

MUNICIPAL ADMINISTRATION

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PREFACE

This book deals with present-day methods and problems of administration in the cities of the United States. It reviews the existing procedure in the various branches of municipal business and indicates what possibilities of improvement seem to be suggested by the experience of the past twenty or thirty years. Obviously the subject is an extensive one and includes within its range a large number of diversified activities, for the modern city is a very complex affair; but throughout the volume an attempt has been made to keep the discussion free from details in the hope that the general picture might be somewhat clarified.

Various matters included in this book have been discussed by the author in two previous volumes, one of them published in 1915 and the other in 1923, but changes in the technique of municipal administration during the past ten years have been so frequent, and of such far-reaching importance, that relatively little of this earlier discussion has proved usable in the present instance.

To all intents, therefore, this is a new book,—in its scope, arrangement, materials, and to some extent in its point of view as well. In this connection it will be noted that chapters have been included on traffic regulation, special assessments, the abatement of nuisances, the inspection of weights and measures, the law department, hospitals, public libraries, municipal airports, and various other topics which are not ordinarily given much attention in books on municipal administration. The growing importance of these matters, however, would seem to justify the consideration that has been devoted to them here.

A number of colleagues and friends have been good enough to read portions of the manuscript and to give me the benefit of their suggestions. To them I am sincerely grateful. Likewise I am indebted to Mrs. Ethel H. Rogers for painstaking assistance in preparing the material for the press, checking the bibliographical references, and making the index.

WILLIAM BENNETT MUNRO.

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MUNICIPAL ADMINISTRATION

CHAPTER I

ADMINISTRATION AND PRACTICAL POLITICS

Popular government rests on the principle that it is every citizen's business to see that the community is well governed.—*Lord Bryce*.

In the government of the modern city there are two general tasks to be performed. First there is the determination of public policy. Decisions must be reached as to what work is to be done and how. Arrangements must be made to finance it. Authority must be given to go ahead with it and provision made for seeing that it is done properly. All this is the function of the city's legislative organ,—the city council, board of aldermen, city commission, or whatever it may be called. This body exercises the functions of decision, appropriation, authorization, and general direction which together constitute the basis of all administrative work.

The two general tasks of government.

Declarations of municipal policy are usually made by passing ordinances, but such enactments are subject always to the superior authority of state constitutions and statutes, including the city charter which has the force of a statute. Within these limitations, municipal ordinances have the force of law and are binding not only upon the administrative officers of the city but upon all persons who come within its jurisdiction. By ordinance the municipal legislative body decides how much money shall be raised by taxation, how the proceeds shall be spent, who shall do the spending, what the functions of each administrative officer shall be, what limitations shall be placed upon their discretion, and to what regulations the citizen shall conform.

The ordinance power as the basis of administration.

Every city, for example, has a building ordinance or code which lays down various rules which all private construction must obey. In addition it usually has a zoning ordinance which regulates the use to which private buildings may be put. Most cities likewise have a traffic ordinance, a fire prevention ordinance, and an ordinance containing all sorts of regulations in the interest of the

Policy-determining ordinances.

public health. "And thou shalt teach them ordinances and laws," says the Pentateuch, "and shalt shew them the way wherein they must walk and the work that they must do."¹ Our city councils are obeying this decree of the law and the prophets. Whatever else may be lacking in our municipal system, there is no shortage of ordinances showing the people the way in which they must walk or pointing out to the city officials the work which they must do. Even the municipal budget is passed in the form of an appropriation ordinance. The funds which it provides do not become available until this ordinance goes into effect.

The city council also makes decisions and grants authority in ways other than by the enactment of ordinances. Much of this work it does by resolutions or by simple votes.² Appropriations are made by ordinance, for example, but transfers from one appropriation to another can thereafter be made, as a rule, by vote of the council or sometimes even by the mayor under authority granted by it. So with permits which the council grants, or claims which it authorizes to be paid, or contracts which it approves,—these things can also be done by resolution or vote and do not require the enactment of an ordinance. The city charter always sets forth in a general way, and sometimes in elaborate detail, the powers which the policy-determining organ or organs shall exercise and the procedure which it must follow.

Most American city charters are framed on the principle that the power to determine public policy should be vested in one body of men, while the function of carrying this policy into effect should be given to another. The former should always be elective; the latter mainly appointive. Representation of the people is what is wanted in one case; administrative skill and efficiency in the other. The city council, therefore, does not (except under the commission form of government) carry its own decisions into effect. It has no machinery for doing so. It appropriates money; but no city treasurer would pay out a penny on the council's order. He insists on a warrant from the mayor, city manager, department

¹ Exodus xviii. 20.

² "An ordinance must usually have an enacting clause, a resolution need not; an ordinance must receive more than one reading on different days, a resolution need not; an ordinance usually must be published, a resolution need not. As a general rule, ordinances are used to enact a more or less permanent rule of conduct while resolutions are used in the transaction of administrative business."—Harvey Walker, *Federal Limitations upon Municipal Ordinance Making Power* (Columbus, Ohio, 1929), p. 12.

Policy-determining by resolution and by vote.

The separation of legislative and administrative functions.

head, or other administrative official to whom the appropriation has been granted.

Spending money after it has been voted is an executive or administrative function. Executive and administrative work do not differ greatly. The executive represents the government as a whole and its functions are to a degree political in character because they permit some exercise of judgment as to the way in which the program set up by the policy-making body shall be carried out. The administrative function, by way of contrast, is generally restricted to the observance of instructions, without discretionary leeway; furthermore it is concerned with assigned portions of the general program rather than with the whole of it. Hence the higher ranks among those who execute public policy are commonly known as executive officers, while those in the lower ranks are said to occupy administrative posts. The mayor or the city manager is called the city's chief executive, while the superintendent of streets or the manager of the lighting plant is designated as a member of the administrative staff. By most people, however, the terms executive and administrative are used interchangeably. Not much confusion arises from their being used in that way, for those who execute are executives and those who administer are administrators; and in practice it is usually unimportant to draw a clear line of demarcation between the two functions.

Executive and administrative work.

One of the first things that every student of municipal administration ought to realize is the constant divergence of fact from theory in government, and of practice from principles. The actualities of government rarely follow the design. According to the principle of checks and balances the mayor of a city is an independent executive, without responsibility to the council, and free to do his work in his own way. But no mayor ever finds himself in any such position of agreeable detachment. No matter what the philosophy of the city charter may be, he finds that he must hold conferences with the councilmen, compromise with them, appoint their friends to office, and meet them halfway on all sorts of issues. Otherwise the council will manage to make his executive work more difficult by setting up all the hurdles that its ingenuity can suggest.

The divergence of theory and fact in municipal administration.

And so it is with the principle of checks and balances when you turn it the other way around. The city council's complete freedom from executive pressure is merely one of the agreeable fictions

of the American municipal system. The mayor is not a member of the council (except in rare instances), nevertheless he is almost always the most important figure in its deliberations. His phantom hovers behind the presiding officer's chair at every session—encouraging or threatening as need may be. His power and his patronage are never out of the councilmen's minds. Some are his friends and some are his foes. The mayor may be balked and bullied by the council or he may be supported by it, but in no event can he be ignored.

The city council's interference with administrative officers.

The same hiatus between fact and fiction runs right down the line into all branches of the city's administrative service. The heads of departments, such as the chief of police or the superintendent of streets, are assumed to be the subordinates of the chief executive and responsible to him alone. When the city council has approved any project and voted the necessary funds it is supposed to stop there, leaving the administrative officials to do the rest without interference. But that is not what usually happens. Neither individually nor as a body do the councilmen hold themselves strictly aloof from the routine of administration. They suggest, importune, and threaten if need be. They can call the head of a department before them, heckle him, intimate that his appropriation will be cut down next year, appoint a committee to investigate his work, or pass a resolution asking the mayor to remove him. In the face of these realities the theory of administrative independence largely disappears.

The doorway through which politics comes in.

This is the doorway through which practical politics is able to influence administration. It has been generally taken for granted that by electing a high-grade non-partisan chief executive a city can eliminate the taint of partisan politics from its administrative departments. This assumption is rarely a sound one, as experience has repeatedly shown. The heads of departments are not merely the ministers of the mayor. He does not define their duties or fix their compensation. He cannot protect them against councilmanic pressure dictated by self-interest. Members of the council, on their part, do not usually inject themselves into administrative routine because they like to do it. They do it because they are beset by their constituents, by voters in their own wards or districts, who want favors which only the administrators can give. This must inevitably be so, for the councilmen are regarded as the tribunes of the people who have chosen them. They are

elected to reflect the public attitude towards the conduct of municipal business, and even the most rigid prohibitions of the city charter will not keep them from doing it in their own way. Some cities have made it a penal offense for any councilman to interfere in such administrative matters as the hiring of labor, the purchase of supplies, or the awarding of contracts; but this has merely driven the pressure into roundabout channels.

When the city manager form of government was first established there was a hope that this plan would ensure the divorce of partisan politics from administration. It was, in fact, the very kernel of the new form of government that the city manager, when once installed in office, would be given full control over all branches of community administration and permitted to run the affairs of the city as a business enterprise, making no concessions to spoils-men or other favor-seeking politicians. Preferably he was to be an outsider, brought into the city from somewhere else, and hence having no local affiliations or political contacts such as might tempt him to favor any individual or group. By the provisions of city manager charters the councilmen are strictly forbidden to interfere with the manager in the performance of his administrative duties or to have dealings with any of the city departments except through him. In some charters any attempt at such interference is made a misdemeanor, punishable by the removal of the offending councilman from office.

The city manager plan and non-partisan administration.

The city manager plan of government has undoubtedly diminished improper political interference in the administrative departments of those cities which have adopted it. Managers, for the most part, have been permitted a good deal of latitude in making appointments, awarding contracts, hiring employees, and planning their work. But nowhere, in these cities, has unfair pressure upon the administration been altogether eliminated or even reduced to negligible proportions. Nor is it ever likely to be so. A city administration under the control of the people, but with politics wholly eradicated, is a contradiction in terms. Where the people rule they must have representatives, and those who represent the voters as policy-determining officials will insist upon bending the administration into line with what they believe to be the popular desire. If they cannot accomplish it directly they will secure the result in some indirect way.

What it has accomplished.

Not long ago a new city manager was appointed in a western

city. On taking office he called in the newspaper reporters and after shaking his finger wisely at them said: "Now I'm going to give this city a business administration with no politics or personal favors in it. No politicians, big or little, are going to tell me what to do." "Forget it," said one of the reporters, "it can't be done." "Why can't it be done?" queried the new city manager. "Because the city council doesn't want a business administration and most of the voters don't want it, and they won't let you stay in office if you try to give the city anything of the sort." The reporter was more nearly right than municipal reformers commonly realize.

Why city administration cannot be conducted on a strictly business basis:

1. The diversity of interests represented.

2. The handicap of legal restrictions.

There are several reasons why the administration of a city cannot be conducted on a purely business basis, with "no politics in it." For one thing the policy-determining organ of a business concern, the board of directors, is a homogeneous body, composed of men who think alike. Their decisions, on at least nine questions out of every ten, are unanimous. But the policy-framing organ of the municipality, the city council, is made up of members who represent a diversity of interests; they are rarely unanimous on anything and sometimes find themselves unable to act at all because of the wide-open division in their ranks. In many cases, therefore, the city's administrative officers are set to the task of carrying out a program which is not clearly defined but is the product of compromise and may even be considerably altered before the work is half done.

In the second place it must be borne in mind that municipal administration is hedged about by all sorts of legal restrictions which greatly circumscribe the freedom of those who are trying to carry it on efficiently. Restrictions of various kinds have been placed in the city charter; sometimes the exact salaries which heads of departments are to receive are fixed in that way. State laws set up further restraints,—for example, the frequent provision that only citizens of the United States can be employed on any form of public work, or the stipulation that every public employee must have Saturdays off duty without deduction of pay. Civil service regulations in many cities fetter the administration's discretion in selecting municipal employees and often compel the retention of those who would be promptly dismissed from the service of any business concern. These last-named restraints hark back to the long battle which cities had to wage in order to free themselves

from the spoilsman's clutches. They cannot safely be relaxed—at any rate not until some equally effective way of keeping the utterly incompetent off the public payroll has been found.

Business, by way of contrast, is largely immune from these shackles. Within the general limits established by law it can pay whatever salaries it pleases. It can hire any kind of labor, citizen or alien, and pay for it by the day or hour as may be bargained for at any point above the minimum. It can select, promote, or dismiss its employees at will. Business can award contracts without competitive bidding, or purchase supplies without prior advertisement, or vary its services overnight—all of which things a municipal administration is debarred from doing even when they would be clearly to the city's financial advantage. Business administration can cut through the established routine at any time but municipal administration cannot. One enjoys a flexibility which the other does not possess.

Compared with private business.

Then there is the possibility of testing results objectively, an advantage which business has and civic administration has not. The manufacturer knows that his business is being conducted efficiently if his output increases and his profits rise. His competitors spur him to his best efforts. But there is no equal competition between municipalities. There is no yardstick whereby we can accurately measure the relative efficiency of municipal administration in any two communities. The city makes no profits, pays no dividends, accumulates no surplus. No matter how much more one city may be paying than another for any form of service (police costs per capita, or public lighting per mile of streets, or water per million gallons) there will always be a plausible explanation to account for the discrepancy.

3. The absence of objective criteria wherewith to test results.

Reducing unit costs in any branch of city administration does not usually bring a letter of commendation from the mayor to the head of the department concerned. What it much more often produces is a chorus of protests from those whose personal interests have been adversely affected by the reduction. A municipal administration's security in office does not depend on efficiency but on popularity. Business can sometimes be managed without obeisance to the principle that "the customer is always right," but in public administration the prejudices, caprice, and traditions of the electorate have to be taken into account at every turn. If not, there is likely to be a change at the next election no matter

how great the business efficiency of the mayor or the city manager may have been.

4. The need for never-ending compromises.

A successful city administration, under a democratic system of government, must inevitably be a compromise between what the people want and what their public officials think they ought to have. It is a problem of striking a fair balance between expert judgment and the public desire. The sensible administrator will never forget that the public pays the bills and consequently has some right to decide, after being given adequate information, what is the best thing to be done. Accordingly he will strive to secure the highest efficiency under conditions as they are rather than in defiance or disregard of these conditions. He will try to improve them, to gain the confidence of the voters so that they will eventually be ready to accept his judgment in place of their own. Above all, he will be patient about it and not try to regenerate human nature overnight. For this he will be called a trimmer by the idealists; but if he holds valiantly to his own realism he will eventually get results and his days will be long in the office that he holds.

The relation of good administration to the general frame of city government.

It is sometimes said that good city administration can be achieved with any kind of policy-determining machinery;—that it is merely a matter of the right departmental set-up, with capable men as department heads, and the use of sound methods. That proposition, however, is not supported by municipal experience. Since administrative work must be preceded by the adoption of a program by the legislative organ of the municipality, there is a necessary relation between the two branches of the city government. To achieve satisfactory results the administrative officers must necessarily have behind them a city council which is able to do its own work promptly, intelligently, consistently, and without evasion of responsibility. Policies cannot be carried into operation until they have been clearly defined. Yet too often the city council delays in doing its part, or evades the problem, or takes ambiguous action when the time comes. It may be true that the principles of public administration are much the same no matter what kind of municipal legislature is functioning; but the results are not the same. Efficiency and economy in the conduct of the city's business are related in considerable measure to the general frame of government which the city charter provides.

So the general plan of a government is not merely a matter

for fools to wrangle over, as the poet Pope once assured us. The general form and the results are usually related. It is easy enough to say that all will be right "if you only put good men into public office" but this merely begs the question as to how you are going to get and keep them there. Men of good sense and judgment will not put their energy behind a virtually unworkable machine, which is what some city charters provide. Improving the form of government increases the chances of getting such men. That is why the form becomes important.

Relative importance of forms and methods.

There are four types of municipal government now existing in the United States and they facilitate good administration in varying degrees.¹ Among these the oldest, and one that still exists in many cities, is the "federal analogy" or strong-council plan of mayor-and-council government. This scheme of city government is so called because it was originally modelled on the national constitution, and its corner stone is the principle of divided powers. Chicago, Philadelphia, and Los Angeles afford the best examples of it at the present day. The essential features of their government are a mayor who possesses veto power over the actions of the municipal legislature and the right to initiate certain appointments, but whose hands are tied by a strong city council which has the right to confirm or reject such appointments and virtually controls the finances of the municipality. In some instances, as in Chicago, the city council actually prepares the annual budget through one of its committees and the mayor has nothing to do with the appropriations until after the council is through. Under this system of government the members of the city council are usually elected by wards or by districts and regard themselves as representatives of their own particular neighborhoods rather than of the city as a whole.

Four types of general framework:

1. The strong-council plan.

The most serious defect of the strong-council plan, from the standpoint of municipal administration, is the division of responsibility which it establishes. The mayor is assumed to be the head of the city administration but he is not allowed a free hand in the selection of his own subordinates. He can only nominate the heads of the various departments, and these nominations must be confirmed by the city council before they become effective. Thus the appointing power is bifurcated, and when poor selections are made

Defects of this plan.

¹ For a full account of these four types see the author's *Government of American Cities* (4th edition, New York, 1926), pp. 255-342.

there is no way of bringing home the blame. In the case of dismissals, likewise, the mayor requires the council's concurrence. So it is with the city's financial operations. The mayor, as chief executive, is expected to get results in the way of efficient administration at a low tax rate; but he is not permitted to plan the year's expenditures or to decide where the available funds may best be spent. The city council does this and usually does it on the principle of giving each ward its proportionate share of the available money irrespective of its needs. Such a scheme of government does not promote efficiency in municipal administration. In most cases it is a serious barrier to all efforts in that direction.

2. The
strong-
mayor plan.

In the closing years of the nineteenth century many cities came to a realization of this fact and made substantial changes in their governmental framework. In New York, Boston, and Detroit, for example, the old arrangement was replaced by a new strong-executive type of mayor-and-council government. Under this plan the mayor directly controls the whole field of city administration. He appoints the heads of departments without confirmation by the city council and does not need the council's permission to remove them from office. Thus his position is even stronger than that of the President in relation to the national departments. If anything goes wrong in municipal administration under this type of government the mayor has the authority to set it right. Moreover, he prepares the annual budget (or has it prepared for him), and submits it to the council to be finally approved. The latter body is not free to change the budget at will; as a rule it is forbidden by the city charter to increase the appropriations under any circumstances. Its discretion is limited to the uncongenial work of making reductions and even when it does this the council's actions are subject to the mayor's veto.

Its merits.

Where the strong-executive type of city government has been established the city council is usually reduced in size and its members are elected by the city as a whole, rather than by wards or districts. This plan of government has proved more favorable to the development of good administrative traditions than the older one; but the large powers given to the mayor, and the extensive patronage which he is able to distribute, are an incentive to the building up of a personal machine, thus helping the mayor to perpetuate himself in office. In some cities, therefore, the charter makes him ineligible to succeed himself.

The third general type of city government now existing in the United States is known as the commission form. It originated about thirty years ago, and at one time had a considerable vogue, but has now lost most of its earlier popularity. As a scheme of local government it differs from the others in that it abolishes the office of mayor, or, more accurately, it divides the duties of that office among a small group of commissioners, usually five in number.¹ These commissioners are elected by the people of the city to serve as mayor, heads of city departments and council combined. As a body they enact the city ordinances, make the appropriations, fix the tax rate, appoint officials, and settle all questions of municipal policy. As individual commissioners they take immediate charge of the several administrative departments. One of the five, for example, assumes supervision over the department of public safety (police and fire protection), another over municipal finance, a third over public works, a fourth over public utilities, and a fifth over health and civic welfare.

3. The commission plan.

The entire administrative work of the city is thus parcelled out into five general divisions, each with a commissioner in charge of it, but with the whole commission controlling him. It was hoped that this concentration of power and responsibility would enable the administration of the city's affairs to be carried on in businesslike fashion; but on the whole this hope has not been realized. A five-headed executive does not usually function well, even when it has plenty of power. Disagreements among the commissioners, on a three-to-two basis, are likely to arise and clog the wheels. Each commissioner, being possessed of human ambitions, sets out to make a record for himself with his own department, forgetting that city administration is more than the sum of five activities struggling for success by rivalry. The commission form of government does not facilitate, in any considerable measure, the elimination of politics from administration or the development of administrative efficiency.

Its failure to fulfill expectations.

Finally, there is the city manager plan, the newest of the four types of government, having originated about twenty years ago. Under the city manager charter the people, as the stockholders of the municipality, elect a small council, or commission, or board

4. The city manager plan.

¹ In some commission-governed cities the title of mayor is retained for the commission's presiding officer; but the customary mayoral powers do not go with the title.

of directors—whatever it may be called. This body, in turn, appoints a city manager who directly controls all departments of administration. Having appointed the manager, the council is supposed to give him a free hand within the limits of the general program which it formulates. The city manager then appoints his subordinate officials, prepares the budget for the council's consideration, attends its meetings (but does not vote), and advises it on all technical matters. The council makes the appropriations, which are then turned over to the city manager to be spent.

Its tendency to encourage sound administrative methods.

It is the essence of this plan that the manager shall be a professional officer chosen because of his special training and experience in administrative work. This form of government now operates in more than three hundred cities of all sizes, including such large ones as Cincinnati, Rochester, Kansas City, Oakland, and Akron. It embodies a sound philosophy of municipal government by concentrating control and responsibility while keeping functions separate. There is a division of labor but no division of power. The manager controls the administrative departments and is responsible for their work; but the council controls the manager and is responsible to the people for him. In practice, as well as in principle, the city manager plan has been found to encourage, even if it does not always ensure, the use of good administrative technique.

The importance of the city council with respect to administration has not been sufficiently stressed.

In general, then, the form of a city's government is by no means a negligible consideration. On the contrary, it is fundamental to the whole quality of municipal administration. Unless programs of administrative work are wisely framed and judiciously financed, it is difficult for good administrative results to be achieved, no matter how competent the administrative staff may be. Planning and financing are the city council's business. It will be good, bad, or indifferent business depending on the size of the council, the manner of choosing its members, and the quality of the men who get themselves elected. An unwieldy council of thirty or forty members chosen by wards will rarely attract men of competence or do its work with conspicuous good sense. That proposition has been proved by the experience of American cities over and over again. Unhappily there exists in the American mentality a fixed idea that the more numerous the elective officials, the more truly democratic a government is bound to be. The contrary is nearer the truth. The people really control their govern-