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The Des Moines Plan of City Government.



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ADOPTED BY THE CITY OF DES MOINES AT A
SPECIAL ELECTION HELD
JUNE 20TH, 1907.

THE ELECTION OF THE NEW COUNCIL (COMMISSIONERS) PROVIDED FOR IN THE ACT WILL TAKE PLACE IN MARCH, 1908. FOLLOWING THIS ELECTION THE "PLAN" WILL BECOME OPERATIVE ON AND AFTER APRIL 1ST.

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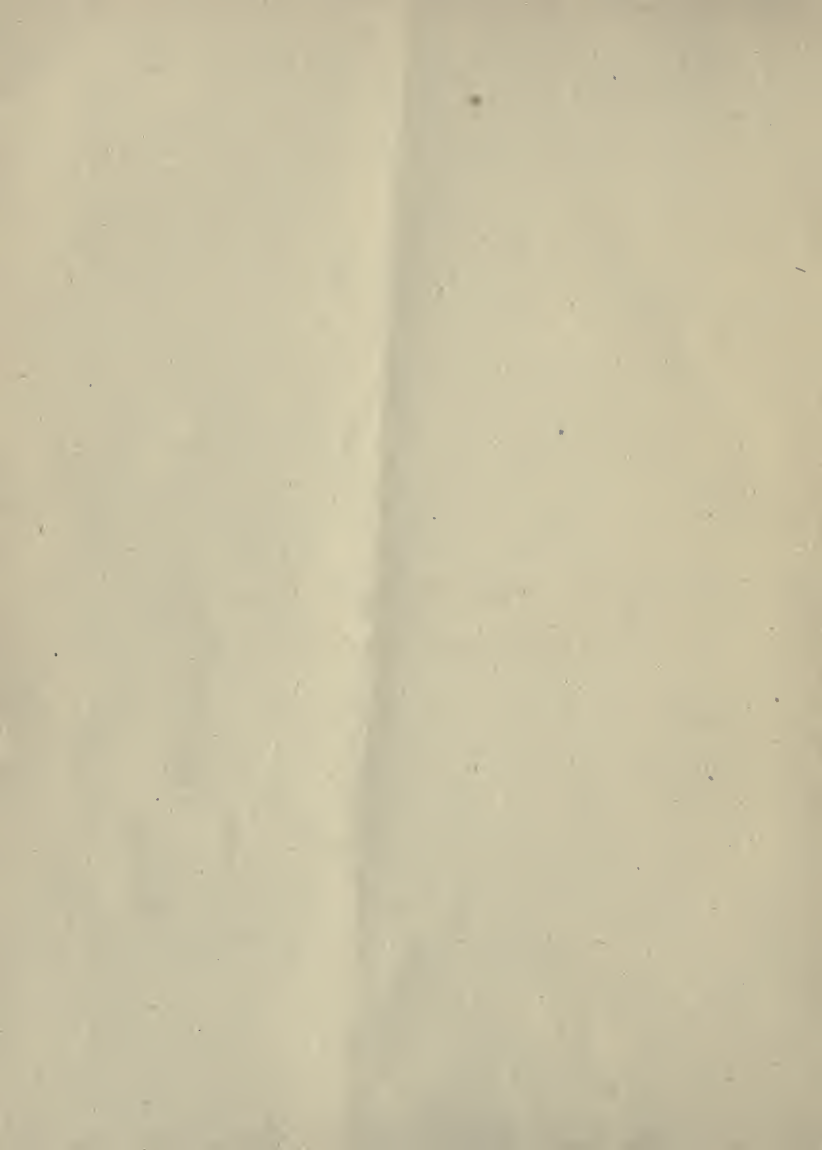


Foreward

The new municipal charter, known as the "Des Moines Plan" of City Government, was not the outcome of a crisis, or the issue of a sporadic reform movement, but was rather the direct result of strong convictions on the part of the business men. This led to an agitation favoring the application of business methods to the management of our municipal affairs, and resulted in the recent adoption, by the citizens of Des Moines, of a charter which embodies many new ideas in local self-government. Its adoption presents the most important as well as the most radical experiments in municipal government ever attempted in the United States and its many unusual features are attracting favorable comments throughout the country.

The following is an exact copy of the law, printed in sections, together with a short statement, just above each section, stating in clear and concise language the principal features of that portion.

163601



The Des Moines Plan
of City Government....

Section 1. This law applies only to cities having a population of or exceeding 25,000 inhabitants.

Sec. 2. Upon the presentation of a petition, signed by electors equal in number to 25 per cent of all votes cast for all candidates for mayor at the last preceding city election, the question of adopting this plan of government shall be submitted to the voters.

Provides the manner of submitting the question to a vote of the people.

AN ACT to provide for the government of certain cities, and the adoption thereof by special election "additional to Title V (five) of the Code."

Be It Enacted by the General Assembly of the State of Iowa:

SECTION 1. That any city of the first class, or with special charter, now or hereafter having a population of twenty-five thousand or over, as shown by the last preceding State census, may become organized as a city under the provisions of this act by proceeding as hereinafter provided.

SEC. 2. Upon petition of electors equal in number to twenty-five percentum of the votes cast for all candidates for mayor at the last preceding city election of any such city, the mayor shall by proclamation, submit the question of organizing as a city under this act at a special election to be held at a time specified therein, and within two months after said petition is filed. If said plan is not adopted at the special election called, the question of adopting said plan shall not be resubmitted to the voters of said city for adoption within two years thereafter, and then the question to adopt shall be resubmitted upon the presentation of a petition signed by electors equal in number to twenty-five percentum of the votes cast for all candidates for mayor at the last preceding general city election.

At such election the proposition to be submitted shall be, "Shall the proposition to organize the city or (name of a city),

under chapter (naming the chapter containing this act) of the acts of the Thirty-second General Assembly, be adopted?" and the election thereupon shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other city elections. If the majority of the votes cast shall be in favor thereof, the city shall thereupon proceed to the election of a mayor and four (4) councilmen, as hereinafter provided. Immediately after such proposition is adopted, the mayor shall transmit to the Governor, to the Secretary of State, and to the county auditor, each a certificate stating that such proposition was adopted.

At the regular city election after the adoption of such proposition, there shall be elected a mayor and four (4) councilmen. In the event, however, that the next regular city election does not occur within one year after such special election, the mayor shall, within ten days after such special election, by proclamation, call a special election for the election of a mayor and four councilmen, sixty days' notice thereof being given in such call; such election in either case to be conducted as hereinafter provided.

Section 3. All State laws not in conflict or inconsistent with this law are retained and remain in full force and effect.

All contracts, rights and liabilities remain the same as under the present form of government.

SEC. 3. All laws governing cities of the first class and not inconsistent with the provisions of this act, and sections 955, 956, 959, 964, 989, 1000, 1023, and 1053 of the Code now applicable to special charter cities and not inconsistent with the provisions of this act shall apply to and govern cities organized under this act. All by-law, ordinances and resolutions lawfully passed and in force in any such city under its former organization shall remain in force until altered or repealed by the council elected under the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which were vested in any such city under its former organization, shall vest in the same under the organization herein contemplated, and no right

or liability either in favor of or against it, existing at the time, and no suit or prosecution of any kind shall be affected by such change, unless otherwise provided for in this act.

Section 4. A mayor and four councilmen (or aldermen) shall be nominated and elected at large. They shall hold office for two years and in case a vacancy occurs the remaining members shall appoint to fill the vacancy.

SEC. 4. In every such city there shall be elected at the regular biennial municipal election, a mayor and four councilmen.

If any vacancy occurs in any such office the remaining members of said council shall appoint a person to fill such vacancy during the balance of the unexpired term.

Said officers shall be nominated and elected at large. Said officers shall qualify and their terms of office shall begin on the first Monday after their election. The terms of office of the mayor and councilmen or aldermen in such city in office at the beginning of the terms of office of the mayor and councilmen first elected under the provisions of this act shall then cease and determine, and the terms of office of all other appointive officers in force in such city, except as hereinafter provided, shall cease and determine as soon as the council shall by resolution declare.

Section 5. This section prescribes in detail the manner in which the mayor and city councilmen are elected, and provides for a non-partisan primary for nominations.

SEC. 5. Candidates to be voted for at all general municipal elections at which a mayor and four councilmen are to be elected under the provisions of this act shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Monday preceding the general municipal election. The judges of election appointed for the general municipal election shall be the judges of the primary election, and it shall be held at the same place, so far as possible, and the polls shall

be opened and closed at the same hours, with the same clerks as are required for said general municipal election.

Any person desiring to become a candidate for mayor or councilman shall, at least ten days prior to said primary election, file with the said clerk a statement of such candidacy, in substantially the following form:

State of Iowa, _____County.—ss.

I (_____) being first duly sworn, say that I reside at _____street, city of _____county of _____State of Iowa; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be held on the _____Monday of _____19____ and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____
_____on this _____day of _____19____

(Signed) _____

and shall at the same time file therewith the petition of at least twenty-five qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form:

PETITION ACCOMPANYING NOMINATING STATEMENT.

The undersigned, duly qualified electors of the city of _____, and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election to be held in such city on the _____Monday of _____19____. We further state that

we know him to be a qualified elector of said city and a man of good moral character and qualified in our judgment for the duties of such office.

Names of Qualified Electors.	Number.	Streets.

Immediately upon the expiration of the time of filing the statements and petitions for candidacies, the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballots, and if there be no daily newspaper, then in two issues of any other newspapers that may be published in said city; and the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a fac simile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the words "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for councilmen, with a square at the left of each name and below the names of such candidates shall appear the words, "Vote for four." The ballots shall be printed upon plain, substantial white paper, and shall be headed:

CANDIDATES FOR NOMINATION FOR MAYOR AND COUNCILMEN OF———CITY AT THE PRIMARY ELECTION.

out shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.)

OFFICIAL PRIMARY BALLOT.

CANDIDATE FOR NOMINATION FOR MAYOR AND COUNCILMEN OF-----CITY AT THE PRIMARY ELECTION.

For Mayor,

- (Name of Candidate.)
(Vote for one.)

For Councilman,

- (Name of Candidate.)
(Vote for four.)

Official ballot attest:
(Signature)

City Clerk.

Having caused said ballots to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and challenges can be made by not more than two persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk, upon proper blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election the said city clerk shall canvass said returns so received from all the polling precincts, and shall make and publish in all the newspapers of said city at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates

receiving the highest number of votes for mayor shall be the candidates and the only candidates whose names shall be placed upon the ballot for mayor at the next succeeding general municipal election, and the eight candidates receiving the highest number of votes for councilman, or all such candidates if less than eight, shall be the candidates and the only candidates whose names shall be placed upon the ballot for councilman at such municipal election.

All electors of cities under this act who by the laws governing cities of the first class and cities acting under special charter would be entitled to vote for the election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this act; and the ballot at such general municipal election shall be in the same general form as for such primary election, so far as applicable, and in all elections in such city the election precincts, voting places, method of conducting election, canvassing the votes and announcing the results, shall be the same as by law provided for election of officers in such cities, so far as the same are applicable and not inconsistent with the provisions of this act.

Section 5-A. This prohibits any person or candidate accepting from or giving money to any candidate for office to secure election or appointment, and provides for the punishment of any person who agrees to or does accept any money or any valuable thing for services rendered to any candidate.

SEC. 5-A. Any person who shall agree to perform any services in the interest of any candidate for any office provided in this act, in consideration of any other money or other valuable thing for such services performed in the interest of any candidate, shall be punished by a fine not exceeding three hundred dollars (\$300), or be imprisoned in the county jail not exceeding thirty (30) days.

Section 5-B. This section prescribes a severe penalty for the acceptance or giving of any bribe to influence voters and also for the violation of any election laws.

SEC. 5-B. Any person offering to give a bribe, either in money or other consideration, to any elector for the purpose of influencing his vote at any election provided in this act, or any elector entitled to vote at any such election receiving and accepting such bribe or other consideration; any person making false answer to any of the provisions of this act relative to his qualifications to vote at said election; any person wilfully voting or offering to vote at such election who has not been a resident of this State for six months next preceding said election, or who is not twenty-one years of age, or is not a citizen of the United States; or knowing himself not to be a qualified elector of such precinct where he offers to vote; any person knowingly procuring, aiding or abetting any violation hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), and be imprisoned in the county jail not less than ten (10) nor more than ninety (90) days.

Section 6. The city shall be governed by the mayor and four councilmen. Majority vote of these five officials shall be necessary to pass any ordinance or other measure.

SEC. 6. Every such city shall be governed by a council, consisting of the mayor and four councilmen, chosen as provided in this act, each of whom shall have the right to vote on all questions coming before the council. Three members of the council shall constitute a quorum, and the affirmative vote of three members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure, unless a greater number is provided for in this act. Upon every vote the yeas and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The mayor shall preside at all meetings of the council; he shall have no power to veto any measure, but every resolution or ordinance passed by the council must be signed by the mayor, or by two councilmen, and be recorded, before the same shall be in force.

Section 7. Prescribes the powers and duties of the city council and creates the five departments through which the city's affairs shall be administered.

SEC. 7. The council shall have and possess and the council and its members shall exercise all executive, legislative and judicial powers and duties now had, possessed and exercised by the mayor, city council, board of public work, park commissioners, board of police and fire commissioners, board of water-works trustees, board of library trustees, solicitor, assessor, treasurer, auditor, city engineer, and other executive and administrative officers in cities of the first class and cities acting under special charter. The executive and administrative powers, authority and duties in such cities shall be distributed into and among five departments, as follows:

1. Department of Public Affairs.
2. Department of Accounts and Finances.
3. Department of Public Safety.
4. Department of Streets and Public Improvements.
5. Department of Parks and Public Property.

The council shall determine the powers and duties to be performed by, and assign them to the appropriate department; shall prescribe the powers and duties of officers and employes; may assign particular officers and employes to one or more of the departments; may require an officer or employe to perform duties in two or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Section 8. Provides that each member of the city council shall be made superintendent of a department; also for the election of other city officers by a majority vote of the city council.

SEC. 8. The mayor shall be superintendent of the department of Public Affairs, and the council shall at the first regular meeting after election of its members designate by majority vote

one councilman to be superintendent of the department of Accounts and Finances; one to be superintendent of the department of Public Safety; one to be superintendent of the department of Streets and Public Improvements; and one to be superintendent of the department of Parks and Public Property; but such designation shall be changed whenever it appears that the public service would be benefited thereby.

The council shall, at said first meeting, or as soon as practicable thereafter, elect by majority vote the following officers: A city clerk, solicitor, assessor, treasurer, auditor, civil engineer, city physician, marshal, chief of fire department, market master, street commissioner, three library trustees, and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city; and shall appoint a police judge in those cities not having a superior court. Any officer or assistant elected or appointed by the council may be removed from office at any time by vote of a majority of the members of the council except as otherwise provided for in this act.

Section 9. This section provides for the creation and discontinuance of offices as it may be necessary for the welfare of the city and gives authority to the council to fix the compensation which shall be received by officers and employes.

SEC. 9. The council shall have power from time to time to create, fill and discontinue offices and employments other than herein prescribed, according to their judgment of the needs of the city; and may by majority vote of all the members remove any such officer or employe, except as otherwise provided for in this act; and may by resolution or otherwise prescribe, limit or change the compensation of such officers or employes.

Section 10. Provides that the mayor and city councilmen shall receive a certain salary, according to the population of the city.

SEC. 10. The mayor and council shall have an office at the city hall, and their total compensation shall be as follows: In

cities having by the last preceding State or National census from 25,000 to 40,000 people, the annual salary of the mayor shall be \$2,500, and of each councilman \$1,800. In cities having by such census from 40,000 to 60,000 people, the mayor's annual salary shall be \$3,000, and that each councilman \$2,500; and in cities having by such census over 60,000 population, the mayor's annual salary shall be \$3,500, and that of each councilmen \$3,000. Such salaries shall be payable in equal monthly installments.

Any increase in salary occasioned under the provisions of this scale by increase in population in any city shall commence with the month next after the official publication of the census showing such increase therein.

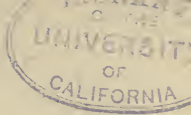
Every other officer or assistant shall receive such salary or compensation as the council shall by ordinance provide, payable in equal monthly installments.

The salary or compensation of all other employes of such city shall be fixed by the council and shall be payable monthly or at such shorter periods as the council shall determine.

Section 11. Provides for regular and special meetings of the city council.

SEC. 11. Regular meetings of the council shall be held on the first Monday after the election of councilmen, and thereafter at least once each month. The council shall provide by ordinance for the time of holding regular meetings, and special meetings may be called from time to time by the mayor or two councilmen. All meetings of the council, whether regular or special, at which any person not a city officer is admitted, shall be open to the public.

The mayor shall be president of the council and preside at its meetings, and shall supervise all departments and report to the council for its action all matters requiring attention in either. The superintendent of the department of Accounts and Finances shall be vice-president of the council, and in case of vacancy in the office of mayor, or the absence or inability of the mayor, shall perform the duties of the mayor.



Section 12. This section provides the manner in which ordinances shall be passed and the means by which the rights of the people are preserved in the granting of franchises.

Every ordinance, franchise and contract must be open to public inspection for seven days before its final passage and does not go in force for ten days thereafter.

ALL FRANCHISES TO PUBLIC SERVICE CORPORATIONS MUST BE SUBMITTED TO A VOTE OF THE PEOPLE FOR APPROVAL.

SEC. 12. Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract, or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the city clerk for public inspection at least one week before the final passage on adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in any city shall be granted, renewed or extended, except by ordinance, and every franchise or grant for interurban or street railways, gas or water-works, electric light or power plants, heating plants, telegraph or telephone systems, or other public service utilities within said city, must be authorized or approved by a majority of the electors voting thereon at a general or special election, as provided in section 776 of the Code.

Section 13. This section prohibits any officer or employe, elected or appointed, from being, either directly or indirectly financially interested in any contract or job to which the city is a party or in which any public service corporation is interested; nor shall any such officer or employe accept any service favor from any such service corporations.

Every violation of this section shall be punished by heavy penalty.

Provides that if any city official or employe attempts to influence any other city official politically, or attempts to control or influence appointments, either directly or indirectly, he shall be subject to a fine of \$300 or a term in the county jail.

SEC. 13. No officer or employe elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the city; and no such officer or employe shall be interested directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water-works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of said city. No such officer or employe shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water-works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section. Any officer or employe of such city who, by solicitation or otherwise, shall exert his influence directly or indirectly to influence other officers or employes of such city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding three hundred dollars (\$300) or by imprisonment in the county jail not exceeding thirty (30) days.

Section 14. Provides for a civil service commission, fixes the power of this commission and determines the manner in which it shall act.

Substitutes personal merit for political pull in securing and holding positions as employes.

Insures the best possible service for the city.

Merit, and not politics, the requisite.

SEC. 14. Immediately after organizing the council shall by ordinance appoint three civil service commissioners, who shall hold office, one until the first Monday in April in the second year after his appointment, one until the first Monday in April of the fourth year after his appointment, and one until the first Monday in April of the sixth year after his appointment. Each succeeding council shall, as soon as practicable after organizing appoint one commissioner for six years, who shall take the place of the commissioner whose term of office expires. The chairman of the commission for each biennial period shall be the member whose term first expires. No person while on the said commission shall hold or be a candidate for any office of public trust. Two of said members shall constitute a quorum to transact business. The commissioners must be citizens of Iowa, and residents of the city for more than three years next preceding their appointment.

The council may remove any of said commissioners during their term of office for cause, four councilmen voting in favor of such removal, and shall fill any vacancy that may occur in said commission for the unexpired term. The city council shall provide suitable rooms in which the said civil service commission may hold its meetings. They shall have a clerk, who shall keep a record of all its meetings, such city to supply the said commission with all necessary equipment to properly attend to such business.

(a) Before entering upon the duties of their office, each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the Constitution of the United States and the State of Iowa, and to obey the laws, and to aim to secure and maintain an honest and

efficient force, free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

(b) Said commission shall, on the first Monday of April and October of each year, or oftener if it shall be deemed necessary, under such rules and regulation as may be prescribed by the council, hold examinations for the purpose of determining the qualifications of applicants for positions, which examination shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the position to which they seek to be appointed. Said commission shall as soon as possible after such examination, certify to the council double the number of persons necessary to fill vacancies who, according to its records, have the highest standing for the position they seek to fill as a result of such examination, and all vacancies which occur, that come under the civil service, prior to the date of the next regular examination, shall be filled from said list so certified; provided, however, that should the list for any cause be reduced to less than three for any division, then the council or the head of the proper department may temporarily fill a vacancy, but not to exceed thirty days.

(c) All persons subject to such civil service examination shall be subject to removal from office or employment by the council for misconduct or failure to perform their duties under such rules and regulations as it may adopt, and the chief of police, chief of the fire department, or any superintendent or foreman in charge of municipal work, may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty or disobedience of his orders, but shall, within twenty-four hours thereafter, report such suspension or discharge, and the reason therefor, to the superintendent of his department, who shall thereupon affirm or revoke such discharge or suspension, according to the facts.

Such employe (or the office discharging or suspending him) may, within five days of such ruling, appeal therefrom to the council, which shall fully hear and determine the matter.

(d) The council shall have the power to enforce the attendance of witnesses, the production of books and papers, and power to administer oaths in the same manner and with like effect, and

under the same penalties, as in the case of magistrates exercising criminal or civil jurisdiction under the statutes of Iowa.

Said commissioners shall make annual report to the council, and it may require a special report from said commission at any time; and said council may prescribe such rules and regulations for the proper conduct of the business of the said commission as shall be found expedient and advisable, including restrictions on appointment, promotions, removals for cause, roster of employes, certification of records to the auditor, and restrictions on payment to persons improperly employed.

(e) The council of such city shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this act relating to the civil service commission.

(f) The provisions of this section shall apply to all appointive officers and employes of such city, except those especially named in section 8 of this act, commissioners of any kind (laborers whose occupation requires no special skill or fitness), election officials, and mayor's secretary and assistant solicitor, where such officers are appointed; provided, however, that existing employes heretofore appointed, or employed after competitive examination, or for long service under the provisions of chapter 31, acts of the Twenty-ninth General Assembly, and subsequent amendments thereto, shall retain their positions without further examination unless removed for cause.

All officers and employes in any such city shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith or party affiliations.

It shall be unlawful for any candidate for office, or any officer in any such city, directly or indirectly, to give or promise any person or persons any office, position, employment, benefit, or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons.

Every elective officer in any such city shall, within thirty days after qualifying, file with the city clerk, and publish at least once in a daily newspaper of general circulation, his sworn statement of all his election and campaign expenses, and by whom such funds were contributed.

Any violation of the provisions of this section shall be a misdemeanor and be a ground for removal from office.

Section 15. This section provides for complete publicity of city affairs, requiring a monthly statement of all receipts and expenditures the same to be given to the newspapers. It also further provides for an annual examination of the books of the city.

SEC. 15. The council shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the state library, the city library, the daily newspapers of the city, and to persons who shall apply therefor at the office of the city clerk. At the end of each year the council shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures.

Section 16. The first city council may revise, repeal or change any appropriation made to take effect during the first year of their term of office.

SEC. 16. If, at the beginning of the term of office of the first council elected in such city under the provisions of this act, the appropriations for the expenditures of the city government for the current fiscal year have been made, said council shall have power, by ordinance, to revise, to repeal or change said appropriations and to make additional appropriations.

Section 17. This section explains the meaning of certain words and terms as used in this law.

SEC. 17. In the construction of this act the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or repugnant to the context of the statute:

1. The words "councilman" or "alderman" shall be construed to mean "councilman" when applied to cities under this act.

2. When an office or officer is named in any law referred to in this act, it shall, when applied to cities under this act, be construed to mean the office or officer having the same functions or duties under the provisions of this act, or under ordinances passed under authority thereof.

3. The word "franchise" shall include every special privilege in the streets, highways and public places of the city, whether granted by the State or the city, which does not belong to the citizens generally by common right.

4. The word "electors" shall be construed to mean persons qualified to vote for elective offices at regular municipal elections.

Section 18. This section establishes the right of recall, that is provides the ways and means by which a dishonest or incompetent mayor or councilman can be removed from office by a vote of the people.

SEC. 18. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements

therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose; and he shall attach to said petition his certificate, showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient, the council shall order and fix a date for holding the said election, not less than thirty days or more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The council shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify, within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law.

Section 19. Provides for the initiative. If the council refuses to pass needed ordinances, the people can compel the passage thereof.

SEC. 19. Any proposed ordinance may be submitted to the council by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under section 18 hereof.

If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five percentum of the votes cast for all candidates for mayor at the last preceding general election, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the council, such council shall either

(a) Pass said ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition, or

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city.

But if the petition is signed by not less than ten nor more than twenty-five percentum of the electors, as above defined, then the council shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring not more than thirty days after the clerk's certificate of sufficiency is attached to said petition.

The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance), and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and bind-

ing ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city clerk shall cause such ordinance or proposition to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty or less than five days before the submission of such proposition or ordinance to be voted on.

Section 20. Provides for the protest and referendum. If any ordinance is passed by the council which is not satisfactory to the people, they have a right to reject it by vote.

SEC. 20. No ordinance passed by the council, except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the council, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five percentum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance; and if the same is not entirely repealed, the council shall sub-

mit the ordinance, as is provided by sub-section b of section 19 of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section 19, except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided.

Section 21. This section provides the method by which a city may, after a six years' trial, if it is so desired, return to its former plan of government.

SEC. 21. Any city which shall have operated for more than six years under the provisions of this act may abandon such organization hereunder, and accept the provisions of the general law of the State then applicable to cities of its population, or if now organized under special charter, may resume said special charter by proceeding as follows:

Upon the petition of not less than twenty-five percentum of the electors of such city a special election shall be called, at which the following proposition only shall be submitted: "Shall the city of (name the city) abandon its organization under chapter — of the acts of Thirty-second General Assembly and become a city under the general law governing cities of like population or if now organized under special charter shall resume said special charter?"

If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the State for cities of like population, and upon the qualification of such officers such city shall become a city under such general law of the State; but such change shall not in any manner or degree affect the property, right or liabilities of any nature of such city, but shall merely extend to such change in its form of government.

The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared, gen-

erally as provided by section 18 of this act, in so far as the provisions thereof are applicable.

Section 22. Defines the form of petition required in this law.

SEC. 22. Petitions provided for in this act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city stating that the signers thereof were, at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

Section 23. Publication clause.

SEC. 23. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 29, A. D. 1907.

Summary

The Des Moines plan of city government is the best and most advanced system yet devised. It is the most representative, since it places the entire power of government in the hands of the people. Lincoln said, "Ours is a government of the people," and in the Des Moines plan that idea is carried out to its fullest extent as is illustrated by the referendum, the initiative and the power of recall. In the past the politician ruled, under the new plan the people retain the balance of power.

No franchise or other valuable right can be given away by the city council until the people vote in favor of it. The people can compel or prevent the passage of any law or ordinance. Under the Des Moines plan the city official is under the control of the people.

Under this new plan all aldermen are elected from at large. Each citizen votes for all candidates, instead of voting for only three out of the nine aldermen as under present system. These councilmen having to depend upon votes from all portions of the city will consider the needs of the whole city, rather than the needs of a particular section which they desire to benefit for the pur-

pose of securing political support as a means of keeping themselves in office.

The Des Moines plan fixes responsibility by placing one member of the city council at the head of each of the five departments, thereby doing away with the confusion and irresponsibility which exists under the present system.

The aldermen receive such a salary that men of ability and honesty will devote their whole time to the affairs of the city. They cannot while serving be interested, directly or indirectly, in any contract with the city or with any public service corporation, such as water, telephone or street car companies. This last provision insures due consideration for the rights of the people and prevents corporations from obtaining by any indirect method an influence over the action of the city council.

Civil service is made a prominent feature of this law, honesty and ability will be the qualifications demanded of employes. The question of their political strength will not be considered.

This new plan provides that all candidates for office shall be selected at a non-partisan primary, and also a simple method by which a citizen may become a candidate.

The Des Moines plan prescribes a severe punishment for attempting to form a political combination, or for

using, directly or indirectly, political influence in the interest of any person or measure. This makes machine politics impossible.

All officials must, after election, publish a sworn itemized statement of their campaign expenses.

All persons are prohibited from accepting any money or other compensations for services rendered the candidate.

This is a very brief statement of a number of the important features of this law and the reader for a more thorough understanding of the advantages of this system of government should carefully read the law itself.



Magazine and Newspaper Articles on the "Des Moines Plan."

Outlook, May 25th, 1907, Lyman Abbott.

Outlook, August, 1907, Lyman Abbott.

National, September, 1907, Sidney J. Dillon.

World Today, August, 1907, editorial.

New York Herald, Sept. 22, Editor.

Century, October, 1907, Henry E. Sampson.

Boston Herald, Sept. 22, 1907, Frank W. Woodward.

Cosmopolitan, November, 1907, Frank Rinhart.

Overland, October, 1907, Sidney J. Dillon.

Chicago Tribune, August, 1907, Editor.

Civic News, July 1, 1907, Editor.

Delta Chi, Quarterly, August, 1907, Henry E. Sampson, Pub.,
Washington, D. C.

Register & Leader of Des Moines—Frequent Articles.

Des Moines Daily Capital—Frequent Articles.

Des Moines Daily News—Frequent Articles.

Some of the Many Comments on the "Des Moines Plan."

"The Des Moines Charter has more real democracy—democracy with a little "d"—in it than any city charter in America".

—Brandt Whitlock, Mayor of Toledo, Ohio.

"I am greatly impressed with the simplicity, flexibility and accessibility of the system of government therein provided".

—Prof. W. C. McNaul, Des Moines College.

"I am free to say that the Iowa charter comes nearer covering my ideas of the perfect city charter than anything I have ever seen".

—Ex-Mayor J. M. Head of Nashville, Tenn.

"It seems to be the best guarded in its administrative provisions and the most democratic in ease and finality of popular control, of any municipal charter as yet known to American legislation".

—Louis F. Post, Editor The Public, Chicago.

"The claim that this method is undemocratic is totally fallacious".

—Lyman Abbott in the Outlook.

"Everything that tends to interest the voters of a city in the public questions that concern the city makes for public spirit and for the public welfare, and this plan carries that idea as far as possible".

—Hon. Seth Low, former Mayor of New York, and
Ex-President of Columbia University.

"The charter combines effective administration by an executive board with final popular control, and therefore combines approved American business methods with approved American principles of popular government in local affairs".

—Progress.

DES MOINES INFORMATION.

"Des Moines Does Things."

Des Moines has 110 miles of paving. (Brick, Asphalt and Creosote Blocks.)

Des Moines has 146 miles of sewerage.

Des Moines has 125 miles of water mains.

Des Moines has 120 miles of gas mains. (dollar gas.)

Des Moines has 96 miles of electric street railway trackage.

Des Moines has 19 Parks, 750 acres.

Des Moines has Interurban lines to the north, south, east and west.

Des Moines has 19 steam roads in and out of the city.

Des Moines has 94 churches—every denomination.

Des Moines has 49 schools, public and private.

Des Moines has 13 Colleges and Technical schools.

Des Moines has 5,000 college population.

Des Moines has 28 hotels; ten of which are large and important.

Des Moines is the home of 44 Insurance Companies.

Des Moines has 6,000 insurance workers.

Des Moines has fully 250 important factories.

Des Moines has 148 jobbing houses.

Des Moines supplies paving brick to other cities.

Des Moines has 19 Banks, with thirty million deposits.

Des Moines entertains 80 Conventions annually.

Des Moines has a large Auditorium, seats 3,000.

Des Moines has four great daily newspapers.

Des Moines has 54 newspapers and periodicals.

Des Moines has 40 farm implement houses.

Des Moines has 12,000 telephones in use—2 systems.

Des Moines is the home of the Iowa State Fair.

Des Moines has cheap coal in abundance.

Des Moines postoffice business is equal to that of any other city in the U. S. of twice its population.

Business transacted in Des Moines annually exceeds 90 millions about as follows:

Manufacturing, including coal output	25 Millions
Jobbing and Wholesale	40 Millions
Retail—all lines	30 Millions

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