REPORT ON THE ROLE

OF THE CITY ATTORNEY AS

INDEPENDENT REPRESENTATIVE

OF THE PEOPLE AND CITY OF SAN DIEGO

SAN DIEGO CITY ATTORNEY

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26 APRIL 2005

EXHIBIT NO. 3

PEOPLE TAKE RULE INTO OWN HANDS AND SHOULD KEEP IT

(By A. R. SAUER)

In all my life I never was so happy as I was in preparing the extra edition of The Herald which announced the defeat of the freeholders' charter. I was happy not only because the charter had been defeated and the way paved for a new and better instrument, but because that defeat was the sign of a new era in civic affairs here—an era in which the voice of the people is going to be heard, with a consequent silence on the part of the high-hatted Charlie boys who have been making fools out of the rest of us since Father Horton staked out the town.

I love San Diego, and I have proved that love in nearly a half century of endeavor for my city. Last election day saw that endeavor bear its greatest fruit—the awakening of the common people of San Diego to a realization of their importance and their power. One of the strangest things in the history of Southern California has been the fact that San Diego has permitted itself, almost without interruption, to be led around by the nose by a self-centered clique of bacterial growths whose only claim to fame was their overweening avariciousness. In every public movement which has arisen here, this bunch of nonpareils has seized control of the impelling factors, forced the Chamber of Commerce and the newspapers to do their bidding, and walked off with the spoils. As a consequence, we are overburdened with debt; our tax rate is a shameful thing, known the length and breadth of the land; our property owners face bankruptcy and our future is as black as the facial lineaments of Harry C. Clark.

For 20 years the same congregation of hypocrites and shams, with a sprinkling of honest men who were decidedly uncomfortable until they were released from their duties to the city, have Mussolinied us into more trouble than we really deserved. THIS SAME CROWD WAS THE CROWD WHICH DREW UP THE FREEHOLDERS' CHARTER.

The charter committee, as my readers will remember, was made up of practically the same outfits that handed us Hodges dam, that brought about the Sutherland fiasco—costing us millions of dollars—that has given us a bonded indebtedness of about $5,000,000 FOR WATER THAT HAS NOT TRICKLED TO US IN AS GREAT A QUANTITY AS ONE SINGLE DROP.

Who gave us Hodges dam—that white elephant which John Trainor got from the Santa Fe for $2,000,000 in bonds, which was a boost in price from $500,000, and which he and the bankers of the city again hoosted to $3,750,000 because they had a sucker in the person of Miss San Diego to pay the price—a dam which is weak in the knees, liable to rupture, cracked in the dome and which is showing in its youth a general senility and debility which will only be cured when the structure floats on its sins down to the Pacific Ocean? Who gave us that dam?

The San Diego Sun, the Chamber of Commerce, Jack Thompson, Stanley Hale, J. Frank Cullen, Ed Head, Robert Hamilton, L. A. Wright, the San Diego Realty Board, the Merchants' Association, the Kiwanis Club, A. E. Holloway, John L. Fox and Julius Wangenheim.

Who gave us Sutherland dam—The greatest hoax ever perpetrated upon an unsuspecting people, a municipal crime which should have landed the criminals in little iron cells? Who tried to make us build a dam where a dam couldn't stand; who grabbed the money as it was pored out by a city striving anxiously to complete an adequate water supply but doomed to be frustrated at every turn; who are sitting and watching now for another opportunity to rob us EVEN IF IN DOING SO THEY DESTROY THE CITY?

Sutherland dam was put across by the San Diego Sun, the Women's Republican Club, the citizens' committee, Jack Thompson, Stanley Hale, Fred Jewell, Jerry Sullivan, Herb Sullivan, W. E. Harper, J. Frank Sullen, Ed Fletcher and Dusty Rhoads.

Who put across—or tried to put across—the freeholders' charter? THE SAME BUNCH—ONE-THIRD OF THEM CROOKED, ONE-THIRD OF THEM INCOMPETENT AND ONE-THIRD OF THEM HONEST BUT MUZZLED. An examination of the list is simply a repetition of the same names with which we have been familiar—to our sorrow—a dozen times before. The only two lacking were those of JACK THOMPSON AND STANLEY HALE—ONE OF WHOM HAS LEFT TOWN AHEAD OF THE SHERIFF AND THE OTHER IS UNDER A FEDERAL INDICTMENT.

I have mentioned the Chamber of Commerce. The directors of the Chamber of Commerce have been, in the main, honest men. But they have been under a terrific handicap. Conscientious though they may be, they are under the thumps of a few Fifth Avenue and Broadway pirates, most of whom are listed in the Bankers' Association and the Sciots. It is these organizations—with the Sciots now at the head of the class—which are kicking San Diego in the face for two good reasons according to their standards—because she is down and because she is their mother city.

The Sciots and the bankers clamp down on the directors of the Chamber of Commerce, and when the thievery begins the people damn the directors, when in truth they should damn the men in real control—the business men who are in San Diego to get on freeholders' committees, to grab as much as they can while the grabbing is good, and who hate the common people like the devil hates holy water. Page the Bankers' Association and the Sciots again.

What, then, has happened to San Diego has not been the fault of the Chamber of Commerce directors, nor of the nincompoops in the city council, nor of the flatheads we have had in the mayor's office. It has been the fault of a particular gang of hoodlums, two of whose number are now under a cloud and the rest of which will drift into the county jail singly and doubly as time lengthens its inexorable course and justice gets a final whack at them.

Deceived by these people, the city council, the mayor and the Sciots, the unchang "citizens' committees," to handful of cooties who cont the Chamber of Commerce the weak weeklies which are deceived by the propaganda handed them, and the eight lipped pirates whose eyes are glued to the treasure chests.

The Herald was the ONLY newspaper in the city to fight the Hodges dam bonds and option. The Herald was the ONLY newspaper in the city to fight the Sutherland dam steal. I not only fought them—I gave definite reasons for every objection I raised—and every objection I made has been proved by the event. I did the same with the freeholders' charter.

Now, here is the rub: IN THE FIGHT AGAINST THE FREEHOLDERS' CHARTER THE PEOPLE AT LAST HAVE SEEN THE LIGHT AND WE MAY HOPE THAT THE INFAMOUS CLIQUE IS BROKEN FOR GOOD.

At last San Diego has united against the gang which has been in secret but unassailable control here, and, as I predicted, that unity resulted in a definite victory for the men and women who pay the bills. We have whipped them decisively, and we can whip them every time they raise their heads. We could have whipped them on the Hodges dam issue, and on Sutherland. We whipped them on the first Otay pipe line fight, and in the second election we got what we wanted.

We are now riding high. We must demand a charter committee which will work WITH the people and not AGAINST them. We want a charter committee which will begin its work by sitting back and doing only one thing—ASKING THE PEOPLE OF SAN DIEGO TO SEND THEM SUGGESTIONS. With these in hand, they can get down to business. They do not need lawyers on the committee—BUT THEY NEED ONE GOOD LAWYER TO GIVE AN O. K. TO THEIR WORK WHEN IT IS FINISHED. They need to incorporate in the charter WHAT THE PEOPLE WANT IN IT—and then they can rest assured that their charter will be accepted, that they will win instant and lasting commendation, and that they will accomplish something for the continuing good of the community.

The San Diego Sun, the Bankers' Association and the Sciots need not apply.

The San Diego Union having acted pretty decently, the

EXHIBIT NO. 5

NEW CHARTER PROVIDES FOR MANY CHANGES

Modified City Manager Plan Proposed; Voters To Act April 7

EDITOR'S NOTE: This is the second of a series of articles on the proposed city charter, to be voted on Tuesday, April 7. The series is being written by a member of the board of freeholders.

By RAY MATHEWSON
Member Board of Freeholders

Recognizing a pressing need for a change in our city government, the mayor in 1928 appointed a committee to investigate the problem.

This committee recommended that a board of freeholders be elected to draft a new charter, based on a more modern form of government.

This charter, now known as the 1929 draft, was submitted to the electorate and after one of the most heated campaigns ever staged in this city it was voted down.

Second Board Named

A second board of freeholders was elected to draft another charter. This board decided to retain the rejected charter in structure and in type, but to make the suggested corrections and remove the objections raised against the defeated draft. After several months of hard work, during which a serious attempt was made to meet every objection raised against the defeated charter, the now proposed new document was completed. It is a modified city manager form of government.

The most important feature of the new charter is that it provides for the absolute separation of the administrative from the legislative branch of our city government. All legislative matters are vested in the city council, the policy-determining body. The administrative part is removed from the council and placed in charge of a single officer, known as the city manager. All the business detail of government will be in his charge, and he will be held absolutely responsible for all departments of the city under his control. It is believed the removal from a part-time legislative body, of all the business part of our government, to a single executive [illegible] at the primary and elected by the entire electorate of the city at the general election. The seventh member of the council will be the mayor. He will be nominated and elected at large, as mayor. This body of seven legislators will be the policy-making body. They will exercise no administrative power. All administrative duties have been taken from the council and placed in charge of a single responsible executive—the city manager.

The mayor will be the presiding officer of the council. He will have a vote in the council as the seventh member, but he will have no power of veto. All official appointments made by the council will be first made by the mayor, with confirmation by the remaining members of the council. In addition to these duties, the mayor will be the official head of the city.

EXHIBIT NO. 6

SAMPLE BALLOT

Municipal Ticket—August 26, 1930

Special Election for Freeholders

To vote for a candidate of your selection stamp a cross (X) in the voting square to the right of the name of such candidate. To vote for a person whose name is not on the ballot write the name of such person in the blank space left for such purpose. All marks except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear, or deface this ballot return it to the inspector of election and obtain another.

FOR MEMBERS OF BOARD OF FREEHOLDERS (Vote for 15)		FOR MEMBERS OF BOARD OF FREEHOLDERS	
CHARLES E. ANDERSON	4	18620	
STEPHEN BARNSON	3	19072	
ALBERT W. BENNETT	7	17027	
CELIA A. DUNHAM	10	15869	
JUDSON A. FERGUSON	8	16926	
ROBERT GRAHAM	6	17222	
J. C. HARTLEY	2	19135	
EDWARD N. JONES	12	15585	
EMIL KLICKA	1	19141	
FRANK A. LINCE	18	11927	
NICHOLAS J. MARTIN	11	15766	
RAYMOND A. MATHEWSON	14	14922	
HENRY W. MERKLEY	5	17724	
IDA B. RANNEY	15	13811	
CHARLES O. RICHARDS	3	15452	
CARL W. SCHWITTERS	20	8204	
JOHN W. SNYDER	9	15967	
FRED A. STEINER	19	10841	
JEFFERSON K. STICKNEY, Jr.	17	12371	
DOUGLAS YOUNG	16	13004	

Printed in San Diego

EXHIBIT NO. 7

go Sun

SAN DIEGO'S HOME TOWN PAGE

1930

If you find any error in The Sun, you will confer a favor by calling the Managing Editor. Main 6121.

CHARTER BOARD WANTS MANAGER

Wide Experience Found Among Charter Builders

Most of the new freeholders have been students of municipal government for years and several have been identified with the present city government at one time or another, a survey of the board revealed today.

Herewith The Sun is presenting a series of thumbnail sketches of the freeholders so that the people may know better the men and women who are to write a new city charter.

Anderson

CHARLES E. ANDERSON, 737 Seventh-st, deputy state real estate commissioner. Has charge of commission's affairs in San Diego and Imperial counties. Lived here since May, 1921. As a boy he lived on a Kansas farm. Real estate man, but has indulged in hotel management, ranch owning, etc. Graduate of Kansas university. Member of 1929 freeholders.

Barnson 3

STEPHEN BARNSON, 1404 Upas-st, California real estate commissioner. A resident of San Diego for more than 20 years. Has engaged in the real estate business most of that time, having served one term as president of the San Diego Realty board. Considered one of the best real estate appraisers in the west.

Bennett

ALBERT W. BENNETT, 5591 Bellevue-av, La Jolla, real estate man. Lived in San Diego for 10 years. Came here from Colorado. Educated in Colorado and Oklahoma. Engaged in grocery business before entering real estate. Ex-commander La Jolla Legion post. Commander American Legion post of San Diego county. Director in Y. M. C. A. and Salvation Army. Student of municipal government for many years.

Mrs. Dunham 10

MRS. CELIA DUNHAM, 3820 Georgia-st, wife of Rev. Howard C. Dunham. Prominent in church, patriotic and political organizations, having been a regent of the local chapter of the Daughters of the American Revolution for two years, now a state committeewoman. Former president city playground commission. Was alternate at Republican national convention, Kansas City.

MAJORITY OF FREEHOLDERS GIVE VIEWS

9 Members Declare Themselves For Combination Set-Up

TAKE OFFICE TODAY

Mayor Will Explain Duties In Connection With Making Charter

A council-city manager type of government, patterned after that successful in Cleveland, Cincinnati and other American cities, is strongly favored by a majority of San Diego's new freeholders, to be inducted into office today.

This fact was revealed today by the men and women selected on Aug. 26 by the voters to draft a new city charter.

Though most of those interviewed will approach the charter-making task with an open mind, at least nine of the 15 freeholders are known to prefer the council-city manager type of city government.

Three are noncommittal and prefer not to indicate a preference until they have taken up their duties.

SEVEN EXPERIENCED

Seven of the freeholders served on the 1929 freeholders' board, which recommended a council-city manager charter to the people, defeated by a narrow margin last December.

This group is believed to still favor the city manager government, but is willing to consider certain changes, suggested by the

Jones 12

Martin 11

Merkley 5

Richards 3

[illegible] governmental experience as commissioner of agriculture, labor and industry in Montana, 1900-1909. Since coming to La Jolla in 1920, Ferguson has engaged in a mercantile business. Educated in Michigan schools. A past president, Montana Trades and Labor council. A freeholder in 1929.

JOHN C. HARTLEY, 3827 Herman-av, real estate man. Never held public office and doesn't intend to. Has engaged in real estate here since 1904 and seen the city grow from a small village to the state's fourth largest. Was educated in public schools here. Was first president of the North Park Lions and instrumental in the upbuilding of the Thirtieth-st and University-av section. A 1929 freeholder.

COL. E. N. JONES, 3675 Seventh-st, real estate man. Retired army colonel after 33 year's service. Had more or less administrative experience in the army. Graduate of West Point. Lived here since 1919. Cemetery commissioner, 1922 and park commissioner, 1926-1929. Has shown a marked interest in civic affairs generally.

EMIL KLICKA, 3506 Twenty-eighth-st, banker and lumberman. Resident vice president and manager of Bank of America. President Klicka Mortgage Co. Has lived in San Diego for 10 years and believes that better city government will materially aid business conditions.

NICHOLAS J. MARTIN, 2467 E-st, attorney. Came here from Hutchinson, Kan., 24 years ago. Graduate of Santa Clara and Georgetown universities. Member of the county probation committee. Never held public office. Member of the Elks lodge, University club and Knights of Columbus. 1929 freeholder.

RAYMOND MATHEWSON, 3017 Thirty-first-st, manager, state free employment office. Came to San Diego in 1923 to open state employment branch and remained as manager. Secretary of the Electrical Workers' union and active in local

(TURN TO PAGE 28, PLEASE)

Klicka 1

Mathewson 14

Mrs. Ranney 15

Snyder 9

Members of the old board include John Snyder, Nicholas Martin, Charles Anderson, Judson Ferguson, J. C. Hartley, C. O. Richards and H. W. Merkley.

KLICKA WANTS MANAGER

Emil Klicka, banker, favors the so-called city manager type of government because it will put San Diego on a business basis and materially help conditions.

Mrs. Ida B. Ranney also is an admirer of the city manager type, although she believes the freeholders must eliminate certain defects from the charter suggested last December. In many places, the other charter must be rewritten, she said, but the fundamental principles should be retained.

Col. E. N. Jones, who has served on two city commissions, preferred not to indicate a choice but said he believed powers should be sharply defined to eliminate overlapping of authority.

Mrs. Celia Dunham refused to give an opinion.

BARNSON OUT OF TOWN

Stephen Barnson was in Sacramento and could not be reached.

Albert Bennett was non-committal.

Robert Graham believes the strong mayor-council type is the best suited for San Diego.

The sole opponent to the city manager form so far is Raymond Mathewson.

"I am unalterably opposed to this type and always will be," Mathewson said.

The freeholders will be inducted into office at the city hall today and instructed in their duties by the mayor. They will have 90 days in which to submit a charter but may obtain an extension of time.

Critics of the last charter objected chiefly to the financial setup and the inclusion of the tax levies.

EXHIBIT NO. 8

NEW CHARTER FOR S. D. GETS ENDORSEMENT

Member Of 1929 Board Of Freeholders Approves City Proposal

Two more endorsements of the proposed new city charter were given today by James G. Pfanstiel, member of the 1929 Board of Freeholders, and Horace E. Rhoads.

"I have carefully studied the proposed charter for San Diego and heartily endorse it," Pfanstiel announced. "The freeholders have done an excellent job.

"The form of government the charter sets up is modern in every respect and is based upon sound business and governmental principles. The powers and duties of all officials are clearly defined and fixed.

"There is a definite and unified control running from the people down through every department of the government. The city government, under such a charter, will most readily respond to the will of the people, which in the last analysis is the purpose of government.

"If adopted, the charter will go a long way in correcting many of the evils now existing, most of which are the result of the kind of government we have rather than the men and women who administer it.

Rhoads announced he favored the proposed new charter "because it is a forward step in the economics of city government.

"It provides for closer and more intimate representation of the people through district councilmen. It sets up an efficient and more ideal form of administering San Diego's business affairs, through a modified form of city managership, without autocratic powers attached thereto.

"Under the proposed new charter, economies should be effected which will give us nearer 100 cents return on each tax dollar we spend. To the good features of the present charter are added those making for a more business-like government.

"Finally, the new charter still rests with the people, the power to govern themselves, through their elected councilmen, putting it squarely up to ourselves to secure good representatives in office. I am for its adoption April 7."

EXHIBIT NO. 9

8½ X 14
Cite DS

JAMES G. PFANSTIEL
ATTORNEY AT LAW
UNITED STATES NATIONAL BANK BUILDING
SAN DIEGO, CALIFORNIA

September 12, 1930

Mr. Nicholas J. Martin,
San Diego,
California.

Dear Mr. Martin:

In accordance with your request I take pleasure in enumerating below the various objections and criticisms to our former proposed charter that came to my attention during the campaign for its adoption and during my work on the Citizens' Committee subsequent to the election.

ARTICLE ONE, SECTION ONE. - Some attorneys raised the question as to whether or not the corporate powers set forth were broad enough to include the operation of utilities, especially the Water Department. The powers should not be limited to municipal functions, but should include proprietary functions.

ARTICLE ONE, SECTION THREE. - Union labor argued that the provision embodied in this section to the effect that all general laws of the state were applicable which were not in conflict with the provisions of the charter or with the ordinances of the city would give the people of San Diego by charter or the Council by ordinance the power to abrogate so called humanitarian laws such as the eight hour law, minimum wage law, health and safety regulations, and other laws favorable to labor. This objection to the former charter was strenuously urged by labor speakers. The objection would be avoided by proper change and the same result obtained.

ARTICLE TWO, SECTION ONE. - The three district plan was never fully understood and met with unfriendly reception both through the charter campaign and with the Citizens' Committee subsequent thereto. I believe the outlying sections have now become largely reconciled to the fact that a seven or nine district plan is impractical, if not impossible, and would be satisfied with the circulation of petitions, nominations and elections at large.

ARTICLE TWO, SECTION FIVE. - The provision of this section to the effect that petitions for nominations shall be placed at sufficient convenient and central

public places determined by the Council and the City Clerk was very severely criticised. It would seem that to avoid criticism it would be wise to adopt the system that now prevails. There is some feeling that the number of signatures on a petition should be reduced from the present requirement. I believe the Citizens' Committee voted upon this point, and if so this information could be obtained from Mr. Bowman who wrote up the minutes.

ARTICLE TWO, SECTION SIX. - The City Clerk strongly urges that the regular primary election be held in March so that there will be four weeks intervening between the primary and the regular municipal election. Mr. Wright, the City Clerk, has very cogent argument in favor of this change.

ARTICLE THREE, SECTION ONE. - Union labor objects to the language of this section upon the same ground as Section Three of Article One. These folks contend that by making the laws of the State of California inoperative by order of Council, Council may have power to abrogate all laws favorable to labor.

ARTICLE THREE, SECTION TWO. - The Citizens' Charter Committee was of the opinion that seven councilmen would be sufficient in the event they were nominated and elected at large.

ARTICLE THREE, SECTION TWELVE. - With reference to the first portion of this section, it has been suggested by some and very favorably received that the heads of departments shall be appointed by the manager subject to confirmation by the Council. This point will arise later.

ARTICLE THREE, SECTION THIRTEEN. - The Initiative and Referendum and Recall provisions in this section were severely criticised. The first portion of this section provides that the initiative, referendum and recall are reserved to the people and shall be exercised in the manner provided by the Constitution and general laws of the State of California. Then following the procedure is outlined which is not like that embodied in the general laws. Clearly an ambiguity here exists. The provision in this section to the effect that petitions for initiative, referendum and recall shall be placed for signatures at sufficient convenience public places as determined by the Council and the City Clerk is obnoxious, and is open to criticism. Under the Council-Manager form of govern-

ment the Councilmen are the only officials subject to recall, and the charter gives them the power to provide for the obtaining of signatures to recall themselves. It would seem that to avoid criticism the wise thing to do would be to adopt the procedure already set up by the general laws which I believe is embodied in the present city charter. Some favor a smaller percentage than 25% of signatures for recall; others insist upon retaining this percentage.

ARTICLE FOUR, SECTION ONE. - During the charter campaign there were advocates of an elective mayor with veto power. I believe there are some proponents of this system now. The Citizens' Charter Committee, made up of proponents and opponents of the proposed charter, I believe unanimously voted in favor of the Council electing a mayor from its own body without veto power as embodied in this section.

ARTICLE FIVE, SECTION TWO. - It has been suggested by several friends of the Council-Manager plan that the six months' probation period before the Manager can be removed is unnecessary and open to criticism. The argument is that the responsibility is fixed solely and absolutely upon the Council which for the first six months is without power to discharge the Manager in case same may be necessary to carry out this responsibility. From a practical standpoint it would seem that this six months' period of probation is unnecessary.

Also the minimum salary of $10,000 per year for the Manager was criticised, and the Citizens' Committee voted to eliminate this minimum salary, leaving the salary in the hands of the Council.

ARTICLE FIVE, SECTION FOUR. - As before mentioned, it has been suggested that the Manager's appointment of department heads be confirmed by Council, this confirmation provision to be limited only to department heads, and leave the provision as it is with reference to discharge; that is, the Manager shall have the power to lay off, suspend or discharge as now provided. The purpose of this suggestion is to alleviate the fear of a good many people regarding the powers of the Manager and the possibility of his building up a political machine through his departmental heads. As I remember, the Citizens' Charter Committee voted in favor of this qualification.

ARTICLE FIVE, SECTION FIFTEEN. - Some advocated with considerable degree of force that the city attorney should be elected by the people. The argument is that the city attorney is the attorney for the entire city and each and every elective and appointive officer thereof upon all questions pertaining to the municipality, and he should occupy an independent position so that his opinions may be uninfluenced by any appointive power. It would seem that if the city attorney is elected by the people he should have the power to appoint his deputies without civil service regulations, subject, of course, to budget control.

ARTICLE FIVE, SECTION EIGHTEEN. - The first part of this section provides that at the head of each department there shall be a director or administrative commission. A great many advocate the abolition of all administrative commissions and make all commissions advisory only.

ARTICLE FIVE, SECTION TWENTY-SEVEN. - This section provides for a separate department known as the Water Department. While there seemed to be no criticism of this section in principle, some criticism was directed toward the provision requiring that "all funds collected for the department shall be deposited with the City Treasurer, and shall be used for water purposes exclusively." Certain people contended that this empowered the Council to use receipts from the Water Department to purchase new dam sites and construct dams without a vote of the people. Others argued from a legal standpoint that the receipts from the Water Department could not be used to retire water bonds. They contended that these bonds constitute a contract between the purchaser and the city, and that the mandate of the Constitution to the effect that the Council must levy sufficient taxes to pay all interest and sinking fund is violated by this provision of the charter. This is a legal question.

All the criticism that I encountered regarding this section was directed to these features I have pointed out and not to the principle which it contains.

ARTICLE FIVE, SECTIONS TWENTY-EIGHT and TWENTY-NINE.- As before pointed out, some criticise these administrative commissions and contend that they should be advisory.

ARTICLE FIVE, SECTION THIRTY-TWO. - The Fire Department severely criticised this section for the reason that it omitted certain important officials, failed to include platoon system, and provided for a superintendent of fire prevention which, it is claimed, is unknown in a city of this size. The Fire Department is rather jealous of its present set up, and naturally wants to know that the structure which it has built will be preserved in the charter. For this reason it would seem wise to preserve the present structure with, of course, general phrases providing for expansion or elimination as requirements may demand.

ARTICLE SEVEN, SECTION SEVEN. - This section should be considered in connection with the application of funds in the Water Department to the payment of water bonds. This section seems to make it mandatory that an appropriation shall be included in the annual appropriation ordinance sufficient to pay all interest and serial payment accruing upon the city debt for the fiscal year. Naturally, if receipts from the operation of departments are going to be used to apply upon city debt, the plan should be worked out so there would be no ambiguity or uncertainty in the charter.

ARTICLE SEVEN, SECTION NINE. - This section provides a general fund limit of ninety cents, and further provides for special funds to be raised by a rate fixed between a minimum and maximum set forth. I encountered strong opposition to any special funds. Many who have given this subject considerable thought believe that no department or activity should be operated by a special fund fixed and determined in the charter, for the reason that it is unscientific in principle and creates jealousy and discord with other departments of the city that must rely upon the general fund. It must be admitted that operating departments through special funds largely takes away the opportunity for economy through rigid budget control. Moreover, it impairs the coordinating of all the departments of the administrative service. Of course, others defend the special funds upon the ground of expediency and the fact they have been voted by the people and express the people's will.

ARTICLE EIGHT, SECTION FIFTEEN. - Of course, certain proponents of civil service criticised this provision which gives the Manager the last word in cases of lay off, suspension or removal. The criticism I encountered practically all emanated from the present civil service officials, and did not seem to be general.

ARTICLE EIGHT, SECTION TWENTY-SEVEN. - This section

was criticised, and properly so, because it does not expressly carry into the new government under the charter the employees of the Fire Department without civil service examination. While the heading of the section shows that to be the intent, the body of the section is confined to all persons now holding positions in the civil service of the city, and this does not include the Fire Department as this department is not under civil service at the present time.

It will be observed that the objections and criticisms which I have above pointed out, with only a few exceptions, do not get to the fundamental principles of the charter, but are detail in their nature. Of course, the Council-Manager plan itself was criticised, but I know you are as familiar with these objections and criticisms as I am.

In looking back over this letter I find I have injected into some of the paragraphs what seems to be my personal opinion, but I hope you will not feel that this is presumptuous upon my part, as it is my desire herein to simply state to you the criticisms and objections which I have encountered to the charter before proposed.

Yours very truly,

Jas G Banister

Type the signature

JGP:M

ARTICLE THREE, SECTION TWO. - I overlooked a criticism to this section which was quite general, and that is the provision that "each Councilman shall receive as compensation $10.00 per meeting and not more than $600.00 in any fiscal year." During the charter campaign it was strongly urged that this provision would not secure the best material for the Council; that you get what you pay for in a Councilman the same as any other employee or official; and that it is unfair to ask any man capable of being a Councilman to give his time and attention for $600.00 a year. Of course, there is argument on both sides. I believe the Charter Committee was of the unanimous opinion that a fair salary somewhere in the neighborhood of $300.00 per month would be better than $600.00 per year. The theory upon which the $10.00 per diem salary is based is not understood by the people generally, and it is very questionable in my mind whether it is sound in principle.

EXHIBIT NO. 10

ROUGH DRAFT OF A PROPOSED "STRONG MAYOR"- COUNCIL FORM OF GOVERNMENT

The council-mayor plan of city government is the oldest and perhaps the best known form of municipal government. However, it came into being at a time when there were no cities in the United States of over 100,000 population, while today there are over a hundred cities with a population of at least 100,000. The chief fault of the council-mayor plan is that it has not kept pace with this enormous growth of population.

As the functions of city government increased in number, importance and complexity throughout the years, unsound principles have continued with or crept into this type of government. Among these are the over-lapping and decentralization of administrative and legislative powers among the chief executive, the common council, and various boards and commissions.

The following proposed plan would eliminate these faults from the mayor-council form of government:

(1) An elective mayor with the power of appointment and removal of the heads of all administrative departments, and the veto power;
(2) A common council to be the legislative or policy-making body only;
(3) An elective fiscal officer who would be the head of the department of finance, and,
(4) An elective city attorney; all of the officials to be nominated and elected on a non-partisan ballot by the city at large for a four yearcterm, such terms to be so arranged that changes in personnel would not handicap efficient administration and legislation by a complete lack of experience;
(5) A board of estimate or control vested with absolute power over salaries and wages of all appointive officers not included in the civil service, and concurrent power with the council over appropiations and loans, such body to consist of the mayor, the chairman of the council, and the fiscal officer.

Such a plan would provide municipal government by a limited council, and an unhampered, responsible executive.

With the power to appoint and remove the heads of all administrative departments, except finance and law, the mayor under the proposed plan would be absolutely responsible for the administration of all the city's business, except that under the jurisdiction of the fiscal officer, and the city attorney. He alone would be answerable to the people for giving to them a dollar's worth of service for every dollar they paid in taxes. Policy-executing power and responsibility would be centralized.

Experience has emphasized the need for vesting the power of veto in the head of the government. It is a safe and sure check against

hasty or ill-advised action by the policy-making body and gives the opportunity for as complete deliberation as the needs demand. It is an effective agent for city administrations to use in correctly interpreting the will of the people, whenever doubt exists. A two-thirds vote of the council should be required to overrule the veto of the mayor.

There should be a council of seven members elected at large. Each councilman would represent the whole city in determining its municipal policies. If the council were composed of seven persons each elector would have seven representatives in the legislative body, whereas under the plan whereby members of the council are elected by districts, each elector is represented only by the councilman elected by his district. The council should be only the policy-determining body of the city and it should be deprived of all administrative powers. It has been said that a council stripped of all powers except legislative would have little to do. If it does its work as thoroughly as the needs of the modern city demand, not only will its members have all they can do, but they will also have to use judgment, forethought, and wisdom.

The matters over which the council has jurisdiction are the most important of all, and are sufficient in number and difficulty to occupy all the time and attention its members can give. If the election and tenu of each councilman are arranged so as to guarrantee the shortest possible ballot and to prevent the possibility of a violent change of policy following an election, the people would be aided in making a better selection of their public servants, than if they had to select a large number at one time, and municipal policies and affairs would in a measure be stabilized. Such a plan would also assist in developing and better insure the carrying out of definite and progressive city policies.

The chief fiscal officer, who would be known as controller or auditor, should be elcted by the people so as to serve as a check on the mayor and council. In addition to being the collecting and disbursing officer, it has been found advisable to give to the fiscal officer the power of audit. As a safeguard the counter-signature of the mayor or some other elective officer or his representative, should be required on all warrants issued by the chief fiscal officer, when he collects and disburses public funds. An elected fiscal officer with the power of audit would be an effective check on all administrative departments, bureaus and officials under the jurisdiction of the mayor. He would also be in position to give an independant opinion either to the public or to the policy-determining body of the city on all policies affecting city finances.

The duty of the city attorney is to give legal advice to every department and offical of the city government on municipal matters. He also must act as the representative of the various departments before the courts. He should occupy an independant position so that his opinions would not be influenced by any appointive power. For this reason he should be elected by the people. If elected, the city attorney is in a position of complete independance and may exercise such check upon the actions of the legislative and executive branches of the local government as the law and his conscience dictate.

The proposed board of estimate or control should be composed of the heads of the three main divisions of the city government, all of

whom would be elective officials. By placing in such a body absolute power to fix salaries and wages of all appointive officials and employees not in civil service, favoratism would be reduced to a minimum in determining the compensation of individuals and groups. To the powers and responsibilities of such a body would be added the authority to approve loans, and to prepare the annual budget, which after adoption should be presented to the council for its consideration.

The power in the legislative body should be limited to a reduction of any item in the budget, except those for salaries and fixed charges, which cannot be altered. The council should not be allowed to add any item or increase any appropiation. The board and council should have concurrent powers over loans.

The budget is the most important annual document prepared by a city administration. It is the sailing chart and a document of public information. It should be an adequate means of planning and control of public information. Because of its importance both to the administration and to the public, it must be prepared with great care, and in the first instance by a body whose members have a broad understanding of all the cities needs, can consider all the controlling factors together and can determine without bias the proportionate emphasis to be placed upon the various services under the then existing conditions. Such a body as is proposed possesses all of these qualifications.

There should not be more than six or seven main administrative departments for the city of San Diego. These should be:

(1) A department of safety, including the police, fire, and building inspection departments;
(2) A department of public works, including streets, sewers, refuse collection and disposal, and building construction and maintenance;
(3) A department of welfare, including health, parks, playgrounds;
(4) A department of water;
(5) A department of finance, and,
(6) A department of law.

The heads of these departments, excepting the fiscal officer and the city attorney who would be elective, would hold office at the pleasure of the mayor. These department heads would constitute a sort of mayor's "cabinet". They could meet as a group with the mayor as often as the business of the city required, and unofficially discuss the business of the city.

This proposed plan contains nothing experimental or theoretical. It provides for the short ballot, non-partisan primaries and elections, concentration of power and responsibility for legislative and executive work, separately, in officials directly accountable to the community as a whole. It supplies a check against extravagent appropiations and loans, and provides for the selection of trained officials and experts by appointment. Its governmental structure is simple and its departmental organization may easily be made to fit the needs of the city of San Diego.

It would eliminate a present local serious situation because it would not require municipal democracy to try to function through a complicated organization, such as we now have.

EXHIBIT NO. 11

CHARTER CLAUSE LETS MANAGER PICK TREASURER

Freeholders Approve Method Of Selection Contained In Proposed 1929 Draft.

Following the provision of the 1929 city charter, the board of freeholders last night voted that the city treasurer shall be appointed by the manager, but that the manager's selection shall be confirmed by the council. Other provisions of section 19, article five, which has to do with the treasurer, were adopted with minor changes.

The question of whether the city attorney shall be elected by the people or appointed by the council was tabled pending discussion tonight. The freeholders issued an invitation to local attorneys to attend tonight's meeting to discuss the problem with them.

An attempt to dispose of the city attorney section was made, however. Al Bennett made a motion that the city attorney be elected by the people. A vote of seven to seven was cast and the motion was defeated. Then Col. E. N. Jones made a motion that the city attorney be appointed by the council. Again the vote was seven to seven. John Snyder, whose vote would have settled the question, was absent. He will not be in San Diego until next week.

Section three of article five was altered by the addition of a clause which takes the direction of the fire and police departments from the hands of the city manager, so far as the interdepartmental performance of work is concerned. The clause added at the suggestion of Chairman N. J. Martin and the clause to which it was added reads as follows:

"The manager may direct any department, division, or bureau to perform work for any other department, division or bureau, provided such powers to transfer employes or to direct the performance of work shall not apply to the police or fire divisions."

The vote to adopt the provision was unanimous.

Al Bennett and H. W. Merkley, comprising a committee to interview the

EXHIBIT NO. 12

MINUTES OF THE REGULAR MEETING OF THE BOARD OF FREEHOLDERS of the City of San Diego, held at the regular meeting place on Tuesday evening, November 11th, 1930, convening at 7:00 o'clock.

Meeting called to order by the Chairman.

Absent, Mr. Snyder.

Minutes of the previous meeting were read and approved.

The Secretary announced that he had a communication at his home which he forgot to bring, but that he would have it for the next meeting. He then read the following communications:

Letter from Judge Shelley J. Higgins dated November 5th, 1930 relating to Section 7, Article III. Discussion followed regarding Emergency measures, but no action taken.

Mr. Jones submitted his Committee report with an amended sentence to be inserted in SECTION 3, ARTICLE V, as follows: "The Manager may direct any Department, Division, or Bureau (excepting the Police Division and Fire Division), to perform work for any other Department, Division or Bureau."

MOVED BY MR. BARNSON, seconded by Mr. Graham that we accept the re-draft of the sentence as prepared by Col. Jones.

Discussion followed.

The Chairman then suggested the following sentence: "The Manager may direct any Department, Division, or Bureau to perform work for any other Department, Division or Bureau. Such powers to transfer employees or to direct the performance of work shall not apply to the Police or Fire Divisions."

Mr. Graham then presented a substitute motion that the phrase as submitted by the Chairman be accepted instead of the one submitted by Col. Jones.

Mr. Jones seconded the motion. After a short discussion the motion carried.

SECTION 15, ARTICLE V, CITY ATTORNEY, was then discussed.

MOVED BY MR. BENNET, seconded by Mr. Klicka, that the City Attorney be elected by the people.

Discussion followed. A rollcall vote was taken.

Voting AYE: Messrs. Barnson, Bennett, Graham, Klicka, Mathewson, Mrs. Dunham and Mrs. Ranney.

Voting NO: Messrs. Anderson, Ferguson, Hartley, Jones, Martin, Merkley, Richards.

Absent: Mr. Snyder.

Motion lost because of tie vote.

MOVED BY MR. JONES, seconded by Mr. Hartley that the City Attorney be selected by the Council.

Mr. Barnson moved that the matter be laid on the table. No Second.

A roll-call vote was then taken on Mr. Jone's motion.

Voting AYE: Messrs. Anderson, Ferguson, Hartley, Jones, Martin, Merkley and Richards.

Voting NO: Messrs. Barnson, Bennett, Graham, Klicka, Mathewson, Mrs. Ranney and Mrs. Dunham

There was further discussion regarding City Attorney and his qualifications, and the Newspaper reporters were requested to invite the members of the Bar to be present at the Wednesday night meeting to express any views they might have regarding the City Attorney's appointment or election, and the Secretary was instructed to invite Judge Shelley J. Higgins, Judge M. W. Conkling, Attorney James G. Pfanstiel and Dean Charles E. Peterson of the State College.

SECTION 17, ARTICLE V. At the previous meeting in amending Section 18, Article V a motion carried "That all administrative commissions be made advisory." This effected Section 17 of Article V, which section was taken up for discussion.

MOVED BY COL. JONES, seconded by Mr. Graham, that the Title be changed to read "Advisory Commissions" and that necessary changes be made throughout the Section."

After discussion, Mr. Barnson suggested omitting a portion of the Section, and the Chairman read the revision as follows:

"Sec. 17. ADVISORY COMMISSIONS. The Manager may appoint a Commission of any number of citizens qualified to act in an advisory capacity to the Head of any Department or Division under his supervision or control. The members of any such Commission shall serve without compensation and during the pleasure of the Manager, and it shall be their duty to consult and advise with the Director, or Chief, as the case may be, but not to direct the conduct of the Department or Division.

Col. Jones withdrew his former motion, with the Consent of Mr. Graham, and made a new motion that the Section be adopted as read by the Chairman. Mr. Barnson seconded the motion, and it was carried.

SECTION 12, ARTICLE V. Mr. Bennett and Mr. Merkley presented a report of their interview with the City Engineer and Street Superintendent, with the recommendation that the Street Superintendent be made a part of the City Engineering Department.

After considerable discussion no changes were made, it being the purport of the various discussions that with the amendment to Section 3 Article V, permitting the Manager to direct one Department to perform work for another Department would enable the Manager to handle the situation satisfactorily.

Mr. Graham submitted a short paragraph which he wished inserted in the last paragraph, and the Secretary was instructed to have copies of same for the next meeting.

A great deal of discussion followed the Chairman stated that in the absence of any motion for changes, the matter would rest as adopted on Nov. 4th.

SECTION 18, ARTICLE V.

Moved by Col. Jones, seconded by Mr. Anderson that Section 18 of Article V be adopted after eliminating in the third and fourth lines the words "or Administrative Commission," and in the eighth line the words "or Commission", and in the fourteenth line the words "they are" changed to "he is."

EXHIBIT NO. 13

LAWYERS ARE

ASKED TO AID FREEHOLDERS

7 To 7 Deadlock On City Attorney Will Be Put To Attorneys

Local attorneys are invited to attend the meeting of the board of freeholders in the director's room of the San Diego Museum, Balboa park, tonight at 7 o'clock, to help the charter framers solve this question:

Under the new charter, should the city attorney be elected by the people or should he be chosen by the council?

With John Snyder out of the city, the board found itself first standing 7 to 7 on this question, when it met at 7 o'clock and after seven motions of one sort or another, still stood 7 to 7. As the net result of this supposedly lucky number, the press was asked to extend an invitation to local attorneys to attend tonight's meeting and express their views.

Those of the freeholders who favor election by the people feel that the city attorney should be a check on the council and the city manager, and that only his election by the people will give him the necessary independence of action.

Those who favor this selection by the council feel that a more competent lawyer can be induced to take this important office if he is not required to go to the trouble and expense of an election campaign, and that he is, basically, the council's lawyer and should be one who can work in harmony with the council and manager.

In addition to discussion of the city attorney, the board voted to have the city treasurer appointed by the manager with the approval of the council. It decided to make an exception of the police and fire departments in the section giving the manager power to direct one department to do work for another and to transfer employes from one department to another.

A proposal to have the superintendent of streets in the city engineer's department was discussed

EXHIBIT NO. 15

SECTION 23, ARTICLE V. DIVISION OF REFUSE COLLECTION AND DISPOSAL.

Moved by Mr. Barnson, seconded by Mr. Klicka that the Section be adopted as is. Motion carried.

SECTION 24, ARTICLE V. DIVISION OF BUILDING CONSTRUCTION AND MAINTENANCE.

MOVED BY MR. BARNSON, seconded by Mr. Klicka, that the Section be adopted as is. Motion carried.

SECTION 25, ARTICLE V. DIVISION OF GARAGE.

MOVED BY MR. BARNSON, seconded by Col. Jones, that the Section be adopted as is. Motion carried.

SECTION 26, ARTICLE V. DIVISION OF PUEBLO LANDS AND UNIMPROVED CITY PROPERTY.

MOVED BY Mr. Graham, seconded by Mr. Bennett that the Section be adopted without alteration. Motion carried.

SECTION 27, ARTICLE V. WATER DEPARTMENT.

At the request of Mr. Richards the consideration of this Section was held over for consideration until a later date, and the Secretary was asked to get in touch with Mr. Savage and try to arrange to have Mr. Savage come before the Board on November 18th.

SECTION 28, ARTICLE V. HARBOR DEPARTMENT.

Col. Jones reminded the Chair that the Harbor Department had been notified that they would be advised when this section came up for consideration. The Secretary was then instructed to notify the Harbor Department that this was set for Friday, the 14th of November, and ask them to please appear before The Board at that time to present any views they wished on the subject.

SECTION 29, PARK DEPARTMENT. There was considerable discussion regarding this Section. Col. Jones and Mr. Richards were appointed as a Committee to redraft a Section embodying the points that had been discussed, and present same at an early meeting.

See 15 ART V

By this time a number of the attorneys of the city had arrived, and were invited to talk before The Board. The Chairman explained that the matter in mind was in regard to the an election of the City Attorney by the people or to provide for the appointment by the Common Council, bearing in mind that the Board had already decided upon a Council-Manager form of government, leaving all administrative duties in the hands of the Manager, the Council being purely a legislative body.

The following attorneys spoke: Messrs. Charles Quitman, Herman Freeze, Edward Goodman, and Wm. P. Mayer, answering various questions asked by The Board.

MOVED BY MR. BARNSON, seconded by Mr. Klicka, that the City Attorney be elected by the people.

Further discussion followed. A rollcall vote was taken.

Voting AYE: Messrs. Anderson, Barnson, Bennett, Graham, Klicka, Mathewson, and Mrs. Dunham and Mrs. Ranney.

Voting NO: Messrs. Hartley, Jones, Martin, Merkley and Richards.

Absent: Messrs. Ferguson and Snyder.

Motion carried. eight in favor, five opposed, two absent.

EXHIBIT NO. 18

CITY ATTORNEY TO BE ELECTIVE, BOARD DECIDES

Freeholders Also Put Police And Fire Chief Appointments Up to Manager.

The board of freeholders last night passed a motion that the city attorney shall be elected by the people under the provisions of the proposed new city charter.

Other motions passed were that the city manager shall appoint the chief of police and the chief of the fire department, both subject to confirmation by a majority of the council. It was provided, however, in an amendment to the motions that the city manager shall have power to remove the chief of police and the chief of the fire department without the approval of the council. Both motions were opposed by Ray Mathewson, Charles O. Richards and Nicholas J. Martin, chairman of the board.

Mathewson and Emil Klicka were named on a committee to prepare a draft of a paragraph embodying a provision that police and fire department training schools and merit systems shall be retained without interference. Fear that the provisions in the 1929 charter regarding the training school feature and the merit system might seriously affect those schools and systems, was said to be instrumental in defeating the 1929 charter. Richards pointed out that the firemen have a merit system that has functioned satisfactorily for 22 years and that some fear had been expressed that the civil service provisions might disturb the system.

The action of the board relative to the election by the people of the city attorney followed considerable discussion between the freeholders and local attorneys.

Sections of the 1929 charter that were adopted subject to only one or two minor changes are those concerning the department of public works, division of streets, division of sewers, division of refuse collection and disposal, division of building construction and maintenance, division of garage, division of pueblo lands and unimproved city property and the department of safety.

Consideration of the water and harbor departments was put over until the meeting tomorrow night.

EXHIBIT NO. 19

M I N U T E S Dec. 3rd, 1930.

MINUTES of regular meeting of the Board of Freeholders of the City of San Diego, held at the regular meeting place on Wednesday evening, December 3rd, 1930, convening at 7:00 P.M.

Meeting called to order by the Chairman.

Absent: Messrs. Anderson and Ferguson.
Judge Shelley J. Higgins was present.
Minutes of the previous meeting read and approved.

A communication from the San Diego Chamber of Commerce, dated December 1st, and signed by Arnold J. Klaus, Assistant Manager, was read by the Secretary.
Following this was a short discussion regarding special taxes, but no action taken.

The Secretary presented the bill of Acme Mailing Service, Inc., for the month of November, amounting to $244.64, and upon motion of Col. Jones, seconded by Mr. Bennett, the bill was approved for payment.

MR. GRAHAM presented and read an outline which had been prepared by Mr. Parrish, Assistant Chief of the Fire Department, showing the workings of the Merit System of the Fire Department, the same being headed "Probation Examination Questions for first Thirty Days Probation."

SECTION 31, ARTICLE V. POLICE DEPARTMENT.
Mr. Richards had prepared an addition to that Section, providing for a merit system in the Police Department. The same was read by the Chairman.
MOVED BY MR. BARNSON, seconded by Mr. Graham, that the addition as prepared by Mr. Richards be included or added at the end of Section 31 as previously adopted. Motion carried.
MOVED BY MR. GRAHAM, seconded by Mr. Mathews, to delete the last sentence of Section 31 as previously adopted. Motion carried.

JUDGE SHELLEY J. HIGGINS was present at the invitation of The Board of Freeholders. There was a general discussion of the legal advice needed by The Board.
MOVED BY MR. BENNETT, seconded by Mr. Klicka that The Board request an additional appropriation of Five Hundred Dollars to pay for the services of Judge Shelley J. Higgins for legal work in assisting The Board in the preparation of the Charter.
Motion carried.

MR. JOSEPH H. EGERMAYER, Attorney-at-law was present and upon invitation of the Chair spoke before The Board stating his reasons for being opposed to the election of the City Attorney by the people, and advocating that he be appointed.
JUDGE SHELLEY J. HIGGINS, stated that he had not anticipated that subject coming up, but since it was being discussed, he would like to speak for a few moments. This was granted, and he also expressed the belief that the City Attorney should be appointed and not elected.
A short discussion followed.

MOVED BY MR. SNYDER, seconded by Mr. Merkley that we consider this matter at our next meeting, Friday night.
Motion carried.

Mr. Bennett called Judge Higgin's attention to the motion which had been passed, as follows: "That a clause be inserted in the section providing for Councilmen's salaries, to the effect that no member of the Board of Freeholders shall be eligible to serve as Mayor or Councilman for a period within two years after the adoption of this charter," and asked if such an act would be consitutional.
Judge Higgins reply was: "Yes, you can provide it in the charter
Mr. Merkley inquired: Suppose a member of the Board of Freeholders votes no on that motion and stands out strenuously against the adoption of that motion, would he be actually prohibited to run when the charter is adopted?
Judge Higgins' reply: He would be prohibited when the charter is adopted.

SECTION 27, WATER DEPARTMENT. The three provisions presented by Mr. Richards on November , were discussed with Judge Higgins. It was decided that Mr. Richards would go to Judge Higgins' office and they would then try to work out a satisfactory plan.

SURETY BONDS: Col. Jones inquired of Judge Higgins if we could provide in the Charter that employees of the City should be bonded by a bonding company and not by personal bonds?
Judge Higgins' reply: Yes you can, and you should do that.
Mr. Richards then asked in regard to contractors' bonds.
Judge Higgins' reply: You can demand surety bonds. When you have been told that it cannot be done, that information is based on the present existing charter which is now the law. You are now making a new law yourselves. In the new charter you can provide that every contractor must be bonded for faithful performance and that it must be a surety bond.
Mr. Graham inquired if we could provide that certain improvement acts shall not be operative in the city of San Diego -- for instance the Matoon act.
Judge Higgins' reply: Not by special mention of that Act; that might be considered class legislation. You might provide that any improvement under a certain Act would not be permitted except by a vote of the people, or something of that kind. The City Charter you folks are drafting, when adopted is the supreme law of the city, just as effective as the constitution of the state and just as binding in its powers.

INDUSTRIAL PLANTS, ETC.
Mr. Klicka raised the question of providing so that certain concessions could be made to industries, suggesting that the industry not be taxed for a certain period of time.
Judge Higgins stated it could be done if an entirely new tax scheme was set up in the new charter but that it could not be done so long as there was a consolidation of the city with the county and state tax offices.
Considerable discussion regarding concessions to new industries, but no action taken.

EXHIBIT NO. 20

LAWYER OPPOSES ELECTIVE FEATURE OF CITY ATTORNEY

Cites Freeholder Board Calling in Outside Attorney as Example of Choosing.

Opposition to having the city attorney elected by the people in provisions of the proposed new charter was voiced last night by Joseph H. Egermayer, attorney, at the meeting of the freeholders. It was voted to reconsider the matter at a meeting tomorrow.

Egermayer likened the board of freeholders to the city council and reminded them of the fact that they had called in an attorney of their choice to help them in the legal work of framing the new charter. He contended that a better city attorney could be obtained by appointment of the council than by election of the people, who might vote for a lawyer who was a better vote-getter than an attorney. He held up the analogy of a board of directors, which would pick an attorney of its own choice rather than submit the question to the vote of the stockholders of the corporation they represented.

FAVORS APPOINTMENT

Following Egermayer's remarks, Shelley J. Higgins, who has done considerable legal work for the freeholders, spoke in favor of appointment of the city attorney by the council. He based his opinion upon the necessity for San Diego to have an attorney who is qualified to understand the city's water situation and who is sufficiently competent with special water laws. The council, he said, would be able to choose that kind of an attorney, whereas the voting public might elect a man who might be incompetent.

Higgins last night was retained by the freeholders to put the charter into proper legal phraseology and the freeholders in turn voted to ask the city council for an appropriation of $500 to pay Higgins and his office for the work. Higgins said he would not expect to receive renumeration in proportion to the work involved, but that he was willing to aid the freeholders as much as possible, considering that they are giving their time and energy gratis.

APPROVES SCHOOL

The charter board adopted a paragraph to be appended to the police department section of the charter, which gives the chief of police power, with the approval of the city manager, to establish a training school

EXHIBIT NO. 22

MAY APPOINT CITY ATTORNEY

Freeholders To Reconsider Charter Clause Providing For Election

Freeholders will reconsider their action in providing for an elective city attorney in the proposed charter tomorrow at a special meeting at 2 p. m. in the Medico-Dental building.

The board last night voted to reconsider after Attorneys Shelley Higgins, former city attorney, and Joseph H. Egermayer argued in favor of councilmanic appointment of the city's legal adviser.

Higgins, who has been retained by the board to draft the city charter in legal phraseology, based his opinion on the city's necessity to have an attorney qualified to handle complex water questions.

An appropriation of $500 will be asked from the council by the freeholders to pay Higgins for his work.

The freeholders last night adopted a provision giving the police chief the power to establish a training school and merit system similar to that existing in the fire department.

EXHIBIT NO. 23

MINUTES Dec. 5, 1930. -- 2:00 P.M.

MINUTES of special meeting of Board of Freeholders of the City of San Diego, held at room 216 Medico Dental Building, on Friday afternoon, December 5th, convening at 2:00 o'clock P.M.

Meeting called to order by the Chairman.

Absent: Messrs. Anderson, Ferguson, Graham and Klicka.

Minutes of the previous meeting read and approved.

A communication from the San Diego Chamber of Commerce, dated December 2nd, 1930, signed by Mr. C. F. Reynolds, was read by the Secretary. This letter related to the Harbor Commission and after a short discussion the Secretary was instructed to write a letter in reply enclosing a copy of Sections 28, HARBOR COMMISSION; Section 17, ADVISORY COMMISSIONS; and Section 18, DIRECTORS OF DEPARTMENTS, calling attention to the fact that we have eliminated all administrative commissions and that no discrimination is being made against this one department; that mention might also be made of the fact that the Board has not yet acted upon the matter of eliminating special taxes, but that we have agreed that the sum of $150,000.00 annually shall be retained.

In this discussion the question of Advisory and Administrative Commissions was brought up by Mr. Bennett and it was -

MOVED BY MR. BENNETT, seconded by Col. Jones that we take up the Commission question on next Tuesday night.

The Chairman explained his understanding of the motion to be that we take up for consideration our previous action relative to Commissions and that it would require a two-thirds vote at that time to reconsider, and that this motion is merely to serve notice that a motion to reconsider will be taken up at that time.

MR. SNYDER suggested wording the motion "That we will discuss the reconsideration on Tuesday night. This suggestion was accepted by Mr. Bennett and Col. Jones, vote taken, and motion carried.

SECTION 15, ARTICLE V. City Attorney.

Mr. Charles C. Quitman, Attorney-at-law was present and upon Motion of Col. Jones, Seconded by Mr. Snyder and Carried, he was given an opportunity to speak for ten minutes.

This he did stressing his belief that the City Attorney should be elected by the people.

There was some discussion regarding the subject but no action taken.

SECTION 27, ARTICLE V, WATER DEPARTMENT.

Mr. Richards presented a redraft which had been prepared by himself and Judge Higgins. This was read by the Chair and discussed, but no action taken. The Secretary was asked to have copies prepared for the Members, that a copy be sent to Mr. H. N. Savage, Hydraulic Engineer, another copy to the City Treasurer, another to the City Auditor, as well as to Judge Conklin or his Chief Deputy asking them for their advice or criticism, at the same time inviting them to attend the meeting Tuesday night; also that Judge Higgins be asked to attend as we would take up the Water Department at that time.

EXHIBIT NO. 24

ATTORNEY'S JOB HOLDS ATTENTION OF FREEHOLDERS

Question of Whether City Legal Officer Be Elected or Appointed Discussed.

The question of whether the city attorney should be appointed by the council or elected by the people in the provisions of the new city charter occupied the attention of the board of freeholders at meetings yesterday afternoon and evening when they listened to arguments for the election of that official by C. C. Quitman, attorney, and Joseph Madden.

Madden spoke last night, emphatically recommending that the city attorney be neither elected by the people nor appointed by the council, but selected by the San Diego Bar association, subject to confirmation by the council.

Quitman yesterday afternoon said he had talked with a number of local attorneys, all of whom favored election of the city attorney by the people.

CIVIL SERVICE

Most of the time last night was given over to study of the civil service commission provisions for the new charter. One of the most important changes in the new provisions is the addition of the clause that no member of the civil service commission shall hold any other place in the city government. At a late hour last night the freeholders were discussing whether the new charter should carry provisions in the civil service setup that would prohibit any person in classified service from doing other than cast his vote and express his private opinion in political campaigns in the city. The question apparently centered around the question of whether city employes should engage in campaign work for candidates.

At the afternoon meeting in the Medico-Dental building Al Bennett, freeholder, moved to discuss reconsideration of the board's previous action, Nov. 4, relative to commissions. The board at that time decided that all commissions will be advisory in the provisions of the new charter, instead of administrative, which is their present status.

Under the adopted provision, the city manager may appoint advisory commissions, or boards, for any department under his control.

EXHIBIT NO. 25

MINUTES -- Dec. 5th, 1930. Evening.

MINUTES of regular meeting of Board of Freeholders of the City of San Diego, held at the regular meeting place on Friday evening, December 5th, 1930, convening at 7:00 o'clock.

Meeting called to order by the Chairman.

All members present. Also Judge Shelley J. Higgins present.

Minutes of the afternoon meeting were not ready.

A communication from Mr. A. V. Goeddel, of the Purchasing Department, addressed to Mr. Anderson, was read, calling attention to what he thought was a duplication of work between the work as outlined for the Purchasing Depart and that for the Auditing Department.

A general discussion followed, after which Mr. Anderson was asked to take up the subject with both the Auditor and the Purchasin Agent and submit such changes as they might recommend.

SECTION 15, ARTICLE V. CITY ATTORNEY.

The Chairman stated that this was the evening that had been set aside to discuss further the matter of City Attorney.

MOVED BY MR. BARNSON, seconded by Mr. Merkley and carried that we hear from the gentleman present, if he had any matter to present before the Board.

Mr. Joseph Madden then spoke, suggesting that the City Attorney be selected by the San Diego Bar Association, that selection to be confirmed by the City Council, it being his belief that that organization would be better qualified to select an efficient city attorney than any other method.

Believing that there might be others present during the evening to speak on the subject of City Attorney, the further discussion was postponed.

ARTICLE VIII, CIVIL SERVICE.

The Committee who had been appointed to redraft this section, presented its report, and at the request of Mr. Mathewson, the chairman of the Committee, Col. Jones read the redraft pointing out the changes that had been made in the 1929 proposed Charter.

After considerable discussion SECTION 1 of ARTICLE VIII was amended to read as follows:

"Sec. 1 CIVIL SERVICE COMMISSION. There shall be a Civil Service Commission consisting of three members not more than two of whom shall be of the same sex, elected by the Council. They shall serve without compensation. The Commission shall have the powers and perform the duties specified in this Charter. The members of the Commission first elected under the provisions ~~of this Charter shall draw lots for terms of three,~~ four and five years, respectively. Thereafter the term of office of each member of the Commission shall be five years. The Council shall fill all vacancies for full or unexpired terms in accordance with the above provisions. Members of the Civil Service Commission shall not hold any other office in the City government.

The City Council may by a vote of five members thereof, remove a member of the Commission, provided, however, that such member may demand that written charges shall be made against him and an opportunity afforded him for a public hearing of and defense against such charges."

EXHIBIT NO. 27

MINUTES Dec. 22, 1930 (Evening)

MINUTES of regular meeting of the Board of Freeholders of the City of San Diego, held at the regular meeting place on Monday evening, December 22nd, 1930, convening at 7:00 o'clock.

Meeting called to order by the Chairman.

Absent: Messrs. Bennett and Ferguson.
Judge Shelley J. Higgins was present.

The minutes of the afternoon meeting were not ready.

SECTION 1, ARTICLE II. DISTRICTS ESTABLISHED.
There was some discussion regarding the Districts as before accepted.
MOVED BY MR. KLICKA, seconded by Mrs. Ranney that Presinct No. 144 be taken from District Number 5 and placed in District Number 4. Motion carried.

MR. ANDERSON was asked if he had anything to present on the question of Surety Bonds, that being a subject that was held over from the meeting of Dec. 19th. Mr. Anderson stated that he had found that the opinions of attorneys differed, some saying our action was legal and others saying it was not. He, therefore, did not wish to bring up the subject for reconsideration.

SECTION 15, ARTICLE V. CITY ATTORNEY.
MOVED BY MR. MERKLEY, seconded by Col. Jones that the matter of electing the City Attorney be reconsidered.
Vote taken by raise of hands, four voting yes, six voting no; motion lost.

SECTION 28, ARTICLE V. HARBOR DEPARTMENT. There was some discussion, but no action taken/

ARTICLE V, SECTION 16. CIVIL SERVICE COMMISSION.
MOVED BY MR. BARNSON, seconded by Mr. Mathewson that in order to make for uniformity in the Charter, we provide that the appointment of the Civil Service Commission be made by the Mayor, subject to confirmation by the Council. After some discussion, a vote was taken and motion carried.
FUNDS COMMISSION.
MOVED BY MR. BARNSON, seconded by Mrs. Dunham, that the one Bank Officials and the two unclassified citizens on this Commission be appointed by the Mayor, subject to confirmation by the Council.
Motion carried.

SECTION 2, ARTICLE III, COUNCIL.
MOVED BY MR. GRAHAM, seconded by Mr. Merkley that we reconsider the question of salary for Councilmen. Vote taken by raise of hands. Eight in favor. Motion carried.
MOVED BY MR. GRAHAM, seconded by Mr. Merkley, that the salary for Councilmen be fixed at $200.00 per month or $2400.00 per year.
MR. SNYDER made a substitute motion, seconded by Mrs. Ranney, that the Councilmen be paid $20.00 per diem and not to exceed sixty meetings per year.
MR. MERKLEY then offered a substitute motion to the substitute motion, that the Councilmen be paid $300.00 per month. This was seconded by Mr. Graham.

There being some uncertainty as to the ~~xxxxxxx~~ preference of a substitute to a substitute motion, Mr. Merkley withdrew the substitute motion and MOVED TO AMEND Mr. Snyder's substitute motion from $20.00 per day to $300.00 per month. This Amendment was seconded by Mr. Graham.

A roll-call vote was taken on the amendment as follows:

VOTING AYE: Messrs. Graham, Klicka and Merkley;

VOTING NO: Messrs. Barnson, Hartley, Jones, Martin, Mathewson, and Snyder.

NOT VOTING: Mr. Anderson and Mr. Richards.

ABSENT: Messrs. Bennett and Mr. Ferguson.

Motion lost.

A roll-call vote was then taken on Mr. Snyder's substitute motion: "That the Councilmen be paid $20.00 per diem and not to exceed sixty meetings per year."

VOTING AYE: Mrs. Dunham, Mrs. Ranney, Mr. Hartley and Mr. Snyder

VOTING NO: Messrs. Anderson, Barnson, Graham, Jones, Klicka, Mathewson, and Merkley.

NOT VOTING: Mr. Msrtin and Mr. Richards.

ABSENT: Messrs. Bennett and Mr. Ferguson.

Motion lost.

A roll-call vote was then taken on the original motion: "That the salary for Councilmen be fixed at $200.00 per month, or $2400.00 per year." VOTING AYE: Mr. Anderson.

VOTING NO: Messrs. Barnson, Graham, Hartley, Jones, Klicka, Martin, Mathewson, Merkley and Snyder, and Mrs. Ranney.

Check

NOT VOTING: Mrs. Dunham and Mr. Richards.

ABSENT: Messrs. Bennett and Mr. Ferguson.

Motion lost.

MOVED BY MR. MATHEWSON, seconded by Col. Jones, that the City Councilmen be paid $4,000.00 each per year.

A roll-call vote was taken.

VOTING AYE: Messrs. Barnson, Jones, Klicka, Martin, Mathewson; and Mrs. Dunham. Mess

VOTING NO: Messrs. Anderson, Graham, Hartley, Merkley and Snyde

NOT VOTING: Mrs. Ranney and Mr. Richards.

ABSENT: Messrs. Bennett and Mr. Ferguson.

Motion carried.

SECTION 15, ARTICLE V. CITY ATTORNEY

The question of salary for City Att attorney was discussed.

MOVED BY MR. RICHARDS that the City Attorney's salary be fixed at $5,000.00 per year.

COL. JONES offered a substitute motion that the City Attorney's salary be fixed at $6,500.00 per year.

This motion was seconded by Mr. Mathewson.

A roll call vote was taken;

VOTING AYE: Messrs. Anderson, Barnson, Graham, Hartley, Jones, Klicka, Martin, Mathewson, Richards and Snyder, Mrs. Ranney and Mrs. (Dunham.

VOTING NO: Mr. Merkley.

ABSENT: Messrs, Bennett and Ferguson.

Motion carried.

MR. SNYDER asked that we again reconsider the question regarding the election of the City Attorney. There was some discussion as to bringing up the subject again, AND IT WAS MOVED BY MR. GRAHAM,

and seconded by Col. Jones that we suspend the rules as regards our former motion that it would require a two-thirds vote to reconsider
A roll-call vote was taken.
VOTING AYE: Messrs. Anderson, Hartley, Jones, Martin, Merkley, Richards and Snyder, and Mrs. Ranney.
VOTING NO: Messrs. Barnson, Graham, Klicka, and Mathewson.
NOT VOTING: Mrs. Dunham.
Absent: Messrs. Bennett and Ferguson.
Motion carried.

MOVED BY MR. SNYDER, seconded by Col. Jones, that we reconsider our action on the election of the City Attorney.
A roll call vote was taken.
VOTING AYE: Messrs. Hartley, Jones, Martin, Merkley, Richards and Snyder.
VOTING NO: Messrs. Anderson, Barnson, Graham, Klicka, Mathewso Mrs. Ranney and Mrs. Dunham.
ABSENT: Messrs. Bennett and Mr. Ferguson.
Motion lost.

SECTION 2, ARTICLE III. COUNCIL.
MOVED BY MR. GRAHAM, seconded by Mr. Barnson, that we reconside our former action to the effect that no member of the Board of Freeholders can serve as Councilman for a period of two years after the adoption of this Charter.
A roll-call vote was taken.
VOTING AYE: Messrs. Anderson, Barnson, Graham, Jones, Klicka and Mathewson.
VOTING NO: Mrs. Dunham, Mrs. Ranney, Messrs. Hartley, Martin, Merkley, Richards and Snyder.
Motion lost.

MOVED BY MR. GRAHAM, that no member of the Board of Freeholders shall be entitled to hold office or run for any office in the City of San Diego at any time; while punishing ourselves, I want to make the punishment right. There was no second to the motion.

Upon motion duly made, seconded and carried, the meeting adjourned at 9:30 P. M.

Nicholas J. Martin
Chairman.

C. H. Jones
Secretary.

Approved: December 23rd, 1930.

EXHIBIT NO. 29

MOVED BY MRS. DUNHAM, SECONDED BY MR. KLICKA that we rescind Section 11, ARTICLE XV.

A roll-call vote was taken.

VOTING AYE: Messrs. Anderson, Barnson, Bennett, Graham, Hartley, Klicka, Martin, Mathewson and Richards; Mrs. Ranney and Mrs. Dunham.

VOTING NO: Messrs. Jones, Merkley and Snyder.

ABSENT: Mr. Ferguson.

Motion carried.

MOVED BY MRS. DUNHAM, seconded by Mr. Klicka, that Section 13 of ARTICLE 3, on page 17 of the completed draft be amended by changing it to provide for "1 meeting each week", instead of "two meetings a month." Motion carried.

MOVED BY MR. ANDERSON, seconded by Mr. Snyder that we reconsider the action previously taken making the City Attorney an officer elected by the People.

A vote was taken by raise of hands. Only 7 voting in favor, and it requiring a majority vote, the motion was declared lost.

There being no further motions for reconsideration, the business of the meeting was devoted to reading and correcting the final draft of the Charter; the changes and corrections being noted by the Secretary and Assistant Secretary, as well as other members of the Board on the copies they had before them.

Upon motion duly made, seconded and carried, the meeting at 10:30 P.M. adjourned to meet on Saturday afternoon at 2:00 o'clock, in Balboa Park.

Nicholas J. Martin
Chairman.

E. N. Jones
Secretary.

EXHIBIT NO. 30

THE CHAIRMAN stated if there was no further business to come before the Board, he would entertain a motion as to the adoption of the proposed Charter.

MOVED BY MR. FERGUSON, seconded by Col. Jones, that the Final Draft as presented this date, be adopted by the Board of Freeholders as the proposed new Charter for The City of of San Diego, and that we propose the same to the people at the regular Municipal election on Tuesday, April 2nd, 1931.

A roll-call vote was taken as follows:

VOTING AYE: Messrs. Anderson, Barnson, Bennett; Mrs. Dunham, Messrs. Ferguson, Graham, Hartley, Jones, Klicka, Martin, Mathewson, Merkley; Mrs. Ranney, Messrs. Richards and Snyder.

WHEREUPON the proposed Charter was signed as follows:

Nicholas J. Martin, Chairman,
Edward N. Jones, Secretary.
Charles E. Anderson,
Stephen Barnson,
Albert W. Bennett,
Celia A. Dunham,
Judson A. Ferguson,
Robert Graham,
John C. Hartley,
Emil Klicka,
Raymond A. Mathewson,
Henry W. Merkley,
Ida B. Ranney,
Charles O. Richards,
John W. Snyder.
Freeholders of The City of San Diego,
County of San Diego, State of California.

Attest: Edward N. Jones,
Secretary of the Board of Freeholders.

Upon motion duly made, seconded and carried the meeting adjourned at 5:00 o'clock P.M.

Nicholas J. Martin
Chairman.

E. N. Jones
Secretary.

Approved _____

EXHIBIT NO. 31

BOARD UNANIMOUS IN APPROVAL OF CHARTER DRAFT

Document to Be Filed With City Today; Heartiest Support Given by All.

The proposed new city charter was given hearty approval yesterday by the board of freeholders when they voted unanimously to adopt it at a meeting in the San Diego museum, Balboa park.

Prior to signing the new instrument, which has been under preparation since last August, a final check of the tentative draft was made with reference to all corrections that were made in the review which ended Wednesday.

It was announced by Nicholas J. Martin, chairman of the freeholder board, that the signed document will be filed with the city clerk today. The charter will be voted on by the people at the general election April 7. Between now and election time the charter will be available in printed form for the voters of the city to study. About 2000 copies will be printed, it was said, and the freeholders voted to recommend to the city clerk and the council that it be printed in legible 10-point type on good quality of paper.

CHANGE PROPOSED

At the opening of the meeting yesterday, P. J. O'Rourke proposed a change which would provide that the city manager be qualified, among other qualifications, as a hydraulic engineer and that the provision restricting outside engineers and attorneys from preparing preliminary work for improvements, unless they deposit a sum of money to cover costs in case the work is abandoned, be made more drastic.

Martin pointed out that the provision regarding outside engineers and attorneys is as drastic in the new charter as possible in view of existing state improvement acts. In the case of the manager's qualification to be a hydraulic engineer, he explained that the charter is silent on the matter and the council may adopt that policy if it desires. No action was taken on O'Rourke's proposals.

The board passed resolutions of thanks to officials of the San Diego museum for use of the room in the park and to the park board for the use of chairs and other equipment. Another resolution was passed in appreciation for the use of the California Taxpayers' association room in the Medico-Dental building. Many of the afternoon meetings of the freeholders were held there. The board extended a vote of thanks for the work which has been done by Judge Shelley Higgins, who drafted the charter in its legal form and phraseology. Members of the board formally voiced their appreciation to all citizens who have appeared before the board to assist them in their work.

COPIES SIGNED

The adjournment of the board, which will cease to exist with the filing of the charter was tinged with

CHARTER BOARD UNANIMOUS IN APPROVING LAST DRAFT

(Continued from Page 1)

warm felicitations among the members. They all signed each other's copies of the final draft of the charter as souvenirs of what they termed a piece of enjoyable work well done.

That the members of the board are in favor of their work is shown by individual statements, which follow:

Nicholas J. Martin, chairman: "I am confident that the proposed charter when adopted by the people will bring to San Diego a greatly improved government, that it will result in many economies and that the clear and unmistakable vesting of responsibility for various functions of government in specified heads and bodies will eliminate the chief cause of dissatisfaction with existing conditions."

John W. Snyder: "In my opinion the proposed charter is a compromise between the one proposed in 1929 and our present charter. Many of its details are improvements over the 1929 draft and as a whole I believe it is a worthwhile improvement over our present charter."

Judson Ferguson: "I think it is a big improvement over the 1929 charter. There are some minor things that I don't approve, but on the whole it is a good charter. I believe the people will adopt it."

CONFLICT AVOIDED

Robert Graham: "I sincerely believe that if the people will read this charter and find out how the sections co-ordinate to avoid conflict, they will adopt it by an overwhelming majority. And there is nothing in it to keep the people from doing that after they have had time to carefully consider it."

Mrs. Celia Dunham: "I think it is a splendid charter. We have tried to fit it to the needs of San Diego. The 1929 charter did not fit. I had held out for veto power for the mayor, but with the granting of other powers to the mayor, I felt satisfied. Anyway his is the seventh vote in the council. I feel certain the charter will go over."

Mrs. Ida B. Ranney: "I think we did a good piece of work in putting the social welfare work in a separate department. It is a good thing for San Diego." (Mrs. Ranney and Mrs. Dunham worked on the committee that drafted the section.)

SETUP HELD IDEAL

Emil Klicka: "The present new setup of the city charter I consider an ideal one for a city situated such as San Diego. It will certainly be a big improvement over our present charter. I was opposed to the 1929 draft on account of certain sections it contained. We have corrected these matters so I trust the voters at the special election will vote favorably without question upon it."

A. W. Bennett: "I believe that when the people of San Diego have studied the proposed charter they will be for it whole-heartedly. Its contents have been drawn by a very representative, unselfish committee and I believe that it has made a great improvement in every department of the city government. We need a new charter. The people now have the results of our best efforts. The matter now rests in the people's hands."

Col. E. N. Jones: "It is my impression that the charter will go across easily, especially if the public will read it and study it before expressing adverse opinions. That's all we ask them to do."

C. O. Richards: "I think it is a good charter for San Diego. I opposed the councilmen's salary provision but we have left it in a way that the people can change it if they want to."

EFFORTS SINCERE

Charles E. Anderson: "My opinion is that the charter was very carefully and intelligently prepared. Every member of the freeholder board was honest and sincere in his efforts to make a charter for the best interests of San Diego people."

Stephen Barnson: "I am heartily in favor of adopting the charter. It fairly represents a cross-section of the ideals and advanced views of an intelligent group of our city. I shall be glad to render every assistance to aid in its adoption."

H. W. Merkley: "The charter comes near to fitting conditions in San Diego today. There are few provisions in it that all members of the board did not like. I think it has a good chance of being adopted by the peo-

EXHIBIT NO. 33

COUNCIL MUST ELECT MANAGER IN TWO MONTHS

New Charter Provides For Action 60 Days After Passage

EDITOR'S NOTE: This is the third of a series of articles on the proposed city charter, to be voted on Tuesday, April 7. The series is being written by a member of the board of freeholders.

◇ ◇ ◇

By RAY MATHEWSON
Member Board of Freeholders

Within 60 days after the council starts functioning under the new plan, it must elect a city manager. He need not be a resident of the city. He may be obtained from anywhere in the United States. He may be chosen for an indefinite term, and he can be removed at any time by a majority vote of the council.

However, in case of removal, he may demand, and must be given a public hearing in his own defense, but the action of the council in discharging him may be final.

The manager shall receive a salary to be fixed by the council in the annual appropriation ordinance. The manager will have complete charge, and will be responsible for practically all the administrative business of the city.

Many Bureaus

All the major departments, save one, are under the manager. At the head of each department will be a director, appointed by and serving at the pleasure of the manager. The manager may act as director of any department under his control. The new charter provides for the appointment of advisory commissions for some of these departments. The manager may appoint advisory commissions to advise with any other department under his control. All administrative commissions have been abolished, except the harbor department.

[illegible] points a personnel director. He will have complete charge of the employment policy of the city. All classified employees will be under civil service. Unclassified employees may be hired and fired by the various appointing powers, but no civil service employee may be discharged, suspended or laid off without recourse to the civil service commission, whose word in each case shall be final.

The city attorney is elected by the people. At the present time he is appointed by the council. It was felt that if the attorney were elected by the people, he would be in a much more independent position than if he were appointed by the council. The council may employ special water counsel to aid the city attorney.

EXHIBIT NO. 34

THE HILLCREST NEWS

JAMES E. PARSONS, Editor and Publisher

OFFICE, 3918 Fourth St., San Diego, Cal. PHONE Hillcrest 5889-J.

A Community Newspaper Devoted to the Interests of the Hillcrest, Mission Hills, University Avenue, Washington Street, Fifth Avenue and Park Boulevard Districts. Distributed Free Every Friday Morning to 6,000 Homes. Read Each Week by 30,000 People.

GIVE SAN DIEGO A NEW DEAL

On another page of this issue will be found an article explaining the actual working of the proposed new city charter as compared with the present document, which was drawn more than 40 years ago. All voters should inform themselves carefully on this important question.

Under our present charter, regardless of the personnel of our municipal offices, the taxpayers' increasing business in our city cannot be handled to the best advantage. The proposed charter centralizes responsibility, eliminates duplication, offers improved and efficient service and will annually save taxpayers hundreds of thousands of dollars.

The Hillcrest News is for the adoption of the new charter for the following reasons:

1. Its business-like features will result in savings in operation that will bring an estimated 17-cent reduction in the city tax rate.

2. Entire responsibility for success of the city government is placed on the shoulders of one man—the city manager—eliminating the dodging of issues and "buck-passing."

3. Taxpayers will be in full control of the city government, for the manager holds office only so long as he produces the goods.

4. A water development department has been created to provide equitable rates to consumers, and accurate development and operating costs to taxpayers.

5. City employees are given protection through the right of a public trial.

6. The budget officer is given power to investigate and report on conditions and operations in all municipal departments, thus making padded payrolls an impossibility.

7. The charter provides that the city shall not be liable for costs and fees of outside engineers and attorneys who promote improvement work.

8. Commissions are advisory only, the actual administration and operation of these units being in the hands of the manager, council and budget officer. (This does not apply to the harbor department, for which special provision is made.)

9. Equitable representation of all the people will be secured through nomination of two councilmen from each district and the election of one of them at large.

10. The city attorney is to be elected by the people as a guarantee that the legal head of the city will be able to fearlessly protect our interests and not be an attorney appointed to carry out the wishes of council or manager.

11. The charter provides that San Diego industries and San Diego labor shall be given preference on all public works.

EXHIBIT NO. 35

Plan for Progress

Give San Diego a Modern City Charter and Profit by Growth!

Functioning under a charter drawn in 1889—**more than 40 years old**—the City of San Diego **today is greatly handicapped** in present and future progress.

When the present city charter was adopted, San Diego had a population of about 15,000. **Today the City of San Diego numbers its residents at approximately 160,000.**

Progressive citizens, realizing this handicap, elected a Board of Freeholders who now offer San Diego a new Charter designed to promote the economic development of what promises to be "the nation's next great city."

--- San Diego Straight Ahead ---

The adoption of the Proposed Charter will provide San Diego with adequate and modern machinery to permit acceptance of new opportunities in our rapidly-changing commercial and industrial conditions.

The Board of Freeholders submits a most efficient and economical machinery in a charter that will promote the City's progress.

--- San Diego Straight Ahead ---

Consider the material presented in this pamphlet and you, Mr. and Mrs. Taxpayer, will realize that the Proposed Charter is offering San Diego a plan of operation designed not only for **today, but for many years to come.**

The facts presented must be your guide at the **polls on April 7th, with San Diego's future prosperity as the vital issue.**

--- San Diego Straight Ahead ---

The Proposed Charter Provides New Machinery for Needed Growth

Under our present 42-year-old City Charter, regardless of the personnel of our municipal offices, the taxpayers' **increasing business in our city cannot be handled to the best advantage.**

The proposed charter **centralizes responsibility, eliminates duplication, offers improved and efficient service and will annually save taxpayers hundreds of thousands of dollars!**

--- San Diego Straight Ahead ---

Every objectionable phase of the proposed charter rejected by the people in 1929 **has been eliminated from the present proposed charter.**

The new plan is one in which **every profit has** been taken from past mistakes.

--- San Diego Straight Ahead ---

San Diegans will have an opportunity on April 7th to demonstrate their appreciation for the months of unselfish and effective work of their elected Freeholders by voting YES on the Proposed City Charter.

--- San Diego Straight Ahead ---

Vote

April Seventh

To Keep San Diego Moving Straight Ahead!

Facts About the Proposed City Charter

HUGE ANNUAL SAVING

Local financial experts predict that the charter's business-like features, in the first year of its operation, will cut at least five per cent from the present city budget of $5,000,000 without crippling any municipal department.

Such a reduction would amount to $250,000 and would be equivalent to cutting the present city tax rate by about 17 cents.

BUCK-PASSING ELIMINATED

The City Manager is given direct charge and supervision over administrative departments. Thus entire responsibility for success of the City Government is placed directly on one man's shoulders. This eliminates dodging issues and "buck-passing."

TAXPAYERS STILL IN CONTROL

The City Manager is to be appointed for an indefinite period, a provision designed as a curb to unwarranted activities. His removal can be effected at any time the Council (the elected representative body of the people) sees fit. He holds office only so long as he produces the goods.

WATER DEPARTMENT SELF-SUSTAINING

That equitable rates can be charged consumers and that taxpayers can obtain accurate development and operating costs, a Water Development Department is created.

A sliding scale of rates is provided, but Section 53 stipulates that after all operating costs have been charged off surplus water revenues shall be applied on bond and interest charges.

PROTECTION FOR EMPLOYEES

Section 129 provides that any employee in classified service who is "laid off, suspended or removed for cause by the appointed authority" shall have the right of a public trial and that the decision of the Civil Service Commission, in any case, shall be final.

PADDED PAYROLLS IMPOSSIBLE

In addition to having supervision of all budget estimates and expenditures, the budget officer is given power to investigate and report on conditions and operations in all municipal departments.

THOUSANDS SAVED-- MATTOON ACT OUT

Section 79 provides that when outside attorneys or engineers prepare street proceedings, a sum sufficient to cover such work shall be deposited with the City Clerk, and in no case shall the city be liable for costs and fees of outside engineers and attorneys who promote work.

SPECIAL FUNDS ELIMINATED

All commissions are advisory and actual administration and budget spending of these units are in control of the Manager, Council and Budget Officer. This does not apply to Harbor Department, for which special provision is made.

EQUITABLE REPRESENTATION

Six clearly-defined municipal districts are prescribed, from each of which one Councilman is elected. To prevent ward-system of government, two candidates for Councilman will be nominated from each district, one of whom is elected at large.

INDEPENDENT CITY ATTORNEY

The city attorney is to be elected by the people. This is a guarantee that the legal head of the government will be able to fearlessly protect interests of all San Diego and not merely be an attorney appointed to carry out wishes of council or manager.

LOCAL LABOR AND INDUSTRY FAVORED

Section 95 provides that all products and materials used and employed in municipal contracts and work shall be purchased from San Diego merchants and that all labor shall be performed by citizens of the municipality.

Prepare San Diego to Accept Opportunities!

EXHIBIT NO. 36

The New City Charter Should Be Adopted

(By A. R. SAUER)

Now that the park bond issue is out of the way, I want to repeat my endorsement of the new charter.

The new charter is a vast improvement over anything of the kind we have had in this city. It does not suit everybody—perhaps there are a few things in it that suit no one. But, by and large, it is generally acceptable. The freeholders are to be congratulated on the work they turned out. They did not have an easy task, and it may be that the task was not always a pleasant one, but they succeeded in drawing up a basic law for San Diego which far outbalances the old one and which should be put into operation as quickly as the processes required can be completed.

I opposed the charter that was drawn a couple of years ago, and my judgment was supported by the voters in general. Today I believe that there is not a citizen of this city who is not glad that this charter was defeated. We got a new board of freeholders who were willing to profit by the mistakes of their predecessors, and the result is a piece of work which is all that it is intended to be.

That the new charter is a good charter is due primarily to the fact that the freeholders who composed it are business men who are also men who take pride in their city. They gave heavily of their time, patience and energy to perfect the new charter; they went exhaustively into every problem with which they were confronted; they accepted suggestions graciously; and they made decisions firmly.

I take this opportunity of extending particular congratulations to Nicholas J. Martin, chairman of the board of freeholders, to whom a great part of the credit for the new charter must go. His tact, diplomacy, courtesy and an earnest desire to write an acceptable charter won the confidence of his associates and of the people with whom he had to deal in bringing the work to a successful culmination; and his ability to keep his committee in harmony was not the least of his achievements. What I say about Martin must be said also about every other member of the board of freeholders, for theirs was a collective job, just as it was a collective responsibility.

The new charter should be adopted by an overwhelming majority, and attacks on it should be examined with meticulous care. The fault will be found not in the charter, but in the attacker.

EXHIBIT NO. 37

CHARTER SAID BETTER THAN PRESENT FORM

Mathewson States San Diego's Operation Will Be Improved

EDITOR'S NOTE: This is the fifth and last of a series of articles on the proposed city charter, to be voted on Tuesday, April 7. The series is being written by a member of the board of freeholders.

By RAY MATHEWSON
Member Board of Freeholders

The new charter will be voted upon by the people at the forthcoming election April 7. If the charter carries by a majority vote, it must be ratified by the state legislature. It is hoped there will be time for ratification by the legislature now in session. If the charter is ratified at this session of the legislature, it will go into effect on Jan. 1, 1932.

The first election under the new charter will be held on the fourth Tuesday in April, 1932, at which time a mayor, six councilmen and a city attorney will be elected. To these officers will fall the task of starting in motion the machinery of our new government.

New Officials Seen

It is believed that with the inauguration of the new charter, San Diego will secure a new set of city officials to start and keep in motion our new governmental machinery.

It is desirable that at the first election held under the new charter, the people select a set of officers who are absolutely in sympathy with the new form of government, and who will do their level best to see that the spirit as well as the letter of the law is carried out.

The charter is not perfect. No document of this kind can be perfect so long as the human mind must be reckoned with. The United States constitution is regarded as the most wonderful document of its kind ever written. But it is by no means perfect. Thousands of federal court decisions have been rendered since the United States constitution was framed, in controversies over the wording and meaning of the constitution, and the intent of its framers.

Charter Better

However, granting that the charter is not perfect, it is so much better than the one under which the city is now attempting to operate that it should be accepted. The new charter is not a cure-all, but it will cure many of our civic ills. It is not an absolute guarantee against dishonest or corrupt government, but it will make it extremely difficult for dishonesty and corruption to prevail. It will not be a panacea for all civic ills, but it will cure a great many of them.

We are on the threshold of a critical period in the history of San Diego. Our civic policy for the next few years will determine the future of this city for many years to come. We need leadership, and we need strong men to guide us in working out our municipal problems. The new charter will be a mighty help to these leaders. Not only this, it will be an incentive to all of us to take

EXHIBIT NO. 38

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SATURDAY M

To Suit San Diego

THE CITY-MANAGER PLAN embodied in the new charter, to be submitted next Tuesday, is not a plan lifted bodily from the charter of some other city or constructed by rigid adherence to a formula. It is a modified city-manager scheme, and its modification has been determined by the needs of the city in which it is to be used.

That is an important fact to remember. It eliminates some of the strong points submitted in the usual argument for city-manager government, but it obviates also some of the objections made by citizens who feel that they are called upon to delegate too much authority by the usual plan.

An important exception to the traditional city manager formula is to be found, for example, in our own charter's provision for an independent harbor commission. Our experience here with the harbor commission's management of port development has been eminently satisfactory. The freeholders wisely decided not to interrupt its efficient functioning, merely in order to follow the strict lines of the usual formula. This is San Diego's city-manager plan, not a sample plan for general application.

The freeholders have departed from the accepted rules even more widely—and, in our opinion, less wisely—in providing that the city attorney shall be an elective officer. Here again, however, and regardless of differences of opinion, the freeholders have endeavored to suit San Diego's particular needs. They have made this an elective office, permitting the people to choose an attorney partly upon a basis of policies advocated, and have provided for the employment of special counsel in cases of particular moment—as, for example, in the matter of water litigation.

In general, though, our city-manager plan provides for an absolutely clear and specific assignment of business management to the manager's office, with ample authority and absolute responsibility. This clear allocation of duties and responsibilities is the city's surest safeguard against buck-passing.

Under the manager, the new charter provides for sound management, at last, of the city's water needs. It provides for a hydraulic engineer in charge of water development, and creates a special and fully accountable department to have charge of water distribution. It offers also an accurate accounting system, so that in the future we shall know exactly how much our water costs us and who pays the cost. That has never been clearly manifest in the past.

This modification of the city-manager scheme, suited as exactly as possible to the city's needs, is perhaps the outstanding feature of the new charter, and its chief claim to our support. A close second in importance, however, is the new division of the city into council districts, with provision for the people's equitable representation in the city's government.

The new charter is a clear-cut, concise and understandable document, honestly constructed by intelligent citizens who have wisely sought and obtained the best of specialized advice upon every problem involved. It should be ratified by an overwhelming vote of the people next Tuesday.

EXHIBIT NO. 39

General and Charter Elections
April 7, 1931

Semi-Official Returns

Precinct No. _____

Election Officers After Completing Canvass Will Enter Results on This Sheet and Return to the City Clerk, Outside of Other Packages, But in Envelope Provided for That Purpose.

FOR MAYOR (VOTE FOR ONE)		
WALTER W. AUSTIN	23	178
HARRY C. CLARK	8	589

FOR MEMBERS OF THE BOARD OF EDUCATION (VOTE FOR TWO)		
ORTON E. DARNALL	16	773
VESTA C. MUEHLEISEN	18	889
CHARLES C. QUITMAN	8	500
CHESTER H. WEBBER	13	795

FOR MEMBERS OF THE COMMON COUNCIL (VOTE FOR TWO)		
EDWARD H. DOWELL	12	506
LeROY E. GOODBODY	14	165
JOSEPH J. RUSSO	16	064
ALFRED STAHEL, JR.	16	585

PROPOSITIONS TO BE VOTED UPON

PROPOSITION I.

Shall the Charter proposed by the Board of Freeholders, and filed in the office of the City Clerk of the City of San Diego on the 5th day of January, 1931, be adopted as the charter for the government of the City of San Diego?	YES	22	727	79.76%
	NO	5	767	20.24%

28,494 total

PROPOSITION II.

"Shall Ordinance No. 5681 of the ordinances of the City of San Diego, entitled, 'An Ordinance of the City of San Diego, granting a franchise and privilege to Pacific Telephone and Telegraph Company, to construct, maintain and operate a system of telephone and telegraph wires, over, under and along all of the public streets, alleys, and places in the City of San Diego,' approved July 7th, 1914, be amended by adding thereto a new section to be numbered Section 5½, which said section shall read as follows: 'Section 5½. This franchise is granted and shall continue for the term thereof only on the further condition that the Pacific Telephone and Telegraph Company, or its assigns, shall not make any special charge for any connection or conversation over any telephone within the corporate limits of The City of San Diego against regular patrons of said company who pay the regular monthly charge for telephone service.'"	YES	21	709	83.28%
	NO	4	358	16.72%

26,067

Printed in San Diego

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Total Vote cast 38046

EXHIBIT NO. 40

SAN DIEGO'S NEW MAYOR

April 8, 1931

Walter W. Austin

RUSSO, STAHEL TRIUMPH IN COUNCIL RACE

Clark Next To Last Pl[illegible] In Number Of Votes; Charter Passes

SAVAGE IS VINDICATED

Muehleisen And Darnall Re-elected To Board Of Education

The broom with which San Diego cleaned out the courthouse last November was applied to the city hall yesterday and today. Mayor Harry C. Clark and Councilman E. H. Dowell had been relegated to the political rag-bag by the voters.

The spring house cleaning found San Diego with:

A new mayor — Walter W. Austin, president of the Austin Safe & Desk Co., who campaigned on a business program and piled up the largest individual vote of any of the candidates.

Two new councilmen—Joseph J. Russo, youthful labor leader and Alfred Stahel, Jr., a member of one of the city's pioneer families and a business leader.

A new city charter—replacing the present patch-work government with a modified city manager plan evolved after nearly four years of work and study by two boards of freeholders.

A complete count of semi-official returns shows:

FOR MAYOR

Walter W. Austin	23,178
Harry C. Clark	9,098

FOR COUNCIL

Alfred Stahel, Jr.	16,561
Joseph Russo	15,966
ReRoy Goodbody	13,977
E. H. Dowell	12,541

BOARD OF EDUCATION

EXHIBIT NO. 41

The New Day!

BY THE EDITOR

THE NEW DAY has dawned for San Diego!

April 7th, 1931, will go down in the city's history as the turning point when this city cast off the shackles of a rusty governmental form and put on the shining garment of modern business methods in public affairs.

From a past clouded with confusion and uncertainty, we may now look forward in confidence to a future bright with promise of progress.

Victory of the new charter was a victory for all the people, whether they voted in favor of or against it.

Every citizen will profit by its adoption. No act of the electorate for many years has been so important and so encouraging as the splendid majority given the new instrument yesterday.

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NOW must the citizenship rally behind it and organize for the new era it introduces into San Diego's history.

We must make sure of the RIGHT START when the charter goes into effect next year.

To do that we must begin thinking RIGHT NOW of the MEN and the METHODS we are going to employ to make certainty doubly certain.

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THE SUN would like to see the level-headed, serious-minded LEADERS of the best interests of San Diego put their heads together AT ONCE to plan for that day.

It should be a COMMUNITY day, not merely a political incident. It should be a day of solemn thanksgiving. It should be a day of dedication, whereon the people should pledge themselves to UNITE for the good of San Diego. It should be the biggest event of the year.

And it CAN be if careful plans are made now to do it.

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THE SUN congratulates the voters on their wisdom in adopting the new charter.

Likewise it congratulates them on their selection of officers.

This newspaper was wholly sincere in its belief that those it recommended were the best ones for the offices to be filled. So it feels a pardonable sense of pride and gratification that the electorate chose every one of the candidates The Sun endorsed.

No newspaper can behold such demonstrations of public confidence without a feeling of great humility and responsibility. The Sun's editors have that feeling today after yesterday's sweeping victory.

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TO THE successful candidates The Sun extends its heartiest congratulations and good wishes.

Their campaigns were clean and constructive. Today they have the satisfaction of knowing the people of San Diego appreciate decency and devotion to the public good. They also have the realization that a great responsibility has been placed upon their shoulders. May they have great success in discharging that responsibility!

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FOR those who were defeated The Sun has only kindliest feelings. They fought their fights valiantly and went down with colors flying, short of victory, what more could be asked?

In the councilmanic race it is worthy of note that the election showed a strong endorsement of Hydraulic Engineer H. N. Savage, since his chief and bitter opponent, E. H. Dowell, went down to ignominious defeat and not a candidate who failed to endorse Mr. Savage was successful. That result should serve to allay the acrimonious division of opinion on the water question that has plagued us in the past.

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WITH the complete new deal yesterday's election accomplished, San Diego stands ready on the threshold of a new day. May her citizens have the wisdom, the courage and the vision to take full advantage of it!