

Declassified E.O. 12356 Section 3.3/NND No.

785017

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10000/109/1472

Declassified E.O. 12356 Section 3.3/NND No.

785017

10000/109/1472

TITLES, MAYORS & PRESIDENTS
FEB., MAR. 1944

ALLIED CONTROL COMMISSION

ADMINISTRATIVE INSTRUCTION NO

SUBJECT: Reorganization of Provincial and Communal Administration.

TO: All Provincial Commissioners.

1. In order to restore Provincial and Municipal Administration to a pre-Fascist level, and in the interest of securing uniformity in the form and structure of local government, the following instructions are laid down for immediate application in each individual province.
2. The various government officers and organs herein mentioned derive their powers and functions from certain fundamental laws embodied in a Unified Text of Municipal and Provincial Laws of 1915, N. 148. It is necessary to revise certain provisions of these laws which were superseded or repealed under fascism. It will be found that local officials are conversant with the legislation and procedure in regard to local government bodies, and, upon issuance of the attached General Order (Appendix A), can proceed with its immediate execution.

3. The top position in provincial administration is that of Prefect. Next in order come the Vice-Prefect and Vice-Prefect Inspector (Vice Prefetto Ispettore). When the post of Prefect is vacant, and a suitable official of the necessary grade and qualifications is not available, a person must be nominated to the position who, beside the requisite executive ability, should have a suitable political background. The same principle applies when a vacancy exists for a Vice-Prefect and no suitable career official is available for appointment.

4. In both instances nominations, supported by information as to the qualifications of nominees, are to be submitted to the Regional Commissioner for transmission through channels for approval by the Chief Commissioner (RCCG Section C, Branch).

5. The selection of officials outside the civil service, as an emergency measure, is warmly recommended, for the choice of public spirited men with personality and universally accepted probity should not only enable the system of indirect rule to be greatly extended, but also infuse into the organs of local government a fresh vitality.

6. A table of administrative grades of civil service career officials is attached for information (Appendix B).

2. The various government officers and organs herein mentioned derive their powers and functions from certain fundamental laws embodied in a Unified Text of Municipal and Provincial Laws of 1915, N. 148. It is necessary to revise certain provisions of these laws which were superseded or repealed under fascism. It will be found that local officials are conversant with the legislation and procedure in regard to local government bodies, and, upon issuance of the attached General Order (Appendix A), can proceed with its immediate execution.

3. The top position in provincial administration is that of Prefect. Next in order come the Vice-Prefect and Vice-Prefect Inspector (Vice Prefetto Ispettore). When the post of Prefect is vacant, and a suitable civil service career official or the necessary grade qualifications is not available, a person must be nominated to the position who, beside the requisite executive ability, should have a suitable political background. The same principle applies when a vacancy exists for a Vice-Prefect and no suitable career official is available for appointment.

4. In both instances nominations, supported by information as to the qualifications of nominees, are to be submitted to the Regional Commissioner for transmission through channels for approval by the Chief Commissioner (RCMG Section C4 Branch).

5. The selection of officials outside the civil service, as an emergency measure, is warmly recommended, for the choice of public spirited men with personality and unswervingly accepted probity should not only enable the system of indirect rule to be greatly extended, but also infuse into the organs of local government a fresh vitality.

6. A table of administrative grades of civil service career personnel in the Prefecture is attached for information (Appendix B), together with a chart outlining local government organization in relation to the Ministry of the Interior (Appendix C).

7. The principal organs of provincial government which are to be revived in consultation with the Prefect are the following:

a) CONSIGLIO DI PREFETTURA ("Prefectural Council"): It is normally composed of the Prefect or his substitute, who presides, and two senior Councillors ("Consiglieri") of the Prefecture. Its powers

and

"1"

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and functions are principally advisory and are regulated by specific laws, although the Prefect may request the opinion of the Council on any matter. It also has certain functions relating to the approval of accounts of communes and certain institutions, in which capacity its composition is enlarged to include additional officials.

b) GIUNTA PROVINCIALE AMMINISTRATIVA ("Provincial Administrative Board"): The formation and functions of this body are regulated by a series of laws and regulations which date from 1865. It is composed of ten members with the Prefect or his substitute as President of the Board, and includes the following officials of the Prefecture: a Vice-Prefect Inspector, two Councillors, the Chief Accountant ("Ragioniere Capo") and the Intendant of Finance ("Intendente di Finanze"). The remaining four members are citizen appointees chosen from experts in legal administrative or technical matters, nominated by the Prefect and approved by the Provincial Commissioner acting for Allied Control Commission.

c) DEPUTAZIONE PROVINCIALE ("Provincial Deputation"): This body is revived to replace the fascist-created Rettorato, the latter body being now abolished. In pre-fascist provincial government, the Deputation was normally appointed by, and from among the members of, a larger elected body known as the Consiglio Provinciale ("Provincial Council"). For present purposes, since the elective Consiglio is not possible at this time, the Deputation is to be nominated by the Prefect and approved by the Provincial Commissioner on behalf of the Allied Control Commission. It consists of a President and ten unpaid citizen members. The President is also the Head of Provincial Administration ("Capo dell'Amministrazione Provinciale"). In provinces of less than six hundred thousand inhabitants, the number of members is reduced. The duties and powers are regulated by the Unified Text of 1915, above mentioned, which should be consulted if further details are required.

8. Municipal Administration is to be organized as follows:

a) SINDACO: In place of "Podestà" the democratic title of "Sindaco" (Mayor) must be universally adopted. As it is not possible to revive the electoral system at this time, new appointments or changes in the position of Mayor will be made by the Prefect who will issue a regular decree for this purpose after the person nominated has been approved by the Provincial Commissioner acting for the Allied Control Commission. Appointments of Vice-Sindaci are to be similarly effected.

b) SEGRETERIO COMUNALE ("Town Clerk"): This official is a civil servant and cannot be appointed mayor, nor be lightly dismissed. The Prefect has full power to effect transfers, retirements, and appointments of Town Clerks, and changes should be effected only through him.

Include here "Ragioniere Capo" as title.

Board"): The formation and functions of this body are regulated by a series of laws and regulations which date from 1865. It is composed of ten members with the Prefect or his substitute as President of the Board, and includes the following officials of the Prefecture: a Vice-Prefect Inspector, two Councillors, the Chief Accountant ("Ragioniere Capo") and the Intendant of Finance ("Intendente di Finanza"). The remaining four members are citizen appointees chosen from experts in legal administrative or technical matters, nominated by the Prefect and approved by the Provincial Commissioner acting for Allied Control Commission.

c) DEPUTAZIONE PROVINCIALE ("Provincial Deputation"): This body is revived to replace the fascist-created Rettorato, the latter body being now abolished. In pre-fascist provincial government, the Deputation was normally appointed by, and from among the members of, a larger elected body known as the Consiglio Provinciale ("Provincial Council"). For present purposes, since the elective Consiglio is not possible at this time, the Deputation is to be nominated by the Prefect and approved by the Provincial Commissioner on behalf of the Allied Control Commission. It consists of a President and ten unpaid citizen members. The President is also the Head of Provincial Administration ("Capo dell'Amministrazione Provinciale"). In provinces of less than six hundred thousand inhabitants, the number of members is reduced. The duties and powers are regulated by the Unified Text of 1915, above mentioned, which should be consulted if further details are required.

8. Municipal Administration is to be organized as follows:

a) SINDACO: In place of "Podesta" the democratic title of "Sindaco" (Mayor) must be universally adopted. As it is not possible to revive the electoral system at this time, new appointments or changes in the position of Mayor will be made by the Prefect who will issue a regular decree for this purpose after the person nominated has been approved by the Provincial Commissioner acting for the Allied Control Commission. Appointments of Vice-Sindaci are to be similarly effected.

b) SEGRETERIO COMUNALE ("Town Clerk"): This official is a civil servant and cannot be appointed mayor, nor be lightly dismissed. The Prefect has full power to effect transfers, retirements, and appointments of Town Clerks, and changes should be effected only through him under the standing procedure which must be closely followed.

c) GIUNTA COMUNALE ("Municipal Board of Aldermen"): This body is revived to replace the fascist-created Consulta Comunale. Normally, as in the case of the Provincial Deputation, its members, called "assessori" ("Aldermen"), would be selected by, and from among the members of, an elected Consiglio Comunale ("Municipal Council"). Under

present

present emergency conditions, the Giunta Comunale is to be nominated by the Mayor with the concurrence of the Provincial Commissioner or Provincial Officer, and the appointments confirmed by the Prefect of the Province. The numerical composition of the Giunta varies according to population as follows:

INHABITANTS	ASSESSORI (ALDERMEN)
Over 250,000	10
" 60,000	8
" 30,000	6
" 3,000	4
Smaller Communities	2

In order to cope with exceptional conditions, however, Provincial Commissioners may consider it advisable to increase the number at their discretion. The above-mentioned Unified Text of 1915 defines the appointment, powers, duties, and responsibilities of Mayors and Town Councils.

9. In the selection of members of the above agencies, consideration should be given to various shades of political opinion. Labor and agriculture, including the small farmers, must be adequately represented.

10. For the purpose of securing a proper understanding and a uniform application of these instructions, as well as other matters affecting local government, meetings of all Provincial Commissioners will be held at regular intervals. Similar meeting of all Prefects will also be held in order to assure a uniform application of the attached General Order (Appendix A) which is being issued to all Prefects in this Region.

11. In conformity with the above, from now onwards, all Provincial and Municipal Decrees and Orders must be issued in the name of the Prefect or local Mayor respectively and bear only the "VISTO" of the Provincial Commissioner or Provincial Officer concerned.

Regional Commissioner

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- (APPENDIX A - REVISED)

ALLIED CONTROL COMMISSION

REGION HEADQUARTERS

REGIONAL ORDER

No. _____

Date _____

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 March, 1934, n. 385, does not conform to the altered political situation; and

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February, 1915, n. 146, is considered to conform more nearly to liberal and democratic principles and to the free political conscience of the people; and

WHEREAS it is not possible at present to conduct public administrative elections, as would be necessary if full effect were given to said Unified Text of 3 February, 1915, n. 146, and

WHEREAS, therefore, it is considered advisable to issue temporary regulations for the functioning of municipal and provincial administration, insofar as the aforesaid Unified Text cannot be applied in full; and

WHEREAS said Unified Text of 1915 contains provisions that permit in exceptional circumstances, the substitution of the Giunta Municipale for the Consiglio Comunale, and of the Deputazione Provinciale for the Consiglio Provinciale, which provisions may at present be given effect in general terms; and

WHEREAS, therefore, in view of the present exceptional circumstances, and as a temporary measure, it is necessary to issue regulations only for the appointment of Mayors, members of the Giunta Municipale, President of Provincial Administration, and members of the Deputazione Provinciale;

BY VIRTUE OF the powers conferred on me; I;

_____, Regional Commissioner, do hereby

ORDER

1. The Mayor shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Control Commission.

political situation; and

WHEREAS the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February, 1915, n. 148, is considered to conform more nearly to liberal and democratic principles and to the free political conscience of the people; and

WHEREAS it is not possible at present to conduct public administrative elections, as would be necessary if full effect were given to said Unified Text of 5 February, 1915, n. 148, and

WHEREAS, therefore, it is considered advisable to issue temporary regulations for the functioning of municipal and provincial administration, insofar as the aforesaid Unified Text cannot be applied in full; and

WHEREAS said Unified Text of 1915 contains provisions that permit in exceptional circumstances, the substitution of the Giunta Municipale for the Consiglio Comunale, and of the Deputazione Provinciale for the Consiglio Provinciale, which provisions may at present be given effect in general terms; and

WHEREAS, therefore, in view of the present exceptional circumstances, and as a temporary measure, it is necessary to issue regulations only for the appointment of Mayors, members of the Giunta Municipale, President of Provincial Administration, and members of the Deputazione Provinciale;

BY VIRTUE OF the powers conferred on me: I:

Regional Commissioner, do hereby

ORDER

1. The Mayor shall be appointed by the Prefect, subject to approval of the Allied Control Commission.
2. The Giunta Municipale shall be appointed by the Prefect, subject to the authorization of the Allied Control Commission.
3. Each Province shall have a President and a Deputazione Provinciale.
4. The President shall be the Head of Provincial Administration and president of the Deputazione Provinciale.
5. The President shall be appointed by the Prefect, subject to approval of the Allied Control Commission.
6. The members of the Deputazione Provinciale shall be appointed by the Prefect, subject to approval of the Allied Control Commission.

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7. Until such time as the Consiglio Comunale and the Consiglio Provinciale shall have been constituted, the Giunta Municipale shall be substituted for the Consiglio Comunale, and the Deputazione Provinciale for the Consiglio Provinciale; and the Deputazione Provinciale shall retain all other powers normally vested in them by the aforesaid Unified Text of Communal and Provincial Laws of 1915.

8. To the grounds for ineligibility established by the Unified Text of 1915 is hereby added the following: No one is eligible for appointment to the office of Mayor, Assessor (member of the Giunta Municipale), President of provincial administration and of the Deputazione Provinciale, or Delegate (member of the Deputazione Provinciale), if he has held an office in the Fascist Party.

9. All other provisions of the Unified Text of Communal and Provincial Laws approved by Royal Decree of 3 February 1915, n. 148, shall be and remain in full force and effect, to the extent that they are not in conflict with the present order or with special regulations issued or to be issued by the Allied Control Commission.

10. In the application of the provisions of the foregoing articles, and for the solution of general problems of interpretation arising thereunder, rulings may be issued by the Allied Control Commission, which will have the same effect as this order.

Distribution:

Regional Commissioner

COMMISSIONE ALLEATA DI CONTROLLO
Quartiere Generale Regionale della

ORDINE UFFICIALE

NO. _____

RITENUTO che il T. U. della legge comunale e provinciale, approvato con R. D. 3 marzo 1934, n. 385, non risponde alla mutata situazione politica;

CONSIDERATO che si dimostra opportuno richiamare in vigore, per quanto e' possibile, il T. U. della legge comunale e provinciale, approvato con R. D. 3 febbraio 1915 n. 148, come quello, che risponde ai principi democratici liberali ed alla libera coscienza politica delle popolazioni;

CHE non e' possibile, per il momento, indire le elezioni amministrative, che costituiscono il presupposto della piena applicazione del citato T. U. del 3 febbraio 1915 n. 148;

RITENUTA, pertanto, la opportunita' di dettare norme transitorie per il funzionamento delle amministrazioni comunali e provinciali, se ed in quanto non possa trovare piena applicazione il ripetuto T. U. ;

CONSIDERATO che, il ripetuto T. U. del 1915 contiene norme, che consentono, in via di eccezione, la sostituzione della Giunta Municipale al Consiglio Comunale e della Deputazione Provinciale al Consiglio Provinciale, alle quali, nell'attuale momento, si puo' dare applicazione in termini generali;

CHE, pertanto, in via di eccezione, e sempre con carattere transitorio, occorre soltanto dettare le norme per la nomina dei Sindaci, delle Giunte Municipali, del Presidente dell'Amministrazione Provinciale e della Deputazione Provinciale;

VALENDOMI dei poteri conferitimi, io, _____,
Commissario Regionale

ORDINO

1. Il Sindaco e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.
2. La Giunta Municipale e' nominata dal Prefetto, previa autorizzazione della Commissione Alleata di Controllo.
3. Ogni Provincia ha un Presidente ed una Deputazione Provinciale.
4. Il Presidente e' capo dell'Amministrazione Provinciale e presidente della Deputazione Provinciale.

ed alla libera coscienza politica delle popolazioni;
CHE non e' possibile, per il momento, indire le elezioni amministrative, che costituiscono il presupposto della piena applicazione del citato T. U. del 3 febbraio 1915 n. 148;

RITENUTA, pertanto, la opportunita' di dettare norme transitorie per il funzionamento delle amministrazioni comunali e provinciali, se ed in quante non possa trovare piena applicazione il ripetuto T. U. ;

CONSIDERATO che, il ripetuto T. U. del 1915 contiene norme, che consentono, in via di eccezione, la sostituzione della Giunta Municipale al Consiglio Comunale e della Deputazione Provinciale al Consiglio Provinciale, alle quali, nell'attuale momento, si puo' dare applicazione in termini generali;

CHE, pertanto, in via di eccezione, e sempre con carattere transitorio, occorre soltanto dettare le norme per la nomina dei Sindaci, delle Giunte Municipali, del Presidente dell'Amministrazione Provinciale e della Deputazione Provinciale;

VALENDOMI dei poteri conferitimi, io, _____,
Comissario Regionale

O R D I N O

1. Il Sindaco e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.
2. La Giunta Municipale e' nominata dal Prefetto, previa autorizzazione della Commissione Alleata di Controllo.
3. Ogni Provincia ha un Presidente ed una Deputazione Provinciale.
4. Il Presidente e' capo dell'Amministrazione Provinciale e presidente della Deputazione Provinciale.
5. Il Presidente e' nominato dal Prefetto, previa approvazione della Commissione Alleata di Controllo.
6. I membri della Deputazione Provinciale sono nominati dal Prefetto, previa approvazione della Commissione Alleata di Controllo.
7. Sino a quando non saranno costituiti i consigli comunali e provinciali, al Consiglio Comunale si intendera' sostituita la Giunta Municipale ed al Consiglio Provinciale la Deputazione Provinciale, fermi rimanendo gli altri poteri attribuiti, in via normale, alla Giunta Municipale ed alla Deputazione Provinciale del ripetuto T. U. della legge comunale e provinciale del 1915.

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8. Alle cause di ineleleggibilità stabilite dal T. U. del 1915 si aggiunge la seguente. Non sono eleggibili alla carica di Sindaco, Assessore, Presidente dell'Amministrazione e Deputazione Provinciale, Deputato Provinciale, coloro, che abbiano coperto carica nel P. M. F.

9. Rimangono salve tutte le altre disposizioni del T. U. della legge comunale e provinciale, approvato con R. D. 3 febbraio 1915 n. 143, in quanto non contrastino col presente decreto o con speciali disposizioni emanate o da emanare della Commissione Alleata di Controllo.

10. Per l'applicazione delle disposizioni contenute negli articoli precedenti e per la risoluzione di casi dubbi di carattere generale, saranno dettate istruzioni della Commissione Alleata di Controllo, che avranno carattere normativo.

Distribution

2

Prefetto

Sp. 102

Commissario Regionale

ALLIED CONTROL COMMISSION
REGION HEADQUARTERS

ADMINISTRATIVE INSTRUCTION NO. _____

APPENDIX B

Civil Servants are divided into three groups, A., B., and C.

The first deals with political and administration affairs; the second handles accountancy and administration; the third takes care of archives, registry, typing, etc.

ADMINISTRATIVE RANKS

Grade	XI	Under Secretary
"	X	Secretary
"	IX	First Secretary
"	VIII	Councilor Second Class
"	VII	" First
"	VI	Vice Prefect - Inspector
"	V	" " - "Vicario"
"	IV	Prefect Second Class
"	III	" First

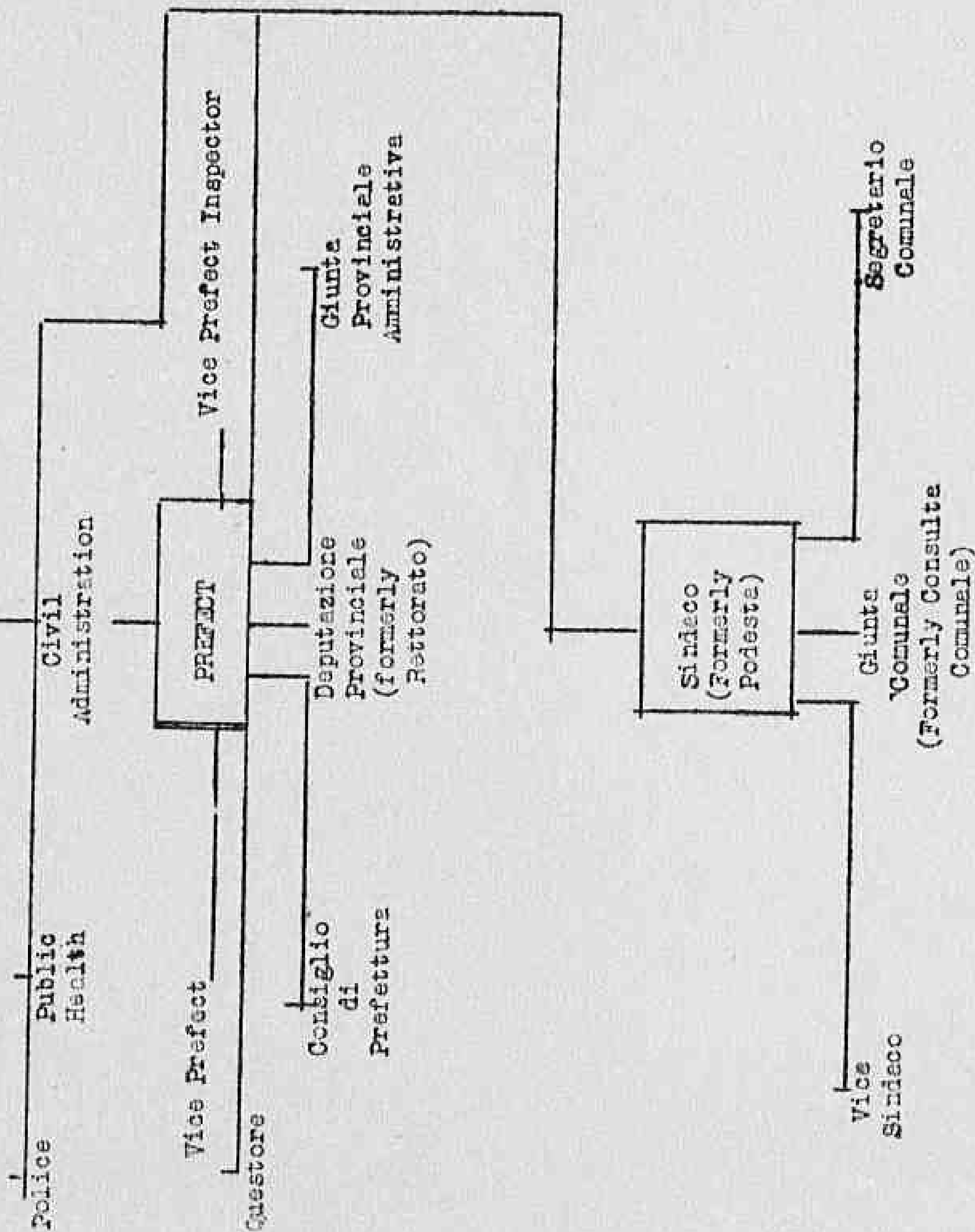
In addition to the foregoing, there is another category of personnel appointed by the Ministry of the Interior, who have not passed the prescribed civil service examination, consequently without rank, known as "personale avventizio".

AT TO CONTROL COMMISSION
REGION HEADQUARTERS

ADMINISTRATIVE INSTRUCTION NO. _____

APPENDIX C

MINISTRY OF INTERIOR



6422

4 MAR Recd

CIRCULATION SLIP
Please pass file QUICKLY

FROM	OFFICER	TO
	Brig.M.S.Lush	
	Col.N.E.Flake	
	Lt.Col.T.Farley Smith	
	Major Driffield-White	✓
	Major Van Dusen	
	Capt. Talbot	
	Capt. Carr	
	Capt. Stewart	
✓	Registry	

REMARKS

Initial HERE and FOLIO referred.

Please see 1
Previous correspondence
required ? from 5 ARMY
see file 16
file 357

785017

Col Dike

In view of 1 on
file should this
instruction go out?

On the other hand
be asked to
issue an "Admin-
istrative Instruction"
(copy within) which
in para 8 a loop
down the law in
the matter of SINDACI

Sending out both
will duplicate things.
unnecessarily!

Take up with
Admin.

WJ
2/3

Declassified E.O. 12356 Section 3.3/NND No.

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Pub copy of
for file
357 on this
file please

WJ

Done
B

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/42/9/Int

1 March 1944

SUBJECT: Titles of Mayors and Presidents

TO : Vice President, Administrative Section

1. This Sub-Commission has been in touch with the Minister of Interior of the Italian Government regarding the different titles which have been used in Regions I and II for Mayors of communes and Presidents of provincial administration.

2. The Italian Government have now notified Prefects in unoccupied Italy that in the future, a Mayor of a commune will be called Sindaco, and the head of the provincial administration, Presidente. (This latter title refers to the president of the Deputazione Provinciale and not to the Prefect)

3. It is requested that the Executive Commissioner be informed of this arrangement and that the RCs of Regions III, IV, and V, and also the SCAOs of 5th and 8th Army groups be notified with a view to the uniform adoption of such titles in their respective areas.

R. G. B. Spicer
R. G. B. SPICER
Lt Colonel
Acting Director
Interior Sub-Commission

RC & MG Section

I concur. May the necessary instructions please be issued and a copy be supplied for our files?

2 March 1944

Stangate
STANGATE
Vice President
Administrative Section
absent on duty

Spicer Lt Col Spicer. 8. MAR.

*above b/c covered by issue of Gen Memo.
La Fo. 7 file 127/CA. *MB* same.*

*1567.
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C O P Y

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C.M.G. Section
APO 394

Ref/357/16/CA.

25 February 1944.

SUBJECT: Substitution of the term Sindaco for Podesta.

TO : S.C.A.O., 8th Army.

1. Reference your letter of 16 February 1944, no definite order on the matter has ever been issued.
2. At a conference of S.C.A.Os. in Sicily it was agreed that the term Podesta did rather savour of the Fascist Regime. It was further agreed that a return to the use of Sindaco as the title of the chief official of a Comune would at least be a token of liberation.
3. It was left to the discretion of S.C.A.Os. to make the change and the change was effected in some provinces notably PALERMO.
4. There cannot at this time be any great change in procedure. Whatever the chief official is called, he must be appointed rather than elected. The chief point is that the job gets done by the appointee.
5. It is, therefore, left to your discretion whether any change is made though it is considered that there should be uniformity throughout any one province.

NORMAN E. FISKE
Colonel, Cavalry,
Deputy Executive
Commissioner.

6418

