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# City of Detroit

## CITY COUNCIL

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**TO:** Honorable Roy McCalister, Chairperson  
Internal Operations Standing Committee

**FROM:** David D. Whitaker   
Legislative Policy Division Staff

**DATE:** June 25, 2019

**RE:** **Board of Ethics Appointments**

The Legislative Policy Division was requested to provide clarification regarding the joint appointments to the Board of Ethics.

The Detroit City Charter provides for the establishment of the Board at Section 2-106.8 *Board of Ethics, Application, Appointment, Qualifications and Terms* and states in pertinent part the following:

The members of the Board of Ethics shall be selected as follows:

1. Three (3) who shall be appointed by the City Council;
2. Three (3) who shall be appointed by the Mayor; and
3. One (1) who shall be jointly appointed by the Mayor and City Council.

There is no particular process identified by the Charter. As such, candidates for appointment to the joint position may originate from either the City Council or the Mayor. There is no requirement that the Mayor must first proffer a candidate or a list of candidates for the Council to choose. When such a process is required it is specifically articulated in the statute or ordinance that creates the appointment authority. Again, that is not the case with the joint appointment to the Board of Ethics.

If Council wishes to offer up a candidate for the Mayor's consideration, it must do so pursuant to a resolution recommending a candidate for the his approval. This would be akin to when the Mayor sends a proposed resolution to Council requesting the Body to appoint his recommendation.

The *Rules of Order for the City Council* addresses how the Council handles situations where there are more candidates than available positions. Rule 4.7.1 *Candidates* requires the Body to “move all potential appointees to the Formal Session at the same time” for consideration. At the Formal Session, the Council must use a paper ballot that contains all the potential appointees’ names to determine the final appointee; after which the Council will then formalize the appointment through a resolution. Rule 4.7.2.1 *Multiple Candidates*.

Currently, there are appears to be multiple candidates being offered up for the joint appointment to Board of Ethics. Two names have been offered up by the Mayor, Byron Osbern and Kenneth Flowers. There is an additional candidate, Raquel Garcia, that has been nominated by a Council Member. Unless names are withdrawn, all three of the candidates will go before the Body for consideration. If either of the Mayor’s nominees are chosen, then the chosen person will be appointed. If the Council Member’s nominee is chosen, then a resolution recommending the appointment will be authorized and forwarded to the Mayor for his consideration. If the Mayor consents to the appointment, then he would complete the appointment of Council’s nominee.

If there are any additional questions or concerns, please advise.