

on The Rebuilding of the National Capital, by Hon. H. B. F. MacFarland, of Washington, D. C. on The Indispensableness of City Planning, by ex-President Eliot of Harvard; on The Housing Problem, by Richard Watson Gilder, and on the Individual Responsibility of Officials by President Benjamin Ide Wheeler, of the University of California. This is a very auspicious beginning. There is undoubtedly a place for a good publication in the field which this magazine endeavors to cover.

A phase of civic administration which is engaging more interest in this country is dealt with in *An Introduction to City Planning* by Benjamin Clarke Marsh (New York, 1909, pp. 158, published by the author). The writer is secretary of the committee on congestion of population in New York, (165 Broadway), and has dealt with his subject largely from the standpoint of planning as an aid to the relief of congestion. The book contains a chapter on the technical phases of city planning by Mr. George B. Ford.

A timely and informing article, entitled *The German Way of making Better Cities*, by Sylvester Baxter, appeared in the July issue of the *Atlantic Monthly*.

At the New York meetings of the American Political Science Association it is proposed to give a place on the programme to a discussion of the methods of instruction in municipal government.

#### CENTRALIZATION IN OHIO MUNICIPAL GOVERNMENT

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The Paine law of Ohio, providing for the remodeling of municipal government, gives to all cities in large part the high degree of centralization of administration that was enjoyed under the old "federal plan." It will be remembered that between 1892 and 1902 three Ohio cities—Cleveland, Toledo and Columbus—operated on a plan of government that justly attracted widespread attention and won national praise. Fixing final responsibility upon the mayor, it divided the administrative affairs of the city into several departments with a director, appointed and removable by the mayor, at the head of each. These officials in turn, with the mayor, then organized into a board of control, which reviewed at semi-weekly meetings the work of the several departments,

adjusted differences or disagreements, and week after week aimed to round out and consummate the pledged programme.

The city council was very properly relieved of a voice in pure administrative detail. The central government, untrammelled by outside control, was enabled to keep pace with the manifold demands upon the exercise and extension of its functions. The scheme was appropriately called the "federal plan" because it imitated the national cabinet—the mayor corresponding to the president and the several departmental directors to the respective secretarial heads. Eminently successful was the plan, giving to the city rapid, responsible and inexpensive public service. Above all, it made possible the tracing of misgovernment to one source—the office of the chief executive. This ability to attach responsibility and make that responsibility count came out forcibly on the occasion of the defeat of Mayor McKisson, whom the people checked in a promising political career because they were convinced he was seeking to convert this centralized mechanism into a personal political machine. The plan certainly was not abandoned on account of total or partial failure. It was sacrificed in the epoch-making and sweeping decision of the Ohio supreme court which ruled that all special legislation was unconstitutional and therefore null and void.<sup>1</sup>

An elaborate "municipal code" followed as its successor. It is useless at this late date to undertake a discussion of the provisions of this instrument. They have been repeatedly described and discussed elsewhere. In a nutshell, its hundred or more octavo pages containing 231 sections succeeded admirably in decentralizing the prevailing unified machinery bequeathed it. In matters of administrative interest the council was elevated to a position of inordinate importance. The mayor was converted into a figurehead with numerous paper powers. An excellent opportunity was everywhere opened for "loggerhead" situations in the management of the city's business.

Fortunately, on account of the domination of at least three Ohio mayors, many of the abuses which threatened to spring up were crushed in their infancy. Particularly in Cleveland, under the able leadership of Tom L. Johnson, and to a large degree in Toledo, in the respective terms of Sam Jones and Brand Whitlock, the high degree of efficiency created under the "federal plan" was maintained almost unimpaired. The results in Columbus are not definitely known. Cincinnati did not

<sup>1</sup> The "federal plan" had come as a special concession on the part of the legislature to the three cities mentioned.

use the "federal plan" and therefore no comparison with the code is possible. However, everyone in Ohio concedes that before 1902 the government of the Queen City was in the hands of the state legislature and George B. Cox, while since then it has been in the sole control of the latter. Hence, in the chief cities of Ohio but one, by a happy turn of political fortunes, many possible abuses which the code conceived were never vitalized. However, the good citizens of the state have never been wholly at ease until now. The substitution of the Paine law not only cuts short the code experiment, but it also stills much growing anxiety.

What does the Paine law do? The code had replaced the departmental heads of the "federal plan" by a board of public service, a board of public safety, and a city solicitor, auditor, and treasurer—all elective officers except the board of public safety. The members of the board of public service were left to divide their powers and duties as they pleased. If an opportune division were struck, the city's business stood a fair chance of being transacted with reasonable efficiency. If not, with responsibility shifting from shoulder to shoulder, a breakdown was sure to occur at many points. In the case of the board of public safety, while the members received their appointment at the hands of the mayor<sup>2</sup> and presumably should look to him for direction, so ingeniously did the code twist the reciprocal powers of the mayor and the "safers" by numerous provisions and counter-provisions that in the end the board was left practically free to do as it pleased, if it chose to, and yet be at liberty to thrust all blame for incompetency or negligence either upon the subordinate chiefs (appointed and removable by the mayor) or upon the mayor himself. These are two illustrations of what could easily have occurred (and what perhaps has happened unblushingly in Cincinnati), had not the intervention of the three chief executives we have mentioned brought with it an assurance of fixed responsibility and a conscientious desire to maintain the spirit of Ohio's municipal institutions even though the law had been abrogated.

Let us now proceed directly to the fundamental provisions of the Paine law. First of all, a department of public service and one of public safety are created with a single individual as director at the head of each. Both are appointed and can be removed by the mayor. The three together form a board of control with powers resembling those of the old board under the "federal plan." Within the compass

<sup>2</sup> With the confirmation of the council.

of the first department are included what may conveniently be called the divisions of public works and parks.<sup>3</sup> Under the control of the second department are brought not only the police and fire divisions but also the departments of charities and correction and buildings.<sup>4</sup> Under the old code the latter two branches constituted departments of public service. The Paine arrangement is not only more logical, but lends itself to a greater degree of working harmony and unified policy for the departments concerned.

Each director is given full control in the management and supervision of his department and in the making of rules and regulations. A limited power of appointment is given in the classified service. His contract prerogative is subject to the \$500 rule, beyond which specific appropriation by the council is required. At the same time, no contract above this amount can be awarded at any time without the approval of the board of control, thus ultimately vesting the mayor and directors with discretionary power and responsibility in the making of large expenditures. Each director determines and coordinates the various subdivisions of his department.

<sup>3</sup> Under the code the board of public service in Cleveland was separated into three divisions: public works, parks and charities and correction. The full powers of the department under the new plan (sections 140 and 141) are as follows:

SEC. 140. The director of public service shall supervise the improvement and repair of streets, avenues, alleys, lands, lanes, squares, wharves, docks, landings, market houses, bridges, viaducts, aqueducts, sidewalks, playgrounds, sewers, drains, ditches, culverts, ship channels, streams and water courses; the lighting, sprinkling and cleaning of all public places, the construction of public improvements and public works, except as provided in section 147 hereof, or as otherwise provided in this act.

SEC. 141. The directors of public service shall have the management of all municipal water, lighting and heating plants, parks, baths, market house, cemeteries, crematories, sewage disposal plants and farms, as well as all public buildings and other property of the corporation. . . . Said directors of public service shall also manage and control all houses of refuge and correction, workhouses, city farm schools, infirmaries, hospitals, pest houses and all other charitable and reformatory institutions. . . .

<sup>4</sup> SEC. 147. The director of public safety shall be the chief administrative authority of the fire, police, charity, correction and building departments and shall have all powers and duties connected with and incident to the appointment, regulation and government of these departments, except as otherwise provided by law. . . .

He shall manage and make all contracts in reference to the police stations, fire houses, cemeteries, and reform schools, houses of correction, infirmaries, hospitals workhouses, farms, pest houses, and all other charitable and reformatory institutions now or hereafter established and maintained.

In addition to his former quasi-legislative power,<sup>5</sup> there is conferred upon the mayor an extensive appointive power. Besides the directors, all heads of sub-departments and many members of the unclassified service are to receive their commissions from him. His power is rarely contingent upon "the consent of the council." Instead he appoints and removes with a free hand. With such latitude there can be little doubt that the office of chief executive will again return to the exalted place it occupied in the last decade.

A thoroughgoing system of civil service is next introduced. City officials and employees are separated into two categories, the *classified* and the *unclassified* service. In general, the latter branch includes holders of elective positions, departmental and division heads, experts, desultory employees and unskilled laborers.<sup>6</sup> "The classified service shall comprise offices and places not included in the unclassified service," by which is meant the great army of employees of the departments of service and safety. A civil service commission, consisting of three members who hold office for three years and retire in annual rotation, is periodically to be chosen by a committee made up of the president of the board of education, the president of the board of sinking fund commissioners and the president of the city council. The commissioners are endowed with the usual power of making rules and regulations for examinations and "the grading of offices and positions similar in character, in groups and divisions so as to permit the filling of offices and positions in the higher grades as far as practicable through promotions."<sup>7</sup>

The method of appointment to places in the classified service is simple: "The appointing board or officer shall notify the commission of any vacancy to be filled. The commission shall thereupon certify to such board or officer the three candidates graded highest in the respective lists as shown by the result of (such) examination. Such board or officer shall thereupon appoint one of the three so certified."<sup>8</sup> Grades and standings of applicants must be kept on record for at least six months, but the commission may drop an applicant any time after he has been thrice certified. In the case of all appointments and employments, the appointing officer must report back to the commission

<sup>5</sup> Under the code.

<sup>6</sup> See section 158.

<sup>7</sup> See section 159.

<sup>8</sup> See section 160. The plan of permitting the appointing official to select one from a certain number of the highest candidates—three, five or seven—combines the requirements of fair play with the advantage on the city's part of choosing the

the name of the appointee or employee, the title, character of office, date of commencement of service, salary or compensation and such other information as the commission may require in keeping its roster. The latter record must be open to public inspection "at all reasonable hours." While superior officials may suspend subordinates for a period of not more than thirty days pending a complete investigation, no member of the classified service can be permanently discharged except on the grounds of immorality or incompetency. A reasonable opportunity to know the charges must be given the accused and he must be heard in his own behalf.

Whether the commissioners shall receive compensation or not has wisely been left with the respective city councils to decide.<sup>9</sup> They are, however, required to be resident electors. It is of course of supreme importance that none but men of the highest integrity and regard for the public welfare shall be attracted to this office. All things considered, it seems that the council should either provide for a large salary or none whatever. The appointment of business or professional men of high standing, who will bring to the office the single ambition of placing the civil service upon a strictly business basis, will thus be insured. Experience teaches that a low salary gets a cheap man, while well-compensated or else gratuitous offices secure the highest type of men. In the present instance, a medium salary, say \$2000 or \$2500, which would secure students or experts from the country at large, is precluded by that despairing *sine qua non* of home rule which insists that all office-holders, high and low, shall be neighbors of the electorate. Some day American legislatures and councils will outgrow this provincial prejudice and, following the European idea, obtain specialists wherever available. That will only be when the popular notion of politics shall have freed itself from the hypnotic illusions of sentiment, and the communistic, brotherly love theory is consigned to oblivion.

These are the main provisions of the new law, a careful examination of which induces the writer to accept it as a sincere attempt on the part of an heretofore intractable legislature to give the cities of Ohio a fuller opportunity for good government. The offices of city auditor,

best all-around man, whether he be the highest on the list or not. In practice this scheme has been found to combine the maximum of justice and efficiency and to obviate disadvantages from which even the civil service system is not free.

<sup>9</sup> SEC. 164. . . . The council shall provide for the salaries, if any of the commission, for such clerical force, examiners, necessary expenses and accommodations as may be necessary for the work of the commission.

treasurer and solicitor are not affected by the change, remaining still elective. It is therefore a misnomer to call the Paine act a return to the old "federal plan." The new law assures much centralization of administrative powers, but it does not restore the old departmental form of government.

While people in Ohio will doubtless agree that it is desirable to keep the offices of treasurer and auditor, particularly the latter,<sup>10</sup> independent of outside control by making them directly responsible to the voters, the act ought to have changed the solicitorship from an elective to an appointive basis. The increased latitude of the city's legal responsibilities and the consequent dependence of all departments upon the law department for guidance demand that its head be in political agreement with the administration. Despite a diminution in the partisan spirit in municipal politics, the practices of partisanship still persist and will continue for a long time to come. Consequently, a difference in partisan affiliations between the mayor and the solicitor may easily upset the programme of the former and prevent the realization of the platform upon which he was elected. To grasp this readily one needs only to speculate on the outcome of the street railway struggle in Cleveland if at any stage in its career a Republican solicitor had been elected on the same ticket with Mayor Johnson. Waiving the question whether or no this would have been "a consummation devoutly to be wished," there can be no doubt that the public will would have been thwarted in its main purpose. So closely dependent was the fight for lower fares upon legal sanctions, that an unsympathetic head of the law department might have brought the contest to a premature end through simple inertia.

#### PERSONAL AND BIBLIOGRAPHICAL

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The sixth annual meeting of the American Political Science Association will be held in New York City, December 27-31. The American Historical Association, the American Economic Association, and the

<sup>10</sup> A wholesome safeguard is provided in the requirement (section 154-b) that the city auditor shall be present at the opening of bids filed for the letting of contracts by the directors of public service and safety. An elective officer, he is made jointly responsible for any dishonest award by the board of control. Observance and enforcement of this provision will minimize the possibility of the favoritism which notoriously prevailed during the second administration of Mayor McKisson.