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TO: Detroit City Council

FROM: David W. Whitaker, Director
Legislative Policy Division Staff

DATE: January 25, 2021

RE: **Community Advisory Councils Vacancies**

The report is in response to a request by Council Member Spivey to provide an opinion regarding how a Community Advisory Council (CAC) is established and how vacancies to the bodies, once established, are filled. The following report addresses this request.

The 2012 Detroit City Charter created the framework for the establishment of CACs, where desired, in each City Council District, and the subsequent enactment of an ordinance which sets forth the processes and procedures that guide CACs. The Charter required petitions “signed by a number of qualified registered voters who are residents of a district equal to not less than ten (10) percent of the number of persons voting at the last municipal general election in the district.”¹ “Upon a finding by the City Council that a petition to establish a Community Advisory Council satisfies the requirements..., the City Council shall pass an ordinance to establish the Community Advisory Council.”² The CAC within District 4 was fully established when the community obtained the necessary signatures to establish a new CAC in District 4 and upon the enactment of the ordinance by City Council.

¹ 9-101 *Creation and Composition of Advisory Councils*

² 12-2-3(c)

Both the Charter and the Code specifies that a CAC shall be composed of five (5) elected members, and two appointed member—one (1) senior citizen representative and one (1) youth member.³ The appointed members are selected by City Council from a list of names “provided by the current elected Community Advisory Council members, and *bona fide* residents of that district, submitted to the Office of the City Clerk by January 31st of each new term.”⁴ If a list is not provided, then the City Council member representing that district shall make the appointments.⁵

According to the Code, the selection of the elected members shall be at the next general election in the City.⁶ Each candidate for the elected position is required to collect not less than 200 but not more than 400 signatures of qualified voters within the applicable district.⁷ The election was held on November 3, 2020, to populate the board; however, only three members were elected. This created two vacancies on the council. The Detroit City Code provides direction relative to how these vacant seats are to be filled. Section 12-2-22, *Elected members; and terms*, subsection (b) provides in pertinent part: “[i]f a vacancy occurs in an elected member position, it shall be filled by appointment by the City Council member elected to represent that district.” In accordance with these requirements, Council Member Andre Spivey, District 4, should choose individuals to fill the vacant positions until other members are elected. All seats on the Community Advisory Board will be up for election during this year’s regularly scheduled four-year municipal election.⁸

If there are additional questions or information needed please advise.

³ Id, 12-2-22 *Elected members; and terms*.

⁴ Sec. 12-2-23 *Appointed members; terms; and excessive absences*

⁵ Sec. 12-2-23(b)

⁶ 12-2-22(b)

⁷12-2-22(a)

⁸ Sec. 12-2-22(c)