signed a voucher, payroll, check or warrant for such payment or from the sureties on the official bond of any such officer. The citizen bringing the action shall be entitled to the costs of suit, including a reasonable attorney's fee from any money recovered in such action. The balance of any sums recovered shall be paid into the city's treasury.

(b) Any person appointed or employed in contravention of any provision of this chapter or of the regulations thereunder who performs service for which he is not paid may maintain an action against the officer or officers who purported so to appoint or employ him to recover the agreed pay for such services or the reasonable value thereof if no pay is agreed upon. No officer shall be reimbursed at any time by the city for any sum paid to such person on account of such services.

ARTICLE VI

EXECUTIVE BRANCH—MANAGING DIRECTOR AND AGENCIES DIRECTLY UNDER THE MANAGING DIRECTOR

CHAPTER 1

MANAGING DIRECTOR

Section 6-101. Managing Director—

1. There shall be a managing director who shall be appointed and may be removed by the mayor. He shall be the principal management aide of the mayor. He shall have had at least five years of such training and experience either in public service or private business as shall qualify him to perform the executive duties of his office.

2. The position of the managing director shall be in the office of the mayor.

3. The salary of the managing director shall be $16,000.00 per annum which shall be subject to change by the council. The salary of any incumbent shall be reduced only in the event that a general reduction in salaries of all city officers and employees is simultaneously effected.

4. Should the mayor fail to appoint a managing director within six months of the effective date of this charter, or within ninety days of the occurrence of any vacancy in the position, unless such periods are extended by the council, the council shall make the appointment but the power to remove the managing director shall nevertheless be vested in the mayor.

The salary of the managing director will be determined by this provision and not by the position classification plan. Op 59-84. If the mayor desires to have the incumbent management aide to the mayor serve as managing director, the mayor must appoint such person as the managing director. Op 59-84. Act 94, SLH 1959, amending §149-86, RLH 1955, relating to general power of the council is not inconsistent. Op 60-54.

Section 6-102. Powers, Duties and Functions—The managing director shall:

(a) Supervise the heads of all executive agencies except the agencies under the direct supervision of the mayor.

(b) Inform himself and keep the mayor advised concerning the operations of all executive agencies under his supervision, and make, or cause to be made, investigations and studies of the internal organization and

procedures of any such executive agency and may require such reports from any of them as he deems necessary.

(c) Prescribe standards of administrative practice to be followed by all executive agencies under his supervision.

(d) Attend meetings of the council or of any board or committee when requested by the mayor.

(e) Attend meetings of the council and its committees upon request and make available such information as they may require.

(f) Perform all other duties required of him by this charter or assigned to him in writing by the mayor.

The safety program administrator reports to the managing director. Op 59-54. When the chief engineer has been requested by the council to make a study on any matter, he should transmit his report to the council through the mayor's office. Op 59-94. Requests by the general public for services for which no appropriation has been made should be referred by the operating departments to the mayor for further dispostiion. Op 59-103.

CHAPTER 2

DEPARTMENT OF PUBLIC WORKS

Section 6-201. Organization—There shall be a department of public works which shall be headed by a chief engineer.

Section 6-202. Chief Engineer—The chief engineer shall be appointed and may be removed by the mayor. He shall be a registered professional engineer and shall have had a minimum of five years of training and experience in an engineering position, at least three years of which shall have been in a responsible administrative capacity.

The salary of the chief engineer will be fixed by the council upon recommendation of the mayor. Op 59-52.

Section 6-203. Powers, Duties and Functions—The powers, duties and functions of the department of public works existing at the effective date of this charter, except those which have been transferred by provisions of this charter, shall be exercised and performed by the department until changed or modified pursuant to the provisions of this charter.

The divisions of traffic safety and street lighting are abolished and the powers, duties and functions thereof are transferred to the department of traffic. Op 59-52. Personnel of the traffic safety and street lighting divisions are transferred to the department of traffic. Op 59-52. Positions within the division of road maintenance may be administratively assigned within the division without prior approval of the mayor or council. Op 60-12.

CHAPTER 3

BUILDING DEPARTMENT

Section 6-301. Organization—There shall be a building department which shall be headed by a building superintendent.

Section 6-302. Building Superintendent—The building superintendent shall be appointed and may be removed by the mayor. He shall be a registered architect or a registered professional engineer and shall have had a minimum

of five years of training and experience in an architectural or engineering position, at least three years of which shall have been in a responsible administrative capacity.

The building superintendent will be appointed by the mayor without the necessity of confirmation by the council but the present incumbent will continue in office until January 2, 1961. Op 59-70.

Section 6-303. Powers, Duties and Functions—The powers, duties and functions of the building department existing at the effective date of this charter shall be exercised and performed by the department until changed or modified pursuant to the provisions of this charter.

The powers, duties and functions of this department are substantially unchanged. Op 59-70.

CHAPTER 4

FIRE DEPARTMENT

Section 6-401. Organization—There shall be a fire department which shall be headed by a fire chief.

Section 6-402. Fire Chief—The fire chief shall be appointed and may be removed by the mayor. He shall have had a minimum of five years of training and experience in a fire department, at least three years of which shall have been in a responsible administrative capacity.

The fire chief will be appointed by the mayor without the necessity of confirmation by the council but the present incumbent will continue in office until January 2, 1961. Op 59-68.

Section 6-403. Powers, Duties and Functions—The powers, duties and functions of the fire department existing at the effective date of this charter shall be exercised and performed by the department until changed or modified pursuant to the provisions of this charter.

The powers, duties and functions of the fire department are substantially unchanged. Op 59-68.

CHAPTER 5

DEPARTMENT OF TRAFFIC

Section 6-501. Organization—There shall be a department of traffic which shall be headed by a traffic engineer.

The salary of the traffic engineer will be fixed by the council upon the recommendation of the mayor. Op 59-52. The division of traffic safety and street lighting are abolished and the powers, duties and functions thereof are transferred to the department of traffic. Op 59-52.

Section 6-502. Traffic Engineer—The traffic engineer shall be appointed and may be removed by the mayor. He shall have had a minimum of five years of training and experience in a traffic engineering position, at least three years of which shall have been in a responsible administrative capacity in charge of major traffic engineering activities.

Section 6-503. Powers, Duties and Functions—The powers, duties and functions of the department of traffic shall include the approval of plans and

designs for the construction, reconstruction and widening of public streets, all of which shall be submitted to the department; the determination of the location and the installation, maintenance and repair of traffic control facilities and devices and street lighting systems; traffic engineering; educational programs; the promulgation of regulations having the force and effect of law pursuant to standards established by ordinance and such other duties not inconsistent with the functions of the department as may be assigned by the mayor.

The traffic engineer is responsible for publicly advertising and calling for bids for the construction of street lighting systems. Op 60-9.

CHAPTER 6

DEPARTMENT OF PARKS AND RECREATION

Section 6-601. Organization—There shall be a department of parks and recreation consisting of a director who shall be the head of the department and a board of nine members.

Section 6-602. Appointment of Director—The director of parks and recreation shall be appointed and may be removed by the mayor. He shall have had a minimum of five years of training and experience in a parks and recreation position or related fields, at least three years of which shall have been in a responsible administrative capacity.

The director will be appointed by the mayor without the necessity of confirmation by the council and his term of office will be coterminous with that of the mayor. Op 59-69.

Section 6-603. Powers, Duties and Functions of the Department—The department shall:

(a) Plan, design, construct, maintain and operate all parks and recreational grounds, facilities and programs of the city.

(b) Plant, trim and maintain all shade trees, hedges and shrubs on public streets of the city.

The city has the power to trim trees growing on or extending over public streets. Op 59-144, Op 60-56.

Section 6-604. Appointment of the Board—Members of the board of department of parks and recreation shall be appointed by the mayor with the approval of the council and shall serve for four years.

Act 94, SLH 1959, amending §149-86, RLH 1955, relating to general power of the council is not inconsistent. Op 60-54.

Section 6-605. Powers, Duties and Functions of the Board—The board shall:

(a) Advise the mayor, the council, and the director of parks and recreation on matters concerning parks and recreation.

(b) Recommend to the director of parks and recreation annually a schedule of improvements to be undertaken in each of the six succeeding years for the location, extension, and development of parks and recreational areas, which schedule shall be given due consideration by the director in formulating his portion of the proposed capital program of the city.

(c) Perform such other related advisory duties as may be assigned to the board by the mayor or council.

The board of department of parks and recreation is advisory. Op 59-69. Act 106, SLH 1959, amending §151-14, RLH 1955, relating to disbursements of money appropriated to the use of the board of parks and recreation is inconsistent and is therefore superseded. Op 59-209.

CHAPTER 7

PROSECUTING ATTORNEY

Section 6-701. Appointment and Removal—There shall be a prosecuting attorney who shall be appointed by the mayor. He may be removed by the mayor only after being given a written statement of the charges against him.

The prosecuting attorney will be appointed by the mayor without the necessity of confirmation by the council but the present incumbent will continue in office until January 2, 1961. Op 59-58.

Section 6-702. Qualification—The prosecuting attorney shall be an attorney licensed to practice and in good standing before the supreme court of the Territory and who shall have engaged in the practice of law in the Territory for at least five years.

Section 6-703. Powers, Duties and Functions—The prosecuting attorney shall:

(a) Attend all courts in the city and conduct on behalf of the people all prosecutions therein for offenses against the laws of the Territory and the ordinances and regulations of the city.

(b) Prosecute offenses against the laws of the Territory under the authority of the attorney general of the Territory.

(c) Appear in every criminal case where there is a change of venue from the courts in the city and prosecute the same in any jurisdiction to which the same is changed or removed. The expense of such proceeding shall be paid by the city.

(d) Institute proceedings or direct the chief of police to do so before the district magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed, and for that purpose take charge of criminal cases before the district magistrates, either in person or by a deputy, or by such other prosecuting officer as he shall designate; draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before district magistrates or courts of record under the direction of the prosecuting attorney.

The powers, duties and functions are substantially unchanged although the title is changed to prosecuting attorney. Op 59-58.

Section 6-704. Investigators—

1. The prosecuting attorney may appoint investigators who shall have all the powers and privileges of a police officer of the city.

2. At the request of the prosecuting attorney one or more officers of the police department shall be detailed by the chief of police for the purpose of

doing necessary investigative work and who shall continue to serve on such detail during the pleasure of the prosecuting attorney and as long as the necessity of such detail exists.

CHAPTER 8

DEPARTMENT OF HEALTH

Section 6-801. Organization—There shall be a department of health which shall be headed by the city and county physician.

Section 6-802. City and County Physician—The city and county Physician shall be appointed and may be removed by the mayor. He shall be a licensed physician who shall have engaged in the practice of medicine in the Territory for at least five years.

The city and county physician will be appointed by the mayor without the necessity of confirmation by the council but the present incumbent will continue in office until January 2, 1961. Op 59-51.

Section 6-803. Powers, Duties and Functions—The powers, duties and functions of the department of health existing at the effective date of this charter, except those of the coroner's physician, shall be exercised and performed by the department until changed or modified pursuant to the provisions of this charter.

The powers, duties and functions of the health department are substantially unchanged, except that billing and collecting will be performed by the director of finance or under his authority. Op 59-51. The functions of the coronor's physician on and after January 2, 1961, will no longer be exercised by the city and county physician but will be performed by the medical examiner. Op 59-51.

CHAPTER 9

MEDICAL EXAMINER

Section 6-901. Appointment and Removal—There shall be a medical examiner who shall be appointed by the mayor and who may be removed only for cause after being given a written statement of the charges against him and a hearing before the council thereon, if he so requests.

Section 6-902. Qualifications—The medical examiner and any deputy medical examiner shall be licensed physicians and pathologists.

Section 6-903. Powers, Duties and Functions—The medical examiner shall perform the duties imposed upon and have the power vested in the coroner and the coroner's physician of the city by law, where not in conflict with the provisions of this chapter.

The functions of the coroner's physician on and after January 2, 1961, will no longer be exercised by the city and county physician but will be performed by the medical examiner. Op 59-51.

Section 6-904. Office Always Open—The office of the medical examiner shall be kept open every day in the year, including Sundays and legal holidays.

Section 6-905. Notification of Death—When any person dies in the city as a result of violence, or by a casualty or by apparent suicide, or suddenly when

in apparent health, or when not under the care of a physician, or when in jail or in prison, or within twenty-four hours after admission to a hospital or in any suspicious or unusual manner, it shall be the duty of the person having knowledge of such death immediately to notify the office of the medical examiner and the police department.

Section 6-906. Investigations by the Medical Examiner—Immediately upon receipt of such notification the medical examiner shall go to the body and take charge of it and shall make a full investigation concerning the medical cause of death. He shall also take possession of all property of value found upon such person, make an exact inventory and surrender the property except such items as are necessary to determine the cause of death, to the chief of police. All property, when no longer needed for medical or police purposes, shall be returned to the person entitled to its custody or possession. No person shall move the corpse or remains of any deceased person appearing to have come to death under any of the circumstances set forth in this chapter without the prior approval of the medical examiner and the chief of police.

Section 6-907. Autopsies—If, in the opinion of either the medical examiner or the prosecuting attorney, an autopsy is necessary, the autopsy shall be performed by the medical examiner. A detailed description of the findings of such autopsy and the conclusions drawn therefrom shall be filed in the office of the medical examiner.

Section 6-908. Records—The medical examiner shall keep full and complete records of all deaths resulting under the circumstances set forth in this chapter and promptly deliver to the prosecuting attorney and the chief of police copies of all such records.

Section 6-909. Oaths—The medical examiner and any deputy medical examiner may administer oaths and affirmations, take affidavits and make examinations as to any matter within the jurisdiction of the office, but may not summon a jury of inquisition.

ARTICLE VII

EXECUTIVE BRANCH—POLICE DEPARTMENT

Note: Act 34, SLH 1959, amending §150-13, RLH 1955, relates to car allowances.

Section 7-101. Organization—The organization of the police department shall be as provided by law.

Section 7-102. Police Commission—The composition of the police commission and the appointment, removal, qualifications and terms of office of the members shall be as provided by law.

Section 7-103. Departmental Rules—The police commission shall adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law. Except for purposes of inquiry, however, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.

Section 7-104. Appointment and Removal of the Chief of Police—The