HOW OMAHA GOVERNS ITSELF

Concise Review of Salient Features of the City Charter.

STRONG AND WEAK POINTS SHOWN

Article Contributed by Victor Rosewater to Denver Post's Series on Charter History of Principal American Cities.

Features of Omaha's Charter.

1. Separate municipal elections.
2. Ward councilmen elected at large.
3. No franchises except voted by the people.
4. Department heads appointed by the mayor.
5. Depository plan for city funds.
6. Separate tax commissioner system.
7. Advisory board to the mayor.
8. Street improvements by special assessment.
9. Railways must build viaducts.
10. Absolute limit on tax levy.
11. Governor-appointed fire and police board.
12. Three-year terms for elective officers.

The present form of government for Omaha is one of concentrated authority. Only six officers are elected in addition to the members of the city council, and the appointive power, with the exception of fire and police departments, centers in the mayor, subject to confirmation by the council. The terms of all these officers are for three years, except the police judge, who holds for two years, although they are all removable for cause or impeachment. The elective officers are the mayor, treasurer, tax commissioner, comptroller, clerk and police judge. The mayor appoints the city attorney, city engineer, health commissioner, building inspector, plumbing inspector, city electrician and city prosecutor, and together with the members of certain administrative boards. The city engineer is by virtue of his office chairman of the Board of Public Works, whose associates are the comptroller and the building inspector. An advisory board, consisting of the mayor, city engineer, comptroller, building inspector, chief of police, chief of the fire department and health inspector, is vested with certain functions of control and supervision. The advisory board was expected to serve as a sort of cabinet to the mayor, but in this it has failed completely. The deputies and minor employes of the various city officers are appointed by their chiefs, in some few instances subject to confirmation by the council, but in reality subject to the control of the council through its power over the appropriations for their salaries. The charter as framed provided for a police judge with a term of three years, the same as that of other city officers, but it was found that in this it ran counter to a constitutional provision limiting all judicial officers to two-year terms and so a later amendment placed the police magistracy in a category by itself.

Financial Safeguards.

In its safeguards for the city's finances and in its restrictions upon the budget Omaha's charter is not only explicit, but carried into the most minute detail. The salaries of all the principal officers, for example, are fixed at stated figures, which can be neither raised nor lowered except by charter amendment, and the amount of the official bond is likewise designated to correspond. The table of salaries is as follows:

Officer—	Salary Per Annum.	Bond to Be Given.
Mayor	$2,500	$ 25,000
City treasurer	4,000	200,000
City comptroller	1,800	5,000
City police judge	1,200	2,500
City clerk	1,800	5,000
Chief of police	2,000	5,000
City attorney	2,500	5,000
Assistant city attorney	1,800	3,000
City prosecutor	900	1,000
City engineer	2,500	10,000
Assistant city engineer	1,800	.....
Building inspector	1,500	2,000
Health commissioner	2,000	2,000
Tax commissioner	2,500	20,000
Commissioner of fire and police, each	400	5,000
Each councilman	800	5,000
City electrician	1,800	3,000
Plumbing inspector	1,200	1,000
Boiler inspector	1,200	1,000

Each policeman and fireman shall receive a sum not exceeding seventy-five ($75) dollars per month, and not less than sixty-five dollars per month, and each officer of police and fire department or engineer of fire engines, under the rank of chief or assistant chief, shall receive a sum not exceeding ninety ($90) dollars per month, to be fixed by the Board of Fire and Police Commissioners.

Limits on Appropriations.

In the matter of appropriations the city authorities are similarly tied down. Each department must look for maintenance to a particular fund and the amount of money that can be raised for each fund by taxation is limited not to a percentage on the assessment roll, but to an absolute sum. The aggregate maximum of the levy for city purposes, exclusive of schools which are administered by separate school board, is $1,040,000, divided as follows:

General purposes	$255,000
Curbing and guttering	30,000
Street cleaning	40,000
Sewer maintenance	25,000
Fire department	125,000
Police department	115,000
Street lighting	70,000
Water rental	100,000
Interest and sinking fund	300,000
Library	20,000
Parks	30,000
Judgment	20,000
Health department	10,000

Among pending amendments to the charter changing this table is one fixing both the minimum and maximum rates of one or two funds. The theory has been advanced by E. J. Cornish, chairman of the park board, that a maximum limit should be fixed, where the money is to be spent by the body determining its amount, while only the minimum limit should be fixed where the money is to be spent by a body which has no control over the tax levy. In support of his contention he argues that the tendency is irresistible on the part of the city council in order to make a showing of economy to hold down the appropriations for all departments not directly under its control and to swell the funds which it itself expends, thus making the former suffer for the benefit of the latter.

For the bonded debt, the limits are more elastic. The limit for funding floating indebtedness is fixed at $500,000, and the total limit at an aggregate of $2,500,000, but certain exemptions are made which include almost all the purposes for which bonds would naturally be issued, such as district paving bonds, public library building bonds, renewal bonds, funding bonds, bonds for the erection of city hall, fire engine houses, for the construction of bridges, subways and conduits, for park purposes or for the purchase or appropriation of gas works or electric lighting plants. The proviso is further added that no bonds in excess of $200,000 shall be issued in any one year except these bonds already specified. The intersection paving bonds are also limited not to exceed $100,000 in any one year.

Question of Revenue.

At the time the present charter was framed the question of revenue presented the most intricate problem. The city had previously been compelled to take as the basis of assessment for its tax levy the valuation fixed upon property within the city limits by the precinct assessors of the county and in the competition between the various counties in the state to evade their quotas and to get off lighter in the apportionment of the state taxes the assessments had been brought down to ridiculously low figures. The lower the assessment, of course, the higher the tax rate until the nominal tax rate became so formidable as to frighten prospective investors, whose apprehensions could not be allayed by any amount of explaining that the assessment represented only 16 per cent of the true value. For 1897 the city tax rate had reached the alarming figure of 54 mills. To relieve this serious situation an independent tax commissioner system was improvised whereby a separate assessment of property was to be made, for municipal taxation only, under the direction of a tax commissioner responsible for the work of his deputies and assistants. The aggregate assessment under the new system jumped at once from $17,415,948 to $33,049,503, the latter figures purporting to represent 33 1-3 per cent of fair cash value. This percentage was raised again to 40 per cent, and last year to 100 per cent, so that the aggregate assessed valuation of property subject to municipal taxation for the coming year is now considerably in excess of $100,000,000.

Railroad Tax Evasion.

Along with this change in the method of assessment, however, has come another complication of vital importance. Before the railroads' interests, which were all powerful in the legislature, notwithstanding its overwhelming fusion majorities, would consent to the establishment of a separate assessing jurisdiction as a part of the new charter they insisted upon an exemption clause requiring the tax commissioner to take as the assessment of the railway terminals within the municipal boundaries the mileage figures fixed by the State Board of Transportation. The mileage figures of the state board were presumably arrived at without reference to the valuable franchises of the railroads and with the pretense that all terminal values were distributed over the entire line in proportion to the number of miles of main track in each county, city and village. As a result the immense terminal facilities and depot grounds, depots, trackage and bridges of the great trunk lines entering Omaha were returned for assessment for city taxation at merely nominal sums, while all other property assessed locally was raised to 33 per cent, then to 40 per cent and then to 100 per cent of its full value. This increase of the city assessment roll while the railroad assessment remained stationary worked to decrease the proportion of taxes paid by the railroads and to transfer the burdens thus evaded upon the shoulders of the individual taxpayers. This discrepancy called attention to the further fact that the pretended distribution of terminal facilities by the state board was a sham and a farce. Property which railroad experts had themselves testified in other connections to be worth more than $25,000,000 was being taxed on an assessment of less than $200,000, and that in the face of the constitutional provision that taxes should be uniform on all property within the jurisdiction imposing the same. To bring the matter squarely to an issue the tax commissioner and the board of review, in revising the last assessment roll, upon legal advice undertook to make an original assessment of the railroad property and to include it on the city tax rolls in place of the figures certified down by the state board. As was expected the railroads sought the intervention of the federal courts with injunction proceedings to prevent the council from imposing the tax levy upon their property so assessed, and this case is still pending in the court. In the meanwhile, without waiting for the decision, the citizens of Omaha have been pressing the legislature to eliminate the objectionable clause from the charter, although, it must be admitted, in the face of the powerful railroad lobby that gives little encouragement for immediate success.

Sources of Income.

The city has other revenues besides the proceeds of taxation, but they are of comparative insignificance because the income from licenses, fines and penalties must, to conform to constitutional mandate, be turned over entirely to the school board for the school fund.

For street improvements an elaborate system of taxation by special assessment has been devised, largely as an outgrowth of past experience, by which abutting property enjoying the benefits is assessed for the cost. These assessments are imposed by ordinance after certain jurisdictional preliminaries are observed and equalized by the council as a board of equalization. The property owner has the privilege either of paying the entire amount at once or of deferring payments for ten annual installments bearing interest, in which case the money is raised by the sale of district improvement bonds, against which the special assessments are carried as a sinking fund until the entire issue is taken up. The exhibit of receipts by the city treasurer for 1902 is as follows:

	City.	School.
From taxes	$ 951,742.87	$235,981.25
From licenses	.....	245,425.33
From fines and costs	4,171.80	3,243.50
From special assessments	162,131.48	.....
From bond sales	122,500.00	.....
From other sources	20,838.36	53,276.14
Totals	$1,261,384.51	$627,926.19

Police Board Contentions.

Next to the question of revenue and taxation, if not ahead of it, the feature of the Omaha charter which has attracted most attention is that relating to the government of the fire and police departments. The charter provides for a board of fire and police commissioners, consisting of four members, appointed, not more than two from one political party, by the governor of the state for terms of four years, expiring so as to make the boards continuous, with the mayor as ex-officio member and chairman. Much of the time the city has had two sets of fire and police commissioners contending for possession of the office, the supreme court having several times reversed itself in its decisions for and against municipal home rule, and the right of the mayor and council to appoint the commissioners instead of the governor. Just at present a governor-appointed board is in possession, but the litigation is not yet ended. The police department is organized with a chief and three captains. The chief receives $2,000 a year and the captains $90 per month. One captain has charge of the day force, another the night force and the third of the detective force. Under them come the sergeants, six in number, at $85 per month; the detectives, eleven in number, and the patrolmen, sixty-six in number.

The charter contemplates strict civil service rules in both fire and police departments. Each member of the fire and police board is required to take an oath in which he swears that: "In making appointments or considering promotions or removals he will not be guided or actuated by political motives or influences, but will consider only the interest of the city and the success and efficiency of said department."

The members of the department are also guaranteed against arbitrary removal by a requirement that charges must first be preferred, and an opportunity for a hearing given. In the succession of political changes in the control of the police board, however, these civil service regulations have not counted for much, the loophole being found in the authority conferred on the board to reduce the force by dismissals without charges or hearings whenever the funds at its disposal will not warrant retention. To add new favorites and then dismiss old officers for want of funds is easy. The city maintains its own jail and police patrol. Its police and fire alarm system is operated through the local telephone company on a contract.

The fire department is organized along similar lines, with a fire chief receiving $3,000 a year, two deputy chiefs at $1,800 and $1,200 per year respectively, captains, engineers, pipemen and firemen, making the whole force number 119 men. There are thirteen engine houses, most of them owned by the city, in which are installed apparatus, including four fire engines, two chemical engines, one water tower, four hooks and ladders and twelve carriages and hose wagons.

Control of Park System.

The park board has complete control over the parks and boulevards. The board itself consists of five members, appointed by the mayor, although previous to the home rule decision they had been appointed by the district judges, who might resume that authority under more recent court decisions if so disposed. The board has at its disposal in addition to the proceeds of the park levy the portion of the county road fund which is allotted to the city. One matter under the jurisdiction of the park board deserves passing notice, namely, the constant effort to have streets declared boulevards in order that they may be improved at the general expense rather than at the cost of the adjacent property owners. The difference between a street or avenue and a boulevard in Omaha to all practical intents and purposes is the difference between having it paved and improved with the cost assessed back against the abutting property and having it parked and cared for at the expense of all the taxpayers out of the park fund. The city has the right to acquire parks and parkways by eminent domain, and when exercising this authority also assesses back the benefits to the benefited property. The park system includes thirteen different parks, measuring 617.44 acres, with 9.8 miles of boulevards.

Omaha's public library is subject to the control of a library board of nine members, serving without pay, appointed three at a time for terms of three years by the mayor and council. The library is housed in a library building, erected in 1893 from the proceeds of $100,000 of bonds, in which one floor is given over to museum and art gallery purposes. Its administration is through a librarian and library staff consisting mainly of young women with salaries ranging from $330 to $1,500 a year. A bindery is operated in conjunction with the library with varying employes to the number of two or three, but confining its work to binding incident to the library requirements.

Health Regulations.

The Health department is under the direction of the health commissioner, who has one head assistant and sanitary inspectors as occasion requires. The inspection relates chiefly to contagious diseases and perishable food products, and the vital statistics of the city are compiled in the health office. Garbage is collected by contract subject to regulations of the Health department. The original garbage contract contemplated the removal to outlying farm lands, but much of the refuse is dumped into the river. The question of garbage disposal by incineration or otherwise must soon be met.

The city law department consists of the city attorney and one assistant city attorney, together with a city prosecutor, who attends to police court business. An abstracter is also attached to this department in connection with cases relating to taxation and special assessments and a special agent to whom is delegated the duty of gathering evidence to protect the city in damage suits.

As already indicated, the public improvements come under the Board of Public Works, consisting of the city engineer, comptroller and the building inspector. The engineering department is in reality the construction department of the city. The force employed varies with the amount of work to be done, although there is a permanent list of employes to keep the records, inspect the pavements, sidewalks, sewers, etc. All work must be let on competitive bids, for which due notice is given by advertising, and no scandals arising out of the public improvements have arisen since the adoption of the present charter. The city has guaranty contracts covering most of its newly laid pavements, requiring the contractor to keep it in repair a certain number of years, usually five, and it has another separate contract for the repair of asphalt pavements on which the guaranty has expired.

Omaha's Water Supply.

Up to the present Omaha has been supplied with water by a private corporation operating under a contract with the city, by which it furnishes hydrant service for fire protection at specified rates. The number of hydrants now in use is 1,483, and the annual rental, $92,080. Under the contract with the water company the city has a right to purchase without allowance for the unexpired franchise at the end of a twenty-five-year period, which terminates in September next. It has also the right to acquire the plant by eminent domain, in which case the appraisement would have to take into account the unexpired contract. The acquisition of the plant has been constantly agitated and in anticipation of the purchase bonds to the amount of $3,000,000 were voted at the last city election. To put this purchase plan into effect a charter amendment has just been enacted creating a water board separate and distinct from the other branches of the city government, consisting of six members, three from each of the opposing political parties, appointed originally by the governor for terms, expiring alternate biennials, with a view to making a continuous board with six-year terms. The successors of the governor-appointed commissioners are to be chosen by election, while vacancies are to be filled by the other members. The law provides for a secretary of the board, who will also be the water commissioner and act as general manager of the plant when it is finally acquired. The water commissioner is insured a good-behavior tenure with a salary that cannot be diminished during his incumbency, though subject to increase at any time by vote of the water board. The new law repealed the provision authorizing the imposition of a tax for water rental for the current year, which accounts in a small part for the reduced tax levy for 1903.

Street Lighting References.

The only specific references to street lighting corporations in the charter are those which give the council authority to regulate the use of the streets for excavations by gas and electric lighting of the streets and public places. Another section gives the mayor and council power to regulate and provide for the lighting of the streets, laying down gas, water and other pipes, and the erection of lamp posts, electric towers, or other apparatus and to regulate the same, and the use of gas and electric lights, and fix and determine the price of gas, the charge of electric lights and power, and the rents of gas meters within the city and regulate the inspection thereof, and regulate telephone service and the use of telephones within the city and to fix and determine the charges for telephones and telephone service connections, as well as to require the removal and placing underground of any or all telegraph, telephone or electric wires. The city is served with both electricity and gas for lighting. The electric lighting company has a term agreement to furnish street lamps at $94.50 per year, nominal 2,000 candle power and burning all of every night. A condition of this contract requires it to pay into the city treasury as a franchise royalty 3 per cent of its gross receipts from commercial lighting within the city limits. The royalty paid for the last year was $5,683.90. The gas company is operating under a twenty-five-year franchise, which contains within it an obligation to bid for street lighting at a price not exceeding $25 per year per lamp, but an additional $5 has been added where Welsbach burners are in use. The franchise contract also includes a stipulated sliding scale of prices for private consumption varying with the aggregate number of cubic feet consumed the preceding year. The price of gas is now $1.35 for illuminating purposes and $1 for heating per 1,000 cubic feet, with a royalty to the city of 5 cents per 1,000 cubic feet. This royalty for last year amounted to $14,264.17. The city is paying for 446 electric street lamps, 1,053 gas lamps and 292 gasoline street lamps. Aside from the price scheduled in the gas franchise contract the council has never undertaken to regulate the price for private patrons of either gas, electric lighting or telephone companies.

Powers of Council.

The city council is vested with all the usual powers of regulation and minor legislation that pertains to such bodies. It must act by ordinance passed through the regular forms. The ordinances must be read three times at separate meetings of the council. The council meets once a week in general committee and again in formal session. With nine members, five affirmative votes are required to pass an ordinance and six to override the mayor's veto. The incentive and facility for combines therefore could scarcely be greater. No bonds, excepting renewal bonds, may be issued without ratification by the vote of the people. The same applies to all ordinances modifying or extending franchises involving the use of the public streets. Claims against the city must be sworn to and approved by the officer under whom the work is performed or to whom the supplies are furnished. On the disallowance of any claim it throws the claim into court, while another provision prohibits the mayor and council from allowing any bill for labor or material except through the order of a court after such bill has been adversely reported on and rejected by the administration under which it has been incurred, or has been presented within eighteen months after it was incurred and became payable.

The Omaha charter is very pointed in its prohibitions designed to prevent official corruption. That these provisions have had the effect aimed at is, however, open to serious question.

Separate City Elections.

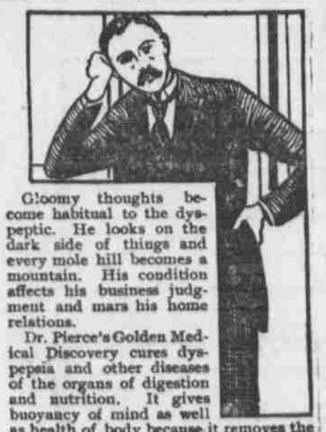
The change in the length of the official term from two years to three years was accompanied by a change of the time of the municipal election, giving us our city elections in the spring, while state and county elections came in the fall. This system of separate municipal elections, while it has not eliminated politics from the city campaign has yet proved of unquestioned advantage in making the issue clear cut and distinct from general political considerations. The contests for the city offices have been waged between the regular political parties, but the fact that while the city is strongly republican the democratic candidates for one of the executive offices and for several places in the council were successful shows that independent voting can be made more effective than it would be if the city election were only incidental to the line-up for general party supremacy.

The charter establishes the depository plan for city funds. It requires all the increment from public moneys to be turned into the public treasury. Banks of substantial capital may become city depositories by bidding not less than 2 per cent interest on current balances and filing bonds to safeguard the city against loss. It is needless to say that none of the banks have ever paid more than the required 2 per cent.

The mayor and council have the authority to require any railroad company to reconstruct and keep in repair any viaduct or viaducts over or under its tracks for the safety and protection of the public. The damages entailed by the erection of such viaducts are assessed the same way as those for grading a street. While the plans and specifications must be as required by the city engineer and approved by the mayor and city council, the cost of the entire construction must be borne by the railroads. Where there are two or more railroad companies operating tracks crossed by such viaducts the proportion of the cost is borne by each as determined by the mayor and council. A provision of this kind in a former charter was fought by the railroads as unconstitutional and carried clear up to the United States supreme court, but the railroads lost and have been required to submit to its requirements. As a result, although the terminals of the railroads in Omaha cut through the center of the city, traffic is facilitated by a viaduct system, which has no equal in any other city of its size in the country.

The city treasurer is the ex-officio treasurer for the school board, but this is the only instance where an officer serves more than one municipal corporation, there being separate county officers in all departments, notwithstanding the fact that the city is inclusive in the county. The question of merger of city and county governments in whole or in part has been repeatedly agitated, but nothing has come of it as yet, owing to obstacles interposed by beneficiaries of the present system.

This is the paper on Omaha's charter history contributed by Victor Rosewater of The Bee to a series of articles reviewing the municipal governments of the principal American cities, now being printed in the Denver Post. The figures incorporated have reference to the charter as previous to recent amendment by the legislature.



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Cretonnes and Curtain Swiss, this is the season when everyone buys Swiss for the bed rooms. Our stock is complete—a new shipment of colored Swiss, stripes and figures at 20c per yard.
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9x12 best 6-frame Body Brussels, regular price $28.50, Monday $21.50
8-3x10-6 best 6 frame Body Brussels, regular price $26.50, Monday $18.50
9x12 best Imperial Smyrna, regular price $37.50, Monday $26.50
30 Smyrna Rugs, regular price $1.35—Monday, each 95c
SPECIAL CARPETS—$1.60 Wilton Velvet, Monday, sewed, per yard, for $1.25
SPECIAL CARPETS—$1.35 Wilton Velvet, Monday, sewed, per yard, for $1.00
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Brandon, Ala., March 9, 1902.

I have been using Wine of Cardui and Thedford's Black-Draught as you advised me to, and my pains have left me. I sleep well. My appetite is good. I am not constipated and my stomach is not sore. The pains in my side and stomach are gone. The numbness is all gone and I feel better in every way. Mrs. J. A. McCURDY.

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