

A Model Charter

Among the many suggested charters offered to the Quebec Legislature for the government of Montreal was one proposed by the Montreal Brotherhood Confederation under the direction of Mr. Howard Ross, K.C. There is a special interest in this charter inasmuch as it is the result of the study of many city charters and combines practically all the newest methods in government—such as proportional representation, the initiative, recall and referendum, manager form, etc... The main outlines are as follows:

"A council of aldermen which shall have the full power and authority now possessed by the city of Montreal. For voting purposes the city shall be divided into four districts, East, West, North and South with as nearly as may be an equal number of votes, about 42,000. The council shall consist of twenty-four members, six from each district, their term of office to be four years. Aldermen shall be subject to recall and vacancies may be filled by a majority vote of the remaining members.

Voting shall be by the Hare System of Proportional Representation.

The council shall elect one of its members as chairman, who shall be entitled mayor; also a city manager, a clerk and a civil service board, but no alderman shall be chosen as manager, or as a member of the Civil Service Commission.

The Recall.

The mayor or any alderman may be recalled and removed by the electors of any district in the city.

The Initiative.

The voters shall have power to propose by-laws, including by-laws granting franchises or privileges and other measures and to adopt the same at the polls. A proper petition requesting the council to pass a by-law, resolution, order or vote (all of these four terms being included in the term "Measure", shall be called an initiative petition.

The Referendum.

The voters may approve or reject at the polls any measure passed by the council or submitted by the council to a vote of the electors.

No measure shall go into effect until thirty days after its passage unless it be declared an emergency measure on the ground of urgent public need for the preservation of peace, health safety or property, the facts showing such urgency and need being specifically stated in the measure itself and the measure being passed by a vote of not less than four-fifths of the council.

But no measure granting or amending any public utility or amending or repealing any measure adopted by the voters at the polls or by the council in compliance with an initiative petition, shall be regarded as an emergency measure.

Emergency measures shall be subject to referendum like other measures, except that they shall go into effect at once. If when submitted to a vote of the electors such measure is not approved by a majority vote, it shall be considered repealed, as regards any further action thereunder and all rights and privileges conferred by it shall be null, but shall be authority for any payment made or expense incurred in accordance with the measure previous to the referendum vote.

Official Publicity Pamphlet.

The city clerk at least fifteen days before any election at which any measure or charter amendment is to be submitted, shall print and mail to each voter an official publicity pamphlet containing the full text of every measure submitted, together with arguments for or against such measures. Such arguments shall be signed by the person, persons, or organizations authorized to submit and sign the same, who shall deposit the proportionate cost of the printing and paper for the space taken.

Administrative Service.

The City Manager.

The city manager shall be the chief executive officer of the city. He shall be chosen by the council solely on the basis of his executive and administrative qualifications. The choice shall not be limited to the inhabitants of the city of Montreal or the Province of Quebec.

He shall receive such salary as may be fixed by a by-law of the council. He shall be appointed for an indefinite period and be removable by the council. If removed at any time after six months he may demand written

charges and a public hearing on the same before the council prior to the date on which his final removal shall take effect, but during such hearing the council may suspend him from office.

During the absence or disability of the city manager the council shall designate some properly qualified person to perform the duties of the office.

Powers and Duties of City Manager.

He shall be responsible to the council for the proper administration of all affairs of the city, and to that end shall make all appointments, except as otherwise provided. Except when the council is considering his removal he shall be entitled to be present at all meetings of the council, and of its committees and to take part in their discussion.

The city manager shall prepare and submit to the council the annual budget after receiving estimates made by the directors of the departments.

Administrative Department.

There shall be five departments: Law, health, works and utilities, safety and welfare, and finance; the functions of which shall be prescribed by the council except as otherwise provided in the charter.

The council shall fix all salaries, which in the classified service shall be uniform for each grade, as established by the Civil Service Commission, and the council may, by a three-fourths vote of its entire membership, create new departments, combine or abolish existing departments or establish temporary departments for special work.

Duties of Directors of Departments.

At the head of each department there shall be a director chosen for his general executive and administrative experience and ability. The director of the law department shall be an advocate; of health, a sanitary engineer or a member of the medical profession; of works, an engineer; of safety and welfare, a man who has had administrative experience; and of finance, a man who has had experience in banking, accounting or other financial matters.

Each director shall be appointed by the city manager, and may be removed by him at any time, but in case of such removal, if the director so demands, written charges must be preferred by the city manager, and the director shall be given a public hearing before the order of removal is made final.

Responsibility of Directors.

They shall be immediately responsible to the city manager and their advice in writing may be required by him. They shall prepare departmental estimates, which shall be open to public inspection, and they shall make all other reports and recommendations concerning their departments at stated intervals or when requested by the city manager.

The council, the city manager and any officer or board authorized by them shall have power to make investigations as to city affairs, to subpoena witnesses, administer oaths and compel the production of books and papers.

(Full text of above plan can be had by communicating to Editor.)

Mr. Ross, in a recent article explaining the above plan, made some very caustic remarks on the elective commission form of government. In part, he said:—

Evidence accumulates that the old type of commission government (elective, not appointed) which reached the height of its popularity about four years ago, is giving way rapidly to the new commission-manager form. We prefer the term "Council-manager plan." Use of the word "commission" implies to many an appointed body which particularly in these semi-democratic days is to the great mass of voters very objectionable. It also suggests a small body. There has been a growing dissatisfaction with the small elective commission, the experience being very general that such commissions are composed, too often, of business men who are not, in the very nature of things, the logical representatives of the mass of the voters, and the different parts of the city. In Salt Lake City recently a Congressman said: "If we are to have government for the people, the officers must be responsible. In Salt Lake City to-day only a small section of the city is represented by the commissioners, and I think there should be some way in which commissioners should come from different parts of the city. At this