicapped children under 18 years of age; and also with adults encouraging or contributing to delinquency, neglect, or dependency of children. The misdemeanants' division has jurisdiction over runaway, disobedient, idle and disorderly children 18 to 20 years in age; disorderly street walkers, adults or minors; adults charged with drunkenness, being disorderly, and vagrancy. The legislature, in 1941, conferred exclusive jurisdiction in adoption proceedings upon the municipal court and an adoptions division was then established. The small claims and conciliation division renders legal advice

[16] Jurisdiction does not extend to arson, burglary, murder, voluntary manslaughter, treason, violation of registration or election laws, embezzlement by any public officer, for example. The Municipal Court of Philadelphia, *Thirty-third Annual Report* (1946), A25.

to residents financially unable to employ an attorney, and assists such persons in collection of small sums.[17] In addition to the divisions, the court has probation, medical, support accounts, and statistical departments. The main emphasis has been toward integration and specialization.

Of the Philadelphia municipal court, it has been said: "Originally created for the purpose of relieving congestion which had been oppressing judges and litigants in the courts of this city, and also for administering in a better way certain activities which were already being performed by other courts, the Municipal Court of Philadelphia was entrusted with many functions which had never been performed by any other court, either in Philadelphia or in any other city." [18] The scope of activity by the court can be seen from the fact that all divisions handled 49,414 cases in 1946. Since its creation in 1914, the court had dealt with 1,584,668 cases, an average of more than 48,000 a year.

Why Unified Municipal Courts Developed

Justices of the peace, magistrates, police magistrates, even unified municipal courts, are a part of state judicial organization. Their organization is determined by state law; their decisions may be appealed to higher state courts; their primary function is to administer state law. Municipal courts, like the district or circuit, general trial courts are subordinate branches of the state judicial system. Even the unified municipal courts are not "municipal", in the sense that one applies the term to city councils, mayors, personnel departments, and fire departments. In the United States, there are two systems of judicial administration, federal and state. The municipal courts are basically independent of municipal administration, as was evident in regard to the municipal court of Philadelphia. Although the judges of the municipal court may be appointed by the mayor, as in New York City, this does not change their primary position as subordinate units of state judicial administration.

Why, then, were so-called unified municipal courts established within many cities by state law? The reasons were multiple: (1) dissatisfaction with the administration of justice by urban justices of the peace, magistrates, and police magistrates; (2) need for a unified court, operating either by functionally specialized divisions or geographical subdivisions; (3) desirability of providing specialized divisions, dealing with civil, criminal, juvenile, domestic relations, small claims and other matters. Prior to the development of unified municipal courts, the justices of the peace, magistrates, and police magistrates, had been proliferated in cities. They lacked any common superior in a chief justice or presiding judge. Their courts were often held in unattractive surroundings and lacked judicial decorum. In some cities, as in Philadelphia, magistrates were charged with irregu-

[17] *Ibid.*, A6-9.
[18] *Ibid.*, A21.

larities.[19] The movement toward the unified municipal court, which began with the Chicago court of 1906, was in part a reformer's effort to achieve a more competent judiciary in cities. The municipal court, although a part of the state judicial system, was a logical designation for an inferior state court within a city.

Specialization was another significant factor in the development of unified municipal courts. When the burden of cases runs into thousands, it is logical to have specialized divisions within a unified court. In this way, justices become expert in types of cases, whether civil, criminal, juvenile, domestic relations, or traffic. On the other hand, management of the business of the court and assignment of justices can be integrated in a presiding judge.

In metropolitan areas, the development of a municipal court does not result in an integration of judicial administration in the region. The problem of the large city is solved but not that of the metropolitan region. Within Cook County, Illinois, for example, Chicago contains the municipal, circuit, superior, county, probate, juvenile, criminal, federal district, and several appellate courts. Within Cook County, but without Chicago's boundary, are several hundred justice courts and municipal courts in Chicago Heights and Calumet City. The metropolitan region contains a series of courts differing in legal rules and procedure, and restricted to artificial boundaries of cities, townships, and counties.[20] The unified municipal court solves many problems in judicial administration within a core metropolitan city, but the metropolitan region often continues outside the central city with old style justices of the peace and magistrates, except as other municipal courts have been established in cities within the larger area. For this reason, unified metropolitan courts have been suggested, extending the principle of the unified municipal court to the metropolitan region.

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[19] In Philadelphia, contrary to the development in Chicago, magistrates were not abolished when the municipal court was established. For critical comment on magistrates' courts in cities, with particular reference to Philadelphia, see W. B. Graves, *American State Government* (New York, 1946), 665.

[20] Albert Lepawsky, *The Judicial System of Metropolitan Chicago* (Chicago, 1932), 293.

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