

A BILL

FOR AN ACT CREATING A BOARD OF POLICE AND FIRE COMMISSIONERS IN CITIES OF THE FIRST CLASS HAVING A POPULATION OF MORE THAN SIXTY THOUSAND, AND DEFINING THE POWERS AND DUTIES OF SUCH BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That there is hereby created and established a board of police and fire commissioners in cities of the first class, which according to any state or national census heretofore or hereafter taken, are shown to have a population of more than sixty thousand.

Sec. 2. Said board of police and fire commissioners shall consist of three members, who shall be citizens of the state of Iowa and who shall have been residents of the city in which they are appointed for more than five years next preceding their appointment; they shall, except as hereinafter specified, hold their office for six years and until their respective successors have been appointed and qualified. All vacancies in such board by death, resignation, removal, or for any other cause, shall be filled as soon as practicable in the same manner as provided for appointment. Said commissioners shall receive no compensation for their services.

Sec. 3. Before entering upon the duties of their office, each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the Constitution of the United States and of the state of Iowa, to obey the law in all of his official acts and judgments to aim only to secure and maintain an honest and efficient police and fire force, free from partisan distinction or control, and to perform the duties of his office to the best of his ability, and shall execute a bond payable to the city in which he is appointed, in the penal sum of five thousand dollars, with sureties to be approved by the city council of said city, conditioned upon the faithful performance of the duties of his office. The expense for said bond shall be paid by said city.

Sec. 4. Immediately upon the taking effect of this act, the mayor of such city shall appoint said board of police and fire commissioners provided for in this act, who shall be

3 confirmed by the city council, and the said commissioners so appointed shall hold their office, ;
4 one of them until the first Monday in April, 1904, one of them until the first Monday in April,
5 1906, and one of them until the first Monday in April, 1908; and on the last Monday in
6 March, 1904, and on the same day in each even numbered year thereafter, the mayor shall
7 appoint one commissioner in such city to take the place of the commissioner whose term of
8 office expires the first Monday in April following such appointment, and the member so
9 appointed shall serve for the term of six years following the said first Monday in April. The
10 chairman of the board for each biennial period shall be the member whose term first expires.
11 The said commissioner shall be selected from the two leading political parties, so that, as far
12 as practicable, two members of the board shall be members of the dominant political party
13 and one member of the board shall be a member of the political party next in numerical
14 strength, as shown by the votes cast at the last state or national election. And any commis-
15 sioner who during his term of office becomes a candidate for or accepts any other place of
16 public trust or emolument, or who during the same period knowingly consents to his nomina-
17 tion for any office elective by the people, or fails to publicly decline the same within twenty
18 days succeeding such nomination, shall be deemed to have hereby vacated his office, and a
19 successor shall be appointed as provided in this act. The majority of said board shall consti-
20 tute a quorum for the transaction of business. Any of said commissioners may be removed
21 for misconduct or malfeasance in office, by the mayor of said city, with the consent and
22 approval of a majority of the city council.

Sec. 5. Said board shall, on the first Monday of April and October of each year, or oftener
1 if they shall deem it necessary, under such rules and regulations as it may prescribe, hold
2 examinations for the purpose of determining the qualifications of applicants for positions on
3 the police and fire force of said city, which examinations shall be practical in their character
4 and shall relate to those matters which will fairly test the fitness of the persons examined to
5 discharge the duties of the position to which they seek to be appointed; such examinations
6 shall cover the physical, as well as other qualifications of the applicants. Said board shall, as
7 soon as possible after such examinations, certify to the chief of police and the chief of the fire
8 department the names of the ten persons who, according to its records, have the highest
9 standing as a result of said examination, and all vacancies which occur in the police and fire
10 force prior to the date of the next regular examination shall be filled from said list so certified;
11 provided, however, that should said list for any cause become reduced to less than three, then
12 the chief of police or the chief of the fire department, as the case may be, may temporarily fill

13 a vacancy until the next examination of the board.

14 In all examinations and appointments under the provisions of this act honorably dis-
15 charged soldiers, sailors or marines of the regular or volunteer army or navy of the United
16 States shall be given a preference, if otherwise qualified.

Sec. 6. The officers of the police force in said city shall be a marshal, who shall be *ex*
2 *officio* chief of police, and shall be appointed by the mayor of said city, and such other officers
3 as the city council may designate; and the officers of the fire department shall be a chief of
4 the fire department, who shall be elected by the city council, and such other officers as the
5 city council may designate. The city council of said city shall fix the salary of the marshal
6 and of the chief of the fire department, and shall fix the number of policemen and firemen for
7 the police and fire force, and shall fix the salaries to be paid to each. The city council shall
8 also provide a suitable room in which the said board of police and fire commissioners may
9 hold its meetings, and the board may appoint a clerk, whose salary shall be fixed by the city
10 council. Said board shall keep a record of all its meetings and proceedings.

Sec. 7. As soon as practicable after the passage of this act the chief of police shall appoint
2 the police force for said city and the chief of the fire department shall appoint the fire force
3 for said city. In the first instance the chief of police and the chief of the fire department may
4 appoint on the police and fire force, without examination, the persons who have been in the
5 employ of the city in these capacities for more than three consecutive years next preceding the
6 creation of said board, and as soon as said appointments are made the chief of police and chief
7 of the fire department shall notify the board of the number of policemen or firemen necessary
8 to fill his department, and the board shall proceed to hold an examination of applicants for
9 said positions, and at this examination the board may consider the experience and service in
10 the case of persons who are on the police and fire force of said city at the time of the passage
11 of this act, and if said persons are found to have been efficient, and are otherwise qualified, they
12 shall be given a preference for continuance in such employment or place. The board shall
13 certify to the chief of police and the chief of the fire department a list of persons double the
14 number necessary to fill said force, who have passed a satisfactory examination, and who by
15 its records have the highest standing as the result of said examination, from which list the
16 chief of police and chief of the fire department shall appoint the number necessary to fill his
17 respective force, and thereafter additions to said police and fire force, and removals therefrom,
18 shall be made only in accordance with other sections with this act.

Sec. 8. All police officers and policemen, except the chief of police, and all firemen, except

2 the chief of the fire department, shall be subject to removal by the board of police and fire
3 commissioners for misconduct or failure to perform their duty, under such rules and regulations
4 as may be adopted by said board whenever said board shall consider and declare said removal
5 necessary for the proper management or discipline of said department; but the chief of police
6 or the chief of the fire department may peremptorily suspend or discharge any member of his
7 force for misconduct or neglect of duty or disobedience of orders; provided, that any person so
8 suspended or discharged, within five days thereafter may appeal to said board and said board
9 shall investigate the causes of his removal or discharge, and if the same are found insufficient,
10 he shall be reinstated.

11 The board shall have the power to enforce the attendance of witnesses and the production
12 of books and papers and to administer oaths in the same manner and with like effect and under
13 the same penalties as in the case of magistrates exercising civil or criminal jurisdiction under
14 the statutes of Iowa.

Sec. 9. No person shall be appointed or employed on the police or fire force of said city
2 who is not a citizen of the United States and who has not been a resident of said city for more
3 than one year next preceding said appointment, and who is not able to read and write the
4 English language, and who is not of good moral character or who is addicted to the use of
5 intoxicating liquor as a beverage. No member of said police or fire force shall directly or
6 indirectly contribute any money to any person for nomination or election purposes, and no
7 person shall be appointed to or removed from said police or fire force on account of his political
8 beliefs.

Sec. 10. Any person violating the provisions of this act shall be guilty of a misdemeanor,
2 and upon conviction shall pay a fine not to exceed one hundred dollars (\$100), or be imprisoned
3 in the county jail not to exceed thirty days.

Sec. 11. All acts or parts of acts inconsistent or in conflict with this act are hereby repealed.

Sec. 12. This act, being deemed of immediate importance, shall take effect and be in force
2 from and after its publication in the Iowa State Register and Des Moines Leader, newspapers
3 published in Des Moines, Iowa.