NOTICE: Because Election Day is May 17, only a week away, the committees which have studied the Charter Amendments appearing on the ballot will make their reports, and the membership will be asked to discuss the reports and vote upon them at the luncheon meeting, May 10.

CHARTER AMENDMENTS to be voted upon...

48-HOUR WEEK FOR FIREMEN
Presented by Rudie Wilhelm, Jr., Chairman of the Committee

RAISING THE AGE LIMIT FOR VETERANS APPLYING FOR POSITIONS AS PATROLMEN OR HOSEMEMEN
Presented by C. Herald Campbell, Chairman of the Committee

40-HOUR WEEK FOR CERTAIN CITY EMPLOYEES
Presented by Warren H. Marple, Chairman of the Committee

RESTRICTING INSPECTION OF CIVIL SERVICE EXAMINATION PAPERS
Presented by Lofton Tatum, Chairman of the Committee

ELIMINATING NAMES ON THE LAID-OFF AND INDEFINITE SICK LEAVE LISTS
Presented by Linton Erbland, Chairman of the Committee

PERMITTING CITY COUNCIL TO PAY JUST CLAIMS NOW BARRED BY CHARTER EXEMPTION OR GOVERNMENTAL IMMUNITY
Presented by W. K. Royal, Chairman of the Committee

INSTILLATION OF OFFICERS
REPORTS ON PROPOSED CHARTER AMENDMENTS

CHARTER AMENDMENT
Submitted to the Voters by the Council

An Act amending the Portland charter by providing that no fireman shall be required to work more than forty-eight hours in any week, that all hours of service in excess thereof shall be paid for at the rate of time and one-half in money; that members of the Bureau of Fire at all times shall be subject to special duty when there is grave or unusual danger of conflagration or other emergency requiring such service as is usually performed by those generally engaged in that occupation; that salary rates for members of the uniformed force of said Bureau for regular duty may be modified by ordinance, except that none may be reduced below the rates of pay now in effect.

SHALL THE CHARTER BE SO AMENDED?

500 Yes, I vote for the amendment.

501 No, I vote against the amendment.

To the Board of Governors of the City Club:

Your committee appointed to study the proposed charter amendment to provide a 48 hour work week for this city's firefighters submits the following report:

The proposed 48 hour week for Portland's firemen is part of a national campaign conducted by the International Association of Fire Fighters, an affiliate of the A.F. of L., to reduce the work week of its members. Over 28 cities are being urged to adopt a program similar to this, and in one state and a few cities the drive has already met with success.

The Portland Fire Department was organized in about 1851 as a strictly volunteer organization and operated on that basis until 1882 at which time captains and leading men were on a paid basis. This part-paid system continued until 1903 when a fully-paid fire department was organized with men working twenty-four hours a day, six and a half days a week. At that time all firemen lived at the firehouse but had one hour off three times a day for meals. Time off gradually in- creased in small steps until about 1918 when the men were working five days on and two off on a twenty-four hour basis for the time they were on duty.

In 1918 the so-called "Two Platoon" system under which the Portland Fire Department is now operating was instituted. The two platoon system provides for the men to be on duty twenty-four hours every second day, or an average of 72 hours a week over a two-week period. Fifteen days vacation was originally provided for but that was later raised to twenty-one days to compensate for their partial loss of the usual legal holidays.

If the full complement of the average firehouse be taken as six men it required seven men per hour for the period 1903 to 1918; nine men for the period 1908 to 1918; and fourteen men for the period 1918 to the present. If subject amendment is passed nineteen men will be required for the average firehouse to give the same protection formerly given by seven men.

While a few firemen receive remuneration from other sources for work done during their off duty hours, this practice has been discouraged except during the war years. In the course of the investigation, certain statistics regarding firemen's income were made available to the committee, but as this is an hour and not a wage measure, the committee is not including a study of firemen's income in this report.

The 48 hour week for firemen was recently approved by the City of Seattle by a vote of 56,725 to 40,726. This will soon be placed in effect, and the work week will then consist of 6 working days of 8 hours each. Tacoma at the present time works 70 hours per week and the men get 14 consecutive days vacation. The firemen in that city are hoping to get the city council to grant a 48 hour week. San Francisco firemen now work a 67.2 hour week, but the proposal is now before the board of fire commissioners for a 56 hour week. In Los Angeles, firemen work between 65 and 66 hours per week and are entitled to a 10 day vacation per year.

It has been estimated by the chief of the fire department that the reduction of the work week to 48 hours will mean that approximately 275 men will have to be added to the fire department at an annual cost of approximately $790,000. This would mean almost a 50% increase in the cost of wages and salaries. In the opinion of Chief Grenfell, the additional personnel would have to be secured or present members worked on an overtime basis unless the efficiency of our fire department was to be lowered. No way has been suggested to maintain present efficiency without adding this additional personnel if the measure is passed.

Although doubts were expressed in some quarters over the immediate availability of the increased personnel, Chief Grenfell thought there would be no difficulty in obtaining them. He also stated the proposed measure would have no effect either way on the efficiency of the Fire Department; providing funds were available for the employment of the additional personnel. The city council will have the final say as to a wage worked in event of passage of this amendment, but Chief Grenfell stated that he favored 24 consecutive hours on and 48 off as opposed to six eight hour shifts a week as contemplated in Seattle.

The measure provides for time and one-half in money for all hours worked over 48 in any week. It was the consensus that this would amount to only a small sum if the additional help can be obtained immediately and if past experience is any criterion. The city council has already established the precedent on three different occasions of paying for work performed in excess of the required 72 hours per week. The recently enacted Seattle measure, which is being held up to the people of Portland as a shining example of progressive legislation, does not contain an overtime provision. It stipulates that if a fireman is required to work more than 48 hours in any week, he is compensated by an allowance of additional time off on a straight time basis.

The proposed amendment also provides that the salary rates of the firemen can be modified
by ordinance, except that they can never be reduced below the present rates of pay. This would place the fire fighters in an enviable and unique position with respect to other city employees. Would the city council ever decide that salaries had to be reduced to meet the funds available. Here again the Seattle measure is considerably more flexible, stating the "no reduction shall be made in the existing salaries of such members by reason of the enactment of this ordinance." The Portland fire fighters admittedly put this provision in the measure to safeguard themselves against a wage cut to offset the cut in hours. However, as written, this puts an all time floor on their wages, which can only be changed by the people at an election.

There appears to be no question but what this charter amendment, if passed, will require the approximately $790,000 additional money previously mentioned. This brings several questions to mind. (1) Should provision have been made in the proposed amendment for the method of financing the change? (2) If this measure is passed, what would be the effect of failure to provide for the necessary revenue? (3) Why was no provision made for financing this proposal? We shall take up these questions in order.

(1) Where a measure requires large additional sums of money, it is the general rule in good legislation for the method of financing to be definitely provided. That has been the practice in Portland. For example, when the charter was amended to provide for playgrounds and parks, bridge construction, and for a fireman's relief and pension fund, there was a provision in each amendment for a millage tax (section 7-110).

Again, on another playground amendment, (section 11-503) a bond issue was provided to finance the project.

At the present time, the city is already faced with a possibly unbalanced budget. Official estimates predict a $564,000 decrease in City revenues from licenses, police court fines, and etc. for the next fiscal year. Due to the 6% tax increase limitation, the tax levy can only be increased by about $300,000 this next year. That would leave a net deficit of $264,000 and operating expenses would have to be trimmed to that extent. Where then could the $790,000 be secured?

(2) The proposal, if passed, would become effective immediately. Therefore, either the fire force would be increased by about 275 men, at once, or the present firemen would work many hours of overtime at time and one-half wages. Either way, the men must be paid. To do so, the city council would be required: (a) To curtail other services, construction, and personnel, or (b) to levy special additional taxes such as amusement taxes, payroll taxes, business taxes, thereby increasing the public ultimate tax burden. Something along these lines would be essential to meet the mandatory change in the charter.

Among the suggested methods of curtailing present services are the reduction in the number of present fire houses, less work on public parks, playgrounds and street cleaning. There are also suggestions it would be necessary to reduce personnel in other departments, such as the police and public works.

There has been some loose talk indicating that there are large sums of unused money available. Our investigation indicates that the "large sums" referred to were raised for specific projects, such as river cleanup, bond redemptions, sewer construction, and that the city council never made the illegal to divert any of those funds to pay for an increased fire force.

(3) Why does this measure fail to provide for financing the change? Advocates of special group legislation well know that it is easier to secure voter approval of a measure if it does not on its face require increases in taxation. The City Council in this instance informally declined of its own volition to place this matter on the ballot. Therefore, the fireman's union had to pursue the petition method. It was solely to obviate an expenditure of $2,500 for checking the petition that the Council finally placed the measure on the ballot in the form proposed by the firemen. There had been a mad rush against time by the firemen to meet the filing deadline which may account for poor draftmanship of the measure. It was not drawn by the City attorney as are most charter amendments.

The Proponents Arguments for the Adoption of this Amendment are:

1. The right to a shorter work week is a fundamental issue which has gained the approval of the majority of our citizens. This measure is in line with that trend.

2. The amendment will provide jobs for over two hundred persons many of whom may be war veterans.

3. Pay for overtime work would be assured by this amendment.

4. Firemen's salaries could not be reduced below present levels except by the vote of the people.

The Arguments Against the Adoption of this Amendment are:

1. The payroll of the Fire Department would be increased approximately 50% or $790,000 per year and yet no way of securing the additional funds is suggested. The firemen state they have been told that they had no right to assume an additional tax levy was necessary. Your committee was unable to uncover any hidden funds not accounted for at the City Hall which would finance the measure. It must also be remembered that this is not the only measure before the people which would require additional funds not budgeted or provided for.

2. Without additional funds to pay for this measure the City Council would face several alternatives, among them (a) An understaffed Fire Department with the probable result of higher fire insurance rates in Portland. (b) A cut in other city services which are already kept to the minimum because of finance problems. (c) A general reduction in either the number of other city employees or their rates of pay.

3. The measure, as written, allows no flexibility in the work week to meet a fire emergency without paying overtime rates. The Seattle measure appears more wisely drawn in this regard.

4. The city government could raise firemen's pay but not lower it below the present wage rates. Should a financial emergency confront the city and a general reduction in city wages become necessary, the burden would fall even
harder upon other city employees because of the firemen’s unique position.

5. The proposed amendment would endanger the firemen’s pension fund unless an increase is voted in the millage tax now allocated to that fund. Pensions are paid from a fund made up of two components: (a) A 3/10 mill tax on property assessment which at the present time amounts to about $100,000 a year; (b) 4% of the firemen’s salary which is deducted at time of payment. Subject proposal although increasing the number of pensioners by approximately 50% makes no provision for increasing the millage tax which accounts for the greater part of the fund. The present system of providing for the fund is already inadequate and it is difficult to understand how any adequate pension could be maintained using the present fund for a vastly increased number of pensioners.

Recommendation
Although your committee was divided three to two in favor of the 48 hour work week for firemen, it unanimously recommended a negative vote on the proposed amendment for the following reasons:
1. The proposed amendment does not provide for the large sum of money necessary to finance the measure.
2. Because of the nature of a fireman’s work, greater flexibility in the overtime provision should have been included.
3. Establishing a floor on firemen’s pay which could only be changed by vote of the people and yet still allow the city government to raise their pay is not deemed consistent or desirable.
4. The firemen’s pension fund would be endangered.

Respectfully submitted,
R. Burke Morden
Francis S. Murphy
George D. Ruby
Robert C. Suescumaker
Rudy Wilhelm, Jr., Chairman

CHARTER AMENDMENT
Submitted to the Voters by the Council
An Act to amend Section 4-106 of the Portland city charter so as to provide that applicants for the position of patrolmen and hosemen who are war veterans may at the time of appointment be five years older than the age limit heretofore provided.

SHALL THE CHARTER BE SO AMENDED?
502 Yes, I vote for the amendment.
503 No, I vote against the amendment.

To the Board of Governors of the City Club:
Your committee appointed to study and report on the proposed charter amendment designed to render eligible for civil service appointment as patrolmen and hosemen persons between certain specified ages who have honorably served in the armed forces of the United States, reports as follows:

Description of the Amendment:
The amendment as submitted to the electorate proposes to modify Section 4-106 of the City Charter, which section currently provides for public competitive qualifying examinations for applicants to the classified civil service. The second paragraph of this section now reads as follows:

"All patrolmen shall be between the ages of 21 and 30 years on the date of their appointment and all hosemen shall be between the ages of 21 and 26 years on the date of their appointment."

The proposed amendment would modify the above paragraph significantly by the addition of the following provision:

"... provided, that in the case of an applicant for either of said positions who, being a citizen of the United States, has honorably served in the armed forces of the United States of America during any war to which the United States was or shall be a party belligerent, the maximum age limit shall be extended to 35 years for a patrolman and to 31 years for a hosenman."

Origin of the Proposal
The proposed amendment was initiated by Commissioner Peterson, who in August, 1945, requested the City Attorney to draft the amendment. The proposal was subsequently endorsed by the local office of the International Association of Firefighters, A. F. of L., and received the support of various veteran organizations in the city. The proposal was introduced jointly by all the members of the Council at the regular meeting February 20, 1946. At the hearing held in the Council Chamber February 28, no opponents appeared, two proponents representative of veteran agencies spoke briefly on behalf of the measure, and the resolution placing the amendment on the ballot was adopted by unanimous vote of the Council.

In the course of its investigation, your committee has met with Captain Dave Gallagher, Jr., of the Fire Bureau and a member of the International Association of Firefighters, Acting Chief of Police Leon V. Jenkins and Inspector James Fleming, and members of the committee have individually consulted with Fire Chief Edward Grenfell, members of the City Council, the secretary of the Civil Service Board and various other municipal officers.

In the course of its investigation, this committee could discover no opposition to the measure. Comments were made by various individuals as to possible undesirable aspects of the measure, but in each case, the individual felt that the objective was desirable and that therefore he was not in opposition to the proposal.

Arguments for the Amendment
Large numbers of men from both fire and police bureaus were drafted into the armed forces during the war and the consequent vacancies were filled by temporary appointment. Many of these temporary appointees were likewise drafted into the armed forces. By agreement, in order to protect the job rights of those drafted out of these bureaus, no entrance examinations have been held by the Civil Service Commission for the Police Bureau since 1943 or the Fire Bureau since 1941. As a result of the postpone ment of examinations for permanent appointment, many of these temporary appointees were deprived of the opportunity of qualifying for the
positions of patrolmen and firemen, and similarly, many men in their early twenties who normally would have been attracted into these bureaus were called to service during the war, and are now over the existing age limits for entrance into either bureau. The proposed amendment is intended to restore the opportunity of entrance into the municipal civil service to those men who, but for the call to service in the armed forces, were deprived of the opportunity of taking the examination when they were within the present charter age limits, but who, upon release from the armed forces, exceeded the stated age limits.

**Discussion**

This proposal is part of the general pattern of legislation designed to protect or restore civilian rights or opportunities which veterans might otherwise lose by virtue of their service in the armed forces. As such, it will not be criticized by any patriotic citizen.

Examination of the present entrance age limits for Pacific Coast cities reveal the following:

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(Note: Portland age limits not "inclusive," i.e., applicant who has attained the upper age specified is not eligible for appointment.)

It is apparent that the present age limits are definitely more restrictive in Portland than in other coast cities. The proposed modification affecting veterans only would place firemen age limits on the same basis as Los Angeles and Seattle, and for patrolmen would place Portland between these two cities, but tending toward the high side. Several cities in the United States (notably New Orleans and Detroit) have waived entrance age restrictions entirely for veterans, but this procedure is definitely questionable from the standpoint of good civil service practice.

This move to extend the age limits counteracts the general trend during the past decade, which was to move the age limits downward. This tendency derived from the realization that the rigorous nature of police and fire duties required recruitment of men at an early age, inasmuch as physical efficiency declines rapidly after age 50, and it is desirable to provide for at least 25 years active service from men in these occupations. Also, the financial requirements of municipal pension systems indicate that the length of service must be sufficiently long so as to permit sufficient pension reserve to be built up.

The effect of the proposed loosening of the age restriction upon the Firemen's Pension Fund and the Policemen's Pension Fund is problematical. Neither fund is now on a sound, actuarial basis, and it is impossible even now to hazard a guess as to the probable effect of this amendment on the future of either fund.

The committee was told by those it interviewed that the quality of the personnel in each bureau could secure under the increased age limits what this procedure would do, i.e., that the former normal, that some of the applicants would be former temporary employees whose experience as a temporary employee would be worth acquisition by the city, and that the older men who thus could seek entrance into the two bureaus would be more stable and have more efficient, competent employees.

In this latter connection, it is interesting to note the comments of Donald C. Stone, an authority in the field of public administration. In a monograph, "Recruitment of Policemen," he states:

While some departments may prefer to set the upper limit at 30, an age in the range from 21 to 27 or 28 years is ideal...it is generally found that applicants above the age of 27 or 28 have failed to 'settle down' or make good in other lines of work. Maladjustment and disciplinary difficulties are more common in the age range of the late twenties and over than in the lower age groups." It should be recognized that this latter observation, while generally true, is probably not strictly applicable to the men affected by the proposed amendment.

The committee calls attention to the fact that although the intent of the measure is desirable and not subject to criticism, the method of achieving the desired result may prove to be unduly generous. It is conceivable, for instance, that a man who went twenty-five years of age upon induction into the armed forces, and then served for a period of ninety days, would be entitled under the terms of the proposed amendment to an extension of five years in his period of eligibility for entrance into the fire department. In such a case, the benefit extended the veteran is disproportionate to the actual loss of opportunity he experienced. From the standpoint of good administration, it would have been preferable for such an amendment to have provided that veterans over the existing entrance age limits may qualify for entrance into either bureau if their age at entry into military service did not exceed the then maximum established civil service age limit.

The committee questions the advisability of embodying age limits in the City Charter at all. Details of this sort are, as a matter of good personnel administration, best left to the rule-making powers and general discretion of the Civil Service Board or the City Council. Time and circumstances often require changes that cannot be made either efficiently or expeditiously if such requirements are frozen in the basic law. The manpower shortage during the war and clearly the desirability of allowing flexibility on such matters, and those jurisdictions which had such restrictions in the law itself were handicapped in adjusting their policies to meet the manpower shortage. The Civil Service Board now has the power to establish the intellectual and physical standards and occupational skills required as qualifications for entrance into civil service, and the age limitation should be removed from the charter and delegated to the Board as a matter for its determination.

**Wording of the Amendment**

The extension of the age limit in the wording of the proposed amendment is to apply to citizens who have "honorably served in the armed forces...during any war to which the United States was a party..." The question is the in the mind of the committee as to whether "honorable service" has the full meaning of "Discharge under honorable con-
dition." This latter wording, which is far more explicit, is found in various forms in state and Federal legislation. Public Law 359, the "Veteran's Preference Act of 1944," for instance extends employment preference to "those ex-service men... who have served on active duty... the armed forces... during any war... and have been separated therefrom under honorable conditions." Chapter 80, Oregon laws of 1943, defines a war veteran as a "citizen... who has been a member of the armed forces... engaged in active service in any war... and who has subsequently been discharged therefrom under honorable conditions." The significant differences between the wording of the proposed amendment and similar existing state and Federal legislation are (a) that the proposed charter amendment does not expressly stipulate that honorable discharge is necessary, nor (b) does it stipulate that the veteran must have been engaged in "active service." The wording is thus open to some criticism as being more loosely drawn than is desirable.

Conclusions
The committee finds that the proposed amendment, although open to criticism as to wording and method as hereinabove stated, is designed to accomplish a worthy objective, namely, the protection of certain civil service rights and privileges of veterans who have served their country honorably. The objections noted are not, in the opinion of the committee, serious enough to justify disapproval of the measure as presently proposed, and this measure must be effective relief from the age restrictions now in the Charter.

Recommendation
Your committee therefore recommends an affirmative vote on the measure which would amend Section 4-106 of the City Charter so as to render eligible for appointment as patrolmen and hosemen veterans, between the ages specified, who have served honorably in the armed forces of the United States.

Respectfully submitted,
Leo Baruh
D. J. Brooks
Henry Bauer
Dr. Milton D. Brunkow
C. Herald Campbell, Chairman

SEWER RENTALS: Rental charges on sewers are now made by 18 per cent of all cities over 10,000 population according to the International City Managers' Association. The Association reports that cities over 250,000 rely almost exclusively upon metered water consumption as the basis of the charge.

TOLEDO TAX: Toledo's one per cent income-pay roll tax continued in effect following a referendum last week in which voters approved city council action in imposing the levy. The tax assesses one per cent of salaries, wages or commissions earned in the city including all business and corporation profits and is effective until December 31, 1950.

CHARTER AMENDMENT
Submitted to the Voters by the Council
An Act to amend the Portland city charter so that when a person's name shall have been on the laid-off list or indefinite sick leave list for a continuous period of more than five years he shall be removed from the list and have no further right of appointment except through a new eligible list, provided that no removal shall occur until six months after the effective date of this provision and that this provision shall not apply to civil service employees who shall have gained a promotional position and be restored to his former position.

SHALL THE CHARTER BE SO AMENDED?

508 Yes, I vote for the amendment.
509 No, I vote against the amendment.

To the Board of Governors of the City Club of Portland:

Gentlemen:

This committee was assigned the duty of analyzing the proposed amendment to the Portland Charter which is known as Section 4-129 LIMIT ON LAID OFF AND INDEFINITE SICK LEAVE LIST.

As the Portland Charter stands today any city employee under Civil Service who is laid off or given sick leave remains on the LAID OFF AND SICK LIST indefinitely. The proposed amendment provides for the removal of an employee's name from the list after he has been continuously on the LAID OFF AND SICK LEAVE LIST for a period of five years.

The amendment reads as quoted above.

The committee used as sources of its investigation the present Portland charter and a list of employees who are at present on LAID OFF AND SICK LEAVE. The committee also had the advantage of the counsel of Mr. Albert D. Vance, assistant to a city commissioner.

After a complete and thorough analysis of the act and its effect on those on the list, the committee unanimously voted for the acceptance of the proposed amendment. This was done after due consideration had been given to the effect the proposed amendment would have on the civil service status of Veterans.

The list of those LAID OFF AND ON SICK LEAVE included men who had been in this status since 1923 and a large number who had been in this status previous to 1933.

It was felt by the committee that the proposed amendment should be recommended because the continuance of the present policy would only tend to work disadvantageously for the citizens of Portland as well as those city workers under civil service.

After thorough investigation and consideration the committee also decided that the proposed amendment, if not passed, would work disadvantageously to veterans inasmuch as the act provides that an individual must be on the SICK OR LAID OFF LIST for a period for more than five years; and, if the present policy stands, returning veterans would be stymied by the long list of men who have been on an inactive status for a long period of time. Those veterans who were taken from their civil service positions into the armed services have been protected by a special ordinance passed by the City Council.
Recommendation

By virtue of the above investigation, this committee unanimously recommends an affirmative vote on this proposed amendment.

Respectfully submitted,

Edward A. Boyrie
Alfred G. Hatch
Joseph J. Labadie
Leon F. Olimstead
Linton Erbland, Chairman

CHARTER AMENDMENT

Submitted to the Voters by the Council

An Act to amend the Portland city charter so as to authorize the Council in its discretion to pay or settle fair and moral obligations barred by charter exemption or governmental immunity, excluding claims unenforceable because of the statute of limitations and pay such claims, and set up procedure for presenting and settling such claims.

SHALL THE CHARTER BE SO AMENDED?

510 Yes, I vote for the amendment.

511 No, I vote against the amendment.

To the Board of Governors
of the City Club of Portland:

Gentlemen:

To your committee has been given resolution No. 22738 of the City Council of Portland, Oregon, for study and report.

This resolution was submitted to the Council by Commissioner Lee on February 26, 1946, and was adopted by the Council on March 7, 1946.

The resolution submits to the legal voters of the City of Portland, Oregon, at the primary election to be held May 17, 1946, the adoption or rejection of a Charter Amendment which would authorize the City Council in its discretion to pay or settle fair and moral obligations barred by charter exemption or governmental immunity.

Hitherto, under the Common Law theory that the King could do no wrong, the City of Portland, Oregon, has been immune from liability for damages sustained, while acting in a governmental capacity. Therefore, no matter how just one’s claim for damages might be; no matter how negligent the City had been, the City Council could not legally pay any such claim for damages, and if the Council did so, its members would be personally liable, at the behest of any taxpayer of the City.

The proposed Charter Amendment allows the City Council in its discretion to legally waive this right of immunity and pay such fair and moral claims as it deems appropriate, provided the claim is submitted in form as requested, setting forth certain factual matters and claimant accepts such settlement in full satisfaction of his claim. However, should any claimant be recompensed by any insurance company, then such claim would be disallowed to that extent, and the insurance company would not be subrogated to the rights of the claimant.

Your committee is heartily in favor of said proposed Charter Amendment in so far as it will allow the City Council to grant relief in worthy cases, especially where a great hardship results to the injured party. However, your committee must call attention to the fact that one who is insured cannot receive compensation for damages sustained and which are paid by an insurance company. To be specific: a lawfully parked car is damaged by a fire truck or police prow! car to the extent of $400. The owner has a $25 deductible insurance coverage. The insurance company pays the owner $375. The owner could present a claim to the City Council for only $25. The insurance company could not present a claim for any amount under its right of subrogation. However, if the owner in question was not insured, he could present his claim for $400, and under the proposed Charter Amendment, the City Council could, if it saw fit, allow the claim for $400.

Your committee also finds from its study and investigation that all just claims are not necessarily, as such, recoverable. The City Council itself determines what amount it will allow the claimant. This fact, to your committee, raises many difficulties and queries. Would the Council give as much attention to damages sustained by a parked car of a tourist, or a non-resident, as to that of a resident taxpayer despite the fact that the claims were equally just? Would the City Council be inclined to listen more attentively to the claim of a popular and influential citizen than to an equally just claim of an unknown citizen?

The members of the City Council are elected to office primarily to conduct the business affairs of the City in an efficient manner. It does not follow that they are equipped with a judicial temperament. In settling these claims, the City Council will in effect be acting as judge, jury, payer of the claim and attorney for the defendant. This conflict of interest is obviously unreasonable. Under our judicial system, the trial court or jury are not concerned with paying the claimant’s damages. Their duties are restricted to ascertaining the facts, determining liability, and such an amount as is reasonable compensation to the injured party.

Your committee further feels that if the City Council diligently and carefully investigates and considers all claims presented, it will be greatly adding to its exalted burdens and responsibilities. The Council will be subjected to much pressure, political or otherwise, by claimants and their friends. This is not as it should be.

Your committee feels that the present Charter Amendment is a step in the right direction, allowing the City Council in its discretion to waive its present immunity as to liability. And, if later, the City Council, by ordinance, or the voters by petition, present to the electorate a charter amendment waiving all immunity and throwing the matter into the laps of the court—where it belongs—then this step would be well taken.

In closing, your committee further feels, as seems to be all too prevalent in the past, that this measure has not been presented to the electorate in sufficient time to permit an intelligent study of the same. As noted herein, it was presented to the City Council on February 26, 1946, by Commissioner Lee. It was adopted by the City Council on March 7, 1946, less than two months and ten days before the electorate was asked to pass upon the proposed Charter Amendment. Your committee was unable to secure a copy of...
the proposed Charter Amendment until the 9th day of April, 1946. Your committee, therefore, has not had sufficient time to ascertain what other cities have done or are doing in the matter and the results of such action.

Recommendation
Your committee recommends an affirmative vote on the proposed Charter Amendment, in hopes that such step may later lead to surrender of immunity and hearing of claims by the courts, as suggested herein.

Respectfully submitted,

Don Eva
Thomas Deiziell
Joseph Peaper
Burdette Erickson
W. K. Royal, Chairman

CHARTER AMENDMENT
Submitted to the Voters by the Council

An Act to amend the Portland city charter by inserting a section providing a 40-hour week of service for certain officers and employees and fixing penalty for extra time.

SHALL THE CHARTER BE SO AMENDED?

504 Yes, I vote for the amendment.

505 No, I vote against the amendment.

To the Board of Governors of the City Club of Portland

Gentlemen:

Your committee appointed to report on the proposed amendment to the City Charter to be voted upon at the May 17th election, quoted above, presents herewith its report. In arriving at its conclusions the committee interviewed a number of officers and employees of the City and consulted others who were deemed qualified to assist in assembling pertinent data and analyzing the issues. Access was also had to the following reference works:

Municipal Year Book: 1943; 1945.

Bureau of Municipal Research, University of Oregon Information Bulletin No. 55, Sept. 1943.


American City: July, 1943; April, 1945.

The foregoing Charter amendment is submitted to the voters by the Council of the City of Portland (Res. No. 22732, adopted March 1, 1946) to make mandatory a 40-hour week for city employees other than firemen.

Mayor Riley, in proposing the resolution, was following a national trend marked by the federal Fair Labor Standards Act of 1938 which sets up a work-week of forty hours for all employees whose labor affects the stream of interstate commerce.

In Portland, all city hall employees, laborers, workmen and mechanics generally, numbering 1357, work 44 hours in a five and one-half week while the police, 554 in number, work 48 hours in a six-day week. (Firemen, 654 in number, being excluded from the proposed amendment are not considered in this committee’s report).

Cities in the same population group for the most part have a work-week for municipal employees of 41 hours or less:

Atlanta, Ga., 41 hrs.
Birmingham, Ala., 40 hrs.
Cincinnati, Ohio, 41 hrs.
Columbus, Ohio, 40 hrs.
Denver, Colo., 41 hrs.
Indianapolis, Ind., 39 hrs.
Kansas City, Mo., 41 hrs.
Louisville, Ky., 39 hrs.
Memphis, Tenn., 41 hrs.
Minneapolis, Minn., 39 hrs.
New Orleans, La., 33 hrs.
Oakland, Calif., 38 hrs.
Rochester, N.Y., 35 hrs.
St. Paul, Minn., 39 hrs.
Seattle, Wash., 40 hrs.
Toledo, Ohio, 40 hrs.

The City Council introduced the 40-hour week briefly in the City Hall only during the period January 16, 1941-September 14, 1941, by changing opening time from 8 a.m. to 8:45 a.m. (Ord. 74638, repealed 8-21-41 by Ord. 75631.) The minutes of the Council show the enacting ordinance favored by four members on the grounds of social advance, increased morale of employees, and non-use by the public of city offices before 8:45 a.m. It was opposed by one commissioner because of the discrimination against outside employees and because the Building Division inspectors had more work than they could handle. The ordinance was repealed without discussion in council meeting, but it has been suggested that the Council deemed it of questionable legality.

Legal Aspects
There is reason to think that the proposed forty-hour week could be effected by the passage of an ordinance rather than by charter amendment. The only limitations on hours of work (other than those of firemen) to be found in the Charter read:

"2:510. All officers and employees receiving pay from this city shall devote their entire time during business hours..."

"...Eight hours shall constitute a day's work for all laborers, workmen and mechanics who may be employed by the city..."

"...Minimum Wages and Hours of Work..."

The City Council, by ordinance, has established business hours and made Saturday a half-holiday, and provided for overtime pay. (Admin. Code, 3:1701 and 3:1702). However, a deputy city attorney asserts that in placing the proposed measure into effect as an ordinance, administrators would be hampered in staggering work schedules by legal questions and problems raised by the charter provisions as to what constitutes a "day's work" and "business hours." There is merit in this contention.

Arguments Favoring Amendment
The arguments in favor of a 40-hour week as envisaged by the proposed amendment are numerous and familiar; for example:

- In general practice in other municipalities.
- In force in federal offices.
- In general business practice.
- Desirable health and morale measure.
- Desirable to meet competition from employees.
- Favoring employment not as efficient as on full-day basis.
Police efficiency increased by shorter work week.

Your committee recognizes the merit of these arguments and is in sympathy with the social aspects thereof.

Arguments Against the Amendment

While favoring the 40-hour work week as one remedy, in length and generation, it is beneficial to the community and the individual, your committee calls attention to this all-important combination of facts: that the amendment, if adopted, is mandatory; that it must take effect on January 3, 1947, at the midpoint of the city's fiscal year; that it will undoubtedly cost money, although no one knows how much; and that no money has been or can be provided to meet the cost at the present time.

City officials and department heads have been unable to submit to the committee any statement of the additional personnel or budget which will be needed under the 40-hour week to maintain city services at the present level. They understand that the individual employee, being paid on a day-to-day basis, will suffer a decrease in pay; they believe that the present clerical staff can be staggered to meet the city's offices five and one-half days a week, if desirable, without loss of efficiency or increase in numbers of workers; they recognize that in the bureau of police particularly, and to some degree in the bureau of health, the bureau of municipal shops, the bureau of maintenance and the bureau of buildings, and perhaps others, there must be an increased number of employees, with increased cost to the city.

The city officials now are preparing the budget for the fiscal year July 1, 1946-June 30, 1947. Budget requests approved by each commissioner for his own departments total $6,295,525. This sum does not include several much-desired items (such as a 20% over-all salary increase for city employees, costing $1,200,000; a uniform-and-equipment allowance for policemen, costing $75,000) and makes no provision for the sum of $300,000 for the new motor fire engine and an added cost for the fire bureaus if the charter amendment respecting firemen's wages and hours is approved; nevertheless, the budget requests total $6,282,881 more than can be raised by authorized tax levies and by expected revenues outside taxes. To meet this situation the budget committee has already (a) eliminated $40,000 proposed for a nurses' home required at the isolation hospital; (b) has reduced the emergency hospital's fund for care of indigents from $35,000 to $25,000 (although $18,000 was spent in the last half-year); (c) has cut the fire bureau's request for two needed pumper, at $30,000, to one pumper at $15,000; (d) has reduced the fire bureau's fund for general repairs (to cover needs accumulated over the war years) from $42,650 to $38,000; (e) has reduced the new equipment requirements of the bureau of public works by $32,900 and eliminated an approved request for a $15,000 building at the Stimson yard; (f) has reduced the amount to be raised under the 4/10 mill levy, approved by the voters for the purpose of park and playground development, by $60,000, so that a like amount can be raised for the general fund under the 6% limitation; and (g) has diverted $35,000 from the funds of the bureau of traffic engineering in order to provide for ten additional policemen. Other changes of like nature will be required, and one commissioner is analyzing present rates of admission taxes on entertainment source, utility franchises, the possibility of taxing hotel and apartment rents, and personal incomes as additional sources of essential revenues.

The present budget request for police bureau payroll, based on a 48-hour week, is $1,611,760. This will tend to increase, for additional policemen are needed. Although no estimates of figures have been compiled by any city official, it is obvious that a shift of 500 or more policemen from a 48-hour week, costing annually $1,611,760, to a 40-hour week will involve a payroll increase of many thousands of dollars.

Conclusion

Although your committee favors the principle of the 40-hour week, the question which confronts the voter is simply this: during the current fiscal year what must Portland give up from a long list of budgetary demands—the nurses' home, the fire pumper, essential replacement of police cars, the forty-hour week for city employees? The question can be answered properly only by experts on the budget (town, the City Council), who must and should weigh one need against another, bearing in mind immediate and future emergencies and long-range civic development.

Your committee submits that the forty-hour week amendment should not have been presented to the people in its present form, but that (1) the city council should require study and reports from each department head, showing exactly how man-power and cost would be affected by a proposed 40-hour week; (2) that after consideration by the council and a determination that a place could be found in the total budget without detriment to the city (3) the measure be proposed to the people with an effective date which, in the event of approval by the voters, would enable the council to make budgetary provision before funds were payable under the new law.

Recommendation

For the reasons given, your committee recommends a negative vote on the proposed amendment; that the ballot be marked opposite 505 "No, I vote against the amendment."

Respectfully submitted,
Burton M. Smith
Carlsile Roberts
Charles A. Kilgore
Warren H. Marple, Chairman

NEW MUNICIPAL PLAN: New York state aid to cities was recognized recently by enactment of major legislation designed to stabilize municipal finances during sharp fluctuations between prosperity and depression, the Council of State Governments reports. The action culminates two years of research and marks the first basic revising of New York state-local fiscal relations in 30 years.
CHARTER AMENDMENT
Submitted to the Voters by the Council

An Act to amend the Portland city charter so as to restrict inspection of civil service examination papers and the
markings thereon.

SHALL THE CHARTER BE SO AMENDED?
506 Yes, I vote for the amendment.
507 No, I vote against the amendment.

To the Board of Governors
of the City Club of Portland:

Gentlemen:

Your committee was asked to report on the proposed amendment quoted above.

The Charter of the City of Portland, as adopted on January 23, 1903, included, among other things, provisions for a Civil Service Board and a complete set of rules and regulations governing the operation of the board. Among the rules and regulations governing the conduct of the board is one providing that all examination papers shall be a matter of public record and open to inspection at all times. It is this provision which the Civil Service Commission seeks to have amended by the citizens of Portland at the coming election.

The present law permitting inspection of examination papers by anyone at any time greatly handicaps the efficient operation of the Civil Service Board. Each time it gives an examination for any classification it is required to compile a completely new set of questions. Thus they are not able to re-use questions which have been tried and proved effective. Instead they are forced to gamble each time upon the scope of the questions and the results obtained therefrom. The present law also imposes considerable clerical burden upon the employees of the Civil Service Board because of the demands made upon them to produce old papers for inspection by interested prospective applicants. Another major objection to operations under the present charter provision is that those applicants who, either through timidity or ignorance, do not look at old papers, are at somewhat of a disadvantage in competing with those who have spent much time and energy in inspecting old examinations.

The committee feels that the attitude of the Civil Service Board and its present members is commendable, in that they are endeavoring to keep Portland’s Civil Service System on a par with those in the most progressive systems throughout the country. They have in their employ one senior technician and six technicians, all of whom are college graduates with degrees in fields designed to make them more effective in performing the duties involved. It unduly burdens the work of these persons to require them to prepare for each examination a new, untried set of questions.

The proposed amendment changes the law to permit inspection of examination papers only by those persons who took the examination and only for a period of time after the results of the examination are officially announced. This is a reasonable change and is fair to all participants.

Recommendation

Your committee has been unable to discover any opposition to this proposed amendment and, indeed, has been unable, in its own deliberations, to arrive at any sound arguments against the amendment. Therefore your committee recommends an affirmative vote on this proposed amendment.

Respectfully submitted,

Harold King
Barney MacNab
Carlisle Roberts
N. L. Easley
Lofton L. Tatum, Chairman

All Charter Amendment Reports approved by Anson S. Frohman, Chairman, Section on Legislation and Elections.

All Charter Amendment Reports accepted by the Board of Governors and ordered printed and submitted to the membership of the City Club for consideration and action May 10, 1946.

PROPOSED FOR MEMBERSHIP AND APPROVED BY THE BOARD OF GOVERNORS

If no objections are received by the Executive Secretary prior to May 24, 1946, the following applicants will be elected:

L. C. BLOOMQUIST
Personnel Director
Equitable Savings and Loan
Proposed by R. A. Kenny

ERNEST J. BUHLINGER
Attorney
Wood, Matthiessen and Wood
Proposed by Mark M. Matthiessen

R. H. COREY
Consulting Engineer
Proposed by L. E. Kuntchanof

J. C. HINSHAW
Editor-Publisher, Milwaukee Review
Proposed by L. B. MacNab

FRANK D. HUNT, JR.
Manager, Esson’s Soap Company
Proposed by R. A. Welch

DR. M. C. SHIFFER
Director, Maternal and Child Care
Oregon State Board of Health
Proposed by W. H. Aufrance

OREGON GROUPS STUDY BUDGETS: Responsible city, county and school officials around Eugene, Ore., have formed an administrative council to work out better means of managing their funds. According to the American Society of Planning Officials, the council is now making a cooperative study of their budgets and is scheduling local projects for the next ten years.