

City of Detroit


CITY COUNCIL

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To: The Honorable Detroit City Council

From: David D. Whitaker, Director 
Research and Analysis Division (RAD) Staff

Re: **REVIEW OF DETROIT CHARTER REVISION
COMMISSION DISCUSSION DRAFT OF MAY 6, 2011**

Date: May 20, 2011

The Detroit Charter Revision Commission released its much anticipated discussion draft (with commentary) of the proposed charter on May 6, 2011.¹ The Commission and its staff have devoted considerable time and energy to the monumental task of revising the City's Charter. RAD offers this review and analysis to be as helpful as we can in highlighting issues and concerns for the consideration of the Commission prior to submission of the proposed Charter to the Governor and Attorney General.

The Commission has scheduled public hearings for Saturday, May 14 and 21, 2011. Following a brief synopsis of the changes to the Charter by the Commission's Chair, thirty members of the public addressed the Commission on May 14th. RAD anticipates greater participation at the second hearing because the community will have had more opportunity to review and reflect upon the proposed document.

The Commission has scheduled three additional working sessions to address specific concerns raised by the public at the hearings, with the goal of adopting a final revised proposed charter on May 28, 2011. It is unfortunate that the release of the draft charter comes at a time when this Council, and the City government as a whole, is in the midst of critical budget deliberations and when there is only a two week window to digest

¹ The initial draft, which includes only those sections that are new or proposed to be changed, has caused some confusion and misunderstanding among the public. However, the Commission has indicated that a complete document will be released following the public hearings.

and react to the proposed changes. The Commission's schedule only provides limited opportunity for comment and revision of such a complex, technical and important document that is intended to define the structure of City government. Nevertheless, the Commission has indicated that it plans to submit the final product to the Governor and Attorney General by May 31, 2011. The proposed charter is to be submitted to the voters on the November 8, 2011, ballot.

Below is discussion of specific proposals of significance and/or concern. It should be noted that there are a number of potential policy, legal, textual and mixed issues involved in the review of the proposed City Charter. This report will address the most prominent concerns about the text of the discussion draft which RAD intends to share with the Commission. We address them in the order in which they appear in the draft document, although some are clearly more significant than others. Attached to this report, as an addendum, is a brief summary/index of all of the proposed revisions for City Council's reference.²

DISCUSSION

2-105: Definitions - (20) *Lobbying* - this definition ("all communications with a Public Servant for the purpose of influencing legislative or executive action") would encompass citizens who provide comment during public hearings or even those who buttonhole council members in the grocery store. It is far too broad and could well envelop most concerned citizens who are seeking to access government officials who are positioned to improve their neighborhoods.³

ETHICS

2-106: The Commission made the decision to include in the proposed Charter a lengthy, more prescriptive version of the provision governing ethical behavior of public servants in lieu of the current provision, which is much less detailed and defers to an ethics ordinance for implementation. Within it, are subsections that are sufficiently broad to unintentionally prohibit actions that neither the drafters nor everyday citizens would find objectionable, and that make it difficult to ascertain what behavior is objectionable.

There is an additional fundamental concern about who is to be responsible for enforcing the ethics provisions specifically, and by what procedures. While other sections of the proposed charter make the corporation counsel or the Inspector General responsible for enforcement, the ethical standards of conduct provisions lack any direct connection to a specific official or procedure for their enforcement. This is a major concern. Unlike the

² RAD's review noted many grammatical, clerical and punctuation errors, some of which have been corrected in an updated version of the draft posted on the Commission's website.

³ Note also that anyone lobbying a public official would be required to register with the City, section 2-106.3. The resulting requirement that all citizens register if they communicate with a public servant for purposes of influencing government action is clearly inappropriate.

existing City ethics ordinance, the ethics provisions in the proposed charter include absolutely no protections for the "accused".

Among the more significant subsections are the following:

2.106.1: Ethical standards of conduct - (2)(b). Prohibits a public servant from knowingly using or disclosing confidential information concerning the property, government or affairs of the City . . . not available to members of the public and gained by reason of his or her official position. In its broad sweep, this language would appear to prohibit **proper** use of confidential information. Moreover, the definition of "confidential information" is problematic and needs to be clarified to include only information **protected from** disclosure. The definition of "confidential information" as it currently reads (section 2-105(8)) can be misinterpreted to require specific legal authorization for disclosure -- the exact opposite of the intent of confidentiality laws.

2.106.2: Disclosures by public servants "who exercise significant authority": There is no demonstrable nexus between the exercise of significant authority and the items required to be disclosed by this section. Therefore, it should be reconsidered.

2.106.6: This section provides that "City contracts shall be voidable or rescindable at the discretion of the Mayor or Inspector General at any time if a Public Servant has an interest in such contract and fails to disclose such interest". This section appears to be legally unsustainable because it penalizes the contractor for the actions of a non-party to the contract.

2-107: The section governs the removal of both elected officials and appointed public servants; it has been revised to distinguish between mandatory and permissive grounds for forfeiture. It requires *mandatory* forfeiture of office by an elective officer for several significant offenses. Included in the actions that would require mandatory forfeiture is "being convicted of being intoxicated" and "any other misfeasance or malfeasance". While these actions are objectionable, we question whether these actions rise to the level of mandatory forfeiture and would therefore be more appropriate grounds for permissive forfeiture, particularly considering that "misfeasance or malfeasance" could encompass minor misdeeds or major infractions.

ELECTIONS

2-101: This section requires that each elected official maintain a one year residency in the City or district at the time of filing and throughout the elective officer's tenure in office. This section conflicts with **3-110**, which requires residency for only one year immediately preceding election or appointment.

3-107: This section listing the elective officers of the City has been revised to include the seven members of the eleven-member board of police commissioners, who will now be elected.

3-108: Geographical basis for electing council: The Commission maintained the scheme adopted by the voters in 2009 (7 districts and 2 at-large seats). **However, the Wayne County Circuit Court struck the first line of the second paragraph requiring the drawing of the district boundaries within sixty days of the availability of the federal census figures, and this sentence should be stricken from the proposed language.**

3-111: Local campaign reporting and supplemental assistance: This proposed funding mechanism is new to the Charter, and would "implement a system of supplemental campaign finance assistance for candidates for local city office." It raises concerns that it may result in a financial burden on the City considering the large field of candidates who typically file for City elective positions, now expanded to include the election of seven police commissioners. Additionally, it may be preempted by state and/or federal law with respect to campaign finance.

3.5-103: This section provides for the appointment of a deputy city clerk and authorizes the deputy to exercise the powers of the City Clerk in the absence or disability of the Clerk, or while the position is vacant. The references to disability and vacancy should be removed. Pursuant to section 3.5-104, it is City Council's role to appoint a successor to the Clerk in the event of a vacancy. Further, reference to "disability" creates unnecessary confusion, as the disability itself creates either an absence or a vacancy.

LEGISLATIVE BRANCH

4-103: Selection of Council President and President Pro-Tempore: The proposed language provides for the selection of the president and president pro-tempore by the members of City Council. In providing for the Body's selection of its own officers, the language should more clearly state that the appointment is by a majority vote of members *serv*ing as opposed to merely members *present*. Removal should likewise require a vote of all members *serv*ing (except the officer being removed). Because only five members would be necessary to constitute a quorum, an affirmative vote of three members could dictate the leadership of the Body or result in removal of a member.

4-109: The proposed charter calls for the elimination of the Office of the Ombudsman. The responsibility for processing citizen complaints has been reassigned to the district-elected City Council members (see section 4-101). This section requires that a record of all complaints received be maintained. The section is highly prescriptive as to Council's responsibilities and reframes the function of the Body potentially, at the expense of its legislative function. RAD suggests that reference to "department or agency heads" should be eliminated in favor of the more uniform term "directors".

4-113: "Prohibition on interference in administration" has been revised to allow very broad exceptions ("except for the purposes of resolving citizen complaints in regards to city services, inquiries and investigations") permitting Council Members to give orders to department directors. This is an attempt to deal with the difficult issue of balancing City Council's ability to effectively resolve citizen complaints and the Administration's right to

manage staff. This new exception may compromise the separation of powers principle that currently exists.

4-121: Special counsel: This continues the ability of City Council to retain legal counsel in the event of a conflict with another branch of government. However, this right has been limited to retention of an "outside" attorney or law firm. Coupled with the definition of "retain", this language excludes RAD from City Council's potential choices for counsel, and it is an unwarranted restriction on choosing an attorney and one which requires additional expense.

4-123: Pursuant to this section, City Council has been given confirmation authority over Mayoral appointments of chief of police, fire commissioner, director of planning and development, director of human resources, and corporation counsel. There are, however, other departments (*e.g.*, Department of Public Works, Public Lighting Department, General Services Department, and Detroit Water and Sewerage Department) whose directors should be included on this list given City Council's new responsibility for addressing citizen complaints. Confirmation authority over directors would give City Council additional oversight and more efficacy in addressing these complaints.

CORPORATION COUNSEL

6-401: The Law Department continues to be a part of the executive branch of City government, despite discussion of placing it in an independent article of the Charter. The revised provision allows either City Council or the Mayor to remove the corporation counsel **without cause** with concurrence between the Mayor and two-thirds (2/3) of City Council members. However, a Mayor occupying the office through succession may only remove the corporation counsel **with cause** and with the approval of one less than the entire membership of the Council. It is unclear why this distinction has been made. This potentially undermines the effective attorney-client relationship between the Mayor and the corporation counsel. It is generally not advisable to require a client to remain in a relationship with a lawyer in whom s/he has lost confidence. The draft Charter provision is contrary to this basic principle.

Although this section also specifically prohibits any entity represented by the corporation counsel from seeking or retaining outside legal services without the approval of corporation counsel, the next paragraph indicates that "nothing in this section is intended to prevent any branch or officer . . . from consulting with legal experts or convening meetings . . . for the purpose of obtaining information necessary to execute their [sic] duties." This is an apparent contradiction of the previous paragraph. Finally, the section contains repetitive statements with respect to the client of corporation counsel being the "body corporate".

6-408: Intra-Government Dispute Resolution: This section adds a mandatory process for intra-government dispute resolution prior to instituting legal proceedings when a dispute arises between branches of government. The process requires the corporation counsel to issue an opinion detailing "which party's position is consistent with the current state of

the law" and then instruct the other party to retain outside legal assistance if it intends to institute legal proceedings. The question arises that if corporation counsel is sufficiently involved to be able to render an opinion as to which party is "correct", corporation counsel is likely in a position of conflict with both parties. The process also requires use of a facilitator, a potentially costly requirement.

6-409: Enforcement of charter: This is a new and problematic section of the Charter, requiring the corporation counsel "enforce compliance with the Charter". Although we understand the motivation, this section places corporation counsel in an untenable position, moving from a public servant's trusted counsel to enforcer of the Charter **against** that same public servant. The corporation counsel is charged with responsibility for observing and documenting in writing "any violation of the Charter by the executive or legislative branches." Corporation counsel must give written notice of the violation to the offending body or individual (with a copy to the Mayor, Council and the Clerk) with a time frame for remediation. This provision places corporation counsel in a conflicted position because past confidences are required to be breached, likely in violation of Michigan's Rules of Professional Responsibility. This section requires reworking prior to proceeding further.

INSPECTOR GENERAL

6.5-101 through 6.5-116: Article 6.5 is a new independent article entitled "Independent Departments and Offices", but containing only the newly created Office of Inspector General whose purpose is "to ensure honesty and integrity in City government by rooting out waste, abuse, fraud, and corruption." Funding and adequate staffing for this powerful new office is likely to be a concern. Although no specific staffing levels are mandated, section 6.5-109 requires that "staff shall include, at a minimum, attorneys, investigators and auditors who are certified public accountants."

EXECUTIVE BRANCH PROGRAMS/SERVICES

7-301: Arts Department: This section has been amended to reflect operation of the Detroit Institute of Arts pursuant to an operating agreement with a non-profit entity. Additionally, it now requires that the seven-member commission that heads the department be appointed by district. Given that the criteria for service on the arts commission has more to do with the candidate's commitment to the arts as well as fundraising and development ability, and less to do with geographical representation, it is ill-advised to require district representation on the commission.

7-901: Historical Department: The current nine-member commission that heads the historical department is expanded under the proposed charter to a thirteen member commission, with seven members appointed by district. Again, this move toward geographical representation ignores more relevant criteria for appointment in favor of geographical representation.

7-1102: Board of Police Commissioners: The newly configured board of police commissioners consists of eleven members, seven of whom are to be elected by district, the remaining four to be appointed by the Mayor.

7-1108: Complaints (police): Under this revision, complaints are to be investigated by the chief investigator of the police commission *only*, as opposed to the current language in the Charter requiring that both the chief of police and the chief investigator must investigate complaints. It seems counter-intuitive to eliminate the police chief from the investigation of department complaints.

PLANNING AND FINANCIAL PROCEDURES

8-214: Proportional funding for oversight agencies: This is a new section establishing a proportional method to fund oversight agencies, identified as the offices of inspector general, and auditor general, as well as the board of ethics. The ramifications of this section can more appropriately be assessed by the Fiscal Analysis Division.

MISCELLANEOUS PROVISIONS

9-101: Elected community advisory councils are revived under this section, after having been included in the 1997 Charter and repealed one year later. There are funding and implementation concerns with this well-intentioned proposal.

9-701 and 9-702: The duties and the composition of the risk management council have been expanded at City Council's suggestion.

9-801: This new section offers the City the opportunity to establish a City sponsored insurance assistance program.

CONCLUSION

In summary, and without regard to any particular policy choices, this proposed draft charter requires further refinement in the form of tightening the text. Otherwise, it may necessitate future litigation to determine the meaning of the words written.

ADDENDUM

Summary of Proposed Revisions.

Article 2 General Provisions

- 2-101 - Qualifications for office: Requires one year residency in City/district at time of filing and throughout tenure in office.
- 2-103 - Oath of office: Requires that oath be administered by the City Clerk.
- 2-104.5 - Rules of construction: Clarifies the use of tense, number and gender, and the words "including or included".
- 2-105 - Definitions: This section is significantly expanded to 32 items from 12 in the current charter.
- 2-106.1 - 2-106.14 - Ethics provisions: These sections are described as "a more comprehensive regulation of the ethical behavior expected of elected officials, appointees and employees."
- 2-107 - Dismissal proceedings: Distinguishes between grounds for mandatory versus permissive forfeiture of elective officers as well as addressing procedure; also provides grounds for removal of appointees.
- 2-108 - Pay plans: Provides that pay plans must be initiated by the Mayor.
- 2-110 - Incorporates reference to Open Meetings Act and Freedom of Information Act.
- 2-111 - Promulgation of administrative rules: Provides additional guidance for administrative rule-making and prohibits adoption of substantive rules.
- 2-113 - Prohibition against entering into contracts with those in default: Prohibits contracting with, or giving a position to, one who is in default to the City.

Article 3 Elections

- 3-101 - City elections and city council initiated ballot proposals: Conforms to state law dates for elections; provides for filling of vacancies for elective officials, eliminating the need for special elections.
- 3-103 - Powers and duties of commission: Incorporates former 3-102 regarding the department of elections.
- 3-104 - Director and deputy director: This section contains the information formerly in the fourth paragraph of 3-102.
- 3-106 - State law to apply: Former 3-104 with the addition of reference to filing petitions for initiatives and referendums.
- 3-107 - Elective officers of the City: Now includes the seven elected police commissioners in addition to the Mayor, City Council, and City Clerk.
- 3-108 - Geographical basis for electing Council members: Provides for 7 members elected by districts ("non at-large") and two at-large; revision of the boundaries within 60 days of the census.
- 3-109 - Nominating petitions: Provides the procedure/formula for nominating petitions for the City's elective offices.

- 3-110 - Residency requirement for elective officers: Residency required for one-year preceding election or appointment and throughout tenure in office (Note: this provision is inconsistent with the requirements of 2-101).
- 3-111 - Local campaign reporting and supplemental assistance: Establishes a detailed public campaign financing mechanism.

Article 3.5 Office of the City Clerk

- 3.5-101 - Office of City Clerk: Establishes office, separate from the elections commission.
- 3.5-102 - Duties and powers of City Clerk: Combines functions formerly delineated in 3-103 and 4-111.
- 3.5-103 - Deputy City Clerk: Former 3-103(2).
- 3.5-104 - Vacancy in office of City Clerk: Former 3-103(3) - City Council to appoint successor in event of vacancy.

Article 4 The Legislative Branch

- 4-101 - City Council: The City's legislative body with the duty of **processing citizen complaints**. (Note: Commentary states that "[t]he Office of Ombudsperson, but not the function and service it provides, has been eliminated from the Charter.")
- 4-103 - Selection of Council president and president pro-tempore: Council to elect its own leadership from among its membership, for a four-year term. Clarifies vacancy, succession, etc.
- 4-109 - Investigation and citizen complaints: Adds to former investigative power the addition of mandatory cooperation by departments to resolve complaints; subpoena power to summon department head if failure to cooperate.
- 4-113 - Prohibition on interference in administration: Adds "except for purposes of resolving citizen complaints in regards to city services, inquiries and investigations," Council shall deal with administrative departments through the Mayor.
- 4-114 - Ordinances and resolutions in general: Distinguishes between ordinance and resolution.
- 4-115 - Ordinance procedure: Clarifies procedure, omits effective date language (moved to 4-118).
- 4-116 - Emergency ordinances: No significant changes.
- 4-117 - Procedure for approval or veto by Mayor and City Council's override of veto: Only change to current 4-119 is ability to override Mayoral veto at a special meeting.
- 4-118 - Publication of ordinances and effective date: The provisions regarding effective dates of ordinances have been combined in this section.
- 4-119 - Ordinances after enactment and resolutions after adoption: Addresses issues of codification, distribution of the code, and requires inclusion of the Michigan Constitution and Home Rule City Act with the City code.
- 4-121 - Special counsel: Adds retention of "outside law firm" to current language allowing City Council to retain an outside attorney. With respect to retention of conflict counsel, the section authorizes Council to retain "an outside law firm or outside attorney" rather than the current language allowing "an attorney".

- 4-122 - Approval of contracts and disclosure: Requires Clerk to post all contracts approved by Council and in effect on City's website within 180 days of effective date of charter. Thereafter, all contracts shall be posted upon initial approval, amendment or renewal. Contractors must provide a statement of political contributions within prior four years.
- 4-123 - Confirmation authority: City Council shall confirm the following Mayoral appointments: chief of police, fire commissioner, director of planning and development, director of human resources, corporation counsel.
- 4-205 - Powers and duties (Auditor General): Emphasizes a risk-based audit plan.
- 4-301 - Establishment of board of zoning appeals: This section appropriately moves the BZA from article 7 to the legislative branch and includes language consistent with the Michigan zoning enabling act.
- 4-401 - City planning commission: This section is amended to provide for appointment of members of the commission by legislative district.
- 4-402 - Powers and duties: Adds "to the extent consistent with this Charter and state law", perform other functions as directed by City Council.

Article 5 The Executive Branch - The Mayor and General Provisions

- 5-101 - Mayor: Adds "[t]he Mayor is also directly accountable to the citizens of the City of Detroit."
- 5-105 - Appointment of deputies: Appointment of deputy directors is optional ("shall" is changed to "may").
- 5-106 - Powers and duties of department directors: Paragraph 6 is amended to delete reference to ombudsperson and add "inspector general".
- 5-110 - Community meetings: The Mayor shall hold at least one citywide evening community meeting as well as one meeting in each of the seven districts of the city.

Article 6 The Executive Branch - Staff Departments

- 6-201 - Planning and development department: Reconfigures description of planning department to reflect aggressive community and business development.
- 6-205 - Public hearings: Requires notification of community groups when plans will affect their neighborhoods.
- 6-206 through 6-208 - Executive planning council: These sections have been eliminated.
- 6-308 - Debarment (Finance department): A new section directing City Council to enact a comprehensive debarment ordinance for regulating unethical behavior by contractors.
- 6-401 - Law department: Corporation counsel may be removed without cause by either the Mayor or City Council with concurrence of the other. A Mayor by succession may only remove with cause and the approval of all of City Council minus one. Corporation counsel represents City, Mayor, City Council and City Clerk. No city entity may solicit legal advice or services from outside counsel without the approval of the corporation counsel - unless expressly permitted by charter. It is permissible to consult with legal experts however.

- 6-405 - Advice and opinion: City Council is specifically added to those entities who may request advice and opinion from corporation counsel.
- 6-408 - Intra-government dispute resolution: Dispute resolution process for conflicts between branches of government required prior to instituting litigation.
- 6-409 - Enforcement of charter: Corporation counsel to be responsible for enforcing compliance with charter. Must document in writing any violation and give notice of 14 days to remedy violation (w/copy to Mayor, City Council and Clerk). If no remedy, take action (including court) to secure compliance. Does not waive right to attorney-client privilege?
- 6-410 - Claim reduction: New section requiring corporation counsel to advise departments on risk reduction.
- 6-505 - Civil service commission: The human resources director is removed as a member of the commission for reason of the prohibition on holding incompatible offices.
- 6-506 - Non-discrimination: This section has been updated to reflect the current state of civil rights law.
- 6-508 - Labor relations: Grammatical changes only.
- 6-516 - Residence: The City may establish residency requirements as provided by law.
- 6-601 - 6-609 - Department of building, safety engineering and environment; general purpose; powers and duties; conservation; environmental legislation applications filed under zoning law; duty under other regulatory laws; one-stop service; green initiatives and technologies: Proposed green initiatives sections.

Article 6.5 Independent Departments and Offices

- 6.5-101 - 6.5-106: Establishment of Office of inspector general: To ensure honesty and integrity in City government. (Note: The inspector general is appointed by City Council, although it appears at this point in the Charter among Executive Branch articles.)

Article 7 The Executive Branch: Programs, Services, and Activities

- 7-103 - Advisory commissions: Mayor may establish advisory commissions.
- 7-201 - Health: Amended to require district representation on health commission, preparation of annual comprehensive report on the health of the City.
- 7-301 - Department (Arts): Amended to reflect current management pursuant to an operating agreement while City maintains ownership of assets. 7 member commission appointed by district.
- 7-501 - Community and economic development department: This section has been eliminated.
- 7-601 - 7-603: These sections have been eliminated.
- 7-703 - Recycling: Department of public works shall implement a plan for city-wide recycling.
- 7-801 - Fire department: Amended to make appointment of deputy chief optional.
- 7-802 - Departmental divisions: Revises requirements for appointment of staff.
- 7-805 - Advisory fire commission: Mandates creation of a 7 member commission.

- 7-806 - Promotions: This section has been eliminated - "because all promotions . . . are controlled by the relevant collective bargaining agreements."
- 7-901 - Department (Historical): Amended to reflect current management pursuant to an operating agreement while City maintains ownership of assets. The Historical Commission has been expanded to 13 members with district representation.
- 7-1002 - Human rights commission: Amended to require that 7 members, appointed by the Mayor, be from each of the legislative districts.
- 7-1004 - Duties: This section has been updated to reflect the current state of civil rights law and to clarify that the department may cooperate with enforcement agencies to resolve complaints of discrimination.
- 7-1102 - Board of police commissioners: The board has "supervisory control and oversight", but does not head the department. It is restructured to include 7 members **elected** by district and 4 members appointed by the Mayor with City Council approval. The board meets weekly and is expressly subject to the Open Meetings Act.
- 7-1103 - Duties of the board of police commissioners: Amended to require that allegations of criminality be forwarded to internal and external law enforcement for investigation.
- 7-1104 - Staff: Amended to require that staff possess skills to "complete" investigative work.
- 7-1105 - Chief of police: Directs day-to-day operations of the department. Commission provides Mayor with list of candidates from which to select chief, confirmed by City Council.
- 7-1106 - Duties of chief of police: Amended to require chief's attendance at police commission meetings; also "evaluate" department employees.
- 7-1108 - Complaints: Chief investigator of commission investigates complaints - removes requirement that chief of police investigates also. Increases investigation time to 60 days from 45.
- 7-1114 - Promotions: "Charter promotions" by chief have been eliminated.
- 7-1203 - Public lighting commission: The commission is expanded from 5 to 7 members - to be appointed by district.
- 7-1302 - Advisory commission (Recreation): Amended to require that 7 of the members be appointed from each of the 7 legislative districts.
- 7-1402 - Advisory commission (Transportation): Amended to require 7 members appointed by district.
- 7-1501 - Water and sewerage department: Amended to prohibit city officials or employees, as well as principals of contractors from serving on the board.
- 7-1601 - Zoological park department: Amended to reflect current management pursuant to an operating agreement.

Article 8 Planning and Financial Procedures

- 8-101 - Comprehensive plan: Amended to include "the full range of transportation, access and mobility options."

- 8-202 - Capital agenda: Amended to require that the Mayor submit the proposed capital agenda to City Council by November 1 (as opposed to December 1) to allow sufficient time for review.
- 8-205 - Form of appropriation: Amended to clarify application to "departments" as well as agencies.
- 8-212 - Report of budget deficit: This is a new section requiring an agency/department head to notify the Mayor and budget director when the agency/department is in deficit.
- 8-213 - Revenue estimating conference: This is a new section requiring a twice a year revenue estimating meeting between the legislative and executive branches of government.
- 8-214 - Proportional funding for oversight agencies: This is a new section addressing funding for the office of inspector general, auditor general and board of ethics.

Article 9 Miscellaneous Provisions

- 9-101 - Community advisory councils-definition and purpose: This section restores the provision previously eliminated from the 1997 Charter.
- 9-102 - Creation and composition of advisory councils: The residents of a district must petition for creation of a CAC; 4 members must be elected a regular municipal election; CAC must also include a youth representative and a senior representative, as well as the district City Council member.
- 9-103 - Powers, duties and limitations: Adopts much of the former section 9-103 outlining requirements to be included in ordinance.
- 9-401 - Board of review: Amended to require at least a 7 member board with one member appointed from each district.
- 9-405 - Elimination of redundancy in government: This is a new section requiring evaluation, reporting and effort to reduce operational duplication.
- 9-507 - Service fees: Amended to clarify that changes in fees must be approved by City Council.
- 9-510 - Incentives for city-based businesses: Amended to conform with current law by removing reference to set-asides.
- 9-701 - Risk management council: The council has been expanded to include the inspector general, transportation director, a City Council designee, and a member of the Mayor's cabinet.
- 9-801 - City sponsored insurance assistance: This is a new section offering the City the option of establishing an insurance system for its residents.

Article 11 Retirement Plans

- 11-103 - Principles applicable in administering plans: Amended to allow two retirant board members, one each selected by retired police officers and retired firefighters.

Article 12 Initiative and Referendum

- 12-104 - Filing and canvass of petitions: Amended to accurately reflect the process.

- 12-107 - Time limit for enactment or repeal of ordinance: Amended to accurately reflect the process and increase the time for City Council action from 30 days to 60 days.
- 12-108 - Submission to election commission and voters: Amended to require election commission to determine legality of proposed measure.

Article 13 Schedule

- 13-101 - Effect on existing City legislation: Updates language from the 1997 charter.
- 13-104 - Effective date: Charter shall become effective on January 1, 2012.
- 13-109 - Initial appointments: Amended to allow early expiration of members of multi-member bodies.
- 13-110 - General provision: Updates transition provision of 1997 charter.
- 13-111 - Submission of the charter: Updates the proposed ballot question.