


## MEMORANDUM

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**TO:** David Whitaker, Director  
Legislative Policy Division

**CC:** Honorable Colleagues  
Janice Winfrey, City Clerk  
Avery Peeples, City Council Liaison

**FROM:** Council President Brenda Jones 

**DATE:** December 21, 2020

**RE:** Opinion on Discussion Draft Charter

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Please provide an opinion on the Charter of the City of Detroit Discussion Draft as proposed by the 2018 Charter Revision Commission.

# **DETROIT CHARTER REVISION COMMISSION**

**7737 Kercheval Street, Detroit Michigan 48214**

**January 19, 2021**

## **COMMISSIONERS**

Carol Weaver, Chair  
Nicole Small, Vice Chair  
Karissa Holmes, Esq., Secretary  
Joanna Underwood, Parliamentarian  
Barbara Wynder, Esq., Treasurer and Vice Parliamentarian  
Quincy Jones  
Richard Mack, Esq.  
Tracy Peters, Esq.  
Denzel McCampbell

**Sent Via Email**

## **STAFF**

Lamont D. Satchel, General Counsel  
Shamori R. Whitt, Researcher  
Sade Howard, Administrative Assistant

**Re:** Proposed City of Detroit Charter

Dear President Jones:

The Detroit Charter Revision Commission has prepared its discussion draft of the proposed City of Detroit Charter and is currently in a review phase. The development of the proposed Charter has involved a collaborative, stakeholder-based process with significant public input and repeated requests for city government participation. As you may be aware, we have received timely proposed revisions from the City Council via the Legislative Policy Division, Councilwoman Lopez, the Health Department and several independent departments, including the Ombudsperson, Inspector General, Ethics Department and Auditor General.

Since the Charter is the blueprint and “operation manual” for city government and encapsulates the citizen’s determination of the goals, priorities and structure of our city

government, it is imperative and within the duties of the legislative branch to review and comment on the discussion draft of the Charter. As a part of responsible government, it is the Detroit Charter Revision Commission's obligation as elected officials, which City Council shares as the legislative branch of city government, to provide Detroit residents a Charter that has been properly examined by City Council to avoid any unnecessary and foreseeable issues and concerns that are more than likely to arise from a lack review by the legislative branch. I should note that the Charter Commission appreciates the City Council's participation in the process and we seriously considered each proposed revision it submitted as a body or that were submitted by individual Councilpersons.

Please review the discussion draft of the Charter and provide timely feedback regarding issues and concerns City Council has with revised sections of the Charter that impact the legislative branch of government and the general operations of city government. We welcome and insist on your recommendations as to how your identified issues and concerns can be appropriately addressed. I would note that a thorough consideration of your concerns, issues and recommendations is highly dependent on providing the Charter Commission, as was the case with your initial proposed revisions, with a *detailed* response as to the basis for your concerns and issues and a *comprehensive* explanation as to your recommendations. Of course, any data and relevant documentation is welcomed and encouraged.

A copy of the discussion draft can be accessed at [detroitcharter2018.com](http://detroitcharter2018.com) and a copy is attached for your convenience. The review period, for purposes of receiving comments, feedback and recommendations ends on February 12, 2021. Please send your comments, feedback and recommendations to me at [weaver@detroitcharter2018.com](mailto:weaver@detroitcharter2018.com) by February 12, 2021. If you have

any questions regarding this matter, please contact me at via email at [weaver@detroitcharter2018.com](mailto:weaver@detroitcharter2018.com). I can also be reached by phone at 313-459-6208.

Sincerely,

*Carol Weaver*

Carol Weaver, Chairwoman

cc: Charter Commissioners  
Lamont D. Satchel, Esq., General Counsel  
David Whitaker, Dir. LPD

encl.



# Charter of the City of Detroit

DISCUSSION DRAFT

PROPOSED BY 2018 CHARTER REVISION COMMISSION

## HOME RULE CHARTER

# CHARTER OF THE CITY OF DETROIT

## PREAMBLE AND DECLARATION OF RIGHTS

### PREAMBLE

We, the people of Detroit, do ordain and establish this Charter for the governance of our City, as it addresses the needs of all citizens and affirms our commitment to the development and welfare of our youth, our most precious treasure; instituting programs, services and activities addressing the needs of our community; fostering an environment and government structure whereby sound public policy objectives and decisions reflect citizen participation and collective desires; pledging that all our officials, elected and appointed, will be held accountable to fulfill the intent of this Charter and hold sacred the public trust; acknowledging our blessings from God, we pray our efforts will be accepted.

### DECLARATION OF RIGHTS

1. Detroit City government is a service institution that recognizes its subordination to the people of Detroit.

The City shall provide for the public peace, health and safety of persons and property within its jurisdictional limits **free of threat or harm from one another or city agencies**.

The people have a right to expect aggressive action by the City's officers in seeking to advance, conserve, maintain and protect the integrity of the human, physical and natural resources of this city from encroachment and/or dismantlement.

The people have a right to expect city government to provide for its residents, **regardless of zip code, decent affordable, habitable and safe** housing; job opportunities; reliable, convenient and comfortable **public** transportation **options, whether walking, biking driving, ride sharing or using public transit; access to parks, urban green spaces and** recreational facilities and activities; cultural enrichment, including libraries and art and historical museums; clean air, **soil** and waterways, safe, **clean and affordable** drinking water and a sanitary, environmentally sound city.

2. The City has an affirmative duty to secure the equal protection of the law for each person and to insure equality of opportunity for all persons. No person shall be denied the enjoyment of civil or political rights or be discriminated against in the exercise thereof because of race, color, creed, national origin, **immigration status**, age, disability, sex, sexual orientation, gender expression or gender identity.

3. A person shall have reasonable access to all files and records of the City in accordance with applicable laws.
4. **The people have the right to safe, accessible and affordable public transit options that afford access to and movement within all areas of the City.**
5. The people have a right to know the rules and regulations governing dealings between the City and the public and to a means for the review of administrative decisions.
6. The City's police forces are in all cases and at all times in strict subordination to the civil power. **It is recognized that individuals within the boundaries of the City of Detroit have a right to be free from police misconduct, including excessive police force and racial profiling, and shall enjoy the unbiased, humane and dignified treatment from agents and agencies of law enforcement.**
7. The City shall endeavor to require application of the principle of one person-one vote to the policymaking body of any regional or other multi-jurisdictional organization which taxes or provides any service to City residents or takes any action affecting the City's interests.
8. The enumeration of certain rights in this Charter shall not be construed to deny or disparage others retained by the people.
9. The City may enforce this declaration of rights and other rights retained by the people.

## **ARTICLE 1.**

### **ESTABLISHMENT of CITY GOVERNMENT**

#### **Sec. 1-101 City Government.**

The people of Detroit, by adoption of this Home Rule Charter, create and provide for their continuing control of the municipal government of the City of Detroit.

#### **Sec. 1-102. General Powers.**

The City has the comprehensive home rule power conferred upon it by the Michigan Constitution, subject only to the limitations on the exercise of that power contained in the Constitution or this Charter or imposed by statute. The City also has all other powers which a city may possess under the Constitution and laws of this state.

#### **Sec. 1-103. Liberal Construction.**

The powers of the City under this Charter shall be construed liberally in favor of the City. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

**Sec. 1-104. Boundaries.**

The boundaries of the City existing when this Charter takes effect continue in force until changed in accordance with law.

## **ARTICLE 2. GENERAL PROVISIONS**

**Sec. 2-101. Qualifications for Elective Officers and Appointive Officers.**

A person seeking elective office must be a citizen of the United States, a resident and a qualified and registered voter of the City of Detroit for one (1) year at the time of filing for office, and retain that status throughout their tenure in any such elective office. In addition, any person seeking office from a non at-large district must be a resident and qualified, registered voter in such district for one (1) year at the time of filing for office, and retain such status throughout their tenure.

For any appointive city office, a person must be qualified to perform the duties of the office at the time of assuming the office and at all times while holding the office. The person's citizenship, residence and voter registration status shall be as required or permitted by this Charter or applicable law.

**Sec. 2-102. Term of Office.**

The term of every elective city officer is four (4) years and commences at noon on the first (1st) day of January after the regular city general election.

**Sec. 2-103. Oath of Office.**

Every elective officer and every appointee before entering on official duties shall take and subscribe the following oath before the Detroit City Clerk: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this state and that I will faithfully discharge the duties of office to the best of my ability." The original of the oath shall be filed in the Office of the City Clerk and a copy provided to the elective officer or the appointee.

**Sec. 2-104. Severability.**

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter.

## Sec. 2-105. Definitions and Rules of Construction.

### A. As used in this Charter:

1. *Agency* means, where appropriate and unless indicated otherwise, one or all of the following: any department, office, multi-member body, subdivision of the Legislative branch of City government or other organization of city government and includes any elective officer, appointee, employee, or person acting or purporting to act in the exercise of official duties.
2. *Appoint* means being named to a position in the exempt service.
3. *Appointee* means a person holding either a compensated or uncompensated position.
4. *Appointive office* or *appointive officer* means compensated positions and appointees holding compensated positions.
5. *City* means the City of Detroit.
6. *City Clerk* means the City Clerk of the City of Detroit.
7. *City Council* means the legislative body of the City of Detroit.
8. *Confidential Information* means information obtained by a Public Servant by reason of his or her official position concerning the property, government or affairs of the City or any office, department or agency thereof, not available to members of the public pursuant to the Michigan Freedom of Information Act or other applicable laws, regulations or procedures.
9. *Contractor* means a party who, or which, seeks to enter, or enters, into a contract with the City of Detroit for the delivery of goods or services, but does not mean one who seeks to enter, or enters, into a personal services contract, as defined in this section, with the City.
10. *Corrupt Conduct* means the conduct of a Public Servant, in carrying out his duties, that violates applicable laws or the Standards of Conduct articulated in this Charter.
11. **Debarment** means action taken by the City to exclude a person or entity from acting as contractor for a specified period of time.
12. *Director* means the administrative head of any department or agency regardless of the title of a particular director.
13. *District* or *ward* means a district drawn on a geographical basis, which constitutes a political unit from which members of the City Council, Board of Police Commissioners and Community Advisory Councils are elected.
14. *Elective officers* means the Mayor, each member of the City Council, elected Board of Police Commissioners, **Corporation Counsel, elected Board of Fire Commissioners, elected Election Commissioners** and the City Clerk.
15. *Employee* means a person employed by the City of Detroit, whether on a full-time or part-time basis.
16. *Exempt service* means both compensated and uncompensated positions.
17. *Exercises significant authority* means having the ability to influence the outcome of a decision on behalf of the City of Detroit government in the course of the performance of a Public Servant's duties and responsibilities.
18. *Filling of vacancies* means, except as otherwise provided by this Charter, whenever a vacancy occurs in any appointive position, the vacancy shall be filled by appointment (for the unexpired term, if any) in the manner provided for the original appointment.
19. *General election in the city (distinguished from 'city general election')* means a city-wide general election regardless of whether its purpose is to fill national, state, county or City offices.
20. *Hire* means being employed for a position in the classified service as defined in section 6-417 of this Charter.

21. *Immediate family member* means a Public Servant's spouse, **sibling**, **parent**, domestic partner, individual who lives in the Public Servant's household or an individual claimed by a Public Servant or a Public Servant's spouse as a dependent under the United States Internal Revenue Code at 26 USC 1, *et seq.*
22. *Lobbying* means all communications with a Public Servant for the purpose of influencing legislative or executive action.
23. *Lobbyist* means with respect to lobbying city government: ~~(a) a person whose expenditures for lobbying are more than \$1,000.00 in value in any 12-month period; (b) a person whose expenditures for lobbying are more than \$250.00 in value in any 12-month period, if the amount is expended on lobbying a single public official; or (c) a registered lobbyist under applicable laws, who lobbies Detroit city government.~~
24. *Multi-Member Body* means any board, commission, or other organization of City government.
25. *Official Act* means any action, omission, decision, recommendation, practice or procedure of any agency.
26. *Personal services contract* means a contract for the retention of an individual to perform services on behalf of the City of Detroit for a fixed period and for fixed compensation.
27. *Proceedings* means, with respect to City Council, any gathering of that body for purposes of conducting the legislative affairs of the City of Detroit. It includes, but is not limited to, hearings, council meetings, committee meetings and other council related activities where the body is required to convene by law or Charter to execute its legislative function, as dictated by law, Charter or ordinance.
28. *Public Servant* means the Mayor, members of City Council, City Clerk, **Corporation Counsel**, appointive officers, any member of a board, commission or other voting body established by either branch of City government or this Charter and any appointee, employee or individual who provides services to the City within or outside of its offices or facilities pursuant to a personal services contract.
29. *Resident(s) or residence* means, in reference to qualification for elective office, service on a multi-member body or other Charter residency requirement, a person's principal, permanent place of residence. It shall be that place at which a person habitually sleeps, keeps their personal effects, and regularly lodges. If someone has more than one (1) residence, or a residence separate from that of their spouse, the place where the person resides the greater part of the time will be considered their official residence. Any relevant judicial interpretation of these terms shall be applicable.
30. *Retain* (distinguishing legal representation other than the Corporation Counsel) means the temporary hiring of outside legal counsel.
31. *Serving and present* means, when calculating an ordinary or extraordinary majority of:
  - a. *City Council members serving*, vacant City Council seats are not included; and
  - b. *City Council members present*, neither vacant City Council seats nor those of absent members are included.
32. *Vacancy* means that the position of any elective officer or appointee is deemed vacant upon death **prior to assumption of office or while in office**, resignation, permanent disability or dismissal from the position in any manner authorized by law or this Charter.
33. *Voter of the city or city voter* means a person who has the qualifications of and is registered as an elector of the City of Detroit under state law.
34. *Willful Neglect of Duty* means the intentional failure of a Public Servant to perform the duties of his office.

## **B. Rules of Construction**

For purposes of this Charter, the following rules of construction apply:

*Including or included.* Unless the contrary is expressly stated, these are not words of limitation, but mean “including but not by way of limitation” or “included but not by way of limitation.”

*Number and gender.* The singular number includes the plural, the plural number includes the singular, and the masculine gender includes the feminine gender and the neuter.

*Tense.* This Charter is to be regarded as speaking in the present and continuously. For example, the phrase “as provided by law” will incorporate the provisions of law as they change from time-to-time.

## **Sec. 2-106.1. Ethical Standards of Conduct.**

1. These standards of conduct apply to Public Servants including the Mayor, City Council members, City Clerk, **Corporation Counsel**, appointive officers, appointees, employees and contractors as defined in this Charter.

The purpose of applying and enforcing these standards is to ensure that governmental decisions are made in the public’s best interest by prohibiting city officials and employees from participating in matters that affect their personal or financial interests.

All City ordinances not inconsistent with these sections and that effectuate its operation may be retained. Ordinances may be enacted which are necessary to effectuate the operation of these sections. No ordinance shall be enacted which limits, contradicts or otherwise conflicts with the intent and purpose of these sections.

2. Except as otherwise provided by applicable law, a Public Servant shall not knowingly:
  - a. Willfully or grossly neglect the discharge of his or her duties;
  - b. Use or disclose Confidential Information concerning the property, government or affairs of the City or any office, department or agency thereof, not available to members of the public and gained by reason of his or her official position;
  - c. Use property of the City except in accordance with policies and procedures of the City;
  - d. Engage in or accept private employment or render services when such employment or service is in conflict or incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of official duties;
  - e. Represent a private person, business or organization in any action or proceeding pending before the City or any office, department or agency thereof, except:
    - i. A Public Servant may represent another person, business or organization before a City agency where such representation is a required part of his or her official duties;
    - ii. A Public Servant who is an uncompensated member of a City board, commission or other voting body may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City agency, other than the board, commission or other voting body on which he or she is a member; or
    - iii. A Public Servant who is compensated by the City may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City board, commission or other voting body, other than the board, commission or other voting body on which he or she serves as an appointee or as an employee or under a personal services contract, as long as he or she does so without compensation and on his or her leave time.

- f. Vote or otherwise participate in the negotiation or the making of any city contract, or any other type of transaction, with any business entity in which he or she or an immediate family member has a financial interest; or
- g. Use his or her official position, in violation of applicable law, to improperly influence a decision of the Mayor, City Council members, Clerk, appointees or employees.

A Public Servant who, in the course of his or her duties, exercises significant authority shall not:

- a. Solicit or accept a loan or payment from an individual who is providing service to, receiving tax abatements, credits or exemptions from the City; or
- b. Unduly influence any decision to fill a position in City government with an immediate family member.

## **Sec. 2-106.2. Disclosures.**

1. Except as otherwise provided by applicable law, a Public Servant who exercises significant authority shall disclose:
  - a. Any financial interest, direct or indirect, that he or she, ~~or~~ an immediate family member **or relative** has in any contract or matter pending before City Council.
  - b. Any financial interest, direct or indirect, that he or she, or an immediate family member **or relative** has in any contract or matter pending before or within any office, department or agency of the City.
  - c. Any interest that he or she, ~~or~~ an immediate family member **or relative** has in real and personal property that is subject to a decision by the City regarding purchase, sale, lease, zoning, improvement, special designation tax assessment or abatement or a development agreement.
  - d. Campaign contributions and expenditures, in accordance with applicable laws.
  - e. The identity of any immediate family member **or relative** employed by the City or who is making application to the City.
  - f. **Any and all internal and external secondary wages, compensation, bonuses, travel stipends, speaker fees, housing and accommodations or benefits, where such is paid by a person or entity who is engaged in, or seeking, a direct or indirect business or financial relationship with the City. The City shall annually disclose this information.**
2. In addition to compliance with subsection (1) above, contractors and vendors shall disclose:
  - a. The identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before City Council.
  - b. The identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before or within any office, department, or agency of the City.
3. The above disclosures shall be made in writing and be made by sworn, notarized affidavit, in accordance with City ordinance and applicable laws.
4. **The Board of Ethics shall receive the above disclosure form, verify the accuracy of its contents, and forward a complete copy of the form to the applicable department director or agency head.**

### **Sec. 2-106.3. Lobbying Registration and Reporting.**

A lobbyist who lobbies within the city government shall be required to register with the City and file a report of his or her lobbying activity. All documents filed by lobbyists shall be filed with the City Clerk, be a public record and additionally published electronically on the World Wide Web or other format as to provide remote or on-line access to the reports. A fee shall be assessed to each lobbyist.

**Whether or not defined as a lobbyist under section 2-105(A)(23) or any applicable ordinance, contractors must file a quarterly report of all gifts, contributions, donations or other expenditures with a monetary value that the contractor made for the purpose of lobbying or otherwise influencing any city government official or employee, promoting or helping to elect any candidate for city office, or supporting or opposing any city ballot measure. Within seven (7) days of receiving the quarterly report, it shall be conspicuously posted on the City of Detroit's website.**

### **Sec. 2-106.4. Gifts and Gratuities.**

A Public Servant shall not accept gifts, gratuities, honoraria, or other things of value, ~~as determined by ordinance~~, from any person or company doing business or seeking to do business with the City, is seeking official action from the City, has interests that could be substantially affected by the performance of the Public Servant's official duties, or is registered as a lobbyist under applicable laws.

This prohibition shall not apply to:

1. An award publicly presented to a Public Servant by an individual, governmental body or non-governmental entity or organization in recognition of public service.
2. Complimentary copies of trade publications, books, reports, pamphlets, calendars, periodicals or other informational materials.
3. A gift received from a Public Servant's relative or immediate family member, provided that the relative or immediate family member is not acting as a third party's intermediary or an agent in an attempt to circumvent this article.
4. Admission or registration fee, travel expenses, entertainment, meals or refreshments that are furnished to the Public Servant: (i) by the sponsor(s) of an event, appearance or ceremony which is related to official City business in connection with such an event, appearance or ceremony and to which one (1) or more of the public are invited; or (ii) in connection with teaching, a speaking engagement or the provision of assistance to an organization or another governmental entity as long as the City does not compensate the Public Servant for admission or registration fees, travel expenses, entertainment, meals or refreshments for the same activity.

***This section is effective upon voter approval of this Charter. Within 30 days after adoption of this Charter, City Council shall adopt an ordinance that is not inconsistent with this section.***

### **Sec. 2-106.5. One Year Post-Employment Prohibition.**

Subject to state law and except for personal service contracts as defined in Section 2-105, for one (1) year after employment with the City, a Public Servant shall not lobby or appear before the City Council or any

City department, agency, board, commission or body or receive compensation for any services in connection with any matter in which he or she was directly concerned, personally participated, actively considered or acquired knowledge while working for the City.

Subject to state law, for a period of one (1) year after employment with the City, a Public Servant shall not accept employment with any person or company that did business with the City during the former Public Servant's tenure if that Public Servant was in any way involved in the award or management of that contract or the employment would require the sharing of confidential information.

#### **Sec. 2-106.6. Contracts Voidable and Rescindable.**

The City's Purchasing Department shall amend its standard contract form to include language which 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 who is a party to the contract has an interest in such contract and fails to disclose such interest. Such contract shall also be voidable or rescindable if a lobbyist or employee of the contracting party offers a prohibited gift, gratuity, honoraria or payment to a Public Servant in relation to the contract. A fine shall be assessed to the contractor in the event of a violation of this section of the Charter. If applicable, the actions of the contractor, and its representative lobbyist or employee, shall be referred to the appropriate prosecuting authorities.

#### **Sec. 2-106.7. Prohibition on Campaign Activities Using City Property and Assets Or During Working Hours.**

**Elective officers**, appointees, appointive officers and employees are prohibited from engaging in campaign activities using City property **and assets**, or engaging in such activity during working hours.

The Mayor, City Council members, ~~and~~ City Clerk **and other Elective Officers** are prohibited from soliciting appointees, appointive officers and employees to work on political campaign activities using City property **and assets** or **engaging in such activities** during working hours.

#### **Sec. 2-106.8. Board of Ethics, Application, Appointment, Qualifications and Terms.**

The independent Board of Ethics shall consist of seven (7) members who are City residents and not elective officers, appointees or employees of the City at any time during their board membership.

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.

Such appointments shall be made after applications are received, reviewed and interviews conducted. Members shall serve for a term of five (5) years, up to two (2) consecutive terms not to exceed 10 years. Such terms shall be staggered. Members of the Board of Ethics are subject to removal for cause.

#### **Sec. 2-106.9. Powers and Duties.**

The Board of Ethics shall:

1. Issue advisory opinions regarding the meaning and application of provisions of the Charter, city ordinances or other laws or regulations establishing standards of conduct for Public Servants. Advisory opinions shall be rendered upon written request by a Public Servant regarding his or her own actions. The advisory opinions shall not disclose the identity of the Public Servant concerned.
2. Receive and resolve complaints arising under the Ethics Ordinance. The Board of Ethics shall be authorized by ordinance to conduct investigations on its own initiative, subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, appoint independent counsel when necessary, and to perform other functions essential to ensure the integrity of City government.
3. Prepare an annual report for submission to the Mayor and City Council. Consistent with state law, the Board of Ethics may recommend improvements in the standards of conduct to ensure the ethical behavior of City elective officers, appointees and employees, or in the organization and procedures related to the administration and enforcement of those standards.
4. Provide **annual** mandatory training for the Mayor, City Council, **City Clerk, Corporation Counsel, other Elective officers**, appointive officers and appointees and employees who exercise significant authority in the execution of his or her official duties.
5. Provide, **minimally, biennial** training for all other appointees and employees including those subject to Article 6, Chapter 4 of this Charter.
6. Issue penalties for violations of this section of the Charter, as consistent with state law.
7. **Retain outside counsel to assist in cases where an ethics complaint has been filed against the Mayor, Corporation Counsel or Law Department employee.**
8. **In compliance with applicable state law, publish and store on the City of Detroit's website its meeting minutes as well as a monthly report of complaints received, which shall include, at a minimum, the nature of the complaint, date filed and its disposition.**

#### **Sec. 2-106.10. Cooperation in Investigations; Obstruction.**

It shall be the duty of every Public Servant, contractor and subcontractor and licensee of the City, and every applicant for certification of eligibility for a City contract or program, to cooperate with the Board of Ethics in any investigation pursuant to this article.

Any Public Servant who willfully and without justification or excuse obstructs an investigation of the Board of Ethics by withholding documents or testimony is subject to forfeiture of office, discipline, debarment or any other applicable penalty.

The requirements under this section shall be incorporated into all City contracts, where legally necessary for application and enforcement.

#### **Sec. 2-106.11. Violations and Penalties.**

1. Any intentional, willfully negligent or grossly negligent violation of sections 2-106.1 through 2-106.10 and 2-106.14 of the Charter shall subject the violator to any one or more of the following:

- a. Public admonishment issued by Board of Ethics;
  - b. If an employee, a recommendation that he or she be reviewed for disciplinary action;
  - c. If an elective or appointive officer, a recommendation to the City Council for removal or forfeiture proceedings;
  - d. Administrative sanction assessed by the Board of Ethics in an amount and to the extent allowed by law; and
  - e. Prosecution by the City's Law Department in a court of jurisdiction and, upon conviction, to a fine and/or imprisonment up to the maximum allowed by law, whether the official or employee is elected or appointed, paid or unpaid. Nothing in this section shall be interpreted to conflict with state law.
2. With regard to violations by contractors, in addition to the remedies in paragraph (1), the Board of Ethics may recommend to the City's Purchasing Director one or more of the following:
- a. Suspension of a contractor;
  - b. Disqualification or debarment from contracting or subcontracting with the City;
  - c. Administrative sanction assessed by the Board of Ethics. Subject to any relevant state law, such fine shall be determined by considering the amount of damages incurred by the City as a result of the subject violation; and/or
  - d. Prosecution by the City's Law Department in a court of jurisdiction and, upon conviction, a fine for each violation and imprisonment up to the amount and time allowed by law, respectively. Nothing in this section shall be interpreted to conflict with state law.

All penalties associated with this section of the Charter are in addition to the civil and criminal penalties available to the City under applicable law.

#### **Sec. 2-106.12. Meetings.**

All meetings of the Board of Ethics shall be subject to the Michigan Open Meetings Act MCL 15.261, *et al.*, and open to the public unless an individual involved in the matter to be addressed requests in writing that the meeting be closed, or unless otherwise provided by ordinance and consistent with state law.

#### **Sec. 2-106.13. Funding.**

The City shall annually appropriate funds sufficient to enable the Board of Ethics to perform its duties. Funding shall be in accordance with section 8-214 (Proportional Funding for Oversight Agencies).

#### **Sec. 2-106.14. Campaign Finance Reports.**

Every elective officer or candidate for election shall make public their campaign contributions and expenditures by filing a report or reports thereof as required by state law.

#### **Sec. 2-107. Dismissal Proceedings.**

##### ***A. Recall of Elective City Officers.***

Any of the elective City officers provided for in section 3-107 of this Charter may be recalled by the voters of the City in the manner provided for by law.

##### ***B. Forfeiture of Office Held by Elective City Officers.***

###### ***1. Grounds for Mandatory Forfeiture.***

The office of an elective city officer shall be forfeited for the following:

- a. Lacks at any time any qualifications required by law or by section 2-101 of this Charter;
- b. Plead to, or is convicted of, a felony while holding the office;

- c. Engages in official misconduct;
- d. Willful or gross neglect of duty;
- e. Corrupt conduct in office; or
- f. Any other misfeasance or malfeasance.

2. *Grounds for Permissive Forfeiture.*

The City Council may determine that the office of an elective city officer should be forfeited where the officer:

- a. Based on a recommendation of the Board of Ethics to the City Council, is determined by a three fourths (3/4) vote of City Council members serving to have violated the Ethics Ordinance or ethics provisions of this Charter;
- b. Refuses to cooperate in an investigation of the Inspector General, Board of Ethics or Ombudsperson;
- c. Neglects or refuses to comply with the provisions of this Charter after being provided an opportunity to comply pursuant to section 7.5-209 (*Enforcement of Charter*); or
- d. Violates any provision of this Charter punishable by forfeiture.
- e. **Misdemeanor convictions that involve a breach of public trust, dishonesty, theft or fraud.**
- f. **Receives indictment for criminal conduct directly connected to the performance of an elective city officer's duties.**

3. *Procedure.*

Where the City Council determines that forfeiture under subsections (B)(1) or (B)(2) of this section, or both, is proper, the officer shall be charged through adoption of a resolution, which provides the factual basis for each charge, by a two-thirds (2/3) vote of members serving. Upon adoption of the resolution, the City Clerk shall forward a certified copy of the resolution to the officer by registered mail.

An elective city officer charged with conduct constituting grounds for forfeiture is entitled to a public hearing before the City Council and to outside legal representation, as permitted by law, which shall be paid by the City of Detroit at rates commensurate with the hourly rate normally paid by the City. A City Council member charged with conduct constituting grounds for forfeiture may not participate in the resolution of the charge.

Notice of the hearing and the charging resolution shall be published in a daily newspaper of general circulation in the City, and by electronic posting available to the public, at least fourteen (14) days in advance of the hearing. A decision by the City Council for forfeiture of the office of an elective city officer is subject to judicial review in accordance with Michigan law.

4. *Hearing Rules.*

In accordance with section 2-111 of this Charter, the City Council shall promulgate rules for the Body's forfeiture hearings. Such rules shall comport with procedural due process and shall be in effect prior to any resolution charging the elective city officer. The City Council may request that Corporation Counsel retain an outside legal advisor to assist it regarding the interpretation, application and enforcement of the rules for the hearing, admissibility of evidence, objections and other legal issues arising in connection with the proceedings. **In the event Corporation Counsel is the subject of the forfeiture hearing, City Council shall have the unfettered right to retain an outside legal to assist it regarding the interpretation, application and enforcement of the rules for the hearing, admissibility of evidence, objections and other legal issues arising in connection with the proceedings.**

**For purposes of hearings under this subsection, in cases of indictment under 2-107(B)(2)(f) City Council shall consider forfeiture of office or suspension from office as a penalty.**

**C. Removal of City Appointees.**

1. *Grounds.*

A city appointee who serves at the pleasure of his or her appointing authority may be removed by the appointing authority without cause. A city appointee who is subject to removal for cause may be removed by the appointing authority for:

- a. Lack of qualifications;
- b. Incompetence
- c. Neglect of duties;
- d. Misconduct;
- e. Pleading to or conviction of a felony;
- f. Violation of this Charter;
- g. Violation of federal or state law;
- h. Violation of any city ordinance, rule, or regulation; or
- i. Any reason under subsections (B)(1) and (B)(2) of this section.

In addition, where a person is appointed to a multi-member body, the appointee is subject to removal for cause for habitual non-attendance of meetings as defined in the Body's rules, or as established by review of the minutes from the Body's meetings.

2. *Procedure.*

A city appointee who is removable for cause may not be removed under this subsection without an opportunity for a hearing before the appointing authority. A copy of the charges shall be furnished at least fourteen (14) days in advance of the hearing.

3. *Hearing Rules.*

In accordance with section 2-111 of this Charter, each appointing authority shall promulgate procedural rules for removal hearings. Such rules shall comport with procedural due process and shall be in effect prior to any notice or resolution charging the city appointee.

## **Sec. 2-108. Pay Plans.**

All city appointive officers and employees, except elective officers and those whose compensation is stated in collective bargaining contracts made effective under section 6-408, employed by the City and paid either in part or in whole from city appropriations shall be compensated in accordance with pay plans which have been initiated by the Mayor and approved by the City Council through adoption of a resolution.

Where applicable, the salaries of all city elective officers shall be determined by an Elected Officials Compensation Commission, which shall be created by an ordinance containing provisions as required by state law.

## **Sec. 2-109. Reimbursement.**

Except as otherwise expressly provided, the members of every multi-member body created by this Charter or under section 7-103 of this Charter shall serve without compensation but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

## **Sec. 2-110. General Provisions for Multi-Member Bodies.**

Any multi-member body created in this Charter or under section 7-103 may select its officers and adopt rules of procedure. A majority of its members constitutes a quorum. The Body's meetings shall be conducted in compliance with the Michigan Open Meetings Act, MCL 15.261, *et seq.*, including making a record of its proceedings. The record shall be made available to the public in accordance with the Michigan Freedom of Information Act, MCL 15.231, *et seq.* Unless otherwise provided for in this Charter or in the Detroit City Code, each term begins on the fifteenth (15th) day of February and ends on the final February fourteenth (14th) of the term.

**All Mayoral, executive branch and City Council appointments to commissions, boards, public authorities, or any entity to which they have appointment authority, shall be individuals who are residents of the City of Detroit at the time of appointment and throughout their tenure, unless the appointing authority expressly states in writing to City Council reasons for allowing a particular nonresident to serve. The justification shall be placed into the official record of City Council.**

**Subject to any relevant section of this Charter, the Mayor, executive branch official with appointment authority and City Council, shall endeavor to make appointments that are as demographically representative of the entire City as possible.**

#### **Sec. 2-111. Promulgation of Administrative Rules.**

(1) Where a city ordinance permits or requires a city department director, agency head or multi - member body to promulgate a rule governing dealings between the City and the public, or establishing hearing procedures for resolving matters in dispute, the city department director, agency head or multi- member body shall comply with this section.

(2) Before adopting any rule governing dealings between the City and the public, or establishing hearing procedures for resolving matters in dispute, a city department director, agency head or multi- member body shall give notice of a hearing by publication in a daily newspaper of general circulation and by electronic posting available to the public, at least four (4) weeks in advance of the scheduled hearing. The notice of hearing shall:

- a. Contain the proposed rule or procedure, or a statement of its substance;
- b. Specify the department director or agency head or his or her designee, from whom additional information can be obtained;
- c. Specify the location, date, and time for oral presentation of views by interested persons; and
- d. Specify that any written comments and recommendations intended to be considered prior to adopting the rule shall be submitted no later than the conclusion of the public hearing.

(3) No person shall be precluded from submitting written recommendations and comments subsequent to adoption of the administrative rule. All written comments and recommendations shall be kept on file and made available for public inspection by the promulgating department director, agency head, or multi-member body. Written comments and recommendations received up to the date of the hearing or during the hearing shall be read into the hearing record.

(4) After the conclusion of the public hearing and consideration of all comments and recommendations, the proposed rule shall become effective upon publication in a daily newspaper of general circulation. All effective rules and procedures shall be codified to correspond to the chapter of the City Code which authorized adoption of the rules or procedures, and included in the Detroit City Code after city ordinances in a separate part titled "Administrative Rules."

(5) Notwithstanding the preceding subsections, in the case of an emergency declared in writing by the Mayor or the City Council concerning the public health, safety or welfare, a proposed rule may be given effect for a period not to exceed seven (7) days.

(6) When promulgating a rule or procedure under this section, a city department director, agency head, or multi-member body is limited to proposing rules which establish procedures, and is precluded from promulgating rules or procedures which are substantive in nature and required to be enacted through an ordinance.

(7) Where rules governing hearing procedures for resolving matters in dispute are adopted, those rules shall be consistent with due process of law.

#### **Sec. 2-112. Public Records.**

All records of the City shall be made available to the general public in compliance with the Freedom of Information Act, MCL 15.231, *et. seq.*; MSA 4.1801(1), *et. seq.*

**Sec. 2-113. Prohibition Against Entering Into Contracts or Giving Position to Those in Default.**

The City of Detroit, through its executive branch departments and legislative branch agencies, is prohibited from making a contract with, or giving an official position to, one who is in default to the City.

**Sec. 2-114. Language Access Plans.**

City departments and offices shall develop and implement language access plans for Limited English Proficient residents consistent with city ordinance. City Council shall enact an ordinance within one hundred eighty (180) of adoption of this Charter which sets forth the requirements for the language access plans, including the following:

1. Identification of the resident populations in need of language access services and the specific language assistance that is needed;
2. Provision of language access services where three percent or 500 individuals of the identified population are Limited English Proficient.
3. Identification of types of points-of-contact the agency and staff may have with the identified Limited English Proficient resident;
4. Identification of methods for providing language assistance, which may include, at a minimum, oral interpretation services, bilingual staff, telephone interpreter services and written translation services.

## **ARTICLE 3. ELECTIONS**

**Sec. 3-101. Department of Elections.**

A Department of Elections shall plan, monitor and administer all elections in the City of Detroit.

**Sec. 3-102. Election Commission; Composition; Term; Vacancy; Selection of Officers.**

The Department of Elections is headed by the Election Commission composed of **the City Clerk and seven (7) voting members who shall be elected one each from the non at-large district. Elected commissioners shall serve a term of (4) years.**

1. The City Clerk, ~~who is Chairperson;~~ 2.  
~~The President of the City Council; and~~
3. ~~The Corporation Counsel.~~

**City employees, other city elected officials, candidates for elective office, and city contractors and their employees shall be ineligible to serve as members of the Election Commission.**

The Chairperson of the commission shall be the person who received the highest number of votes in each election. The Vice-Chairperson shall be selected by the voting member of the Election Commissioners. The Vice-Chairperson shall perform the duties of the Chairperson in her absence. The City Clerk is a non-voting member of the Election Commission and shall be present at each official commission meeting. The City Clerk is responsible for recording the minutes of all commission meetings.

#### **Sec. 3-103. Powers and Duties of Election Commission.**

**It shall be the obligation of the Election Commission to ensure fair, open and legal elections, increase the number of voters through providing every opportunity and means for all eligible residents to participate in the process of voting, and educate residents regarding its statutory operations, functions and mission and that of the Department of Elections.**

The Election Commission has general supervision of all elections in the City and may hire assistants, inspectors, and other election personnel. Precinct election officers and temporary employees ~~required from time to time for periods not to exceed thirty (30) business days~~ may be appointed **for no more than six (6) months**, exempt from Article 6, Chapter 4, of this Charter. **Subject to the requirement of state law, the Election Commission shall first recruit assistants, inspectors and other election personnel, including precinct election officers and temporary employees, from within the City of Detroit before engaging in recruitment efforts outside of the City of Detroit.**

Except as otherwise provided by this Charter or ordinance, the Election Commission shall perform all duties required of election commissions by law. The Commission may subpoena witnesses, administer oaths, take testimony and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for the failure to obey a subpoena or order, the Commission shall apply to the appropriate court.

**The Election Commission shall be responsible for the development and implementation of a comprehensive plan of protocols and best practices for conducting elections, securing election integrity and increasing voter participation, which may include mail-in voting. Within one hundred eighty (180) days of the adoption of this Charter and every year thereafter, the Election Commission shall prepare an assessment of the election department and election process and procedures and formulate a set of recommendations and plan for improving the department and election process, which shall include costs. The Commission shall conduct hearings to allow the public comment and input into the assessment, recommendations, plan and any annual updates, before their final report. The report of the assessment, recommendations and plan, including annual updates, shall be presented to the Mayor and City Council for their review and mandatory written comments, all of which shall be shared with the public during a session of City Council and conspicuously published on the City of Detroit's website. City Council shall, where necessary to effectuate the recommendations for improvements and relevant aspects of the improvement plan, adopt ordinances within sixty (60) days receipt of the recommendations.**

**In carrying out its responsibility for assessing the election department and preparing recommendations for improvement and an election process improvement plan, with updates, the Election Commission shall engage a taskforce of experts to assist in fulfilling these responsibilities, with adequate funding provided by the City.**

All meetings of the Commission shall be conducted in compliance with the Michigan Open Meetings Act, MCL 15.261, et seq., including making a record of its proceedings.

In case of any doubt concerning election procedure, the Commission shall prescribe the procedure to be followed.

### **Sec. 3-104. Director and Deputy Director.**

**The City Clerk shall appoint a Director and Deputy Director of the Department of Elections. The appointments shall be approved by a majority vote of the voting members of the Election Commission.** ~~The City Clerk shall appoint a Director and Deputy Director of the Department of Elections, who are~~ **The individuals appointed shall be** skilled and experienced in municipal election administration. ~~Under the direction of the City Clerk and in~~ **In** accordance with general policies **and directives set forth by** of the Election Commission, the Director shall supervise, plan and monitor all activities and operations incidental to the conduct of elections and voter registration. The Director or Deputy Director of Elections may be removed ~~by the Clerk for cause.~~ **by a majority vote of the voting members of the Election Commission.**

### **Sec. 3-105. City Elections and City Council Initiated Ballot Proposals.**

A regular city general election to fill the elective offices of the City shall be held on the Tuesday after the first Monday of November of 2013 and every fourth year thereafter.

A regular city primary election to nominate candidates for city offices shall be held on the Tuesday after the first Monday of August before the general election.

If a vacancy occurs in the office of Mayor, it shall be filled by succession under section 5-109. The unexpired term shall be filled at the next general election in the City held not sooner than one hundred eighty (180) days after occurrence of the vacancy.

If a vacancy occurs on City Council, it shall be **offered in successive order to filled by the candidate who received the next highest votes in the previous general election for the vacant position until the seat is filled.** ~~appointment, based on a two-thirds (2/3) vote of members. If no candidate accepts the position it shall be filled by City Council, based on a two thirds (2/3) vote of members. The~~ That person ~~appointed~~ shall serve until an elected member takes office. The election to fill the vacant position shall occur at the next general election to be held not sooner than one hundred eighty (180) days after occurrence of the vacancy.

**If a vacancy occurs in office of Corporation Counsel is shall be filled by the Deputy General Counsel. In the event the Deputy General declines the position or is otherwise unable to assume the position, City Council may appoint a General Counsel who meets the qualification for that office as set forth in this Charter. The election to fill the vacant position shall occur at the next general election to be held not sooner than one hundred eighty (180) days after occurrence of the vacancy.**

If a vacancy occurs in an elective office of the Board of Police Commissioners it shall be **offered in successive order to the candidate who received the next highest votes in the previous general election for the vacant position until the seat is filled** ~~filled by the Mayor with a resident from the relevant district, subject to City Council approval. If City Council does not disapprove the appointment within thirty (30) days of the appointment, it will be deemed confirmed. If no candidate accepts the position it shall be filled by City Council, based on a two thirds (2/3) vote of members.~~ The ~~appointed~~ person **filling the vacancy** shall serve until an elected member takes office. The election to fill the vacant position shall occur at the next general election to be held not sooner than one hundred eighty (180) days after occurrence of the vacancy. **Vacancies that occur in an appointed seat shall be filled, for the unexpired term, in the same manner as the initial appointment.**

If a vacancy occurs in an elective office of the Board of Fire Commissioners, it shall be offered in successive order to the candidate who received the next highest votes in the previous general election for the vacant position until the seat is filled. If no candidate accepts the position it shall be filled by City Council, based on a two thirds (2/3) vote of members. The person filling the vacancy shall serve until an elected member takes office. The election to fill the vacant position shall occur at the next general election to be held not sooner than one hundred eighty (180) days after occurrence of the vacancy. **Vacancies that occur in an appointed seat shall be filled, for the unexpired term, in the same manner as the initial appointment.**

If a vacancy occurs in an elective office of the Election Commission, it shall be offered in successive order to the candidate who received the next highest votes in the previous general election for the vacant position until the seat is filled. If no candidate accepts the position it shall be filled by City Council, based on a two thirds (2/3) vote of members. The person filling the vacancy shall serve until an elected member takes office. The election to fill the vacant position shall occur at the next general election to be held not sooner than one hundred eighty (180) days after occurrence of the vacancy.

The City Council may submit, by resolution adopted not less than seventy (70) days before any election or special election, any proposal to the voters of the city.

### **Sec. 3-106. State Law to Apply.**

Except as otherwise provided by this Charter or ordinance, state law applies to the qualifications and registration of voters, the filing for office by candidates, the filing of petitions for initiative and referendum, and the conduct and canvass of city elections.

### **Sec. 3-107. Elective Officers of the City.**

The elective officers of the city are the Mayor, the nine (9) members comprising the City Council, the City Clerk, **Corporation Counsel**, and seven (7) elected Board of Police Commissioners, **seven (7) elected Board of Fire Commissioners and seven (7) elected Election Commissioners.**

### **Sec. 3-108. Geographical Basis for Electing Council Members.**

There shall be seven (7) non at-large districts and one (1) at-large district established in the City and one (1) member shall be elected from each non at-large district and two (2) members shall be elected from the at-large district.

New district boundaries created within one hundred twenty (120) days of a City Primary Election shall become effective after the General Election.

City Council shall establish district wards that are as nearly of equal population as practicable, contiguous, compact and in accordance with any other criteria permitted by law.

District wards shall be apportioned in subsequent years as required by, and in accordance with, the Home Rule City Act, MCL 117.27a, and other applicable law.

### **Sec. 3-109. Nominating Petitions.**

A candidate for nomination to an elective City office shall file with the City Clerk a non-partisan nominating petition consisting of one (1) or more petition forms of a set minimum and maximum of signatures of qualified voters of the City of Detroit.

Where a candidate is seeking nomination to the Office of Mayor, the candidate's petition shall be signed by not less than five hundred (500) signatures of qualified voters of the City of Detroit and not more than one thousand (1,000) signatures of qualified voters of the City of Detroit.

Where a candidate is seeking nomination to the Office of City Council at-large member, the candidate's petition shall be signed by not less than five hundred (500) signatures of qualified voters of the City of Detroit and not more than one thousand (1,000) signatures of qualified voters of the City of Detroit.

Where a candidate is seeking nomination to the Office of City Council non at-large member, the candidate's petition shall be signed by not less than three hundred (300) signatures of qualified voters of the City of Detroit and not more than six hundred and fifty (650) signatures of qualified voters of the City of Detroit.

Where a candidate is seeking nomination to the Office of City Clerk, the candidate's petition shall be signed by not less than five hundred (500) signatures of qualified voters of the City of Detroit and not more than one thousand (1,000) signatures of qualified voters of the City of Detroit.

**Where a candidate is seeking nomination to the Office of Corporation Counsel, the candidate's petition shall be signed by not less than five hundred (500) signatures of qualified voters of the City of Detroit and not more than one thousand (1,000) signatures of qualified voters of the City of Detroit.**

Where a candidate is seeking nomination to the office of district-elected Police Commissioner, the candidate's petition shall be signed by not less than three hundred (300) signatures of qualified voters of the City of Detroit and not more than six hundred and fifty (650) signatures of qualified voters of the City of Detroit.

**Where a candidate is seeking nomination to the office of district-elected Fire Commissioner, the candidate's petition shall be signed by not less than three hundred (300) signatures of qualified voters of the City of Detroit and not more than six hundred and fifty (650) signatures of qualified voters of the City of Detroit.**

In the initial election, where a candidate is seeking nomination to the office of elected Election Commissioner, the candidate's petitions shall be signed by a number of voters of the city equal to not more than one percent (1%) and not less than one-half of one percent ( $\frac{1}{2}\%$ ) of the number of votes cast at the immediately preceding city-wide regular city general election for the office of the City Clerk. In succeeding elections, the candidate's petition shall be signed by a number of voters equal to not more than one percent (1%) nor less than one-half percent ( $\frac{1}{2}\%$ ) of the number resulting when the total number of votes cast at the preceding regular city general election for Election Commissioners is summed and then divided by three (3).

### **Sec. 3-110. Nominees.**

The number of nominees for each elective city office selected at each primary election may not exceed twice the number of openings in the office to be filled. The nominees are entitled to have their names printed on the general election ballot.

### **Sec. 3-111. Residency Requirement for Elective Officers.**

#### *1. Elected Officials Generally.*

All candidates for elective office and elected officials shall be bona fide residents of the City of Detroit and must maintain their principal residence in the City of Detroit for one (1) year at the time of filing for office or appointment to office, and throughout their tenure in office.

#### *2. City Council and Board of Police Commissioners.*

In addition to being a resident for one (1) year, as required above, candidates for City Council and the Board of Police Commissioners shall be bona fide residents of their districts and must maintain their principal residence in their districts for one (1) year immediately preceding election or appointment and throughout their tenure in that office.

### **Sec. 3-112. Voter Participation Among City Employees.**

Subject to applicable collective bargaining requirements, City employees shall be granted compensated time off to vote in all elections held within the City of Detroit. Where appropriate under state law, the City of Detroit shall determine the form of compensation for time off to vote. Employees identified by the City as critical may be exempted from this section, as determined by the Mayor and approved by City Council. City Council shall implement this section pursuant to ordinance.

### **Sec. 3-113. Candidate Debates and Issue Forums.**

The Election Commission is responsible for preparation and publishing of a debate and issue forum schedule and hosting candidate debates and issue forums for candidates to all city elective offices and ballot initiatives prior to the election. The Election Commission shall establish the process for debates and forums, including standard rules, which may be updated as necessary. The process, standard rules and all amendments thereto shall be formally approved by the Election Commission at a public meeting and conspicuously published on the Election Commission's social media and digital platforms, including City of Detroit website. City Council shall approve the process and all standard rules and amendments thereto prior to implementation.

The debate schedule shall include at least one candidate debate and all debates shall be video recorded and repeatedly aired on one or more of the City of Detroit's television cable channels prior and up to the election, and immediately stored on the Election Commission's webpage for viewing. The Election Commission shall host non-partisan issue forums to educate voters on ballot proposals prior to the vote on the proposal.

### **Sec. 3-114. Local Election Procedure.**

#### **1. Election Day Procedures**

Subject to the requirements of the Michigan Election Law and other relevant state statutes, the following local procedures shall also be required for every election:

1. At each Voter Precinct or Absent Voter Counting Board wherein a voting machine is located, it shall be required that the Election Official in charge of that location, in full view of election challengers, if any, shall, before the official polls open for the day, print an opening tape for each Precinct and Absent Voter Counting Board showing that there have been zero ballots cast before the polls opened. Should such a tape already be required and printed, then the Election Official shall immediately print a second identical tape from the same machine or Absent Voter Counting Board and shall:
  - i. Immediately write their full name across the top of the computer paper tape generated as well as the serial number of the memory card or other unique data identifying number of the machine from which the computer paper tape was run;
  - ii. Immediately hang the second tape printed in a publicly accessible and conspicuous location within the same building as the machine from which the tape was printed, where it shall remain in the full view of the general public throughout election day until after the last Election Official leaves that building after the polls close;
  - iii. On any tape printed pursuant to subsection 1(a) above, the Election Official in charge of the Precinct or Absent Voter Counting Board before the polls

- open, shall determine the number of blank unused ballots in that Precinct's possession which are available to be used and delivered to that Precinct or Absent Voter Counting Board for that election;
- iv. The Election Official in charge shall write on the tape printed in subsection 1(a)(i) above, the following information: "Total Blank Ballots Delivered to this Precinct are \_\_\_\_\_" and shall enter the number of blank ballots delivered to that Precinct or Absent Voter Counting Board determined in subsection 1(a)(iii) above;
  - v. That at any time during the election day if, for any reason, an additional computer tape is printed, a second identical tape shall also be printed and placed in the same conspicuous location as the previous tapes, where they too shall remain up to and until the last Election Official has left the building for the evening on election night.

## **2. After Polls Close Procedure**

Once the polls have closed on election day, the Election Official in charge of their precinct or Absent Voter Counting Board, after a final tape of the ballots cast at that precinct or Absent Voter Counting Board have been run in full view of any authorized election challengers, shall immediately run a second identical tape and immediately hang it in the same location as that in subsection 1(a)(ii) in the same manner previously prescribed.

Immediately after the canvass authorized by state law has been completed, but before the precinct's ballot box and voting materials have been sealed within the case or removed from the polling location building, the Election Official of the precinct or Absent Voter Counting Board who places the election materials for that precinct or Absent Voter Counting Board into the official container and who will be sealing said container shall immediately write across the bottom of the second tabulator generated computer tape:

- a. The "security seal" number affixed to the case;
- b. The number of ballots which have been voted and contained within the case;
- c. The number of ballots spoiled during the election day from that precinct or Absent Voter Counting Board; and
- d. The number of unused election ballots still remaining as of the moment immediately before sealing the container.

This final tape shall be immediately placed in the same conspicuous location as that identified in subsection 1(a)(ii), in full view of the general public immediately adjacent to any previous placed tapes and shall be initialed by the Election Official who printed and placed the tape. The computer tape shall remain until after the last Election Official has left the building for the evening.

## **3. Procedure for Violation**

Complaints by citizens or authorized election challengers, against an election official alleged to have violated section 3-114 may be must be filed with the Office of the Inspector General within twenty-four (24) hours after the election poll closes. Within forty-eight (48) hours of receipt of the complaint, and at 5p.m. on the Thursday following the election from which the complaint arose the Inspector General shall immediately post a copy of the complaint outside the Office of the Inspector General at the counter of the Detroit Election Commission for public review and inspection. The complaint shall remain in the location until it has been officially resolved as described below:

1. Within ten (10) days following receipt of the complaint, the Inspector General shall make a formal determination and report to the Detroit Election Commission as to whether this Charter section has been violated;
2. The report shall be posted in a conspicuous place within the Detroit Election Commission office building, be fully accessible to the general public and remain at that location until the Detroit Election Commission resolves the complaint.
3. Unless the Election Commission receives a written request for a hearing by the alleged Election Official, violations reported to the Detroit Election Commission by the Inspector General shall constitute cause for the offending individual to be assessed a civil fine of \$50.
4. If a formal written request for a hearing is served upon the Election Commission, the Election Commission shall, within ten (10) days of receipt of the request, convene a formal hearing at which the complainant and Election Official shall be given an opportunity to be heard, after which a formal determination on the merits of the complaint shall be issued, dismissing the complaint or assessing the fine set forth herein.

#### **Director's Post Election Reconciliation Procedure**

Within 15 days following any election, there shall be a report issued by the Director of the Department of Elections to the Detroit Election Commission, posted in the lobby of the Detroit Election Commission's office building and on their website, which shows for each voting precinct and Absent Voter Counting Board, in a vertical tabular form, a reconciliation of ballots in the following format for each precinct and Absent Voter Counting Board:

- a. "Total Ballots Printed By the City of Detroit";
- b. "Total Ballots Voted by Electors for that Precinct or Absent Voter Counting Board";
- c. "Total Ballots Spoiled at that Precinct or Absent Voter Counting Board";
- d. "Total Unused Ballots for that Precinct or Absent Voter Counting Board".

The Director of the Department of Elections shall be required to provide to the Election Commission and post in the lobby of the Election Commission's office, in full view of the general public, the ballot reconciliation using and shall explain in writing to the Election Commission the reasons any precinct or Absent Voter Counting Board failed to reconcile. The Director shall also post the underlying printer's manifest or other documentation which supports and verifies the total ballots printed and delivered to each precinct and Absent Voter Counting Board.

#### **Sec. 3-115. Funding Priorities.**

The Department of Elections shall be appropriately funded to allow for the accomplishment of the following priorities:

- 1) Residents of the City of Detroit shall be informed of the voting process, including upcoming elections, and educated specifically about the candidates and proposals on each ballot;
- 2) The Department of Elections shall make every effort to have \_\_\_% of all citizens and \_\_\_% of all registered voters participate in the voting process, during every election;
- 3) Residents who participate in the voting process, whether in person or by mail, shall have available to them sufficient opportunities and working equipment enabling them to vote without undue delay;

- 4) The calculation of votes shall take place in a manner that is transparent, effective and efficient, with the goal of having tabulated results of the election released prior to 11:59 pm on election day;
- 5) Persons working the polls, counting votes and involved in other aspects of the election process will receive thorough training so as to avoid any unnecessary delay in the voting, challenge or recount processes.

## **ARTICLE 3.5. OFFICE OF THE CITY CLERK**

### **Sec. 3.5-101. Office of City Clerk.**

There shall be an Office of the City Clerk, which is headed by the City Clerk.

### **Sec. 3.5-102. Duties and Powers of City Clerk.**

The City Clerk shall:

1. Keep all papers filed in or pertaining to the Office of the City Clerk;
2. Keep the Corporation seal of the City;
3. When requested, certify, under the corporate seal, copies of all papers and records for the office;
4. Administer oaths;
5. Take affidavits;
6. Maintain reasonably accessible voter registration sites throughout the City on a year-round basis;
7. Serve as City Council's clerk and keep a record of all its ordinances, resolutions, and other proceedings and perform other such duties as it may provide; and
8. Exercise other powers and duties as provided by law, this Charter, or ordinance.

### **Sec. 3.5-103. Deputy City Clerk.**

The City Clerk shall appoint a Deputy City Clerk who shall serve at the pleasure of the City Clerk. In the absence or disability of the City Clerk, or while the position is vacant, the Deputy City Clerk shall exercise all the powers and perform all the duties of the City Clerk to the full extent permitted by law.

### **Sec. 3.5-104. Vacancy in Office of City Clerk.**

Where a vacancy occurs in the Office of City Clerk, the City Council shall appoint a successor who shall serve until an elected City Clerk takes office. A City Clerk shall be elected for the unexpired term, if any, at the next general election in the City held not sooner than one hundred eighty (180) days after the occurrence of the vacancy.

## **ARTICLE 4.**

### **THE LEGISLATIVE BRANCH**

#### **CHAPTER 1. CITY COUNCIL**

##### **Sec. 4-101. City Council.**

The City Council is the City's legislative body. It has the powers and duties provided by law or this Charter, **including the power to structure its support operations in a manner determined to best accomplish its legislative functions.**

##### **Sec. 4-102. Meetings.**

The City Council shall hold its first (1st) meeting in the first (1st) week of January after the regular city general election and, during ten (10) months of the year, shall meet every business day unless otherwise provided by resolution at such times and places as it may provide.

On at least eight (8) occasions during each calendar year, the City Council shall hold meetings **outside of the Coleman A. Young Municipal Center** ~~in areas of the city, to be determined by the City Council.~~ **Seven (7) of those meetings shall be held, one each, in the seven non at-large districts.** Those meetings shall begin between the hours of seven (7) o'clock P.M. and eight (8) o'clock P.M.

Special meetings may be held at the call of the Mayor or four (4) or more City Council members and, whenever practicable, upon no less than twenty-four (24) hours notice to each member and to the public. All business which the City Council may perform shall be conducted at a public meeting held in compliance with the Michigan Open Meetings Act, 1976 PA267, MCL 15.261, et. seq.; MSA 4.1800, et. seq.

##### **Sec. 4-103. Selection of Council President and President Pro-Tempore.**

City Council shall select its President and President Pro-Tempore from among its members by majority vote of the members serving at its first regular session in 2014. The term for City Council President and President Pro-Tempore shall be four (4) years. Selection of the President and President Pro-Tempore shall be every four years.

Members serving in the offices of President or President Pro-Tempore may be removed from their office by a unanimous vote of all members serving, exclusive of the officer being removed. If an officer is removed, the basis and vote for removal shall be publicly recorded in the minutes of City Council at a public meeting.

In the event of a vacancy in the office of President, including by removal or temporary absence, the President Pro-Tempore shall serve as President for the unexpired term in the case of vacancy or removal, or until the return of the President in the case of absence due to succession under section 5-109 or otherwise. Any vacancy in the office of President Pro-Tempore shall be filled by majority vote of members serving on the City Council for the unexpired term. However, if the office of President Pro-Tempore becomes available because of succession under section 5-109, City Council shall select a President Pro-Tempore to serve until the return of the President and resulting resumption of the office by the President Pro-Tempore.

#### **Sec. 4-104. Duties of the Council President.**

The president of the City Council shall preside at all regular session meetings of the City Council. The president shall have administrative responsibility on behalf of the City Council. The City Council shall provide in its rules for the duties and responsibilities of the council president.

#### **Sec. 4-105. Rules and Journal.**

The City Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings in the English language. The journal shall be a public record.

#### **Sec. 4-106. Standing Committee Structure.**

The City Council shall provide for a standing committee structure by its rules which committees may include, but not be limited to the following areas:

1. Budget and Finance;
2. Neighborhood and Community Services;
3. Human Resources;
4. Law and Public Safety;
5. Planning and Economic Development; and
6. Such committees as it deems necessary.

The president of the council shall appoint the chairpersons of such standing committees, with the approval of a majority of the City Council. However, the number of committees and the number of members per committee may be set by the City Council. Only members of committees may vote on matters before the committee. The president shall be an ex-officio member of all committees, but shall be a voting member only as provided for any other council person.

#### **Sec. 4-107. Quorum.**

A majority of City Council members serving constitutes a quorum, but a smaller number may adjourn from time to time and may compel attendance of absent members in the manner and subject to the penalties provided by rule of the City Council.

#### **Sec. 4-108. Voting.**

Except as otherwise provided by this Charter, no action of the City Council shall be effective unless adopted by at least a majority of City Council members present.

Every City Council member present shall vote on all questions, except as provided by state law, a City Council member must promptly disclose any pecuniary interest in a contract which the City Council has the power to approve, and no City Council member may vote upon any matter related to the approval of the contract in which the City Council member has a pecuniary interest.

On all ordinances, and in all other matters on the demand of one (1) or more members of the City Council, the yeas and nays shall be taken and entered in its journal.

**When voting to abstain, support or oppose a matter under consideration by City Council, Council members shall state for the record the basis and reasoning for their vote on the matter. If such basis**

or reasoning has been previously stated on the record during the meeting, the member may adopt that by reference as the basis and reason for their vote.

#### **Sec. 4-109. Investigations.**

The City Council may make investigations into the affairs of the City and the conduct of any city agency.

#### **Sec. 4-110. Investigative Powers.**

The City Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it or any of its committees. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council shall apply to the appropriate court.

#### **Sec. 4-111. Confirmation Authority.**

Except as otherwise provided in this Charter or as may be required by law, Mayoral appointment of the Chief of Police, **Executive** Fire Commissioner, **Director of Department of Health**, Director of Planning and Development, Director of Human Resources, ~~and Corporation Counsel~~, **Directors, as defined in section 5-103, all positions that have Directors as subordinates and their respective employment contracts, is are** subject to approval by City Council. **City Council shall vote on all proposed appointments and related employment contracts within 30 days of receipt.** ~~However, if the City Council does not disapprove the appointment within thirty (30) days after submission by the Mayor, the appointment is confirmed.~~

#### **Sec. 4-112. Control of Property.**

Except as otherwise provided by this Charter, the City may not sell or in any way dispose of any property without the approval by resolution of the City Council.

The City Council shall adopt an ordinance within one-hundred and eighty (180) days after the effective date of this Charter to provide for the acceptance of gifts or real and personal property and services to the City of Detroit.

#### **Sec. 4-113. Prohibition on Interference in Administration.**

Except for the purposes of inquiries and investigations, the City Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither City Council or its members shall give orders to such officer or employee, either publicly or privately.

**Pursuant to its right of inquiry, as stated above, City Council may request, and the Mayor shall direct, department directors and other Mayoral appointees to appear before City Council to provide responses to specific constituent complaints related to their department or areas of responsibility. The subject matter of the inquiry, specific constituent complaint, and name of the department director or appointee being requested to appear shall accompany the request to the Mayor.**

**Nothing in this section shall be interpreted to allow any interference with the City Council's ability to enact legislation and otherwise carry out its legislative functions.**

#### **Sec. 4-114. Ordinances and Resolutions in General.**

In accordance with state law, an ordinance shall be enacted to provide a permanent rule for the conduct of government, while a resolution shall be adopted to express a determination, to direct a particular action, or to approve a singular event. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City shall be by ordinance which:

1. Amend or repeal any language in, or add any language to, the Detroit City Code;
2. Establish a prohibition for violation of which a penalty is imposed based upon a finding that a person committed a misdemeanor, civil infraction, or blight violation; or
3. Provide for the laying and collecting of rents, tolls, excises and taxes, except as otherwise provided in section 8-209 of this Charter concerning property taxes levied by the budget.

#### **Sec. 4-115. Ordinance Procedure.**

1. Every proposed ordinance shall be in writing. No ordinance may contain more than one (1) subject, and the ordinance's title must clearly express this subject. The enacting clause shall be "It is Hereby Ordained by the People of the City of Detroit ..."

Any ordinance which repeals or amends an existing chapter, article, division, or section of the Detroit City Code shall set out in full the chapter, article, or division, or section to be repealed or amended, and shall clearly indicate language to be omitted and language to be added.

**Any ordinance which provides for the laying and collecting of rents, tolls, excises and taxes, except as otherwise provided in section 8-209 of this Charter concerning property taxes levied by the budget, bond proposals and development matters as defined under 6-204, must be held up for no fewer than four (4) public hearings scheduled for maximum public participation.**

2. Upon the filing of any ordinance, the City Clerk shall distribute a copy to each City Council member and to the Mayor, shall file a reasonable number of copies in the Office of the City Clerk and such other public places as the City Council may designate, and shall publish a summary of the proposed ordinance in a daily newspaper of general circulation in the City together with a notice establishing the time and place for a public hearing thereon and for its consideration by the City Council.

The public hearing may not be held earlier than five (5) days after the publication. The public hearing may be held separately or with a regular or special City Council meeting and may be adjourned from time to time. All interested persons shall have an opportunity to be heard.

After the public hearing, the City Council shall vote on the proposed ordinance in accordance with section 4-108 of this Charter.

#### **Sec. 4-116. Emergency Ordinances.**

To meet a public emergency affecting life, health, property or the public peace, one (1) or more emergency ordinances may be enacted. However, an emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its service.

An emergency ordinance shall be introduced in the form and manner required for ordinances under section 4-115 of this Charter, except that the ordinance shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms.

An emergency ordinance may be passed and given immediate effect at the meeting at which the ordinance is introduced, by a two-thirds (2/3) majority of City Council Members present.

An emergency ordinance shall become effective upon publication or at any later date specified therein. Every emergency ordinance is repealed automatically on the sixty-first (61st) day after its enactment, unless re-enacted as an emergency ordinance.

#### **Sec. 4-117. Procedure for Approval or Veto by Mayor and City Council's Override of Veto.**

Every ordinance or resolution of the City Council, except quasi-judicial acts of the City Council, including any under section 9-302, appointments by the City Council or action taken under sections 2-107(B) and (C), 4-102, 4-105, 4-108, 4-109, 4-120, 4-121, 7-706, or 12-110 of this Charter, shall be presented by the City Clerk to the Mayor within four (4) business days after adjournment of the meeting at which the ordinance is passed or the resolution is adopted.

Within seven (7) days of its receipt, the Mayor shall return the ordinance or resolution to the City Clerk with or without approval, or with a veto and a written statement explaining the veto. However, with respect to an emergency ordinance, the Mayor shall notify the City Clerk of a veto in any reasonable manner within twenty-four (24) hours after the Mayor's Office receives written notice from the City Clerk that the emergency ordinance has been passed.

An ordinance approved by the Mayor shall be deemed enacted thereupon. An ordinance returned to the City Clerk neither approved nor vetoed by the Mayor shall be deemed enacted upon receipt by the City Clerk. The Mayor shall return any resolution neither approved nor vetoed to the City Clerk with a written statement explaining the reason that the resolution was neither approved nor vetoed. An ordinance or resolution not returned to the City Clerk within seven (7) days of receipt by the Mayor shall be deemed enacted upon expiration of the seven (7) day period, provided, that, where the Mayor fails to notify the City Clerk of a veto within twenty-four (24) hours of receipt by the Mayor's Office of notice that an emergency ordinance has been passed, the emergency ordinance shall be deemed enacted upon expiration of the twenty-four (24) hour period.

An ordinance or resolution vetoed by the Mayor can be reconsidered by the City Council only at a regular or special meeting within one (1) week after receipt of the Mayor's veto. A two-thirds (2/3) majority of City Council Members serving may pass the ordinance or adopt the resolution over the Mayor's veto.

#### **Sec. 4-118. Publication of Ordinances and Effective Date.**

An ordinance shall become effective only upon publication by the City Clerk. The effective date of an ordinance shall be determined as specified in this section.

As soon as practicable after enactment of any ordinance in accordance with section 4-117, the City Clerk shall have the law published in a daily newspaper of general circulation in the City together with a notice of its enactment, which shall include the effective date. After publication, each ordinance shall be printed in a form for codification within the Detroit City Code.

Except as provided by law, the effective date of the ordinance shall be determined as follows:

1. Where the ordinance is passed by a two-thirds (2/3) majority of the City Council Members serving, it shall be given immediate effect and become effective upon publication;
2. Where the ordinance is passed by less than two-thirds (2/3) majority of the City Council Members serving, it shall become effective no later than thirty (30) days after publication; or
3. Where the ordinance specifies a certain date to become effective, it shall become effective in accordance with the date specified therein, subject to the publication requirement in this section.

#### **Sec. 4-119. Ordinances After Enactment and Resolutions After Adoption.**

1. The City Clerk shall authenticate by signature and record all ordinances and resolutions in a properly indexed book kept for that purpose. After enactment, the City Clerk shall cause each ordinance to be printed in a loose-leaf format for distribution to the public prior to codification of the ordinance in the Detroit City Code. At the end of each calendar year, or more frequently if possible, the City Clerk shall cause loose-leaf ordinances to be codified within the Detroit City Code.

2. Within ten (10) years after the effective date of this Charter and at least every ten (10) years thereafter, the City Council shall provide for the preparation of a general codification of all City ordinances.

The general codification shall be enacted by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, the 1963 Michigan Constitution, the Michigan Home Rule City Act and rules promulgated under section 2-111 of this Charter. This compilation shall be designated as the Detroit City Code with the designation preceded by the year that the Code became effective.

A copy of the Code shall be provided to City elective officers, appointees and necessary employees, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the City Council Clerk.

Each ordinance and each amendment to this Charter shall be printed promptly after enactment, and the printed ordinances and Charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the City Council Clerk.

#### **Sec. 4-120. Council Personnel.**

The City Council may appoint a staff, exempt from Article 6, Chapter 4 of this Charter.

#### **Sec. 4-121. Special Counsel.**

The City Council may obtain the opinion or advice of an outside law firm or outside attorney in any matter pending before it. Where there exists a conflict of interest between the City Council and another branch of government, the City Council has the authority to retain an outside law firm, ~~or~~ outside attorney or **in-house attorney from the Legislative Policy Division**, who shall represent the City Council in legal proceedings, in accordance with section 7.5-208 (Intra-Government Dispute Resolution). The attorney must be licensed to practice law in Michigan and shall not represent the city as a municipal corporation in any legal proceeding.

#### **Sec. 4-122. Approval of Contracts and Disclosure.**

The City may not purchase or in any way procure property or the services of independent contractors without approval by resolution of the City Council except as provided by ordinance.

**The Executive Branch shall provide City Council at least twenty-eight (28) days advance notice of approving contracts it proposes to City Council. City Council may waive this notice requirement by a two-thirds majority vote.**

Within one hundred eighty (180) days of the effective date of this Charter, the City Clerk shall post on the City's website a list of all contracts that have been approved by City Council and which are then in effect.

The list shall be updated upon the initial approval, amendment or renewal of a contract, as provided herein. The list shall contain: (1) the name of the contractor; (2) a brief description of the goods and/or services being provided; (3) the total dollar amount of the contract; (4) the amount and date of all amendments that result in a change in the contract amount, including change orders; and (5) the purchase order number.

For purposes of conflicts of interest, the City shall require in all of its contractual agreements, including, but not limited to, leases, service and equipment agreements and including contract renewals, that the contractor provide a statement listing all political contributions and expenditures ("Statement of Political Contributions and Expenditures"), as defined by the Michigan Campaign Finance Act, MCL 169.201, et seq., made by the contractor, its affiliates, subsidiaries, principals, officers, owners, directors, agents or assigns to elective city officials within the previous four (4) years. Individuals shall also list any contributions or expenditures from their spouses.

The contract shall reflect that filing the Statement of Political Contributions and Expenditures shall be a yearly obligation of the contractor for the duration of the contract and shall be filed with all contract renewals and change orders. Each submitted Statement of Political Contributions and Expenditures shall be current up to and including the date of its filing.

The contractual agreement shall also state that the contract is not valid unless and until the Statement of Political Contributions and Expenditures is provided, which shall be attached as an exhibit to the contract and referenced as such in the contract. City Council is prohibited from approving any contract subject to this requirement, or change order related to such contract, unless it is accompanied by the Statement of Political Contributions and Expenditures from the contractor.

#### **Sec. 4-123. Public Authority Creation; Annual Review; Conflict with Charter.**

**Prior to the establishment or participation by the City of Detroit in a public authority or public agency of any kind, that requires or allows for use of City funds, assets or resources, or that impacts the City of Detroit's revenue, there shall first be a referendum approving the action.**

**All such public authorities and public agencies must be annually evaluated by the Mayor. City Council shall approve and may supplement the evaluation metrics and tools that must be used by the Mayor in the annual evaluation. The evaluation shall include, at a minimum and where applicable, an assessment of the financial, socio-economic, environmental and equity impact on the citizens of the City of Detroit and other impacted communities. Upon completion, the evaluation report shall be formally submitted to City Council for review and approval at a public meeting and conspicuously published on the City of Detroit's website within three (3) days of its submission to City Council. In its review, City Council may direct that additional information be provided in the evaluation report before its final approval. Such a report must be prepared and made publically available at least sixty (60) days prior to any referendum required under this section.**

**Unless allowed by applicable law, operating agreements or other mechanisms used to create a public authority or public agency may not conflict with the provisions, rights and protections granted in the Charter of the City of Detroit. This prohibition shall be explicitly stated in and become a term of the governing agreements.**

#### **Sec. 4-124. Designation and Support of Cultural Neighborhoods**

**There shall be established within the boundaries of the City of Detroit at least one designated geographic area, to be determined by City Council, dedicated to the culture and heritage of Africans and their descendants in the diaspora. City Council may make similar cultural designations in recognition and celebration of the multiethnic and multiracial population of the City of Detroit, State of Michigan and United States, in furtherance of creating a more culturally inclusive, diverse, tolerant and dynamic city.**

# **ARTICLE 4.**

## **THE LEGISLATIVE BRANCH**

### **CHAPTER 2. BOARD OF ZONING APPEALS**

#### **Sec. 4-201. Establishment of Board of Zoning Appeals.**

There shall be established, pursuant to the Michigan Zoning Enabling Act, MCL 125.3101, et al., a Board of Zoning Appeals. The Board of Zoning Appeals shall be composed of at least seven (7) members, one (1) each from the non at-large districts. **The term of office for members is three (3) years and three members' terms expire each year. City Council members are eligible for appointment to the Board as ex-officio members.**

#### **Sec. 4-202. Board of Zoning Appeals Ordinance.**

In accordance with the Michigan Zoning Enabling Act, MCL 125.3601, the City of Detroit shall enact an ordinance that establishes one (1) appeal board with the powers and duties: (1) to hear appeals from administrative decisions either of the Buildings, Safety Engineering, and Environmental Department or Planning and Development Department; and (2) hold hearings on non-conforming uses and structures and requests for variances. In accordance with MCL 125.3601(1), the ordinance shall provide that the City Council appoints members to the Board of Zoning Appeals.

In addition, the ordinance shall provide:

1. For rules governing the appeal and other matters properly before the Board, including the parties entitled to be heard in proceedings before the Board;
2. In any review proceeding, that the Buildings, Safety Engineering, and Environmental Department or the Planning and Development Department shall file a written statement and may appear before the Board in support of its decision;
3. The effect of a decision of the Board; ~~and~~
4. For compensation of Board members-; **and**
5. **That notification of hearings shall be sent to community organization and other organizations that are registered with the Buildings, Safety Engineering, and Environmental Department, Department of Neighborhoods and other City departments for such purposes, whose service boundaries are within a distance of the premises in question, as specified by ordinance.**

#### **Sec. 4-203. Budget.**

**The City shall make an annual appropriation for the operations of the Board of Zoning Appeals. Members of the Board shall be paid a reasonable per diem and reimbursed for all expenses actually incurred in the discharge of their duties.**

#### **Sec. 4-204. Staff and Assistance.**

**The Board may, within appropriations, appoint staff that is exempt from Article 6, Chapter 4 of this Charter. All elective and appointive officers shall provide the Board of Zoning Appeals, within a reasonable time, available information required or requested by the Board.**

**ARTICLE 4.**  
**THE LEGISLATIVE BRANCH**  
**CHAPTER 3. CITY PLANNING COMMISSION**

**Sec. 4-301. City Planning Commission.**

A nine (9) member City Planning Commission shall be appointed by and serve at the pleasure of the City Council. Seven (7) of the members shall be appointed, one (1) each, from the non at-large districts. As far as possible, different professions and occupations shall be represented on the commission.

A member must be a resident of the City. The term of office is three (3) years and the terms of three (3) members expire each year. City Council members are eligible for appointment to the Commission as ex-officio members.

**Sec. 4-302. Powers and Duties.**

The City Planning Commission shall advise the City Council on development matters as defined in section 6-204 and, to the extent consistent with this Charter and state law, perform other functions as directed by the City Council. Any resolution adopted by the Commission is advisory and shall not be binding until adoption by the City Council.

**Sec. 4-303. Staff Assistance.**

The Commission may request, and is entitled to, assistance from the staff of the Planning and Development Department in evaluating or preparing any proposal relating to planning or development. All elective and appointive officers shall furnish to the commission, within a reasonable time, available information required by the commission. The Commission may, within appropriations, appoint a staff, exempt from Article 6, Chapter 4 of this Charter.

**ARTICLE 4.**  
**THE LEGISLATIVE BRANCH**  
**CHAPTER 4. PUBLIC BROADBAND AND TECHNOLOGY**  
**COMMISSION FOR SUSTAINABLE DEVELOPMENT**

**Sec. 4-401. Public Broadband and Technology Commission for Sustainable Development.**

**Access to broadband services and technological advancements is an integral component to affording citizens social, economic, health and other important opportunities essential to their welfare. The City of Detroit is committed to facilitating the responsible and safe integration of broadband and other technologies into the lives of residents.**

A seven (7) member Public Broadband and Technology Commission for Sustainable Development shall be appointed by and serve at the pleasure of the City Council. The Commission shall be composed of seven (7) members, appointed, one (1) each, from the non at-large districts. Members may be removed for cause by City Council. City Council may appoint ex-officio members who have an expertise in an area relevant to the purpose, duties and objectives of the Commission. One member of City Council may be appointed as an ex-officio member. Members shall serve a term of four (4) years. Vacancies are to be filled in the same manner as the initial appointment.

Commission members must be residents of the City of Detroit at the time of appointment and throughout their tenure as Commissioners, with the exception of ex-officio members appointed by City Council who may be non-residents, in which case City Council must set forth in writing, and publish on their record, the justification for appointing a non-resident ex-officio member.

#### **Sec 4-402 Powers and Duties.**

The Public Broadband and Technology Commission for Sustainable Development shall:

1. Advise the City Council and Mayor on public broadband issues, and development matters as defined in section 6-204 that impact the delivery, use, distribution and necessity for broadband services for city residents and businesses.
2. Advise and assist the City Council and Mayor in the development of public policy and projects that: (1) encourages equitable and fair broadband access, including a free or low cost public broadband network in the City of Detroit; (2) support economic growth and stability of the broadband industry in the City of Detroit; and (3) address the technology gap among low income citizens and citizens of color and facilitates increased public access to existing and developing technologies.
3. Perform other duties, functions and projects that are consistent with its purpose, as assigned by the City Council.

#### **Sec. 4-403. Reports, Assessments and Studies**

The Public Broadband and Technology Commission for Sustainable Development shall commission and prepare reports, assessments and studies as required by this chapter and as directed by City Council, which shall include:

1. In conjunction with the executive branch, the Public Broadband and Technology Commission for Sustainable Development shall prepare and annually update, as necessary, a broadband assessment and action plan whose purpose is to determine and monitor the penetration of broadband service in the City of Detroit generally and among various demographic groups and businesses, identify barriers to broadband access, evaluate infrastructure needs and requirements, estimate costs for public funded broadband services and assess other issues attendant upon providing broadband services to residents. The plan shall be comprehensive and contain practical action steps for the Mayor and City Council to take for purposes of implementing a public broadband system, with reasonable timetables, measurable goals and defined objectives.

Upon completion of the plan and any subsequent amendments, they shall be submitted to City Council for approval at a public hearing.

Unless otherwise decided by City Council, the Public Broadband and Technology Commission for Sustainable Development will monitor compliance with the plan and the

executive branch shall cooperate and assist with compliance monitoring. The Commission shall provide periodic updates to City Council and the Mayor, as requested.

2. In conjunction with the executive branch, the Public Broadband and Technology Commission for Sustainable Development shall prepare and annually update, as necessary, a comprehensive assessment of the then current state of citizens' access to and use of existing, pervasive, and developing technologies, including identifying the barriers, costs, and available and potential opportunities and benefits from integration of those technologies into the landscape of the community and lives of residents. City Council may direct the Public Broadband and Technology Commission for Sustainable Development to create an action plan as a component of the comprehensive assessment.

Upon completion of the plan and any subsequent amendments, they shall be submitted to City Council for approval at a public hearing.

Unless otherwise decided by City Council, the Public Broadband and Technology Commission for Sustainable Development will monitor compliance with any plan created pursuant to this subsection and provide periodic updates to City Council and Mayor, as requested. The executive branch shall cooperate and assist with compliance monitoring.

#### **Sec 4-404. Staff Assistance.**

The Public Broadband Commission for Sustainable Development may request and receive assistance from the staff of the Planning and Development Department, Information Technology Department and other executive branch departments in the execution of its duties and responsibilities. All city departments shall furnish to the Public Broadband Commission for Sustainable Development, within a reasonable time, available data and information as requested. The Public Broadband Commission for Sustainable Development may, within appropriations, appoint staff.

## **ARTICLE 5 THE EXECUTIVE BRANCH: THE MAYOR and GENERAL PROVISIONS**

#### **Sec. 5-101. Mayor.**

The Mayor is the chief executive of the City and, as provided by this Charter, has control of and is accountable for the executive branch of City government. The Mayor is also directly accountable to the citizens of the City of Detroit.

#### **Sec. 5-102. The Executive Branch.**

Except as otherwise provided by law or this Charter, executive and administrative authority for the implementation of programs, services and activities of city government is vested exclusively in the executive branch.

### **Sec. 5-103. Mayoral Appointments.**

The Mayor may appoint a secretary and other necessary assistants.

Except as otherwise provided by law or this Charter, the Mayor shall appoint for each department of the executive branch a director who serves at the pleasure of the Mayor as head of the department. As used in this chapter, “director” means the administrative head of each department regardless of the title of a particular director.

### **Sec. 5-104. Other Mayoral Powers.**

The Mayor is a conservator of the peace of the City and may administer oaths and take affidavits.

### **Sec. 5-105. Appointment of Deputies.**

Except as otherwise provided by law or this Charter, the Director of each department of the executive branch may, with the consent of the Mayor, appoint a Deputy. The appointment shall be made and may be revoked without cause by a writing filed with the City Clerk.

### **Sec. 5-106. Powers and Duties of Department Directors.**

Except as otherwise provided by law or this Charter, the Director of each department of the executive branch shall:

1. In accordance with Article 6, Chapter 4, hire, promote, supervise, discipline and remove all employees of the department. 2. Assign duties to the employees and supervise the performance of these duties.
3. Prescribe rules which are necessary for the organization and internal governance of the department. However, no rule may be inconsistent with any collective bargaining contract or any rule or policy of the Human Resources Department.
4. Prepare reasonable rules governing dealings between the department and the public. A rule becomes effective in accordance with section 2-111.
5. Present annually in quantitatively measurable terms the department's operational performance during the past year and the objective for planned improvement in the coming year. The report shall be submitted to the Mayor and City Council not later than the date established for the Mayor to submit to the City Council a proposed annual budget for the next fiscal year. **Department reports shall be presented to City Council at a public meeting.**
6. Respond to any inquiry or investigation of the Inspector General, Ombudsperson, Board of Ethics, Auditor General and City Council.
7. **Prepare a pandemic and emergency response plan for incorporation into an executive branch comprehensive pandemic response and emergency response master plan. The plans will address, at a minimum, preventative measures, measures to ensure residents are protected and provided resources during the emergency, and guidelines for post-emergency measures. The Department plans and Mayoral master plan are to be reviewed every year for updates.**

#### **Sec. 5-107. Powers of a Departmental Deputy.**

The Deputy in each department of the executive branch shall, under the Director's supervision, during the director's absence or disability, or while the director's position is vacant, exercise all the powers and perform all the duties of the director to the full extent permitted by law.

#### **Sec. 5-108. Deputy Mayor.**

By a writing filed with the City Clerk, the Mayor shall designate a member of the Mayoral staff or the director of a department of the executive branch as the deputy Mayor. The Mayor may terminate the designation without cause by filing a notice of termination with the City Clerk.

During the absence or temporary disability of the Mayor, the Deputy Mayor shall be acting Mayor and shall exercise all the powers and perform all the duties of the Mayor to the full extent permitted by law, except that the Deputy Mayor may not:

1. Exercise any power of appointment to or removal from office, except in an emergency declared by a two-thirds (2/3) majority of City Council members present; or
2. Approve or veto any ordinance or resolution within the first five (5) days of the seven (7) days allowed under section 4-117 for exercise of the Mayor's veto power.

#### **Sec. 5-109. Succession to Office.**

If a vacancy occurs in the office of Mayor, the City Council president shall succeed to the office until a new Mayor is elected.

If a dispute arises concerning whether a vacancy in the office of Mayor has occurred, the City Council president or any three (3) members of the City Council may petition the appropriate court for a determination of this fact question.

#### **Sec. 5-110. Community Meetings.**

Each calendar year the Mayor shall hold at **a minimum, quarterly meetings** ~~least one community meeting~~ in each of the non at-large districts. A city-wide community meeting shall be held not later than September 30 of each calendar year at the Coleman A. Young Municipal Center auditorium or other location suited to accommodate at least an equal number of citizens. Meetings shall begin between the hours of seven (7) o'clock P.M. and eight (8) o'clock P.M. and shall not conflict with an evening City Council meeting scheduled under section 4- 102. **Meetings shall be video recorded and later aired on the City's television stations and made available for future online review on the City of Detroit's website or other public electronic platform.**

The meetings shall be published and noticed in the manner set forth in the Michigan Open Meetings Act. Meetings shall be conspicuously posted on the City of Detroit's website or then existing modes of electronic or non-print communication and on other forms of media owned or operated by the City of Detroit, including any television channels.

**One of the primary purposes of the Mayor's community meetings is to provide an actionable agenda, demonstrate a comprehensive understanding of the specific issues confronting residents in the particular non at-large district, and outline steps being taken to improve the quality of life for**

residents in the district. To that end, for purposes of non at-large district meetings, the Mayor shall prepare, disseminate and store on the City of Detroit's website a meeting agenda that contains agenda topics related to the non at-large district where the meeting is to be held that addresses: (1) level of unemployment in the particular district by age, gender, race, zip code of district, and other relevant demographic; (2) current and future plans to address the level of unemployment, with goals and targets; (3) development plans for the district, including relevant Master Plan details; (4) tax and other revenue generated from the district for at least the past 10 years and current year projections, by category of revenue; (5) number of non-profit and for-profit businesses for at least the past 20 years and current year; (6) comprehensive fire and crime statistic for last 10 years and current year; (7) comprehensive physical and mental health profile of district and efforts to address health issues and disparities in access to health care; (8) comprehensive profile of residential and business income data; (9) environmental issues, including water shutoff and disconnections for at least the past 10 years and current year; (10) comparable data from the other non at-large districts; and (11) other information considered important by the Mayor. For each of the listed items the Mayor shall identify all efforts taken to improve conditions and the results to date. All of the information required in this section shall be compiled in to a report to be stored on the City of Detroit's website and disseminated at the related non at-large district meeting.

## **ARTICLE 6**

### **THE EXECUTIVE BRANCH: STAFF DEPARTMENTS**

#### **CHAPTER 1. BUDGET DEPARTMENT**

##### **Sec. 6-101. Budget Department.**

The Budget Department is headed by the Budget Director.

##### **Sec. 6-102. Powers and Duties.**

The Budget Department shall assist other city agencies in the development of program and service objectives and in the conduct of financial planning to achieve those objectives.

The Budget Department shall obtain from city agencies all information required by the Mayor for the preparation of the capital agenda and the capital and annual budgets. That information shall be furnished in the manner prescribed by the Budget Director.

The Budget Director, with the assistance of the Planning and Development Director, shall assist the Mayor in the preparation of the capital agenda and the capital budget.

##### **Sec. 6-103. Management Audits.**

The Budget Department shall conduct management audits which analyze and evaluate the operations of all agencies.

## **ARTICLE 6.**

### **THE EXECUTIVE BRANCH: STAFF DEPARTMENTS**

#### **CHAPTER 2. PLANNING AND DEVELOPMENT DEPARTMENT**

##### **Sec. 6-201. Planning and Development Department.**

The Planning and Development Department is headed by the Planning and Development Director. In addition to the duties and functions in this chapter, the department shall:

1. Establish a strategic plan that pursues, advocates and supports community development within the City, consistent with the Master Plan, including the creation and support of stable planned communities;
2. Develop and implement a strategic plan to pursue and initiate programs, opportunities and create conditions supportive of global trade;
3. Develop and implement a strategic plan to actively recruit businesses to the City and provide the support, assistance and conditions necessary to retain businesses; and
4. Develop and implement a strategic plan and program focused on recruiting and supporting emerging industries.

The Department shall provide an annual report to City Council, on or before February 1, that incorporates the community and economic development strategies called for in this section, and which details the department's actions, achievements and future plans in pursuit of these strategies and the duties and functions set forth herein. The report shall also identify the levels of funding necessary to pursue these strategies and achieve their objectives.

##### **Sec. 6-202. Advance Planning.**

The Planning and Development Department shall obtain all information and conduct all studies required by the Mayor and the heads of agencies in the preparation of proposals relative to development matters.

##### **Sec. 6-203. Current Planning.**

The Planning and Development Department shall have continuing liaison with all agencies of the executive branch. It may assign any relevant study to any agency. Any agency, with knowledge and consent of the Planning and Development Director, may undertake the study of any development matter within the scope of its duties. The Planning and Development Department shall receive all reports concerning development matters and other information which it requests. The Planning and Development Director shall, with the head of any agency involved, evaluate all reports and information received by the Planning and Development Department in light of the policies, programs and priorities of the Mayor, and the master plan.

##### **Sec. 6-204. Definition.**

The term "development matters" as used in the Charter includes: The master plan for social, economic and physical development and conservation; the annual capital agenda and capital budget; any development or renewal project on or affecting public real property or public interests in real property or requiring public

assistance; proposed ordinances for the regulation of development or conservation; proposals for the demolition, disposition or relinquishment of, or encroachment upon, public real property or public interests in real property; and any other items added by ordinance.

#### **Sec. 6-205. Public Hearings.**

The people of the City of Detroit living in areas likely to be affected by proposals resulting from any study undertaken by the Planning and Development Department or an agency under sections 6-202 or 6-203 shall be given full opportunity in public hearings to present facts and arguments relative to the subject under study. The department is required to provide notification of the hearing to any Citizen District Council, Citizen Advisory Council or Community Development Corporation impacted by proposals contained in the study.

## **ARTICLE 6.**

### **THE EXECUTIVE BRANCH: STAFF DEPARTMENTS**

#### **CHAPTER 3. FINANCE DEPARTMENT**

#### **Sec. 6-301. ~~Finance Department.~~ Office of the Chief Financial Officer; Qualifications; Duties.**

~~The Finance Department is headed by the Finance Director.~~ **The Office of the Chief Financial Officer is headed by the Chief Financial Officer and shall be appointed by the Mayor, subject to approval by City Council.**

**The Chief Financial Officer shall have substantial experience with sophisticated municipal financial transactions, complex multidimensional governmental restructuring, governmental labor relations, health care benefits or pension matters, and local government management with governmental units having aggregate revenues of \$250,000,000 or more.**

**The Chief Financial Officer shall:**

- 1. Supervise all financial and budget activities of the City.**
- 2. Coordinate the City's activities relating to budgets, financial plans, financial management, financial reporting, financial analysis, and compliance with the budget and financial plan of the City.**
- 3. Certify that the City's annual budget complies with the Uniform Budgeting and Accounting Act, 1968 PA 2, MCL 141.421 to 141.440a.**
- 4. Submit in writing to the Mayor and City Council his or her opinion on the effect that policy or budgetary decisions made by the Mayor or the City Council will have on the City's annual budget and its 4-year financial plan.**

### **Sec. 6-302. Departmental Divisions.**

The **Chief Financial Officer** ~~Finance Director~~ shall direct and coordinate the financial activities of the accounts division, the assessments division, the treasury, and the purchasing division. The **Chief Financial Officer** ~~Finance Director~~ shall also secure and maintain compliance with all laws pertaining to financial controls for the protection of public funds.

### **Sec. 6-303. Accounts Division.**

The Accounts Division is headed by the Chief Accounting Officer. The ~~Finance Director~~ **Chief Financial Officer**, with the consent of the Mayor, shall appoint the Chief Accounting Officer, who serves at the pleasure of the ~~Finance Director~~ **Chief Financial Officer**.

The Chief Accounting Officer shall maintain records showing the financial condition of the city and perform such other duties as provided by law, this Charter or ordinance.

### **Sec. 6-304. Assessments Division.**

The Assessments Division is headed by a three (3) member Board of Assessors. The term of membership on the Board is three (3) years. One (1) term expires each year. Compensation for Board members shall be established by ordinance.

The Mayor shall appoint the members of the Board and may remove a member for cause. Each member must possess the qualifications required by law for assessing officers.

Staff services required by the Division shall be provided as determined by the **Chief Financial Officer** ~~Finance Director~~.

A majority of the Board may review and correct any assessment made by an employee of the Division.

Except as otherwise provided by this Charter or ordinance, the powers, duties and procedures of the Board and the Division are those provided by law.

### **Sec. 6-305. Treasury Division.**

The Treasury Division is headed by the Treasurer. The **Chief Financial Officer** ~~Finance Director~~, with the consent of the Mayor, shall appoint the Treasurer, who serves at the pleasure of the ~~Finance Director~~ **Chief Financial Officer**.

The Treasurer shall:

1. Collect all moneys of the city and receive from other officers and employees all moneys of the city collected by them.
2. Have custody of all moneys, funds and securities of the city, keep accounts of them and deposit them as directed by law or ordinance.
3. Disburse all city funds in accordance with law, this Charter or ordinance.
4. Except as otherwise provided by this Charter or ordinance, have such powers and immunities for the collection of taxes as provided by law.

## **Sec. 6-306. Purchasing Division.**

The Purchasing Division is headed by the Purchasing Director. The **Chief Financial Officer Finance Director**, with the consent of the Mayor, shall appoint the Purchasing Director, who serves at the pleasure of the **Chief Financial Officer Finance Director**.

The Purchasing Director shall, subject to the provisions of section 4-122:

- 1) Procure all property and all services of independent contractors to be paid for from appropriations made in the annual budget in accordance with section 8-302, except that an agency may be authorized by ordinance to procure specified kinds of property and services directly.
- 2) Follow all procedures established by ordinance to protect the interests of the city and to assure fairness in procuring property and services. Except in cases of emergency, those procedures shall require competitive bidding for purchases and contracts which are major as defined by ordinance. However, for purposes of this requirement, the "lowest responsible bidder" may be defined by ordinance in terms of lowest overall cost to the City.
- 3) Sell, lease or transfer in the ordinary course of city operations all personal property of the city which has become unsuitable for public use. Dispositions of personal property which are not in the ordinary course of city operations shall be defined by ordinance and are subject to City Council control.
- 4) Follow procedures established by ordinance to protect the interests of the city and to assure fairness in disposing of personal property. Except in cases of emergency, those procedures shall require competitive bidding for all sales, leases and transfers which are major as defined by ordinance.
- 5) **Prepare a Contractor Employee Report for each entity performing contract services for the City of Detroit. The report shall include:**
  - i) **The names of the contractor's employees performing work for or on behalf of the City of Detroit;**
  - ii) **The employee's city of residence;**
  - iii) **The employee's job description;**
  - iv) **The monetary value of the employee's wages and benefits;**
  - v) **The location and agency where the employee is performing services; and**
  - vi) **The union representing the employee.**

**The information contained in the report shall be provided no later than two (2) days before the contractor begins providing the service. The contractor must update the information on the first (1<sup>st</sup>) day of each month during the contract period and at the conclusion of the contract.**

## **Sec. 6-307. Privatization of City Services.**

The City shall provide by ordinance for a process by which the City shall act prior to any determination or action to enter into any agreement, by which a non-governmental person or entity provides services to the city substantially similar in whole or in part, to services provided by a regular employee of an agency of the City. Such ordinance shall provide for the following:

1. The preparation of a comprehensive report which details the need for the privatization.
2. Comprehensive written estimates of the total current costs to the city of the agency providing the subject services in the most cost efficient manner, including all direct and indirect costs.

3. A requirement for approval of the legislative body to solicit bids for the privatization, after its review of the comprehensive report and cost analysis.
4. An opportunity for the affected employees to organize and prepare a bid to provide the subject services.
5. A process whereby the agency prepares a comprehensive written analysis of all bids of public employees and non-governmental entities, which would include, but not be limited to the cost of the bid to provide the services, contract performance; and unemployment, pension or other accrued benefits resulting from loss of agency employees.
6. Other factors to be included in the consideration, other than cost, which could affect the public interest including the effect of transfer of services from the public to the private sector on the access, delivery or quality of services to be provided; the reduction in the employment level of city residents; the differences in work rules and management practices of the workers in the private sector, including those related to legal and constitutional protections and any loss of accountability to city residents which would result from the services being provided by a non-governmental person or entity.
7. The provision that any final recommendation for the privatization of services would require the two thirds (2/3) approval of the legislative body, which would be required to certify that it was its determination that the availability and quality of the subject services would be likely to equal or exceed the quality of services which could be provided by regular agency employees.
8. Provisions which would require the annual evaluation of the privatized services and the providing of such evaluation to the City Council.

No provision of this section should be construed to abrogate or limit any legal rights afforded to the employees under the collective, bargaining process.

Nothing in this section shall supersede provisions of section 6-417 of this Charter.

In addition, nothing in the ordinance should be construed as prohibiting the city from obtaining contractual services which are an expansion or addition to services already provided by governmental employees, provided that the contractual services are not a replacement for existing governmental positions. An ordinance implementing this section shall be adopted within one hundred eighty (180) days of the effective date of this Charter.

#### **Sec. 6-308. Debarment.**

The Corporation Counsel shall prepare, and City Council shall implement by ordinance, a comprehensive debarment policy and procedure for City vendors and contractors within one hundred twenty (120) days of the effective date of this Charter. The debarment policy shall, at a minimum, include the following:

1. Debarment for a period commensurate with the seriousness of the offense, not to exceed twenty (20) years;
2. Identify the Inspector General as the chief investigative agent for allegations or instances of illegal conduct or unethical contractual activity;
3. Require, under penalty of debarment, that persons or entities with City contracts, or those seeking contracts with the City, report to the Inspector General any improper, unethical or illegal activity or requests from elected officials, those on their behalf or City employees in connection with the contract;
4. Provide for no statute of limitations in connection with investigations, findings of violation of the debarment policy or initiation of debarment proceedings;

5. Require that the City report actual or suspected illegal activity to the proper state or federal authorities;
6. Invest the City Council, as a body, and the Mayor with the authority to request the Inspector General to investigate suspected improper activity related to City contracts; and
7. Require that all City contracts and contractors be made subject to the debarment ordinance.

**Sec. 6-309. Legacy Business Incentive.**

**Businesses qualified to bid on City of Detroit goods and services contracts, who have been Detroit-based businesses for at least 20 years, shall be given incentive points for purposes of calculating their bids. City Council shall implement this requirement by ordinance.**

## **ARTICLE 6.**

### **THE EXECUTIVE BRANCH: STAFF DEPARTMENTS CHAPTER**

#### **4. HUMAN RESOURCES DEPARTMENT**

**Sec. 6-401. General Purpose.**

The purpose of this chapter is to establish a system of personnel administration that meets the needs of the people of Detroit, assures that employment and promotion in Detroit government are on the basis of merit and in accordance with collective bargaining under law, and provides methods of redress when these provisions are violated.

**Sec. 6-402. Human Resources Department.**

Except as otherwise provided by law or this Charter the Human Resources Department shall perform all aspects of the human resources functions for all agencies of the City.

**Sec. 6-403. Human Resources Director and Deputy.**

The Human Resources Director shall be appointed by the Mayor. The Mayor may remove the director without cause. A Deputy Human Resources Director shall be appointed by and serve at the pleasure of the Human Resources Director.

**Sec. 6-404. Qualifications.**

The Human Resources Director shall have at least five (5) years experience in personnel administration.

**Sec. 6-405. Civil Service Commission.**

The Human Resources Department is headed by a five (5) member Civil Service Commission.

The Mayor shall appoint two (2) members to two (2) year terms beginning February fifteenth (15th) of each even numbered year and the City Council shall appoint two (2) members to two (2) year terms beginning February fifteenth (15th) of each odd numbered year. The Mayor and City Council shall jointly appoint one (1) member to a three (3) year term beginning February fifteenth after the expiration of the preceding term. A member may be removed only for cause by the appointing authority. A vacancy on the Commission shall be filled for the unexpired term, if any, by the authority making the original appointment.

A member must be a citizen of the United States and a resident of the City of Detroit. The members of the Commission may hold no other public office or public employment with the City of Detroit except that of notary public. The Commission shall be representative of the total community and shall meet at least once each month.

The Commission may hold hearings, subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Commission shall apply to the appropriate court. The Commission may delegate the powers to hold hearings, administer oaths and take testimony.

#### **Sec. 6-406. Non-Discrimination.**

No city employee or applicant for employment may be discriminated against because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, disability, familial status, marital status, or any status protected by the laws of the State of Michigan or the United States of America. The Human Resources Department shall take all action permitted by law to ensure fair and equitable treatment of all employees and applicants for employment.

#### **Sec. 6-407. Employee Organization.**

Employees of the City have the right to collective organization and collective bargaining.

#### **Sec. 6-408. Labor Relations.**

A Labor Relations Division is created within the Human Resources Department.

The Mayor may appoint either the Human Resources Director or another person as head of the Labor Relations Division.

The person named as head of the division shall hold the position at the pleasure of the Mayor.

In accordance with Article 6, Chapter 4, the head of the Labor Relations Division may hire, promote, supervise, discipline and remove employees of the division, assign duties to the employees and supervise the performance of those duties.

The Labor Relations Division shall act for the City under the direction of the Mayor, in the negotiation and administration of collective bargaining contracts.

The City Council must ratify any collective bargaining contract agreed to between the City and the respective union before it becomes effective.

The terms of any collective bargaining contract, and all rules and rulings made under it, shall take precedence over any inconsistent classifications, rules, or policies of the Human Resources Department.

#### **Sec. 6-409. Classification of Positions.**

The Human Resources Director shall prepare, maintain, and from time to time revise a classification plan for all positions in the classified service. The classification plan shall include an appropriate title for each class and a description of the duties and responsibilities of positions in the class. The Human Resources Director may consult with the heads of city agencies in the preparation of those descriptions.

The classification plan and any revision of it, shall be filed with the City Clerk and shall be a public record. The plan or any revision shall become effective thirty (30) days after filing, except that, within the thirty (30) day period, the Civil Service Commission may, on its own initiative or at the request of any classified employee or the head of any agency affected, review the classification plan or any revision and, after giving the Human Resources Director a full hearing, may make changes if it finds upon clear and convincing evidence that the description or classification of any position or positions is improper.

#### **Sec. 6-410. Examinations.**

Entry into the classified service shall, as nearly as conditions of good administration warrant, be by open, competitive examination. However, any person applying to work for the City in a profession or occupation for which he or she has been licensed by the governments of Michigan or the United States may be excused from this requirement by the rule of the Civil Service Commission.

The head of each agency may make all promotions to classified positions within the agency. However, the head of an agency shall give the Commission written notice of any proposed promotion within the classified service not less than thirty (30) days before its effective date.

The Human Resources Department may require a person nominated for a promotion to take a qualifying examination for the new position and, if that person does not achieve a passing score on the examination, the promotion shall not take effect.

The Human Resources Director shall prepare, administer and grade all examinations, subject only to an examinee's right to appeal under section 6-411.

The Human Resources Director shall consult with the head of the agency involved and other qualified individuals in the preparation of each of its examinations.

Other policies and rules governing entry into, and change of status within, the classified service shall be prepared by the Human Resources Director and shall become effective upon ratification by the Commission and upon the filing of a written copy with the City Clerk. However, no person seeking to enter the classified service who has taken an examination and been placed on a register of applicants eligible for employment may be passed over in favor of an applicant with a lower examination score unless the head of the agency involved files with the commission written reasons for that action, acceptable to the Commission.

#### **Sec. 6-411. Validation.**

To the maximum extent possible, the City shall use professionally developed examinations, supported by empirical data demonstrating that the examination is predictive of, or significantly related to, important elements of work behavior of the position or positions for which applicants are being evaluated.

An examinee may challenge any part of any examination on the grounds that it does not conform to the requirements of this chapter or departmental policies or rules, but the Civil Service Commission may grant relief only if it finds that there is no clear and convincing evidence of validity for the examination or part being challenged.

#### **Sec. 6-412. Recruitment and Advancement.**

The Human Resources Director shall prepare and carry out policies for the recruitment of capable persons for employment by the City and for employee advancement.

These policies shall be filed with the City Clerk and shall be a public record. They shall become effective thirty (30) days after filing, except that, within the thirty (30) day period, the commission may review those policies and, after giving the Human Resources Director a full hearing, may make changes if it finds upon clear and convincing evidence that the policies are contrary to the good of the service.

#### **Sec. 6-413. Employee Grievances.**

The Civil Service Commission shall, by rule, provide a procedure for the final resolution of any grievance brought by or against a classified employee of the city. Any grievances filed with the Commission under the procedure shall be finally determined within sixty (60) days after filing, unless the time is extended by agreement of the parties.

If a grievance is not settled, the aggrieved employee may file, within ten (10) calendar days, an appeal with the Commission. The employee and the Commission shall attempt to agree on a hearing officer from among not fewer than three (3) individuals proposed by the Commission. If the employee and the Commission are unable to agree, they shall request a recognized arbitration association as designated by ordinance to propose the names of five (5) persons who could act independently and impartially as hearing officer in the matter. In the presence of an officer authorized to take oaths, each side, acting in turn with the employee beginning, shall indicate a name to be struck with those proposed until both sides have struck two (2) names. The person whose name then remains shall be the hearing officer.

A hearing shall be held within thirty (30) calendar days after filing of an appeal. The hearing officer shall file a report of the decision, setting forth findings of fact, conclusions of law, and recommendations, within thirty (30) calendar days of the hearing which is subject to review by the commission.

Any rule or policy under this section becomes effective in accordance with section 2-111.

#### **Sec. 6-414. Jurisdiction.**

The Commission procedure shall be exclusive for classified employees not covered by a collective bargaining contract.

A classified employee covered by a collective bargaining contract containing a procedure providing for a final and enforceable resolution of a grievance shall, unless the contract procedure is made exclusive, elect to use either the Commission procedure or the contract procedure, but may not use both.

A classified employee covered by a collective bargaining contract containing a grievance procedure that does not result in a final and enforceable resolution of the grievance may, if the collective bargaining contract so provides, pursue the contract procedure and then file under the Commission procedure.

#### **Sec. 6-415. Payrolls.**

The Human Resources Department shall certify that the classified employees named in payroll vouchers are employed in accordance with this chapter and departmental policies and rules.

No officer shall make or approve or take any part in making or approving any payment to any classified employee unless the payroll voucher bears the certification of the Human Resources Department.

Any sum knowingly or willfully paid contrary to this chapter or any departmental policy or rule may be recovered in an action brought by any person from any officer who made or approved the payment. All moneys recovered shall be paid into the city treasury. Any person may bring a suit to restrain an officer from making any payment contrary to this chapter, or any departmental rule, regulation or order.

If the Commission finds that the name of any classified employee has been omitted from any payroll, the agency involved shall correct the payroll and the classified employee shall be paid as directed by the Commission.

#### **Sec. 6-416. Residence and Domicile Credits**

~~Except as otherwise provided by law, the City may, by ordinance, establish residency requirements for city employment.~~

**Except as otherwise provided by law and this Charter, all city employees, as a condition of employment and promotion, shall reside within 20 miles of the boundaries of the City of Detroit. This requirement shall not apply to individuals employed with the City as of the adoption of this Charter.**

**Except as otherwise provided by law and this Charter, all paid on-call fire fighters shall reside within the boundaries of the City of Detroit. This requirement shall not apply to individuals employed with the City as of the adoption of this Charter.**

**The City Council and Mayor shall implement programs, provide incentives and institute other means for increasing city residency for current and prospective city employees. No later than one hundred twenty (120) days after adoption of this Charter, the Mayor shall prepare and submit to City Council a comprehensive Coordinated Residency Policy and Program for purposes of increasing residency among city employees. The Coordinated Residency Policy and Program shall be approved by City Council and implemented by City Ordinance.**

**Domicile credits for applicants for employment shall not exceed 15 points and will be awarded as follows:**

<b>Years of Residency</b>	<b>Points</b>
<b>1</b>	<b>3</b>
<b>2-3</b>	<b>7</b>
<b>4-5</b>	<b>9</b>
<b>6+</b>	<b>15</b>

**Applicants for employment must have their principal place of residency in the City of Detroit for the applicable period of time, immediately preceding the application for employment, excluding time away from their city residence due to attending school, military service or incarceration.**

**The City may promulgate residency or domicile credit ordinances and regulations that are not inconsistent with this Charter.**

#### **Sec. 6-417. Classified Service.**

The classified service of the City shall consist of all employments in the city service except:

1. Elective officers;
2. Persons holding appointments under this Charter;
3. Persons employed to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the City;
4. Others exempted by this Charter.

#### **Sec. 6-418. Transfers and Promotions to Exempt Positions.**

A person holding a position in the classified service may enter the exempt service, but may not be discharged therefrom, except by restoration to a classified position in accordance with rules of the Commission.

#### **Sec. 6-419. Consolidation of Entities.**

If any City activity or agency is taken over by another unit of government, the commission shall prepare the city's payroll history record of all classified employees involved and send that record to the governmental unit. If, after the merger, the service of any such employee is discontinued for reasons other than misconduct or delinquency, the person's name shall be placed on an appropriate re-employment list in accordance with departmental rules.

If an activity of another private or public organization is taken over by the City, an employee who has held a position in the activity continuously for three (3) years before its merger with the City may retain the position. An employee who has held a position in the activity for less than three (3) but more than one (1) year before its merger with the City must take a departmental qualifying examination for the position. If the employee does not pass a required qualifying examination or if an employee has held a position in the activity for less than one (1) year before its merger with the City and is not selected to retain the position under the procedure of section 6-410, the employee shall be dismissed within thirty (30) days after the establishment of a register of eligibles for the position.

## **ARTICLE 6.**

### **THE EXECUTIVE BRANCH: STAFF DEPARTMENTS**

#### **CHAPTER 5. BUILDINGS, SAFETY ENGINEERING and ENVIRONMENTAL DEPARTMENT**

#### **Sec. 6-501. Buildings, Safety Engineering and Environmental Department.**

The Buildings, Safety Engineering and Environmental Department is headed by the Director of Building, Safety Engineering and Environmental.

#### **Sec. 6-502. General Purpose.**

The purpose of this chapter is to conserve and protect the natural resources of the City of Detroit in the interests of the health, safety and welfare of the people, to promote improved social and economic conditions in the city, and to protect limited environmental resources for the future benefit of city inhabitants.

## Sec. 6-503. Powers and Duties.

The Buildings, Safety Engineering and Environmental Department shall:

1. ~~Develop and implement a coordinated and comprehensive environmental policy for the City of Detroit;~~
2. Administer, enforce, manage and coordinate compliance by the City of Detroit with federal, state and local environmental laws and regulations, **which shall include vigorous enforcement actions aimed at commercial entities engaged in the repeated and blatant violations of environmental laws and ordinances;**
3. ~~Coordinate environmental programs for protection and conservation of land, water and air resources;~~
4. Develop and implement programs for response to emergency conditions which pose an immediate danger to health and safety to the people of Detroit or to the City's environment;
5. Advise, consult and cooperate with agencies of the federal, state and local governments in furtherance of the purposes of this chapter;
6. Develop and coordinate policy, programs and procedures for remediation, redevelopment and reuse of contaminated land sites in the City of Detroit;
7. ~~Develop and coordinate policy, programs and procedures to encourage and promote innovative and competitively viable sustainable economic development in the City of Detroit consistent with protection of the environment;~~
8. Provide technical support and assistance to other city departments in environmental matters, including response to federal, state and local governmental enforcement activities; qualification for eligible grant moneys, etc.;
9. ~~Develop plans and proposals for joint cooperative investigation and research with the public and with private agencies and organizations on methods for eliminating or reducing land, air and water pollution;~~
10. ~~Collect and disseminate appropriate educational literature and information, and otherwise promote educational programs for the purposes of advising the general public of the necessity and methods for pollution prevention, securing public cooperation in pollution prevention measures and increasing public awareness of the importance of environmental protection and conservation of natural resources;~~
11. ~~Provide consultation with City departments regarding the implementation of any policies or programs concerning alternative and renewable energy;~~
12. Administer and enforce all laws, ordinances and regulations relating to the use of land ("zoning"); and
13. Except as otherwise provided by law or this Charter, grant, revoke, or approve transfers of all licenses and permits required by any law or ordinance for any business and collect fees for licenses and permits.
14. **Ensure that in demolition projects non-contaminated soil is being in cases where soil deposition is required and that hazardous waste is being properly removed from the site.**
15. Do any and all other acts which may be necessary for the implementation of the powers and duties conferred on the department under this chapter.

## Sec. 6-504. Conservation.

The Buildings, Safety Engineering and Environmental Department shall develop programs for the protection and conservation of the natural resources within the City of Detroit.

#### **Sec. 6-505. Environmental Legislation.**

The Buildings, Safety Engineering and Environmental Department shall propose new ordinances, laws and regulations to the Mayor, City Council and other governmental entities as appropriate for improvement of the quality of the environment and promotion of the mission of the Department.

#### **Sec. 6-506. Applications Filed Under Zoning Law.**

All applications for permits, grants, variances, waivers or exceptions of any kind under zoning laws, ordinances and regulations shall be made to the Department.

#### **Sec. 6-507. Duty Under Other Regulatory Laws.**

To the extent practicable, the Department shall also administer and enforce all other laws and ordinances regulating the development, maintenance and use of real property in the city.

#### **Sec. 6-508. One-Stop Service.**

To the extent practicable, the Department shall, in cooperation with other agencies whose permission is required prior to development, establish a procedure and application form under which an applicant for development permission may obtain, through the Department, all necessary permission.

#### **Sec. 6-509. Citizen Complaints and Enforcement.**

**City Council shall codify by ordinance, for implementation by the Department, a complaint process for alleged violations of environmental rules, regulation and laws enforced by or within the purview of the Department. Complaints shall be responded to within ninety (90) days of receipt by the Department.**

**Enforcement power shall be granted to the Department by ordinance and include the authority to ticket violators and pursue all remedies allowed by law, including fines. A written warning shall be required before the issuance of a residential blight ordinance violation that exceeds \$100.00.**

#### **Sec. 6-510 ~~6-509~~. Green Initiatives and Technologies.**

1. The Department, **in conjunction with the Office of Environmental Justice and Sustainability**, shall study the matter and prepare and implement a long-term strategic plan ("Green Initiatives and Sustainable Technologies Plan" or "GIST Plan") for the establishment, use and support of green initiatives, technologies and businesses, utilizing public and private partners. The Mayor shall commission a public study ("Study and Report on Green Initiatives and Sustainable Technologies" or "SRGIST") to determine the feasibility and requirements for engaging in and supporting this activity in the City of Detroit and areas outside the City of Detroit for the benefit of residents. The SRGIST shall be initiated within three (3) months of the effective date of this Charter, completed within one (1) year of its commencement and publicly disseminated upon its completion.
2. Within six (6) months after completion of the SRGIST the Mayor shall prepare the GIST Plan and submit it to City Council for approval before it may be implemented. City Council may hold public hearings prior to taking formal action on the GIST Plan, and if approved shall create any ordinances required to achieve the GIST Plan's objectives
3. The GIST Plan shall be comprehensive and may include solar, wind, thermal and other forms of alternative and renewable energy production and uses; alternative fuels; or other sustainable

technologies and endeavors; green public works, construction and building programs; and any other green initiative or technology considered feasible. The GIST Plan shall incorporate green initiatives and technologies within the workplace and for use with City owned vehicles and property, real and personal. The GIST Plan may include methods and support for citizen initiated green initiatives and sustainable technology uses.

4. The GIST Plan shall be reviewed yearly by the department and **Office of Environmental Justice and Sustainability**, and **jointly** revised as necessary. All revisions to the GIST Plan must be approved by City Council, who shall implement all ordinances necessary to achieve the objectives of the revised GIST Plan.
5. **The Director of the Office of Environmental Justice and Sustainability and Director of the Buildings, Safety Engineering and Environmental Department shall jointly monitor compliance with the GIST Plan and yearly update the Mayor and City Council regarding compliance. All updates to City Council shall be provided during a formal City Council session.**
6. The Mayor may create advisory commissions under section 7-103 to assist with the development, monitoring, implementation and revision of the GIST Plan.

## **ARTICLE 7.**

### **THE EXECUTIVE BRANCH:**

### **PROGRAMS, SERVICES and ACTIVITIES**

#### **CHAPTER 1. GENERAL PROVISIONS**

##### **Sec. 7-101. Existing Programs, Services and Activities.**

When this Charter takes effect, all executive and administrative agencies and functions existing under the ~~1997~~ **2012** Charter or by ordinance or resolution and not superseded by this Charter shall continue with the force and effect of ordinance until superseded by action taken under section 7-102 or 7-104.

##### **Sec. 7-102. Assignment of Authorized Function.**

The Mayor shall prepare an executive organization plan which, consistent with law and this Charter, sets forth all agencies of the executive branch and assigns authorized programs, services and activities to each agency.

The plan as proposed by the Mayor shall be filed with the City Council and made public. The City Council shall study and conduct hearings on the plan and may request the Mayor to make modifications in it. Sixty (60) business days after the filing of the plan with the City Council, it shall become effective, with such modifications as are accepted by the Mayor, unless disapproved by a resolution adopted by a two-thirds (2/3) majority of City Council members serving. All amendments to the plan must originate with the Mayor and are subject to the same procedure in taking effect.

The plan shall include the office of Mayor, the five departments created by Article 6, and all departments or functions created by Article 7 or continued by section 7-101. However, the plan may not provide for more

than thirty-six (36) departments, exclusive of any department organized under specific statutory authority, unless authority for a greater number is granted under section 7-104.

The Mayor may not reassign or combine the functions of staff departments, but may, except as to departments created under Chapters 3, 6, 7, 8, 12 and 13 of this Article, assign any of the functions of an operating department to a staff department, reassign the functions of one (1) operating department to another operating department or combine operating departments.

#### **Sec. 7-103. Advisory Commissions.**

The Mayor may establish by executive order, any commission of members of the public to advise the Mayor or any Director of an Executive Branch department, in the determination of its policies and budgets and the implementation of its programs, services or activities. Appointments to all advisory commissions shall be made by, and members serve at the pleasure of, the Mayor.

The Mayor shall endeavor to make City-wide commissions as representative of the entire City as possible and any commission established to advise the Mayor or any department Director shall be as representative of the People being served as possible. All members of advisory commissions shall be residents of the City of Detroit **at the time of appointment and during their term of service**, unless the Mayor expressly states in the executive order reasons for allowing non-residents to serve.

The executive order may provide for the advisory commission to complete its work within a specific period of time. In the event that the executive order does not do so, the Mayor may terminate the advisory commission through rescission of the executive order that established the commission.

#### **Sec. 7-104. Change In Number of Authorized Functions.**

Subject to the general provisions of this Charter, the City may, by ordinance, increase the number of departments of the executive branch beyond the number contemplated by this Charter.

The City may, by ordinance, authorize additional programs, services, or activities; or discontinue authorized programs, services, or activities.

#### **Sec. 7-105. Health In All Policies Mandate and Taskforce.**

**In order to promote the health of citizens and eliminate racial and socioeconomic disparities in public health, the City of Detroit shall have a policy requiring all city departments, offices, divisions and units of local government to apply a “Health in All Policies” (HiAP) approach and equity practices in its decision making, policy development and implementation, budget priorities, delivery of services, partnership engagements and every facet of its operations, where feasible.**

**A “Health in All Policies” approach constitutes a conscious, routine decision to entertain and inquire into the health outcomes, consequences, implications and impacts of decisions and actions taken or supported by government officials, with the concomitant responsibility to actively embed positive health consequences and outcomes into those same decisions and actions for the benefit of the public. This requires, at a minimum, reliance on relevant experts, consideration of validated science, broad public and stakeholder collaboration and sensitivity to race and socioeconomic realities.**

**There shall be established a Health in All Policies (HiAP) Taskforce within forty-five (45) days of adoption of this Charter. The HiAP Taskforce shall be chaired by the Chief Public Health Officer and**

composed of the heads of the Department of Public Works, Department of Planning and Development, City Planning Commission, Transportation Department, Department of Water and Sewerage and any other persons deemed by the Mayor as necessary to carry out the duties and responsibilities of the HiAP Taskforce. The Mayor may appoint and remove non-government taskforce members.

The HiAP Taskforce shall be responsible for:

1. Development and annual update of a HiAP framework that, at a minimum, contains guidelines and factors to be used by city departments, offices, divisions, branches and units of city government in decision making, and metrics to determine the efficacy and actual impact of the decisions made pursuant to the framework. The framework shall be developed and submitted to City Council within six (6) months of the establishment of the HiAP Taskforce.
2. Proposing to City Council and the Mayor discrete HiAP projects, goals and objectives for departments, offices, divisions, branches and units of city government.
3. Assisting in the development, and where appropriate, execution of health impact statements.
4. Any other duty assigned by the Mayor or Chief Health Officer.

In the development of the HiAP framework, the HiAP Taskforce shall consider the following, at a minimum, as relevant framework objectives:

- a. Affordable, accessible, and nutritious food;
- b. Safe, affordable, drinking water and sewerage service;
- c. Affordable, safe, and healthy housing;
- d. Clean air, soil, and water;
- e. Free access to parks and open spaces;
- f. Affordable and sustainable energy sources;
- g. Accessible built environments that promote health and safety through a mix of land uses;
- h. Active transportation enabling safe travel for people walking, biking, driving, and taking public transit, which is accessible for people with disabilities.

The City of Detroit and all of its departments, offices, divisions, branches and units of government shall use a HiAP framework and HiAP impact statement (HIS), as developed by the HiAP Taskforce and approved by City Council, for purposes of decision making that impacts the health of residents.

**COMMENTARY:** *Section 7-105 is new. The recent pandemic has highlighted the impact and consequences of having a local community with a significant baseline of compromised health and negative health risk factors. Over the last several decades there has emerged a growing and compelling voice among health care professionals, scientist, health activist and non-traditional health practitioners that realizes and articulates the integral relationship between commercial and government decision making and human health consequences. It finds its most comprehensive expression in the demand for a Health In All Policies approach to decision making. As explained by the Centers for Disease Control and Prevention, which embraces, supports and promotes this approach to decision making:*

“Health in All Policies (HiAP) is a collaborative approach that integrates and articulates health considerations into policymaking across sectors to improve the health of all communities and people. HiAP recognizes that health is created by a multitude of factors beyond healthcare and, in many cases, beyond the scope of traditional public

health activities. The HiAP approach provides one way to achieve the National Prevention Strategy and Healthy People 2020 goals and enhance the potential for state, territorial, and local health departments to improve health outcomes. The HiAP approach may also be effective in identifying gaps in evidence and achieving health equity.” (<https://www.cdc.gov/policy/hiap/index.html>)

*The Charter Commission has heeded the warning of health care leaders, against the backdrop of the City of Detroit’s pandemic experience, regarding the consequences of marginalizing communities of color and low income individuals by failing to entertain deal with the unavoidable relationship between public and private sector decision making and health outcomes. Section 7-105 adopts the Health In All Policies approach and securely embeds it into the infrastructure of government decision making.*

## **ARTICLE 7.**

### **THE EXECUTIVE BRANCH:**

### **PROGRAMS, SERVICES and ACTIVITIES**

#### **CHAPTER 2. RESPONSIBILITIES in HEALTH and**

#### **SANITATION HEALTH DEPARTMENT**

##### **Sec. 7-201. Health.**

The City is responsible for providing an adequate level of **physical and mental** health services, ~~both physical and mental,~~ to all its residents **and protecting the welfare of the public through the institution of programs and activities intended to address and anticipate health concerns within the community.** Regulating and maintaining the physical and mental health of citizens is a fundamental obligation of government that requires the commitment of resources and persistent efforts toward its fulfillment. The City is committed to the implementation of the Health in All Policies paradigm and empowers the Health Department to utilize this framework in the execution of its public health duties and services.

~~An advisory commission for health, composed of at least seven (7) members, shall be created under section 7-103. Seven (7) of the members shall be appointed, one (1) each from the non at large districts.~~

~~The Executive branch shall prepare an annual comprehensive health report on the state of the health of the City (“Report on the State of the Health of the City of Detroit”), which shall be presented to City Council and published on the City of Detroit’s website. City Council shall hold public hearings on the report within thirty (30) days of its receipt. The Commission shall provide assistance in developing the contents of the report.~~

~~The annual report shall be completed by August 1 of each year.~~

##### **Sec. 7-202. Sanitation.**

~~The City is responsible for collecting and disposing of wastes in the manner least harmful to the environment.~~

#### **Sec. 7-202. Health Advisory Commission**

There shall be established a Health Advisory Commission composed of nine (9) members. Four (4) members shall be appointed by the Mayor and four (4) members appointed by City Council. One (1) member shall be a citizen jointly appointed by the Mayor and City Council. Except for the joint appointment, all members shall be individuals with a background or expertise in health care or a health related field. Members shall serve at the pleasure of the appointing authority. Two members appointed by the Mayor and two members appointed by City Council shall serve a term of four (4) years, with their remaining appointees serving three (3) year terms. The jointly appointed member shall serve a term of four (4) years. Vacancies shall be filled in the same manner as the initial appointment.

The Health Advisory Commission shall:

1. Advise the Mayor, City Council and Chief Public Health Officer on matters of public health.
2. Provide advice and assistance to the Health Department in the preparation of its Report on the State of the Health of the Citizens of Detroit
3. Provide advice and assistance to the Health Department in the development of health related plans, reports procedures and protocols.
4. Provide assistance to the City of Detroit's Chief Public Health Officer in the implementation of the Health in All Policies framework and directive pursuant to sections 7-201 and 7-105 of this Charter.

#### **Sec. 7-203. Health Department.**

The Health Department shall carry out essential health programs, including wellness promotion, prevention, screening, treatment and control of diseases and illnesses, as well as inspections of health care related facilities and other facilities that impact the health and wellbeing of residents and visitors to the City. The Health Department is designated as a Local Health Department under the State of Michigan's Public Health Code, Public Act 368 of 1978 and shall carry out its powers and duties as set forth under Michigan law, this Charter and the Detroit City Code. The Health Department is required to implement, advocate for and facilitate a comprehensive approach to public health that incorporates health factors, outcomes and benefits in its decision making and that of other branches of city government, its constituent parts and city partnerships.

#### **Sec. 7-204. Powers and Duties.**

The Health Department shall:

1. Exercise all powers and execute all duties pursuant to state law, the Detroit City Code and this Charter.
2. In cases of epidemics or other public health emergencies, provide a report to City Council detailing the approach to be taken in addressing the matter and, consistent with State law, issue any order(s) necessary to promote and safeguard the health of the public.
3. Educate the public regarding health risks and other factors that jeopardize the physical and mental health of citizens and promote healthy practices aimed at improving the health and quality of life for residents. In fulfilling this duty, the Department shall provide regular health related programming for the City of Detroit's cable television channels.

4. Assess and advise the Mayor and City Council on the level, quality and access to healthy food options in the City of Detroit, including commercial food venues and markets, and recommend actions necessary to increase healthy food options and outcomes for residents.
5. Provide advice and counsel to the Mayor, City Council, and other City of Detroit departments on existing, emerging and potential public health concerns.
6. Recommend ordinances to the City Council and specific actions to the Mayor for the improvement of public health.
7. Convene any taskforce necessary to execute or accomplish any duty or power granted under this Charter, City Ordinance or Michigan law.
8. Apply a Health In All Policies approach that brings relevant data, demonstrable expertise and measurable outcomes to decisions within city government that shape the living conditions and opportunities for health in the City of Detroit.
9. Establish an emergency mental health crisis response team comprised of mental health professionals who shall respond to mental emergency requests and calls. The teams shall work in conjunction with the Police Department and other relevant departments. Funding for the team shall come from the Police Department's budget.
10. Exercise other powers and fulfill other duties as determined by ordinance.

**Sec. 7-205. Director.**

The Health Department is headed by the Director of the Health Department who shall be appointed by the Mayor as the Chief Public Health Officer for the City of Detroit, subject to City Council's confirmation authority under Section 4-111.

**Sec. 7-206. Emergency Response Plan.**

The Department shall prepare and submit to City Council for approval a pandemic preparedness and response plan, and other plans and protocols to deal with foreseeable health emergencies and crises. All plans and protocols shall be annually reviewed by the Department and updated as required. Updates shall be submitted to City Council for approval. City Council shall approve all referenced reports and updates at a public hearing and, subject to state law, shall be conspicuously published on the City of Detroit's website.

**Sec. 7-207. Health Impact Assessment Review.**

The Health Department shall provide advice, information and counsel to the Mayor, City Council and other units and departments of city government concerning existing, emerging and potential public health issues.

The Mayor and City Council shall consult the Health Department on the health impacts of new and rehabilitated housing, land and commercial developments, and all policies, plans, and ordinances that implicate public health. The Health Department will then assess any physical and mental health impacts of these actions and provide evidence-based recommendations intended to reduce any health risks, promote healthy outcomes and secure positive health benefits. The health impact assessment review shall be considered by the Mayor and City Council prior to taking final action on the matter reviewed.

#### **Sec. 7-208. Studies, Assessment and Reports.**

The Health Department is responsible for the collection, dissemination, evaluation and analysis of health data and information in order to ensure the health and welfare of citizens. The Director may receive requests from the Mayor or City Council to furnish various health related reports, assessments or studies. The following shall be done:

1. Prepare a bi-annual comprehensive report on the state of the physical and mental health of the citizens of the City of Detroit, by district ("Report on the State of the Health of the Citizens of Detroit"), which shall include a set of policy and practical health recommendations to the executive and legislative branches of government intended to improve the health of citizens. The report shall be presented to City Council for approval at a public hearing, and published on the City of Detroit's website or other digital platform, as appropriate.
2. Commission at least every three years a study and assessment of the level and impact of heavy metals and other environmental toxins and pollutants on children and adult citizens, which shall be submitted to the City Council for approval at a public hearing, provided to K-12 school systems and health care professionals within the City of Detroit and conspicuously published on the city's website.
3. Prepare bi-annually a report assessing citizen challenges to obtaining adequate and affordable healthcare with a set of comprehensive proposals and action steps to address the identified challenges.

Any report, study or assessment specifically required in this section may be prepared in whole, in part or in conjunction with public or private sector partners, and receive funding from other governmental or non-governmental entities in accordance with applicable city rules, regulations and procedures.

#### **Sec. 7-209. Services and Staff.**

In addition to the services required to be provided by law and ordinance or required to effectuate its duties under this chapter, the Health Department shall provide general counseling services; children, family and grief counselling; substance abuse services; sexual abuse/trafficking services; and mental health services for homeless citizens.

In addition to staff required by or allowed to the Health Department, licensed therapist, psychologist and psychiatrists shall be part of the Department's staff.

#### **Sec. 7-210. Budget Appropriation.**

The City shall annually appropriate funds sufficient to enable the Department of Health to perform its duties, including an allocation of funds and provision of resources necessary to provide all services and complete all reports, assessments and studies required or allowed pursuant to relevant sections of Article 7, Chapter 2 of this Charter, city ordinance or state law.

**ARTICLE 7.**  
**THE EXECUTIVE BRANCH:**  
**PROGRAMS, SERVICES and ACTIVITIES**  
**CHAPTER 3. ARTS**

**Sec. 7-301. Department.**

The Arts Department is headed by a seven (7) member Commission. The members of the Commission shall be appointed by and serve at the pleasure of the Mayor.

The term of membership on the Commission is four (4) years, and not more than two (2) members' terms expire each year.

The Commission shall appoint, with the approval of the Mayor, the Arts Director and a Deputy Arts Director. The Director and the Deputy Director serve at the pleasure of the commission.

The Arts Department shall maintain and operate the Detroit Institute of Arts directly or pursuant to an operating agreement.

**ARTICLE 7.**  
**THE EXECUTIVE BRANCH:**  
**PROGRAMS, SERVICES and ACTIVITIES**  
**CHAPTER 4. PUBLIC WORKS**

**Sec. 7-401. Department.**

The Department of Public Works shall:

1. Provide for the management, ~~and~~ collection **and disposal** of garbage and debris **in a manner least harmful to the public.**
2. Except as otherwise provided by law or Charter, in cooperation with the Buildings, Safety Engineering and Environment Department, enforce the environmental ordinances of the city, relating to this chapter.
3. Provide for the construction, maintenance, demolition and engineering design of streets, alleys and public buildings.
4. Plan, establish and maintain systems and devices for safe and expeditious regulation and control of traffic within the City.
5. As provided by law or ordinance, perform other functions necessary to improve the quality of the environment.

**Sec. 7-402. Sidewalk Maintenance.**

**The City of Detroit shall be responsible for sidewalk maintenance and repair except in the case of damage caused by adjacent owners and contractors. In cases of damage caused by adjacent**

**owners and contractors the** The Department of Public Works may repair sidewalks after first giving the owner, occupant, or party in interest of the premises in front of or adjacent to which such sidewalk or driveway is located notice and an opportunity to repair as prescribed by ordinance. Any such ordinance adopted shall provide for appropriate hardship protections for the abutting property owner.

The cost of any sidewalk repairs performed by the Department of Public Works, with interest, **in cases of damage caused by adjacent owners and contractors**, shall be collected from the owner, occupant, or party in interest of the premises in front of or adjacent to which such sidewalk or driveway is located through a special assessment or shall, not less than one (1) year following the date on which sidewalk repairs performed by the Department of Public Works were completed, at the election of the public works department, be a lien of the city upon the premises in front of or adjacent to which such sidewalk or driveway is located. The procedures for the recovery of the cost of sidewalk repairs performed by the Department of Public Works shall be prescribed by ordinance. The decision by the Department of Public Works to repair a defective sidewalk shall not release the owner from responsibility or liability for that condition.

#### **Sec. 7-403. Recycling.**

The Department of Public Works shall prepare, implement and update as necessary a comprehensive citywide Recycling Plan ("Plan") for the City of Detroit that provides for the capture of the City's waste stream prior to disposal. The Plan shall be submitted to City Council for approval before implementation. City Council shall enact any ordinances necessary to achieve the objectives of the Plan and this section.

The Plan shall provide for and encourage materials recovery, composting and other methods of recycling. In determining any recycling methods for inclusion in the Plan, the Department shall consider all relevant factors, including cost. The recycling methods contained in the Plan shall be regularly assessed and evaluated for the purpose of continued inclusion in the Plan, and the Plan shall be periodically updated to reflect the growth and change in recycling methods. All Plan revisions must be approved by City Council prior to implementation. The Department shall annually provide a comprehensive written update to City Council on the Plan's activities, programs, accomplishments and challenges, the Department's effectiveness in meeting the objectives of the Plan and any ordinances or resources required to effectuate the Plan.

Any recycling efforts or programs of the Department existing at the time of the adoption of this Charter may be incorporated into the Plan.

## **ARTICLE 7. THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES CHAPTER 5. FIRE**

#### **Sec. 7-501. ~~Department~~ Department Role and Function.**

~~The Fire Department is headed by the Fire Commissioner.~~

~~The Fire Commissioner and the Deputy Fire Commissioner shall be appointed by and serve at the pleasure the Mayor.~~

*The Fire Department, headed by the Executive Fire Commissioner, shall protect life and property from fire and other dangerous conditions requiring their expertise and, as required by Charter or ordinance, enforce all laws, ordinances and regulations relating to fire prevention and fire safety within the City of Detroit. The Fire Department shall also educate the community in the areas of fire prevention, firefighting, emergency preparedness, emergency medical services, and other areas incidental to its departmental mandate and role as a critical service provider. The Department shall stay abreast of and implement the latest developments in technology, methodologies, practices and protocols consistent with its mandate herein.*

**Sec. 7-502. ~~Fire Department Divisions.~~ Board of Fire Commissioners.**

~~Subject to the approval of the Mayor, the Fire Commissioner shall appoint a Chief of the Fire Department from the Board of Fire Chiefs of the Fire Fighting Division. The Chief serves at the pleasure of the Fire Commissioner~~

~~The Chief shall serve as the Director of Operations for the Fire Fighting Division.~~

~~Two (2) Deputy Fire Chiefs shall be appointed by the Fire Commissioner from the ranks of the Assistant Chiefs and serve at the pleasure of the Fire Commissioner.~~

~~A Fire Marshal shall be appointed by and serve at the pleasure of the Fire Commissioner.~~

**The Board of Fire Commissioners has supervisory control and oversight of the Fire Department as set forth in this chapter. The Board of Fire Commissioners is composed of eleven (11) members, seven (7) of whom shall be elected, one each, from the non at-large districts. Four (4) Commissioners shall be appointed by the Mayor, subject to the approval of the City Council. However, if the City Council does not disapprove an appointment within thirty (30) days, an appointment is confirmed. The Mayor shall make every effort to appoint persons with a minimum of five (5) years experience in one or more of the following areas: firefighting, fire prevention, emergency medical response, homeland security, emergency crisis management, financial management, policy making and/or public administration. The Mayor shall not remove appointed Commissioners except for cause, with approval of City Council. Commissioners shall serve a term of four (4) years. Vacancies in positions held by appointed Commissioners shall be filled by the Mayor for the unexpired term, in the same manner as the initial appointment. In accordance with this Charter, all members of the Board must be residents of the City of Detroit at the time of appointment and throughout their tenure.**

**The Board shall elect a chairperson annually. A member of the Board may not serve consecutive terms as chairman. The Board shall meet at the call of its chairperson but shall meet at least twice each month and may recess during Thanksgiving, Christmas, and New Year holidays. All meetings shall be held in accordance with the Michigan Open Meetings Act. No Commissioner shall have been an employee or elective or appointive officer of the city within three (3) years prior to appointment or while serving as a Commissioner. Unless required by state law, elected Commissioners shall not be entitled to salaries, retirement benefits, health benefits or other fringe benefits. City Council shall by ordinance provide Commissioners a per diem meeting stipend.**

**Sec. 7-503. ~~Duties.~~ Duties of the Board of Fire Commissioners.**

~~The Fire Department shall protect life and property from fire and other dangerous conditions requiring their expertise and, as required by Charter or ordinance, enforce all laws, ordinances and regulations relating to fire prevention and safety within the City of Detroit.~~

**The Board shall:**

1. *In consultation with the Executive Fire Commissioner and industry experts, and with the approval of the Mayor, establish policies, rules, and regulations.*
2. *In consultation with the Executive Fire Commissioner, determine the organizational structure of the Department to achieve its purpose and objectives.*
3. *Review and approve the Department's budget before its submission to the Mayor.*
4. *Receive and resolve, as provided in this chapter, any complaint concerning the operations, activities, functions and actions of the Fire Department and forward all allegations of criminality to the appropriate internal or external law enforcement or investigatory agency for further investigation.*
5. *The Board shall conduct a bi-annual independent assessment of the Department.*
6. *Make an annual report to the Mayor, City Council, and the public of the Department's activities during the previous year, including the handling of complaints, and any plans that may impact the public.*
7. *In conjunction with the Executive Fire Commissioner, collect, review, analyze and publish data and information that facilitates the implementation of programs, activities, and functions that allow for forecasting future challenges and opportunities related to the Department and its role within city government, and that secure the safety and welfare of the community. The Board shall consult industry leaders and professionals in the areas of fire prevention, firefighting, emergency medical response and related areas and work with the Executive Fire Commissioner to implement any recommendations therefrom within the operations of the Fire Department.*
8. *Provide and support public outreach on fire safety prevention, emergency preparedness, emergency medical services and other areas deemed necessary by the Board to secure the safety and welfare of citizens and property.*

*The Board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or other order for production of evidence or to impose any penalty prescribed for the failure to obey a subpoena or order, the Board shall apply to the appropriate court. The Board may delegate in writing to a member of its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power by the Board.*

**Sec. 7-504. ~~Fire Marshal. Staff.~~**

~~The Fire Marshal shall inquire into the origin of all fires resulting in property loss and shall make a written report concerning every such fire to the Fire Commissioner, the Chief of Police, the Wayne County prosecuting attorney, the Detroit Board of Underwriters and any person legitimately interested in the matter.~~

~~The Fire Marshal shall also make such inspection of buildings and other places as is necessary for enforcement of the fire prevention ordinances of the City.~~

**1. ~~Secretary to the Board.~~**

***The Board shall appoint a Board Secretary, who serves at its pleasure. The secretary shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The secretary shall attend board meetings.***

**2. ~~Professional Staff.~~**

***The Board shall appoint a Chief Investigator and Chief Environmental Specialist and such additional professional staff as it deems necessary. The Chief Investigator and Chief Environmental Specialist shall not have been an employee or elective or appointive officer of the city within three (3) years prior to appointment. Professional Staff shall serve at the Board's pleasure. They must possess skills and experience necessary to complete the duties of their positions.***

**3. ~~Other Staff~~**

***The Board may hire, in accordance with Article 6, Chapter 4, such additional staff as is necessary to carry out its duties. All members of the staff are under the direction of the Board, and the Executive Fire Commissioner has no authority over any member of the staff.***

***COMMENTARY: Section 7-504 delineates the Board of Fire Commissioner's staff.***

**Sec. 7-505. ~~Advisory Commission.~~ Executive Fire Commissioner Selection.**

~~A seven (7) member advisory commission may be appointed by the Mayor. Four (4) members shall be appointed by the Mayor and three (3) shall be appointed by the Mayor from a list of four (4) names submitted by the City Council. Commissioners shall serve staggered three (3) year terms and shall serve at the pleasure of the Mayor. The Mayor shall make every effort to appoint persons with a minimum of five (5) years experience in one or more of the following areas: firefighting, fire prevention, emergency medical response, homeland security, emergency crisis management, financial management, policy making and/or public administration. All meetings shall be public and held in compliance with applicable laws. Commissioners shall be residents of the City of Detroit.~~

***The Board of Fire Commissioners shall conduct a professional search with a reputable and qualified executive search firm or other equally qualified entity to identify candidates for Executive Fire Commissioner. The Mayor shall appoint an Executive Fire Commissioner from a list of qualified candidates provided by the Board of Fire Commissioners, subject to approval by City Council. If City Council does not disapprove of the appointment within thirty (30) days, it is deemed confirmed. The Mayor shall appoint a Deputy Executive Fire Commissioner. The***

***Executive Fire Commissioner and Deputy Executive Fire Commissioner serve at the pleasure of the Mayor.***

***The Executive Fire Commissioner shall be skilled and experienced in fire safety administration, medical response administration, firefighting or fire prevention. The Executive Fire Commissioner is the head official in charge of the Fire Department and shall be responsible for its day-to-day operations and administration.***

**Sec. 7-506. ~~Promotions.~~ Duties of the Executive Fire Commissioner.**

~~1. The Fire Commissioner shall make all promotions to non-supervisory positions within the classified service of the Department. The employee having served in the longest period in any position shall be advanced to fill any vacancy in the next highest position, if that person has, in the judgment of the Fire Commissioner, the qualifications for the higher position. Qualifications shall be reasonable and noncompetitive.~~

~~2. Promotions within the classified service of the Department to the supervisory positions of sergeant and above shall be determined by qualifications based on length of service in the next lower position and reasonable and objective evaluation of such factors as ability, skill, experience, knowledge and training.~~

**The duties of the Executive Fire Commissioner shall include:**

- 1. The Executive Fire Commissioner is the executive head of the Fire Department and shall administer the Department consistent with the policies, rules, and regulations applicable to the Department.***
- 2. Recommend rules, regulations, and procedures to the Board for its approval.***
- 3. Prepare the annual budget for the Fire Department.***
- 4. Hire, promote, evaluate, commend, transfer, and discipline employees of the Department and have authority to suspend and discharge employees of the Department and direct employees in the performance of their duties.***
- 5. Except as otherwise provided by the Board, keep, and control all property, books, records, and equipment belonging to the Department or held by the Department.***
- 6. Submit to the Board an annual report on the operations of the Department and other reports required in this chapter or requested by the Board, including those to be forwarded to the Mayor, the City Council and the public.***
- 7. Present annually a comprehensive Fire Department operations improvement plan to include, at a minimum, relevant metrics, performance goals and objectives, and annual priorities, as identified by the Commission in conjunction with the Executive Fire Commissioner. The plan shall be filed with the City Clerk, distributed to the Mayor and City Council, and be a public record conspicuously stored on the City of Detroit's website or similar digital platform.***
- 8. Prepare, implement, maintain and publish a comprehensive, data driven protocol and program in partnership with public and private entities, that enhances fire prevention, firefighting, hazardous material handling and emergency medical response, removes obstacles to efficient provision of services provided by the Department and provides citizens with information regarding scientifically approved technology and methods in the area of fire safety and emergency medical preparedness.***

9. *Attend all meetings of the Board of Fire Commissioners, to the extent practicable, and speak on any issue, but may not vote.*
10. *Maintain a state of emergency preparedness throughout the city and within each city district. At a minimum this shall be accomplished through annually organized sessions to discuss, plan, review and prepare responses to potential emergency scenarios and biannual simulation of those scenarios in conjunction with other city departments and governmental and private entities.*
11. *The Executive Fire Commissioner, with the consent of the Board, may appoint necessary Deputy Chiefs.*
12. *Perform such other duties as assigned by the Mayor, Board, or City Council in accordance with city ordinance.*

*The Executive Fire Commissioner shall meet any applicable residency requirement within 6 months of appointment, unless extended or waived by the Board of Fire Commissioners.*

#### **Sec. 7-507. Complaints.**

*Complaints concerning the Fire Department filed anywhere in the Department shall be forwarded immediately to the Board Secretary. Copies of the complaint shall be made available to each member of the Board, the Chief Investigator, and the Executive Fire Commissioner. The Chief Investigator for the Board shall investigate a complaint immediately and file a report of findings with the Board within sixty (60) days. Within thirty (30) days of receipt of a complaint by the Board Secretary, the Board shall send written communication informing the complainant that their complaint has been received, the guidelines on how the complaint will be handled, and the time line on when the complainant shall receive a disposition on their complaint. The Board may forward any complaint to the Executive Fire Chief, an appropriate city, state or federal agency or department for investigation or resolution.*

*The Board Secretary shall keep and post online, a public docket of complaints and the disposition of each complaint after investigation. The docket shall not contain information which identifies or that can reasonably lead to identification of the parties.*

*If a complaint is not resolved as a result of investigation to the satisfaction of the complainant or a Board member, they may request the Board to hear or review the matter. The Board may, at its option, when it determines that a hearing or review is warranted by the evidence, hear, or review the matter itself or refer the matter to a fact finder.*

#### **Sec. 7-508. Promotions.**

1. The **Executive** Fire Commissioner shall make all promotions to non-supervisory positions within the classified service of the Department. The employee having served in the longest period in any position shall be advanced to fill any vacancy in the next highest position, if that person has, in the judgment of the Executive Fire Commissioner, the qualifications for the higher position. Qualifications shall be reasonable and non-competitive.
2. Promotions within the classified service of the Department to the supervisory positions of sergeant and above shall be determined by qualifications based on length of service in the next lower position and reasonable and objective evaluation of such factors as ability, skill, experience, knowledge and training.

**Sec. 7-509. Fire Department Divisions.**

Subject to the approval of the Mayor, the **Executive** Fire Commissioner shall appoint a Chief of the Fire Department from the Board of the Fire Chiefs of the Fire Fighting Division who serves at the pleasure of the **Executive** Fire Commissioner.

The Chief shall serve as the Director of Operations for the Fire Fighting Division.

Two (2) Deputy Fire Chiefs shall be appointed by the **Executive** Fire Commissioner from the ranks of the Assistant Chiefs and serve at the pleasure of the **Executive** Fire Commissioner.

A Fire Marshall shall be appointed by and serve at the pleasure of the **Executive** Fire Commissioner.

**Sec. 7-510. Fire Marshal.**

The Fire Marshal shall inquire into the origin of all fires resulting in property loss and shall make a written report concerning every such fire to the **Board of Fire Commissioners** and **Executive** Fire Commissioner, the Chief of Police, the Wayne County prosecuting attorney, the Detroit Board of Underwriters and any person legitimately interested in the matter.

The Fire Marshal shall also make such inspection of buildings and other places as is necessary for enforcement of the fire prevention ordinances of the City.

**Sec. 7-511. Emergency Medical Services.**

*The Executive Fire Commissioner, with the approval of the Board of Fire Commissioners, shall appoint a Superintendent and Assistant Superintendent of the Emergency Medical Services Division who serve at the pleasure of the Fire Commissioner.*

## **ARTICLE 7.**

### **THE EXECUTIVE BRANCH:**

### **PROGRAMS, SERVICES and ACTIVITIES**

#### **CHAPTER 6. HISTORICAL**

**Sec. 7-601. Department.**

The Historical Department is headed by a thirteen (13) member commission. The members of the commission shall be appointed by and serve at the pleasure of the Mayor. Seven (7) of the members shall be appointed, one (1) each, from the City Council election districts, exclusive of the at-large district. The term of membership on the commission is four (4) years, and not more than three (3) members' terms expire each year.

The commission shall appoint, with the approval of the Mayor, a Museums Director and a Deputy Museums Director. The Director and the Deputy Director serve at the pleasure of the commission. The Historical Department shall maintain and operate the City's historical museums directly or pursuant to an operating agreement.

# **ARTICLE 7.**

## **THE EXECUTIVE BRANCH:**

### **PROGRAMS, SERVICES and ACTIVITIES**

#### **CHAPTER 7. HUMAN RIGHTS**

##### **Sec. 7-701. Department.**

The **Civil Rights, Inclusion and Opportunity** ~~Human Rights~~ Department is headed by the **Civil Rights, Inclusion and Opportunity** ~~Human Rights~~ Director. The Director and a Deputy Director shall be appointed by the Mayor to four (4) year terms beginning on March first (1st) after the beginning of the Mayor's term. The Mayor may remove the Director or Deputy Director for cause. However, the Director and Deputy Director may not be appointed or removed without the approval of the Human Rights Commission.

##### **Sec. 7-702. Taskforce on Reparations and African American Justice.**

There is established a permanent Human Rights Commission Taskforce on Reparation and African American Justice to study, investigate, report on and address through reparations, the involvement, facilitation, complicity and culpability of the City of Detroit in relationship to the slave trade, institutions of slavery, institutional and structural racism, and discrimination against enslaved Africans and their descendants. The role and impact of the conduct of the State of Michigan and United States in facilitating, endorsing, legitimizing or otherwise enabling the City of Detroit may also be considered to the extent applicable. The Taskforce shall operate under the supervision and direction of the Human Rights Commission.

The Taskforce shall be established within 180 days of the adoption of this Charter and shall receive all of the funding necessary to exercise its powers and accomplish its duties and obligations under this Charter, and may accept private and public donations. The work of the Taskforce shall be made public upon completion.

##### **Taskforce Composition.**

Taskforce members shall be nominated by the Human Rights Commission for City Council's approval at one or more public meetings. The members of the Human Rights Commission selected from the seven (7) non at-large districts shall be ex-officio members of the Taskforce. Members may be non-residents when necessary to acquire a particular expertise, experience or skillset, and all members shall be individuals who are especially qualified to serve on the Taskforce by virtue of their education, training, activism or experience, particularly in the field of African-American studies and reparations justice, including but not limited to:

1. Persons with demonstrated experience leading or working with organizations or groups involved with reparations;
2. Scholars and experts in African-American studies or history, law, civil rights or the social sciences;
3. Persons with demonstrated experience or expertise in social and economic justice policies and programs;
4. Persons with demonstrated experience or expertise in finance or economics;
5. Persons with demonstrated experience or expertise in the development of social or economic justice programs.

### **Duties.**

The duties of the Taskforce shall include, but are not limited to the following, which may be expanded by ordinance to the extent not inconsistent with these duties:

1. Determination of the role of the City of Detroit in the slave trade, including identification, compilation and synthetization of evidentiary documentation of the support of the institution of slavery in the City of Detroit, including but not limited to the capture, transport, sale, acquisition and treatment of African slaves in the City of Detroit.
2. Identification and documentation of the role of the City of Detroit in supporting the institutions of slavery, including the extent to which the government prevented, opposed or restricted efforts of formerly enslaved Africans and their descendants to repatriate to their homeland or escape from human trafficking in Africans and their descendants.
3. Identification and documentation of any local laws or ordinances that discriminated or facilitated segregation or discrimination against enslaved Africans and their descendants. This shall include identification of governmental efforts that could have been lawfully taken to improve the conditions of formerly enslaved Africans and their descendants.
4. Identification and documentation of all City of Detroit sponsored or affiliated businesses, labor union or other entities that facilitated, institutionalized or perpetuated practices that economically, socially, educationally or otherwise impaired African American citizens in their ability to historically and currently enjoy the rights, privileges and opportunities of citizenship.
5. Identification all of the persistent negative effects of the institutions of slavery, racism, segregation and discrimination on African-American residents of the City of Detroit, including but not limited to redlining, inequitable educational funding, policies and curriculum, psychosocial and psychological programming and employment and entrepreneurial opportunities.
6. Document, record and publish the achievements and struggles of African American citizens, prominent and otherwise, businesses and organizations within the City of Detroit.
7. Recommend appropriate remedies in consideration of Taskforce findings, including but not limited to: (1) the manner and form of a formal apology by the City of Detroit for its involvement, facilitation, complicity and perpetuation of human rights violations and crimes, moral or otherwise, against the humanity, dignity, integrity and aspirations of African slaves and their descendants; (2) the appropriate means to document, communicate, preserve and educate current and future generations regarding Taskforce findings and recommendations; (3) repeal and elimination of local laws, policies and practices that disproportionately and negatively affect African-Americans as a group, and those laws and policies, and practices that perpetuate the lingering economic and psychosocial effects of structural and institutional racism, discrimination, racial prejudice and slavery, and the institution of laws, policies and practices that advance the interest and economic, social and psychological welfare of African American citizens; (3) the appropriate means to address the negative effects on African American residents due to slavery, institutional and structural racism, discrimination and racial prejudice perpetuated and currently sustained by the State of Michigan and United States; (4) the appropriate policies, programs, projects and recommendations for the purpose of reversing and ameliorating identified injuries, such as

increasing minority homeownership and access to affordable housing, increasing minority business ownership and career opportunities, strategies to grow equity and generational wealth, eliminating disparities in health care, education, employment and wages, neighborhood safety and fair treatment within the criminal justice system; (5) the form, eligibility and manner of calculation of compensation to be provided to descendants of enslaved Africans by the City of Detroit; and (6) any other manner of rehabilitation, recompense or restitution for African descendants, which may take the form of extension of African American History month, a truth and reconciliation process for businesses, families and individuals involved in the slave trade, perpetuation of structural and institutional racism, or other form of oppression experienced by African American residents.

8. Explore, report on and provide recommendations regarding any matter deemed relevant by the Taskforce in the execution and fulfillment of its duties and obligations under this Charter or ordinance.
9. Identification and recording of the statues, monuments, plaques, city streets, city-owned property and any designation or inscription on city owned or controlled property that has a relationship to slavery, the institutionalization of racism, racial segregation, racial prejudice, racial bigotry or that otherwise demeans and degrades African Americans, and documentation of the history, individuals, entities and ideas associated thereto. These findings shall be reported to the Human Rights Commission, Mayor, City Council and public. City Council shall establish and implement a process to address each finding of the Taskforce on this matter, which may include without limitation removal, replacement, renaming, redesignation and rededication.

The Taskforce shall study and recommend to the Mayor and City Council, for immediate implementation, a city thoroughfare and monument dedicated to the memory and service of Mayor Coleman Alexander Young and shall also commission a definitive and exhaustive biography of the Mayor that shall be made freely available to the public online.

10. Maintain an online archive, social media and subscription service that provides residents information and updates regarding the Taskforce's work, including scholarly articles, news accounts, books, papers and other items and materials consulted, referenced, utilized or recommended by the Taskforce.
11. Creation and implementation of a protocol for citizen input and participation into the work of the Taskforce beyond that required under the Michigan Open Meetings Act.
12. Other duties as assigned by the Civil Rights, Inclusion and Opportunity Department, Human Rights Commission or City Council through ordinance.

#### **Sec. 7-703. Office of Veteran Affairs.**

There shall be established within the Civil Rights, Inclusion and Opportunity Department an Office of Veterans Affairs. The Office of Veteran Affairs shall be responsible for addressing the concerns and needs of veterans through the provision of services, assistance, advocacy, and programming for Detroit's veteran community. This may include assistance with housing, employment, education, entrepreneurial development, financial support, debt resolution and help in receiving medical services and mental counseling. The Office of Veteran Affairs will coordinate with existing entities that provide assistance and resources to veterans at local, state and federal levels, including any City Council committee or taskforce dedicated to veteran issues.

The Office of Veteran Affairs shall be headed by a Deputy Director who reports to the Director of the Civil Rights, Inclusion and Opportunity Department. The Deputy Director shall be appointed by the Mayor who may remove the Deputy Director for cause. The Deputy Director may not be appointed or removed without the approval of the Human Rights Commission.

**Sec. 7-704. Office of Immigrant Affairs.**

There shall be established within the Civil Rights, Inclusion and Opportunity Department an Office of Immigrant Affairs. The Office of Immigrant Affairs is responsible for providing services, advocacy, assistance and programming for Detroit's diverse immigrant community. The Office of Immigrant Affairs shall be headed by a Deputy Director who reports to the Director of the Department of Civil Rights, Inclusion and Opportunity. The Deputy Director shall be appointed by the Mayor who may remove the Deputy Director for cause. The Deputy Director may not be appointed or removed without the approval of the Human Rights Commission.

**Sec. 7-705. Immigrant and Refugee Affairs Commission.**

The Immigrant and Refugee Affairs Commission serves the immigrant and refugee communities of the City of Detroit by assisting the Office of Immigrant Affairs in connecting them with advocates, stakeholders and resources and providing input to policy makers on matters that impact immigrants and refugees within the City of Detroit.

The Commission shall consist of fifteen (15) members. Two (2) members shall be appointed by the City Council and two (2) appointed by the Mayor. The remaining eleven (11) members shall be nominated by the public and the Deputy Director of the Office of Immigrant Affairs and appointed by the Mayor in accordance with the Mayor's application process. Members shall represent a cross section of Detroit's immigrant communities based on the most recent Census data and include professional background and expertise in the areas of social services, education, legal services, health services, economic development, and other areas deemed relevant by the appointing authority.

The term of membership is three (3) years. Members may be removed by the appointing authority for cause and vacancies shall be filled by the appointing authority in the same manner as the initial appointment.

**Sec. 7-706 ~~7-702~~. Human Rights Commission.**

An eleven (11) member Human Rights Commission shall be appointed by the Mayor, with the approval of the City Council. A member must be a resident of the City. The Commission shall be representative of the total community. Seven (7) members shall be appointed from the non at-large districts.

The term of membership on the Commission is three (3) years, and not more than four (4) member's terms expire each year. The members of the Commission may be removed by the Mayor for cause.

**Sec. 7-707 ~~703~~. Budget.**

The City shall make an annual appropriation for the effective operation of the ***Civil Rights, Inclusion and Opportunity Department*** and all of its related Commissions, Offices and Taskforces.

## **Sec. 7-708 704. Department Duties.**

Subject to policies established by the Commission, the **Civil Rights, Inclusion and Opportunity Department** ~~Human Rights Department~~ shall:

1. Investigate complaints of unlawful discrimination against any person because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, familial status, marital status, disability or any status protected by the laws of the State of Michigan or the United States of America, in violation of any ordinance or any law within the city's jurisdiction, and secure equal protection of civil rights without discrimination. The city shall implement this section by ordinance. The **Civil Rights, Inclusion and Opportunity Department** ~~Human Rights Department~~ may cooperate with other civil rights and enforcement agencies in the resolution of complaints, where cooperation is requested or where jurisdiction is concurrent;
2. Secure the rights of citizens to service from city government without discrimination; and
3. Endeavor to increase mutual understanding among the residents of the community, to promote good will, and to work cooperatively with other agencies of government, community groups and organizations, and other persons to eliminate discrimination and the results of past discrimination.
4. **On its own initiative or as directed by the Mayor or City Council, establish taskforces to study, investigate and report on the involvement, facilitation, culpability and remediation by the City of Detroit, State of Michigan, United States or other entities or individuals regarding the oppression or inhumane and discriminatory treatment of ethnic minorities, indigenous peoples and other categories of individuals or issues related to other human rights matters occurring within the boundaries of the City of Detroit. The Director of the department and the Chairperson of the Human Rights Commission shall be ex-officio members of any taskforce established under this subsection.**

**Within nine (9) months of adoption of this Charter such a taskforce shall be established with respect to indigenous peoples who occupied or made use of any areas currently within the boundaries of the City of Detroit or contiguous to its boundaries, prior to and after the founding of the City of Detroit or who were directly or indirectly involved in the eventual establishment of the City of Detroit.**

5. Receive, investigate, study and provide written reports on human rights issues and concerns directed to the department by City Council or the Mayor or on its own initiative.
6. Annually identify, commission and financially support scholarly papers, surveys, investigations and studies regarding potential, present and past human rights issues impacting or that have impacted the City of Detroit, its residents, businesses and other entities, which shall be conspicuously published and archived on the City of Detroit's website.
7. **With the assistance of the Human Rights Commission and other relevant executive branch departments, prepare an annual Comprehensive Employment Data Report on private and public sector employment within the City of Detroit. The report shall, at a minimum, include demographic data by race, gender, age, disability, religion, residency, and other categories to be determined by the Commission, Mayor, or City Council through ordinance. The report shall provide a complete and cumulative assessment and accurate representation of employment rates among residents and employment opportunities within the City of Detroit and Southeast Michigan for which Detroit residents may be qualified. The report shall also**

detail all efforts taken by the executive branch to increase employment opportunities and address the report's findings. The report shall be presented to the City Council by the department at a public hearing and conspicuously published on the City of Detroit's website.

8. **Establish an annual Coleman Alexander Young Human Right Award based on criteria to be determined by City Council.**

#### **Sec. 7-709 ~~705~~. Department Powers.**

The Department shall, with the consent of the commission, promulgate rules for its own procedures.

The Department Director may hold hearings, subpoena witnesses, administer oaths, take testimony, require the production of evidence, and issue appropriate orders, including the dismissal of a complaint. To enforce subpoena or order for production of evidence or other order to impose any penalty prescribed for failure to obey a subpoena or order, the Department Director shall apply to the appropriate court.

The Department Director may delegate the powers to hold hearings, administer oaths, and take testimony.

#### **Sec. 7-710 ~~706~~. Appeals.**

Appeals from final orders of the Department in all matters, except decisions of ineligibility to do business with the city, shall be taken to the court having jurisdiction provided by law. Appeals by persons or firms aggrieved by decisions of ineligibility to do business with the city may be heard by the City Council or such other appellate body as may be provided by ordinance under section 9-302.

#### **Sec. 7-711 ~~707~~. Remedies Cumulative.**

This chapter shall not be construed to diminish the right of any party to direct any immediate legal or equitable remedies in any court or other tribunal.

## **ARTICLE 7. THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES CHAPTER 8. POLICE**

#### **Sec. 7-801. Police Department.**

The Police Department shall preserve the public peace, prevent crime, arrest offenders, protect the rights of persons and property, guard the public health, preserve order, and enforce laws of the State of Michigan and the United States and the ordinances of the City of Detroit.

## **Sec. 7-802. Board of Police Commissioners.**

The Board of Police Commissioners has supervisory control and oversight of the Police Department as set forth in this Chapter. The Board of Police Commissioners is composed of **nine (9)** ~~eleven (11)~~ members, seven of whom shall be elected from each non at-large district. ~~Four (4)~~ **Two (2)** members of the Board shall be appointed by the **elected members through an application process that shall be transparent and public.** ~~Mayor, subject to the approval of the City Council. However, if the City Council does not disapprove an appointment within thirty (30) days, an appointment is confirmed.~~ Appointed members **Members** shall serve **four (4) year terms** ~~a term of five (5) years, and not more than one (1) member's term expires each year.~~ The ~~Mayor~~ **Board** shall not remove appointed members of the Board except for cause, **in accordance with section 2-107. No person who works or has worked in law enforcement may serve as a member of the Board of Police Commissioners.** ~~Vacancies in positions held by appointed members shall be filled by the Mayor for the unexpired term, in the same manner as the initial appointment.~~ All members of the Board must be residents of the City.

The Board shall elect a chairperson annually. A member of the Board may not serve consecutive terms as chairman, ~~nor may an appointed person serve more than five (5) years consecutively as a member of the Board.~~ The Board shall meet at the call of its chairperson, ~~but shall meet at least once each week and may recess during Thanksgiving, Christmas and New Year holidays.~~ All meetings shall be held in accordance with the Michigan Open Meetings Act. No appointed member of the Board shall have been an employee or elective or appointive officer of the city within three (3) years prior to appointment or while serving as a member of the Board. Unless required by state law, elected members shall not be entitled to salaries, retirement benefits, health benefits or other fringe benefits. Appointed members, and elected members not entitled to compensation by state law, may receive by ordinance **a per diem stipend for meetings.** ~~reimbursement for parking, mileage and other reasonable expenses.~~ All appointed Commissioners serving at the time of the effective date of this Charter shall continue in their office until their term expires or office becomes vacant.

The Board shall meet at the call of its chairperson, but shall meet at least once each week and may recess during Thanksgiving, Christmas and New Year holidays. **Meetings shall be held in each of the seven (7) non at-large districts at least once in each calendar year on a rotational basis and may not be held at any police facility. The meetings shall be published and noticed in the manner set forth in the Michigan Open Meetings Act. Meetings shall be conspicuously posted on the City of Detroit's website or existing modes of electronic or non-print communication and on other forms of media owned or operated by the City of Detroit, including any television channels.**

## **Sec. 7-803. Duties, Obligations and Rights of the Board of Police Commissioners.**

The Board shall:

1. In consultation with the Chief of Police, **City Council** ~~and with the approval of the Mayor~~ establish policies, rules and regulations;
2. Review and approve the departmental budget before its submission to the Mayor;
3. Receive and resolve, as provided in this chapter, any complaint concerning the operation of the Police Department and forward all allegations of criminality to the appropriate internal or external law enforcement agency for further investigation;
4. Act as final authority in imposing or reviewing discipline of employees of the department;

5. Make an annual report to the Mayor, the City Council, and the public of the department's activities during the previous year, including the handling of crime and complaints, and of future plans.
6. **Establish, in consultation with the Chief of Police, youth engagement programs intended to acclimate youth to the role and purpose of law enforcement in the City of Detroit and support youth activities that are conducive to the beneficial development of youth.**
7. **Develop and implement a public database of police officers who have officially been found to have engaged in misconduct, as defined by the Board, but which shall include excessive force, untruthfulness and harassment.**
8. **Develop and implement a comprehensive department policy on employee cooperation in investigations conducted by the Board or its staff, with appropriate discipline and penalties for failure to cooperate. The policy shall prohibit retaliation, obstruction, and interference in investigations with appropriate penalties.**
9. **Conduct an annual survey to gauge community experiences with and perceptions of the police department and officers and use for use in informing police department policies and practices, police officer evaluations, pay incentives and other matters relevant to the efficient operation of the department in alignment with the policing plan required under Section 7-822. The survey shall be conspicuously published and retained on the City of Detroit's website with copies provided to the Chief of Police, Mayor and City Council.**
10. **Receive annual training on sexual harassment, implicit bias, cultural awareness, civil rights and policing.**

**The Board shall hold a minimum of three (3) community meetings on the police department budget before approving and submitting it to the Mayor. The community meetings shall be held at an easily accessible public location that can accommodate a large number of residents. Meetings shall begin between the hours of 7:00 p.m. and 8:00 p.m. and shall not conflict with a City Council meeting scheduled in accordance with Section 4-102 or Mayor meeting scheduled pursuant to Section 5-110.**

**Prior to the adoption of any policies, rules or regulations referenced in subsection (1) above, a public hearing shall be held at an easily accessible location that can accommodate a large number of residents. The hearing shall begin between the hours of 6:00 p.m. and 8:00 p.m. and shall not conflict with any City Council meeting scheduled under Section 4-102 or Mayor meeting scheduled under Section 5-110. There shall be a 30-day public comment period prior to the creation or revision of any policy, rule or regulation covered under subsection one (1) above. The public comment period shall be conspicuously posted on the City of Detroit's website and comments may be submitted verbally or in writing. Nothing in this section shall prohibit City Council from enacting policies related to the police department and its operations.**

The Board may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Board shall apply to the appropriate court. The Board may delegate in writing to a member of its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power by the Board.

**In cases where there exists a conflict of interest between the Board of Police Commissioners and the Police Department regarding a matter with legal implications, the Board may retain an attorney licensed to practice law in Michigan to advise the Board or represent it in any legal proceedings. At the time of representation, the attorney shall not also represent the City as a municipal corporation in any legal proceeding.**

### **City Council Right to Establish Policies**

*It is recommended that the Commission reconsider addition of the right for City Council to promulgate policies for the Police Department. By giving City Council the same right as the Board Police Commissioners there is the possibility for conflicting policies and there is no direction on whose policies take precedence.*

### **Penalties for Subpoena Non-Compliance.**

*An adopted revision calls for giving the Board the “[a]bility to issue penalties for non-compliance to a subpoena.” However, this power is already addressed in Section 7-803, where the Board has the right to apply to the appropriate Court in order “to impose any penalty prescribed for failure to obey a subpoena...” Therefore, it is recommended that the Commission reconsider adoption of this revision.*

#### **Sec. 7-804. Staff.**

##### **1. Executive Director ~~Secretary to the Board.~~**

The Board shall appoint an **Executive Director** ~~a Board Secretary~~, who serves at its pleasure. The **Executive Director** ~~secretary~~ shall not have been an employee or elective or appointive officer of the City within three (3) years prior to appointment. The **Executive Director** ~~secretary~~ shall attend board meetings.

##### **2. Investigative Staff.**

The Board shall also appoint a Chief Investigator and such additional staff of investigators as it deems necessary. The Chief Investigator shall not have been an employee or elective or appointive officer of the city within three (3) years prior to appointment. Investigators serve at the Board's pleasure. They must possess skills and experience necessary to complete investigative work.

##### **3. Project Manager.**

The Board shall appoint a Project Manager with experience in project management, data analysis and policy development to oversee the complaint process. The Project Manager shall review and analyze all complaints, surveys and other data for trends, patterns and insights and provide recommendations to the Board for consideration in creating policies, procedures and best practices. The Project Manager shall not have been an employee or elective or appointive officer of the City of Detroit within three (3) years prior to appointment. The Project Manager serves at the Board's pleasure.

##### **4. Other Staff.**

The Board may hire, in accordance with Article 6, Chapter 4, such additional staff as is necessary to carry out its duties. All members of the staff are under the direction of the Board, and the Chief of Police has no authority over any member of the staff.

## **Sec. 7-805. Chief of Police.**

The Board of Police Commissioners shall conduct a professional search with a reputable and qualified executive search firm or other equally qualified entity to identify candidates for Chief of Police. **The process for appoint a Chief of Police shall be conducted in accordance to the Michigan Open Meetings Act. The Mayor, City Council President and Board of Police Commissioners shall appoint a Chief of Police by majority vote.** ~~The Mayor shall appoint, subject to approval by City Council, a Chief of Police from a list of qualified candidates provided by the Board of Police Commissioners. If City Council does not disapprove of the appointment within thirty (30) days, it is deemed confirmed. The Chief of Police serves at the pleasure of the Mayor.~~ The Chief of Police shall be skilled and experienced in police administration or law enforcement and as the head official in charge of the department, the Chief of Police shall be responsible for its day-to-day operations and administration.

**The Chief of Police shall report directly to the Mayor on a daily basis and provide the Board and City Council bi-weekly reports on the operations of the police department, in a manner and format to be determined by them. The Board of Police Commissioners reserve the right to discipline and terminate the Chief of Police and the Mayor and City Council may request discipline and termination by the Board. The Chief of Police may not concurrently serve in other position inside or outside of city government.**

## **Sec. 7-806. Duties and Obligations of the Chief of Police.**

1. The Chief of Police is the Chief Executive Officer of the police department and shall administer the department consistent with the policies, rules, and regulations established by the Board and shall organize the department with the approval of the Board;
2. Recommend rules, regulations, and procedures to the Board for its approval;
3. Prepare the annual budget for the police department;
4. Hire, promote, evaluate, commend, transfer, and discipline employees of the department; have authority to suspend and discharge employees of the department under section 7-807; file complaints against employees with the **Executive Director** ~~Board Secretary~~; and direct employees in the performance of their duties;
5. Except as otherwise provided by the Board, keep and control all property, books, records, and equipment belonging to the department or held by the department as evidence;
6. Submit to the Board an annual report of the operations of the department for forwarding to the Mayor, the City Council, and the public;
7. Present annually a police department operations improvement plan. The plan shall be filed with the City Clerk, distributed to the Mayor and City Council, and be a public record;
8. Exercise such other powers as conferred by the Board;
9. Attend all meetings of the Board of Police Commissioners, to the extent practicable, and speak on any issue, but may not vote.
10. **Provide the Board of Police Commissioners unrestricted access to all unedited body camera, police vehicle and other video footage or audio that may be requested. This information shall be made available to the Board on a secure platform within five (5)**

**business days after it has been downloaded into the police department's system for storing such data. Once placed on the secure platform the data shall be permanently stored for future access by the Board.**

**In cases where the Board of Police Commissioners makes recommendations to the Chief of Police that are not acted upon, the Chief of Police shall provide the Board a written response as to why the recommendation was not implemented.**

The Chief, with the consent of the Board, may appoint necessary Deputy Chiefs.

#### **Sec. 7-807. Discipline.**

1. Manual.

The Board, in consultation with the Chief of Police, shall adopt a manual of rules, regulations and procedures. The manual shall define categories of major and minor offenses and shall set forth the maximum and minimum penalties for each offense.

2. Summary Discipline.

The Chief of Police may implement summary discipline for a minor offense. A disciplined employee may request the Board of Police Commissioners to set aside the summary discipline and reinstate any loss of pay.

3. General Discipline.

The Chief of Police may discharge or indefinitely suspend any employee for a major offense. When an employee is discharged or indefinitely suspended or other serious charges are made and the employee contests the discharge, suspension or charge, the matter shall be referred to a trial board. The procedure for trial boards shall be established by the department's rules and regulations. A member of a trial board must hold at least the rank of inspector or equivalent grade. All trial board proceedings shall be public. The decision of a trial board may be appealed to the Board of Police Commissioners.

Instead of hearing an appeal itself, the Board of Police Commissioners may appoint a fact finder as provided in section 7-809. The fact finder shall conduct a hearing and report findings of fact to the Board. The Board's disposition of the matter following such a hearing shall be final.

An employee charged with a major offense is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board of Police Commissioners except with the concurrence of a two-third (2/3) majority of members of the Board of Police Commissioners.

#### **Sec. 7-808. Complaints.**

Complaints concerning the Police Department filed anywhere in the Department shall be forwarded immediately to the **Executive Director** ~~Board Secretary~~. Copies of the complaint shall be made available to each member of the Board, the Chief Investigator, and the Chief of Police. The Chief Investigator for the Board shall investigate a complaint immediately and file a report of findings with the Board within sixty (60) days. Within thirty (30) days of receipt of a complaint by the **Executive Director** ~~Board Secretary~~, the Board shall send written communication informing the complainant that their complaint has been received, the guidelines on how the complaint will be handled, and the timeline on when the complainant shall receive a disposition on their complaint. **If a complaint is not resolved within 30 days of this written communication, the complainant shall receive a detailed update on the status of their complaint.**

The **Executive Director** ~~Board Secretary~~ shall keep and post on-line, a public **database** ~~docket~~ of complaints and the disposition of each complaint after investigation. **The database shall be searchable,**

**easily assessable and** ~~The docket~~ shall not contain information which identifies or that can reasonably lead to identification of the parties.

#### **Sec. 7-809. Resolution of Complaints.**

If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent employee, or a member of the Board of Police Commissioners, either the complainant, the respondent employee, or the Board member may request the board to hear or review the matter. The Board may, at its option, when it determines that a hearing or review is warranted by the evidence, hear or review the matter itself or refer the matter to a fact finder.

When a matter is referred to fact finding, the **Executive Director** ~~secretary to the board~~ and the respondent employee shall attempt to agree upon a person to act as a fact finder. The fact finder must be an attorney. If the parties fail to agree on a fact finder, they shall request a recognized arbitration association as designated by ordinance, to propose the names of five (5) attorneys who could act independently and impartially as a fact finder in the matter. In the presence of a person authorized to take oaths, each side, acting in turn with the employee beginning, shall indicate a name to be struck from those proposed until both sides have struck two (2) names. The person whose name then remains is the fact finder. The fact finder, in the conduct of the hearing, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the fact finder shall apply to the appropriate court. The cost of the fact finder shall be borne by the city.

After a hearing, the fact finder shall, within thirty (30) days, submit findings of fact to the Board. The Board, upon receipt of the report of the fact finder shall, within thirty (30) days, determine any discipline to be imposed. It shall then make the report and its action public. The decision of the Board is final.

Any employee against whom a complaint is filed is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board, except with the concurrence of a two-third (2/3) majority of members of the Board. All pleadings filed and all hearings before the Board and the fact finder shall be public. The parties to any hearing are the complainant and the respondent employee. Each has a right to counsel. The complainant's case may be presented by the complainant or complainant's counsel. Any probative evidence may be admitted.

**In cases where a civilian has lost their life as a result of police action, the Chief of Police shall preserve all evidence related to the incident and request the assistance of the Michigan Attorney General in conducting an investigation into the matter. In the event the Michigan Attorney General cannot investigate the matter, the Chief of Police shall forward the matter to other third-party government agencies for investigation. If no third-party government agency can investigate the matter it shall then be investigated pursuant to department policy, unless the Board of Police Commission determines otherwise.**

#### **Sec. 7-810. Division of Police Personnel.**

The Division of Police Personnel is headed by a Director of Police Personnel appointed by the Board. The Director of Police Personnel must be a civilian and serves at the pleasure of the Board.

#### **Sec. 7-811. Deputy Director.**

The Director of Police Personnel shall appoint a Deputy who serves at the pleasure of the Director.

#### **Sec. 7-812. Recruitment and Entry into Service.**

Applicants for employment as police officers with the Department must enter the police service in accordance with section 7-813. Applicants for civilian employment with the department must enter the classified service as provided in Article 6, Chapter 4 of this Charter.

**The Police Department shall work toward an employee composition that reflects the City of Detroit's demographics, as reflected in the most recent United States Census and American Community Survey data.**

#### **Sec. 7-813. Powers and Duties.**

With the concurrence of the Chief of Police, the Director of Police Personnel shall recruit applicants for service as Police Officers with the Department, prepare and administer examinations for hiring police officers, and prepare and conduct examinations for promotion within the department.

Lateral entry into employment with the Department as a police officer is permitted in accordance with the rules, regulations, and procedures established by the Board.

#### **Sec. 7-814. Promotions.**

The Chief of Police shall make all promotions within the department. All promotions shall be with the approval of the Board.

Promotions shall be made on the basis of competitive examinations administered by the Director of Police Personnel except for positions above the rank of lieutenant or its equivalent. All examinations will be prepared by the Division of Police Personnel with the concurrence of the Board. No person who has taken an examination and has been placed on a register of employees eligible for promotion may be passed over in favor of an employee with a lower examination score.

**Unless otherwise prohibited by law, a Police Department employee's disciplinary record shall be considered for purposes of promotion to any position. Where an employee with a disciplinary record is promoted, the decision maker shall indicate in writing to the Board the reason why the disciplinary record did not restrict the promotion.**

#### **Sec. 7-815. Examinations.**

All examinations prepared and administered by the Director of Police Personnel must be validated as provided in section 6-411.

#### **Sec. 7-816. Evaluations.**

**In all matters where the evaluation of police officers is involved, the Board of Police Commissioners shall establish for implementation within the Police Department the standards to be used, which shall not include the doctrine or principle of qualified immunity.**

#### **Sec. 7-817 7-846. Employees.**

Employees of the Department shall receive equal pay for the same or similar work and have an equal opportunity for promotion.

**Sec 7-818. ~~7-817~~. Police Officers Employed by Governmental and Educational Institutions.**

The Chief of Police may, upon the annual application of governmental or educational institution showing a sufficient necessity, appoint police officers at the charge and expense of the institution making the application, to do duty at any place designated by the chief. These police officers hold office at the pleasure of the Chief and are subject to the policies, rules, regulation, and discipline of the department. They shall wear such dress and emblems as the Chief prescribes. They possess, as conservators of the peace, all powers and privileges and may perform all duties of police officers.

**Sec. 7-819 ~~7-818~~. Police Reserves.**

The Chief of Police may appoint persons to serve as Police Reserves and set qualifications for entry into the reserves. Police Reserves when called to duty shall possess such powers as designated by the chief, including the powers of peace officers. Training standards shall be set by the chief. Unless there exists an officially declared emergency, duty shall be voluntary. The use of reserves shall be in accordance with rules and regulations approved by the Board and the Mayor.

**Sec. 7-820. Collective Bargaining.**

**With respect to the Police Department, unless otherwise prohibited by law, the City of Detroit shall not enter into any collective bargaining or other labor agreement which conflicts with any provision of this Charter and all collective bargaining agreements must be in accordance with all provisions contained in this Chapter regarding the Board's supervisory oversight authority.**

**Sec. 7-821. Psychological and Physical Examinations.**

**To the extent not prohibited by law and subject to any applicable collective bargaining obligations, all police officers and reserve police officers, irrespective of rank, shall be given an annual psychological and physical examination. New hires shall be given a psychological and physical examination at the time of hire and annually thereafter. The Board of Police Commissioners shall, with the assistance of legal, human resource, medical, law enforcement and other necessary professionals and experts, establish the framework and process for the administration and acceptable use of the examinations.**

**Sec. 7-822. Policing Plan and Departmental Review.**

***Public safety being a core government function that is vital to the general welfare of the community, it is imperative that its goals, objectives and intentions be clearly defined and aligned with the best interest of residents and be in accordance with the best law enforcement practices. In order to promote, support and maintain effective policing, within twelve (12) months of the adoption of this Charter, the Board of Police Commissioners shall complete a comprehensive review of the operations of the Police Department, reassess the role, purpose and function of policing in urban communities and develop a plan that outlines fundamental police engagement actions in a community environment ("PEACE Plan"). Community engagement and participation shall be a prominent part of the plan's development and any revisions thereto.***

***The PEACE Plan shall establish the framework and foundation for policing in the City of Detroit, detail training and resources necessary to support and implement the plan and set forth an implementation protocol and timeline for transitioning the police department to a new blueprint for police operations. The PEACE Plan shall be annually reviewed by the Board with the assistance and input of the Chief of Police and revised as appropriate. The Board may engage the assistance of necessary law enforcement professionals and other experts in the development of the PEACE***

***Plan and any revisions thereto. The PEACE Plan and all revisions shall be approved by the City Council prior to implementation.***

#### **Sec. 7-823. Police Training**

The Board of Police Commissioners, with the advice and assistance of the Chief of Police, shall prepare for implementation by the Police Department, a training protocol and cycle for police officers, irrespective of rank. The training protocol shall include, at a minimum, training on the use of nonlethal force, permissible use of deadly force, racial bias, cultural sensitivity, and de-escalation measures.

Appropriate trainings, including those at the Police Academy level, shall include sessions where individuals impacted by police brutality and police misconduct provide officers and prospective officer first-hand accounts of the harmful impact of police brutality and police misconduct on individuals, families and the community.

The training protocol must align with the policing model set forth in the Police Engagement Actions in a Community Environment Plan established pursuant to section 7-822.

#### **Sec. 7-824. Prohibited Use of Toxic Agents and Military Weapons; Prohibited Conduct.**

The City of Detroit's Police Department shall not stockpile or use biological weapons, chemical weapons or crowd control agents.

The City of Detroit's Police Department shall not acquire, stockpile, accept donations, transfers, or use military style weapons.

The City Council shall convene a public hearing prior to acceptance of federal funds that lead to the militarization of the police force or acceptance of donated or transferred materials of a military nature.

Detroit police officers shall not enter upon the premises of any person without first clearly identifying themselves as police officers. The Detroit Police Department shall not seek, execute or participate in the execution of a warrant that authorizes the entry upon any premises without first knocking and announcing their presence.

#### **Sec. 7-825. Surveillance Technology.**

The City of Detroit and its Public Safety agencies shall not implement or contribute funds towards facial recognition technology, video or audio surveillance, cell phone tracking technology, or other technologies that are intended to surveil citizens, without prior approval of City Council and unless done in accordance with any relevant City ordinance.

City Council shall adopt an ordinance, within 180 days of voter approval of this Charter, that allows for transparency, meaningful analysis, restricted use, and community input on all matters of citizen surveillance technology. At a minimum, the ordinance shall:

1. Establish a public process for surveillance authorizations and approvals by City Council;
2. Require a specification report for procurement requests for surveillance technology;
3. Require the submission of an annual surveillance use report to City Council;
4. Establish procedures for use of surveillance technology in exigent circumstances.

#### **Sec. 7-826. Contract Provision.**

All contracts entered into by the Detroit Police Department must indicate that its terms shall not permit violations of the Detroit City Charter, and that, subject to applicable law, any language that violates the Detroit City Charter is void. Any contracts between the Detroit Police Department and contractors, labor unions, or other parties that omits this clause shall be void.

*COMMENTARY: Section 7-826 is new. It requires all contracts to which the Detroit Police Department is a party to contain language that puts the other party on notice that the contract is not intended to violate the Charter and any provision that does so is void. Moreover, failure to add the language as required makes the entire contract void.*

#### **Sec. 7-827 Civilian Rights.**

Civilians shall have the following rights, subject to applicable state and federal law:

1. Electronically record the actions of police officers;
2. Receive the reason for any police stop or detainment at the time of the stop or detainment;
3. Obtain an officers name, badge number and instructions for filing complaints upon request;
4. Request the presence of a supervising officer during police stops or detainment; and
5. Any other right as determined by the Board of Police Commissioners and approved by City Council.

#### **Sec. 7-828. Reports.**

The Chief of Police shall quarterly and annually publish a report of incidents, complaints and allegations related to police misconduct. The format, content and approval process for the reports shall be determined by the Board of Police Commissioners. At a minimum the reports must contain a detail of these occurrences, demographic of complainants, status of occurrence and all investigation findings and actions taken by the Chief of Police to resolve the occurrence. In addition, the reports shall address all efforts that have been taken to prevent future occurrences of police misconduct and the impact therefrom.

The annual report shall be published no later than six (6) months after the close of the calendar year and quarterly reports shall be published within thirty (30) days after the end of the quarter.

All reports shall be published and conspicuously stored on the City of Detroit's website for public review and provided to the Mayor, City Council, City Clerk, Corporation Council, Governor of the State of Michigan, Michigan Attorney General, U.S. Attorney General for the Eastern District of Michigan and any media service that requests to receive copies.

**ARTICLE 7.**  
**THE EXECUTIVE BRANCH:**  
**PROGRAMS, SERVICES and ACTIVITIES**  
**CHAPTER 9. PUBLIC LIGHTING**

**Sec. 7-901. Department.**

The Public Lighting Department is headed by the Public Lighting Director.

**Sec. 7-902. Qualifications.**

No person shall head the Public Lighting Department nor serve as Deputy Director, unless that person is a licensed mechanical or electrical engineer.

**Sec. 7-903. Commission.**

A seven (7) member Public Lighting Commission shall be appointed by and serve at the pleasure of the Mayor. The Commission shall consist of seven (7) members, one (1) each appointed from non at-large districts. A member must be a resident of the City. The term of membership is five (5) years. No more than two (2) terms expire each year. The Commission shall advise in the operation of the Public Lighting Department.

**Sec. 7-904. Powers and Duties.**

The Department shall supervise and control all public lighting and public lighting plants and may:

Furnish and sell light, heat and power to any person, firm, division, or corporation within or outside of the city to the extent permitted by law; and  
Exercise other powers and perform other duties necessary to carry out its functions.

**Sec. 7-905. Limitations on Sale of Assets.**

The following limitations shall apply relative to public lighting:

The City may not sell or in any way dispose of any property needed to continue the operation of any city owned public utility furnishing lighting, unless approved by a majority of city voters voting on the question at a regular or special election.

The City may not grant any public utility franchise for public lighting which is not subject to revocation at the will of the City Council unless the proposition is first approved by three-fifths (3/5) of city voters voting on the question at a regular or special election.

All contracts, franchises, grants, leases or other forms of transfer in violation of this section shall be void and of no effect against the city.

# **ARTICLE 7.**

## **THE EXECUTIVE BRANCH:**

### **PROGRAMS, SERVICES and ACTIVITIES**

#### **CHAPTER 10. RECREATION**

##### **Sec. 7-1001. Department.**

The Recreation Department shall operate recreational facilities, offer and carry on organized programs of recreational activities in the city, and, to the extent possible, coordinate all recreational programs and facilities being offered in the City.

**The Recreation Department shall prepare an urban green space, parks and recreation master plan that accommodates the accessibility needs of all citizens, including the elderly and disabled residents. The plan shall be reviewed and updated every five (5) years and submitted to City Council at a public meeting.**

##### **Sec. 7-1002. Advisory Commission.**

An advisory commission for recreation, comprised of **nine (9)** ~~not fewer than eight (8)~~ **members** ~~districts, shall be created under section 7-103. Seven (7) of the members~~ **Members** shall be appointed **by City Council and serve at their pleasure. Seven (7) members shall be appointed**, one (1) each, from the non at-large City Council districts. **No more than two members shall be appointed from any one district. Terms shall be four (4) years.**

**Members shall be selected as follows:**

1. **At least two members between the ages of 15 and 17 years.**
2. **At least two members between the ages of 18 and 25 years.**
3. **At least one member with recreation experience.**
4. **At least one member with experience in landscape architecture, urban design or similar profession.**
5. **City Councilmembers may be appointed as *ex-officio* members.**

**The Commission shall:**

1. **Advise the Department of Recreation on recreation opportunities, parks, open space and urban green space;**
2. **Review the urban green space, parks and recreation master plan;**
3. **Host public hearings on the Recreation Department's budget;**
4. **Adopt advisory resolutions; and**
5. **Perform other functions and duties as assigned by City Council.**

# **ARTICLE 7.**

## **THE EXECUTIVE BRANCH:**

### **PROGRAMS, SERVICES and ACTIVITIES**

#### **CHAPTER 11. TRANSPORTATION**

##### **Sec. 7-1101. Department.**

The Transportation Department shall:

1. Own, maintain, and operate a public transportation system above, on, or below the surface of the ground, or in any combination thereof, utilizing technology known or to be developed;
2. Operate the system within the city and to a distance outside the City as permitted by law;
3. Exercise or recommend the exercise of other functions and powers provided by law or ordinance, including the specific powers of the City to finance transportation under sections 8-401, 8-503(4), and 8-602 of the Charter.
4. **Provide the Advisory Commission for Transportation information and data necessary to fulfill its Charter mandate.**

##### **Sec. 7-1102. Advisory Transportation Commission; Creation; Term; Duties.**

~~An advisory commission for transportation shall be created pursuant to section 7-103. The Commission shall be composed of at least seven (7) members, one selected from each non at-large district.~~

**City Council shall establish an advisory Transportation Commission. The Commission shall consist of at least eleven (11) members. Two members shall be appointed by the Mayor with the remaining members to be appointed by City Council. City Council shall appoint at least one member from each of the seven (7) non at-large districts, with no more than two members of its total appointments coming from each such district. The non at-large district appointments shall be by process of application and reflect the ridership population to include a senior citizen, youth between the ages of fifteen (15) and seventeen (17), individual between the ages of eighteen (18) and twenty-five (25), individual with a disability, veteran, individual whose primary language is not English, and a transit advocate. City Council shall also appoint a representative from the Department of Transportation's unionized hourly workforce and an additional member, subject to the application process.**

**Members shall serve a term of four (4) years and vacancies shall be filled in the same manner as the original appointment.**

**The Advisory Commission shall:**

1. **Review and provide input on the Master Transit Plan and other planning activities and major initiatives of the Department.**

2. Publically review and provide input on the Department of Transportation's budget prior to its submission to the Mayor and approval by City Council.
3. Advise the Transportation Department on improvements in the provision of transportation services to city residents and others who access city transportation services.
4. Make an annual review of the operations and services of the Department based on metrics developed by the Director of Transportation with input from the Commission. The review shall be in writing and provided to the Mayor and City Council and conspicuously stored on City of Detroit's website upon its completion.
5. Assist the Director of Transportation in the development, implementation and update of the Master Transit Plan.
6. Other duties as assigned by ordinance or the Mayor.

**Sec. 7-1103. Master Transit Plan ~~Intelligence Division~~.**

~~The Director of the Transportation Department may appoint an Intelligence Division, exempt from Article 6, Chapter 4.~~

The Mayor shall prepare and implement, with input and assistance from the Transportation Commission, a Master Transit Plan which addresses motorized and non-motorized means of transportation. The Transportation Department shall annually review the Master Transit Plan with the Transportation Advisory Commission and update it as required. Updates shall be approved by City Council and the Master Transit Plan must be submitted to City Council every five (5) years for review and adoption.

The Master Transit Plan shall incorporate pandemic safety and health protocols as published by the United States Centers for Disease Control and Prevention or equivalent health organizations.

**Sec. 7-1104. Limitations.**

The following limitations shall apply relative to transportation:

The City may not sell, **encumber, outsource, merge** or in any way **diminish or** dispose of **the operations or** any property needed to continue the operation of any city- owned public utility furnishing transportation service, unless approved by a majority of city voters voting on the question at a regular or special election.

The City may not grant any public utility franchise for transportation services which is not subject to revocation at the will of the City Council unless the proposition is first approved by three-fifths (3/5) of city voters voting on the question at a regular or special election.

All contracts, franchises, grants, leases or other forms of transfer in violation of this section shall be void and of no effect against the City.

**Sec. 7-1105. Fares.**

City Counsel shall establish, within one year of the adoption this this Charter, an ordinance regarding reduced fare programs for low income citizens, military veterans, unemployed

individuals, the homeless, seniors, youth, returning citizens, individuals with disabilities and other classification of citizens for whom a reduced fare is deemed necessary by City Council. Low income based reduced fare programs shall be based on income levels below up to 200% of the Federal Poverty Line. Any legislation regarding transportation issues shall receive input from the Transportation Commission before adoption.

#### **Sec. 7-1106. Transportation Standards.**

Citizens of the City of Detroit should expect the following transportation standards:

- 1) Respectful, courteous service;
- 2) On-time bus service;
- 3) Clean, safe, and well-maintained public modes of transportation;
- 4) Receipt of transit information in a timely, transparent, and equitable manner;
- 5) Unobstructed access to shelters, transportation stops, and transit centers;
- 6) Adequate accommodations for a transit rider's special and other reasonable needs;
- 7) Adequate and multiple means of notification of disruptions and delays in service;
- 8) A fare structure that accommodates the financial condition of citizens and promotes increased access to transit services for all citizens;
- 9) Multilingual transportation literature, signage and other communications that make transit services accessible to all citizens;
- 10) A fair, impartial and expeditious process for the filing and resolution of complaints and grievances with the Department of Transportation; and
- 11) Public input on transit and service-related decisions before implementation.

## **ARTICLE 7. THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES CHAPTER 12. WATER and SEWERAGE**

#### **Sec. 7-1201. Department.**

The Water and Sewerage Department is headed by a seven (7) member board known as the Board of Water Commissioners. The members of the Board shall be appointed by and serve at the pleasure of the **City Council** ~~Mayer~~. No member of the Board shall be a City official or employee, or a principal or employee of a contractor of the City. The term of membership on the Board is four (4) years and not more than two (2) terms expire each year. **Vacancies shall be filled through nomination by City Council and approval of the Board of Water Commissioners.** [OR] Within twenty-one (21) days of the vacancy, City Council shall appoint a member to serve the remaining term.

~~A member must be a citizen of the United States and a resident of Michigan. At least four (4) members of the Board must be residents of Detroit.~~

The ~~Board~~ **Mayor** shall appoint, with the approval of the ~~Board~~ **Mayor**, a Director and a Deputy Director for the department. The Director and Deputy Director serve at the pleasure of the Board.

**Sec. 7-1202. Board Member Qualifications; Selection; Compensation; Officers; Meetings.**

**Qualifications.** All Board members must be citizens of the United States and residents of the City of Detroit. Board members, at a minimum, must have a demonstrated record of community engagement and familiarity with the Department's operations and procedures.

**Selection Process.** The Board selection process shall be by application and the appointing authority shall prefer applicants with a background in community work, water science or federal, state or municipal water policy.

**Compensation.** Board members shall receive a meeting stipend and reimbursement for board related expenses, as determined by City Council.

**Officers.** The Chairperson and Vice Chairperson of the Board shall be selected by a majority vote of members. Other officers shall be likewise selected by majority vote.

**Meetings.** The Board shall meet quarterly, at a minimum, and in accordance with its bylaws and rules. All meetings shall be held in accordance with the Michigan Open Meetings Act. All document being reviewed, discussed or considered by the Board shall be made available to the public at the meeting and conspicuously published on the City of Detroit's website.

**Sec. 7-1203 7-1202. Powers.**

Under the direction of the Board, the department shall supply water, drainage and sewerage services within and outside of the city.

**To ensure the human right to safe, clean, affordable, and accessible water and sanitation to support basic human needs, the** ~~The~~ Board shall periodically establish, and recommend to City Council for approval, equitable rates to be paid:

1. By the owner or occupant of each house or building using water, drainage, or sewerage services; and
2. By any person, municipality, or public or private agency making a wholesale purchase of water, drainage or sewerage services from the City.

**For all residential customers, equitable rates shall be established to ensure affordable water and sewerage rates regardless of income, with rates for water and sewerage services combined not to exceed 3% of any household's monthly income.**

Unless otherwise provided by contract or state law, the unpaid charges for water, drainage, and sewerage services, with interest, shall be a lien of the City upon the real property using or receiving them. **Any such lien upon real property due to unpaid charges, interest, or fees for water, drainage, or sewerage services is exempt from levy and sale if the real property is the principal residence of a low-income household. For purposes of this paragraph, a low-income household is any household with a household income that is at or below 200% the federal poverty line.**

The Board may **recommend for City Council's approval** ~~make~~ all necessary adjustments in the collection of water, drainage or sewerage charges. The Board may be given additional authority to establish rates by ordinance.

Upon the request of the Mayor the board shall advise the various agencies of the City on matters involving water resource management.

#### **Sec. 7-1204. Water Rate and Fee Approval.**

The power and authority to set water and sewerage rates and related fees resides with City Council. The Board shall propose water, drainage and sewerage rates, fees and all necessary adjustments in the collection of water, drainage or sewerage charges to City Council for review and approval. At a public hearing and subsequent to receiving public comment, City Council shall approve the rates, fees and adjustments as proposed, or revise and approve them as deemed appropriate.

#### **Sec. 7-1205. Amnesty; Water Affordability; Prohibition on Shut Off.**

1. The City of Detroit shall have a water amnesty program for residential customers. City Council shall adopt an ordinance implementing the amnesty program within ninety (90) days of the adoption this Charter.
2. The City of Detroit shall have a water affordability plan for residential customers. City Council shall adopt an ordinance implementing the water affordability plan within ninety (90) days of the adoption of this Charter. Rates under the plan shall be adjusted to accommodate low-income levels. No rate can exceed 3% of a residential customer's household monthly income.
3. The City is prohibited from terminating residential water or sewerage services to customers who are in arrears and unable to pay, where termination of services would present a serious risk of substantial harm or health impairment to members of the household. This includes residences with pregnant mothers, elderly and disabled citizens, children under the age of 18 and individuals with chronic health conditions. Water services may not be terminated due to arrearage or inability to pay during times of local, national and federal health crises or other emergencies. Individuals unable to pay for their water, drainage and sewerage services due to poverty level income or other economic hardship shall be provided the opportunity to retain their services without interruption through a program to be developed by City Council.

Within ninety (90) days of adoption of this Charter, City Council shall, by ordinance, set forth a comprehensive policy and procedure that regulates termination of water services and incorporates the prohibitions and requirement of this subsection.

#### **Sec. 7-1205~~1203~~. Limitation on Funds.**

All moneys paid into the city treasury from fees collected for water, drainage or sewerage services shall be used exclusively for the payment of expenses incurred in the provision of these services, including the interest of principal of any obligations issued to finance the water supply and sewerage disposal facilities of the city, and shall be kept in separate funds.

#### **Sec. 7-1206 4204. Limitation on Sale of Assets.**

The following limitations shall apply relative to water and sewerage:

1. The City shall not sell or in any way dispose of any property needed to continue the operation of any city-owned public utility furnishing water and sewerage service, unless approved by a majority of city voters voting on the question at a regular or special election.
2. The City shall not grant any public utility franchise for water and sewerage services, **or enter into an agreement or arrangement that results in less than full control or shared control of the water and sewerage system**, which is not subject to revocation at the will of the City Council unless the proposition is first approved by three-fifths (3/5) of city voters voting on the question at a regular or special election.
3. All contracts, franchises, grants, leases or other forms of transfer in violation of this section shall be void and of no effect against the city.
4. **If the City of Detroit becomes a member of an authority or arrangement with other municipalities, under Public Act 233 of 1955, as amended, or other laws, for the purpose of acquiring, owning, improving, enlarging, extending, and operating a sewage disposal system or a water supply system, a solid waste management system, or for other reasons allowed by law, the City Council and Mayor shall make an initial and annual review and analysis to determine if participation or continued membership is warranted. To assist in the review and analysis, City Council shall establish a set of minimum criteria which measures the impact of membership or participation on the welfare of the City of Detroit. If required, after review and analysis, City Council may make amendments to any agreements, article of incorporation or other governing documents related to membership or participation in the authority or arrangement. The Mayor shall have the same power of amendment, subject to City Council approval.**

#### **Sec. 7-1207. Water Bill Assistance Fund.**

**A Water Bill Assistance Fund shall be established to assist low-income households experiencing difficulty with payment for water and sewerage service. A low-income household is any household with a household income that is at or below 200% of the Federal Poverty Line. Prior to the City authorizing cut off services, imposing liens, or any similar action, unpaid billing charges for water, drainage, and sewerage services shall be paid from the Water Bill Assistance Fund upon application and approval.**

**The Fund may be funded from revenue from water and sewerage rates, grants and donations made to the fund, proceeds from fines, fees, surcharges, or an annual appropriation made by City Council. Funds in the Water Bill Assistance Fund at the close of the fiscal year shall remain in the Water Bill Assistance Fund and not revert to the General Fund.**

***City Council shall adopt an ordinance regulating the operation of the Water Bill Assistance Fund.***

**ARTICLE 7.**  
**THE EXECUTIVE BRANCH:**  
**PROGRAMS, SERVICES and ACTIVITIES**  
**CHAPTER 13. ZOOLOGICAL PARK**

**Sec. 7-1301. Department.**

The Zoological Parks department is headed by the Zoological Director. The Zoological Parks Department shall maintain and operate the City's zoological parks directly or pursuant to an operating agreement.

**Sec. 7-1302. Commission.**

The Zoological Parks Commission shall advise the department on general program goals for the zoological parks. The Commission shall consist of five (5) members. The members of the Commission shall be appointed by and serve at the pleasure of the Mayor. The term of membership on the Commission is four (4) years, and not more than two (2) members' terms expire each year.

**ARTICLE 7.**  
**THE EXECUTIVE BRANCH:**  
**PROGRAMS, SERVICES AND ACTIVITIES**  
**CHAPTER 14. TELEVISION CHANNELS**

**Sec. 7-1401. Cable Television Channels.**

The City of Detroit shall operate and maintain its television channels for the benefit of the citizens of the City of Detroit. These cable television channels are public assets. Any ordinances related to the City's cable television channels shall not be inconsistent with this chapter.

**Sec. 7-1402. Executive Oversight, Operation and Management.**

The Executive branch shall be responsible for the management, operation and oversight of the City's television channels.

**Sec. 7-1403. Channel Use.**

At least one channel (Government Channel) shall be dedicated to the broadcast of the official affairs, programs and projects of the branches and units of City government, including the Legislative branch, Executive branch and Office of City Clerk. All official meetings of the City Council shall be broadcast in their entirety, and where feasible in a live format.

At least one channel shall be dedicated to educational, cultural and arts programming, which shall include programming received from the K-12 public school systems within the jurisdiction of the City of Detroit and may include programming from not-for profit organizations and public universities, community colleges or

other institutions of higher learning, public or private. **The City shall annually solicit and assist the K-12 public school systems in developing programming. The Mayor shall publish and submit to City Council an annual report of all programming from these institutions and others from whom programming have been received.**

#### **Sec. 7-1404. Limitations**

The following limitations shall apply relative to television channels:

1. The City of Detroit shall not sell or in any way dispose of any property needed to continue the operation of any television channel, unless approved by a majority of city voters voting on the question at a regular or special election.
2. The City of Detroit shall not grant any franchise for its television channels which is not subject to revocation at the will of the City Council unless the proposition is first approved by three-fifths (3/5) of city voters voting on the question at a regular or special election.

All contracts, franchises, grants, leases or other forms of transfer in violation of this section shall be void and of no effect against the City of Detroit.

## **ARTICLE 7. THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES CHAPTER 15. DEPARTMENT OF DISABILITY AFFAIRS**

#### **Sec. 7-1501. Department.**

**The Department of Disability Affairs shall provide equity, access and inclusivity for all disabled persons through representation and advocacy on disability issues and matters impacting the community, safeguard protections afforded by federal, state and local laws, and promote and ensure relevant services, privileges, rights and opportunities to disabled residents. The Department shall also be responsible for educating the public regarding the rights of disabled persons, challenges experienced by them and the value of supporting and enriching the lives of disabled residents and visitors through collective action and expanded awareness of the disabled community.**

#### **Sec. 7-1502. Department Director and Deputy Director.**

**The Department of Disability Affairs is headed by the Director of Disability Affairs, with the assistance of a Deputy Director. They shall be appointed by the Mayor from a list of at least five (5) candidates for each position as provided by the Disability Justice Commission. Any vacancy shall be filled by the Mayor in the same manner as the initial appointment. The Mayor may remove the Director and Deputy Director for cause with the approval of City Council. Minimum qualifications for the Director**

position shall be determined by the Human Resources Department in consultation with the Disability Justice Commission.

**Sec. 7-1503. Staff.**

The Department shall have staff necessary to accomplish its purposes and duties.

**Sec. 7-1504. Powers and Duties.**

The Department of Disability Affairs shall:

1. Advocate on behalf of the city's disability community.
2. Receive, review and investigate disability complaints.
3. Prescribe rules, policies and practices for the operation of the department.
4. Provide training and information to city divisions, departments, offices and operations on disability related issues and the functions of the department.
5. Provide direction, technical assistance, advice, consultation, support and resources to city departments and officials for the purpose of integrating into their operations policies, procedures, mechanisms, devices and materials that facilitate a disability friendly city and legally compliant government.
6. Provide an annual report to the Mayor and City Council on the operations, activities, functions and projects of the Department of Disability Affairs, in conjunction with the Disability Justice Commission.
7. Educate residents and Detroit based organizations regarding issues and concerns impacting the disabled community and solicit the cooperation in accommodating the needs of the disability community.
8. Monitor the City of Detroit's compliance with the Americans with Disability Act and other relevant State and Federal laws and regulation that impact the disability community.
9. Assist the Mayor and City Council in advising the Michigan Legislature, Governor of the State of Michigan, federal agencies and other government officials on the needs and concerns of disabled city residents.
10. Coordinating with federal, state, county and other municipal government agencies for the resolution of disability issues, provision of services and opportunities for disabled individuals, community education efforts and other disability related matters.
11. Establish and support a city-wide Disability Awareness Month, which shall be officially recognized by the City through a resolution of City Council.
12. Other duties as determined by the Mayor.

#### **Sec. 7-1505. Disability Justice Commission.**

A fifteen (15) member Disability Justice Commission shall be established. City Council shall appoint eleven (11) of the members and the Mayor shall appoint four (4) of the members. The term of membership on the Commission shall be three (3) years, and not more than four member's terms expire each year. Members of the Commission may be removed by their appointing authority for cause and vacancies shall be filled in the same manner as the original appointment.

The Commission shall be representative of the range of disabilities and each appointing authority shall make every effort to appoint individuals who are involved with the disability community or have demonstrable understanding of disability issues.

#### **Sec. 7-1506. Disability Justice Commission Duties.**

The Disability Justice Commission shall:

1. Recommend policies and guidelines for the operation of the Department of Disability Affairs, in conjunction with the Director of the Department of Disability Affairs.
2. Recommend procedures for the department's receipt, review, investigation and disposition of complaints related to disability concerns.
3. Prepare an annual Disability Infrastructure and Cultural Assessment Report which, at a minimum, evaluates and measures the City's compliance with disability laws and regulations, benchmarks the compliance with other communities and recommends actions to be taken to increase and sustain services to the disability community. The report shall measure and detail the City of Detroit's progress toward achieving the objectives of the Disability Infrastructure and Cultural Assessment Report.
4. Receive, review and forward to the Director of the Department of Disability Affairs, complaints, suggestions and other matters related to the disability community for response and resolution, as appropriate.
5. Recommend to the Mayor specific duties, responsibilities, initiatives and projects for the Department of Disability Affairs.
6. Other duties as assigned by the Mayor.

#### **Sec. 7-1507. Commission Meetings.**

The Disability Justice Commission shall meet at least twice monthly in accordance with the Michigan Open Meetings Act. All meetings shall be held and conducted in a manner that accommodates individuals with disabilities, consistent with federal, state and local laws and regulations. The agenda shall be set by the Commission and include, at a minimum, information regarding updates, disability resources, and the status of Commission or Department projects and activities. Where necessary, the time allotted for individual public comment shall be adjusted to accommodate those with disabilities.

#### **Sec. 7-1508. Accessibility.**

All reports, surveys, findings or other materials of the Department of Disability Affairs or Disability Justice Commission, whether electronic or written, shall be published in a manner and format that makes the information easily assessable to individuals with disabilities.

**Sec. 7-1509. Funding.**

The City shall annually appropriate funds sufficient to enable the Department of Disability Affairs and Disability Justice Commission to perform their duties and responsibilities.

**ARTICLE 7.**  
**THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and**  
**ACTIVITIES**  
**CHAPTER 16. OFFICE OF ENVIRONMENTAL**  
**JUSTICE AND SUSTAINABILITY**

**Sec. 7-1601. Office of Environmental Justice and Sustainability.**

The Office of Environmental Justice and Sustainability ensures environmental protection and develops sustainable, healthy and accessible neighborhoods for all residents. The office will facilitate, monitor and advocate for the fair treatment and meaningful involvement of all residents, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Through research and data collection, the Office of Environmental Justice and Sustainability will endeavor to assure there is an equitable distribution of and access to environmental benefits for residents that leads to the development of city-wide projects to address environmental concerns through transparency and consistency in the city's approach to environmental issues. The purposes of the office will be accomplished through meaningful public participation at every level of decision-making, including needs assessment, planning, implementation, enforcement, and evaluation.

**Sec. 7-1602. Director; Deputy Director.**

The Office of Environmental Justice and Sustainability is headed by the Director. The Director and a Deputy Director shall be appointed by the Mayor and confirmed by Council to four (4) year terms beginning on March first (1st) after the beginning of the Mayor's term.

***NOTE: The adopted revision calls for a four (4) year appointment by the Mayor to an executive branch office, which is an unusual imposition on the power of the Mayor to select his administration and receive their services at her pleasure. The suggested language is in line with the current state of affairs and on par with how other executive branch directors are treated. It is recommended that the alternative language be adopted.***

**Sec. 7-1603. Powers and Duties.**

The Office of Environmental Justice and Sustainability shall have the following powers and duties:

- 1. Develop and implement a coordinated and comprehensive environmental health policy for the City of Detroit in conjunction with the Health Department;**
- 2. Coordinate environmental programs for the protection and conservation of land, water, air and other environmental resources;**
- 3. Develop and coordinate policies, programs and procedures to encourage and promote innovative and competitively viable sustainable economic development in the City of Detroit consistent with protection of the environment;**
- 4. Evaluate and monitor the policies, operations and activities of government departments and agencies for their impact on the environment and advise and assist the Mayor and the City Council in developing and implementing ordinances and policies designed to ensure the protection of the environment and public health;**
- 5. Provide technical support and assistance to city departments and agencies in environmental health matters, including response to federal, state and local governmental enforcement activities, qualification for eligible grant moneys, agency enforcement actions that can be strengthened or expanded to address environmental justice concerns and agency-specific methods of promoting greater public participation and transparency in agency decision-making that raises environmental justice concerns, including the siting of agency facilities;**
- 6. Develop plans and proposals for joint cooperative investigations and research with public and private agencies and organizations on methods for measuring, identifying, eliminating and reducing land, air, water and other environmental pollution;**
- 7. Collect and disseminate appropriate educational literature and information, and otherwise promote educational programs for the purposes of advising the general public on the necessity and methods for pollution prevention, securing public cooperation in pollution prevention measures and increasing public awareness of the importance of environmental protection and conservation of natural resources;**
- 8. Provide consultation to city departments regarding the implementation of any policies or programs concerning alternative and renewable energy;**
- 9. Provide staffing support to the Environmental Protection Commission;**
- 10. Jointly develop with the Building, Safety Engineering and Environmental Department the Green Initiatives and Sustainable Technologies Plan required under section 6-510;**
- 11. Submit annual reports regarding progress towards achieving the goals outlined in the Sustainability Action Agenda and the Climate Action Strategy, inclusive of Environmental Justice considerations, to the Environmental Protection Commission, City Council, and Mayor for review annually. This report will include an estimate of resources needed to accomplish these goals;**
- 12. Meaningfully incorporate environmental justice considerations into the relevant guiding documents for the Office of Environmental Justice and Sustainability, including but not limited to the Sustainability Action Agenda and the Climate Action Strategy;**

13. Prepare a data-driven environmental justice survey of each non at-large district that identifies environmental concerns affecting areas within the districts, and incorporates programs, services and other resources to address the survey's findings, including recommendations for legislation, policy, budget initiatives, and other measures to address environmental concerns affecting impacted areas; and
14. Other duties as assigned by the Mayor.

#### **Sec. 7-1604. Department Budget.**

The City shall make an annual appropriation for the effective operation of the Office of Environmental Justice and Sustainability. It must provide sufficient funds for programming and completion of reports, surveys, assessment and studies required under this chapter or directed by the Mayor or City Council. The Director shall prepare the budget for the Office of Environmental Justice and Sustainability and present it to the Environmental Protection Commission for public review and comment before submission to the Mayor.

*NOTE: The adopted language called for a minimum staffing level. This language has been eliminated because minimum staffing levels are prohibited by the Home Rule City Act. (MCL 17.5(2)). The adopted language also required the City of Detroit to "maintain its authority to charter a utility, which can provide affordable, healthy energy to Detroit residents." Since there is nothing that was cited or referenced that removed such a power from the City and nothing in the Charter that removes such authority, this language was left out.*

#### **Sec. 7-1605. Environmental Justice Health Fund.**

The City of Detroit shall establish an Environmental Justice Health Fund, which shall be separate from the General Fund. Monies allocated to the Environmental Justice Health Fund shall remain in the fund until expended.

The Environmental Justice Health Fund shall be funded from:

1. An annual appropriation of not less than .02% of the General Fund Budget.
2. Grants and donations.
3. Fines, penalties and fees.

The Office of Environmental Justice and Sustainability may utilize the Environmental Justice Health Fund only for activities promoting the public health and wellness of residents of the City of Detroit and to mitigate negative health impacts of pollution on residents, including but not limited to the purchase, installation, use, and maintenance of air monitoring equipment, installation of vegetation to buffer the impact of activities with a harmful effect on the environment, and conducting health impact assessments. City Council shall make the required appropriation to the Environmental Justice Health Fund at the time of adopting the Office of Environmental Justice and Sustainability's budget.

Areas of the City of Detroit with environmental issues that significantly impact the health of residents, as identified by the Office of Environmental Justice and Sustainability and confirmed by City Council, will receive priority consideration for Environmental Justice Health Fund financed projects.

**An agreement or contract that utilizes funds the Environmental Justice Health Fund must be approval by City Council.**

**A penalty or fine paid to the City for a qualifying violation shall be credited to and deposited in the Environmental Justice Health Fund. Within one hundred eighty (180) days of the passage of this Charter, City Council shall determine through ordinance what constitutes a qualifying violation for purposes of this section.**

**City Council may allow by ordinance for deposit into the Environmental Justice Health Fund fees, or a portion thereof, related to any activity for which the City of Detroit may charge a fee.**

#### **Annual Fund Report**

**The Office of Environmental Justice and Sustainability shall prepare and submit to City Council and the Mayor an annual Environmental Justice Health Fund report (“Annual Fund Report”) which includes, at a minimum, the following information:**

- 1. An itemized list of expenditures from the Environmental Justice Health Fund for the previous fiscal year, including detailed information about funded projects and project costs;**
- 2. Account balance, including sources of amounts of funding;**
- 3. Description of fund related projects for the upcoming fiscal year, including project related budgets or anticipated expenditures; and**
- 4. Other information as required by City Council or the Mayor.**

**Within one month of issuing the Annual Fund Report, the Office of Environmental Justice and Sustainability and the Environmental Protection Commission will hold a joint public hearing to receive community comment and input regarding the report and its planned projects, and receive written comment and input for a period of no less than thirty (30) days. Within one month following this public comment period the Commission shall provide to the Office of Environmental Justice a written summary of the comments and input received and recommended amendments to the planned projects identified in the Annual Fund Report. The Office of Environmental Justice and Sustainability shall consider the summary and recommendations and, where appropriate and feasible, update the planned projects accordingly.**

#### **Sec. 7-1606. Environmental Protection Commission.**

**An eleven (11) member advisory Environmental Protection Commission shall be established. Seven (7) members shall be residents appointed by City Council, one each from the non at-large districts. The remaining four (4) members shall be appoint two (2) each by the Mayor and Director of the Office of Environmental Justice and Sustainability. One of the Mayor and Director’s appointments shall be a resident student whose age is between 15 and 25 years. Students may be chosen from any public school district within the City of Detroit.**

**In making appointments, consideration shall be given to appointing individuals from the following areas:**

1. Public health.
2. Organized labor.
3. Environmental Justice.
4. Industry workforce.

#### **Qualifications and Eligibility**

Appointed members will be reviewed by the Office of Environmental Justice and Sustainability to ensure they meet membership qualifications and eligibility requirements. Qualifications and eligibility for appointment shall include:

1. Residency within the City of Detroit.
2. A demonstrated interest and experience in Environmental Justice;
3. Be reflective of the skillsets, languages, and diversity of expertise and backgrounds of city residents.
4. A professional background and expertise in areas such as community activism, environmental justice activism, environmental law, environmental education, or academic expertise in public health, environmental sustainability or a related field.
5. Appointees cannot have worked as a lobbyist for the 2 years prior to appointment.
6. Appointees cannot be an employee of an industrial firm.
7. Appointees shall not have been an employee or elective or appointive officer of the City of Detroit within two (2) years prior to appointment or while serving as a member.

#### **Terms and Vacancies**

Members shall serve four (4) year terms. Members can serve two (2) consecutive terms and must take one (1) term off after serving two (2) terms before being considered for reappointment. Student members will serve a one (1) year term and may be reappointed for one additional one (1) year term.

The appointing authority shall not remove their appointed members except for cause and any vacancy shall be filled by the initial appointing authority for the unexpired term in the same manner as the initial appointment.

#### **Officers**

The Chairperson and Vice Chairperson shall be annually selected by majority vote of the Commission. The Chairperson may not serve consecutive terms.

#### **Sec. 7-1607. Commission Powers and Duties.**

The Commission shall have the following powers, duties and responsibilities:

1. Establish rules of procedure to carry out the duties and functions of the Commission;
2. Hold a minimum of one monthly meeting;
3. Engage with the community through educational events and the City of Detroit's website to promote public awareness of environmental issues;

4. Support the Office of Environmental Justice and Sustainability with outreach and assist the office in reviewing and making recommendations to city departments pertaining to issues of sustainability and environmental health;
5. Conduct, in conjunction with the Office of Environmental Justice and Sustainability, an annual community survey to ascertain environmental and public health issues, and gauge public perception and understanding of the role and function of the Commission;
6. Provide data and information to the Mayor, City Council, Office of Environmental Justice and Sustainability, city departments and agencies to assist with the development and implementation of environmental ordinances, rules, regulations, policies and practices on all matters related to the beneficial use and conservation of the city's environment and natural resources;
7. Request and receive assistance from the staff of the Office of Environmental Justice and Sustainability in evaluating or preparing any report;
8. Assist City Council in the investigation of public health and environmental emergencies, as requested;
9. Coordinate with the Office of Environmental Justice and Sustainability to hold a public hearing on the annual plan for projects from the Environmental Justice Health Fund and provide a post-hearing written report to the Office of Sustainability summarizing the comments received and recommendations for changes to the plan in accordance with Sec. 7-1605;
10. Prepare and submit a report to the Mayor and City Council, by December 31 of each year which, at a minimum, summarizes the Commission's outreach and public engagement activities, provides a detailed analysis of policy recommendations made to the Mayor, City Council and city agency and details its goals and priorities for the upcoming year;
11. Organize, through the Chairperson, necessary and mandatory training for members, to include topic such as implicit bias, public health, city operations and procedures, and the general powers and responsibilities of the Commission;
12. Establish taskforces to study, assess and report on environmental conditions and matters in communities within the City of Detroit that are subject to suspected, known, prevalent or persistent harmful environmental influences; and
13. Other powers, duties and responsibilities as determined by City Council.

**Sec. 7-1608. Commission Budget.**

The City shall make an annual appropriation for the effective operation of the Environmental Protection Commission, including funding for community engagement and programming.

**ARTICLE 7.**  
**THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and**  
**ACTIVITIES**  
**CHAPTER 17. OFFICE OF ECONOMIC AND CONSUMER**  
**EMPOWERMENT**

**Sec. 7-1701. The Office of Economic and Consumer Empowerment**

The Office of Economic and Consumer Empowerment shall provide services related to financial literacy, economic and employment opportunities, and consumer rights. The Office shall research, educate and create opportunities for residents to access government, private and not-for-profit services that provide education and financial services on financial literacy training, employment readiness, financial resource referral, educational opportunities, and similar initiatives. The Office of Economic and Consumer Empowerment shall work with lending institutions, businesses, educational institutions and other entities necessary to accomplish its purposes.

The Office of Economic and Consumer Empowerment shall refer citizens who are victims of consumer and financial exploitation, such as pricing schemes, predatory lending practices, the sale of unsafe products, and similar concerns to the appropriate regulatory agencies and other entities with the resources and responsibility to address these issues.

The Office of Economic and Consumer Empowerment shall work and coordinate with the Small Business Advocacy Council on the establishment of programs and identification of resources to assist small and minority businesses and the development and provision of projects, programs and resources to assist citizens and consumers in pursuing economic opportunities and resolving consumer complaints.

**Sec. 7-1702. Small Business Advocacy Council.**

There shall be established within the Office of Economic and Consumer Empowerment the Small Business Advocacy Council. In making its appointments, City Council shall give special consideration to small businesses that have operated within the City of Detroit for ten (10) years or more, small businesses that are not members of chamber of commerce organizations, small businesses that operate virtually and individuals who have at least five (5) years of experience with small business financing.

Subject to the foregoing, City Council shall establish the rules related to the Small Business Advocacy Council's size, filling of vacancies, term of membership, qualifications and other conditions necessary for the effective operation of the Small Business Advocacy Council.

The Small Business Advocacy Council shall have the following duties:

1. Advocate on behalf of Detroit-based small and minority businesses.
2. Monitor programs and initiatives that assist Detroit-based small and minority businesses.

3. Inform small and minority businesses of existing and new business programs, resources and opportunities.
4. Review and advise City government on the criteria for receipt of small and minority business resources.
5. Request and receive information from the City of Detroit concerning the small and minority businesses which have applied for and received city provided or sponsored funding and contracts.
6. Advocate for and assist small and minority businesses in qualifying for city goods and services contracts.
7. Provide advice, assistance and support to the Office of Economic and Consumer Empowerment.

**Sec. 7-1703. Funding.**

The City shall annually appropriate funds sufficient to enable the Office of Economic and Consumer Empowerment to perform its duties and responsibilities.

## **ARTICLE 7.5.**

### **INDEPENDENT DEPARTMENTS and OFFICES**

#### **CHAPTER 1. AUDITOR GENERAL**

**Sec. 7.5-101. Auditor General.**

The Auditor General shall be appointed by a majority of City Council members serving. The Auditor General shall be a certified public accountant.

**Sec. 7.5-102. Deputy Auditor General.**

The Auditor General shall appoint a Deputy who during periods of the Auditor General's absence or temporary disability or when the position is vacant shall exercise the powers and perform the duties of the Auditor General to the full extent permitted by law. The Deputy Auditor General shall be a certified public accountant. The Deputy Auditor General serves at the pleasure of the Auditor General.

**Sec. 7.5-103. Term of Office.**

The term of Auditor General is ten (10) years beginning with the taking of office. The Auditor General may be removed for cause by a two-thirds (2/3) majority of City Council members serving. Any person who has held the position of Auditor General is not eligible for re-appointment.

**Sec. 7.5-104. Employees.**

In accordance with Article 6, Chapter 4, the Auditor General may hire, promote, discipline and remove employees of the agency, assign duties to the employees, and supervise the performance of those duties.

**The staff of the office may include persons who are both subject to, and exempt from, Article 6, Chapter 4 of this Charter.**

**Sec. 7.5-105. Powers and Duties.**

The Auditor General shall:

1. Make audits of the financial transactions, performance and operations of City agencies based on an annual risk-based audit plan prepared by the Auditor General, or as otherwise directed by the City Council. Audits shall focus on high risk agencies and/or processes identified in the annual risk-based audit plan. The Auditor General shall make an annual financial analysis of all agencies not selected for audit in the current year. The Auditor General shall have access to all financial records, human resource records, and other records of city agencies necessary to perform his/her functions. **Records to which the Auditor General has access includes, but is not limited to, those that are electronic or written, irrespective of how they are stored, archived, maintained or collected.** ~~Make a full report to the City Council of each individual audit and file a copy with the Mayor.~~ **A full report of each individual audit shall be made to the City Council and a copy filed with the Office of the Mayor and City Clerk. Subject to applicable law, a copy shall also be conspicuously published on the City of Detroit's website or equivalent medium of public communication.**

2. As soon as possible after the close of each fiscal year, make a report of the financial position of the city. The report shall be a public record.

3. Investigate the administration and operation of any city agency and report findings and recommendations to the City Council and the Mayor. The Auditor General may request and shall be given necessary assistance and information by each agency. The Auditor General may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within the control of any agency during regular business hours. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Auditor General shall apply to the appropriate court.

4. From time to time make reports to city agencies of irregularities of practice and erroneous accounting methods with recommendations for improving the accounting procedures and systems of the agencies. Recommendations which are not put into effect by the agency shall be reviewed by the Finance Director, who shall advise the Auditor General and the City Council of action being taken with respect to the recommendations.

5. Upon request of the Budget Director, make available to the Budget Director all information useful in the preparation of the capital agenda or annual budget.

6. Settle all disputed claims in favor of or against the City to the extent and in the manner provided by ordinance. All appeals from determinations made by the Auditor General shall be brought in the court provided by law. However, no proceedings may be brought upon a claim within the jurisdiction of the Auditor General until the claim is rejected by the Auditor General or until six (6) months have elapsed from the time of filing the claim with the Auditor General.

**Sec. 7.5-106. Limitations.**

The Auditor General may hold no other City, County or State office.

Except as otherwise provided in this Charter, the Auditor General shall not have any connection with any city agency, nor be custodian of any cash or securities belonging to the City other than the appropriation to the office.

**Sec. 7.5-107. Funding.**

**The City shall annually appropriate sufficient funds to enable the Office of the Auditor General to perform its duties. Funding shall be in accordance with section 8-214 (Proportional Funding for Oversight Agencies).**

**Sec. 7.5-108. Special Counsel.**

**If the Auditor General has a basis for legal action against any branch or unit of city government, the Auditor General has the authority to retain an attorney licensed to practice law in Michigan who shall represent the Auditor General in the legal proceeding. Such attorney shall not have represented the City of Detroit as a municipal corporation in any legal proceeding.**

## **ARTICLE 7.5.**

### **INDEPENDENT DEPARTMENTS and OFFICES**

#### **CHAPTER 2. LAW DEPARTMENT**

**Sec. 7.5-201. Law Department.**

The Law Department is headed by the Corporation Counsel who is **an elective officer and** the duly authorized and official legal counsel for the City of Detroit and its constituent branches, units and agencies of government. ~~The Mayor shall appoint the Corporation Counsel subject to approval of the City Council. However, if the City Council does not disapprove the appointment within thirty (30) days, it is deemed confirmed.~~

~~The Mayor may remove the Corporation Counsel without cause, with a two-thirds (2/3) majority vote of the membership of City Council. City Council may remove the Corporation Counsel, without cause, by a two-thirds (2/3) vote and concurrence of the Mayor. A Mayor occupying the Office of Mayor through succession under section 5-109 (Succession to Office) may only remove Corporation Counsel with cause and approval of one (1) less than the entire membership serving on City Council.~~

**1. *Client and Representation.***

The client of the Corporation Counsel is the City of Detroit as a body corporate. The agents and representatives of the City of Detroit, for purposes of receiving and directing legal services in a manner consistent with Corporation Counsel's professional obligations to the City of Detroit, as herein provided in this Charter or allowed by law, shall be the Mayor, City Council and City Clerk.

Corporation Counsel represents the City of Detroit as a body corporate and may represent its branches of government, departments, agencies, elected officials and employees as required or allowed by law, Charter, ordinance, city policy or contract. For purposes of conducting city business and in the performance

of their duties therein, no branch or unit of government, department, agency, elected official or employee required or allowed to receive legal services by law, Charter, ordinance, city policy or contract, may solicit or obtain formal legal advice, or retain services or representation from an outside law firm or attorney, in the execution of their duties, without requesting and receiving the approval of Corporation Counsel, unless expressly allowed by Charter. Upon request of an agency or officer, the Corporation Counsel may retain an outside law firm or attorney as Special Corporation Counsel for any particular matter or proceeding.

Nothing in this section is intended to prevent any branch, officer or employee of city government from consulting with legal experts or convening meetings or hearings for the purpose of obtaining information necessary to execute their duties. Further, nothing in this section is intended, nor shall it be construed, to limit the exercise of any constitutional rights, including those in Article I, §§ 13 and 20 of the State Constitution.

#### **Sec. 7.5-202. Qualifications.**

~~The Corporation Counsel and the Deputy Corporation Counsel must be attorneys licensed to practice in Michigan.~~

**In addition to the qualifications for elective office set forth in section 2-101, the Corporation Counsel shall be licensed to practice law in Michigan for at least ten (10) years prior to filing for office.**

**The Deputy Corporation Counsel must be licensed to practice law in Michigan.**

#### **Sec. 7.5-203. Civil Litigation.**

The Corporation Counsel shall defend all actions or proceedings against the City.

The Corporation Counsel shall prosecute all actions or proceedings to which the City is a party or in which the City has a legal interest, when directed to do so by the Mayor except pursuant to Section 7.5-209, which permits the Corporation Counsel to take judicial action on his own initiative.

Upon request, the Corporation Counsel may represent any officer or employee of the City in any action or proceeding involving official duties.

No civil litigation of the City may be settled without the consent of the City Council.

#### **Sec. 7.5-204. Penal Matters.**

The Corporation Counsel is the city prosecutor and shall:

1. Institute and conduct, on behalf of the people, all cases arising from the provisions of this Charter or city ordinances and, when authorized to do so by law, cases arising under state law.
2. Prosecute all these cases, including all recognizance and bail forfeitures, in the court of original jurisdiction and on appeal.
3. Prosecute all actions for the recovery of fines, penalties, forfeitures and other money arising out of these cases.

#### **Sec. 7.5-205. Advice and Opinions.**

Each branch and unit of government shall receive the legal advice and opinion of Corporation Counsel on matters pertaining to the execution of their functions and duties as governmental bodies and officials. Upon request, the Corporation Counsel shall give such legal advice or opinions to the Mayor, City Council, and members of the City Council, City Clerk or the head of any agency.

#### **Sec. 7.5-206. Form of Documents.**

The Corporation Counsel shall prepare or approve all contracts, bonds and other written instruments in which the city is concerned, shall approve all surety bonds required to be given for the protection of the City, and shall keep a proper registry of all contracts, bonds and instruments.

#### **Sec. 7.5-207. Drafting.**

Upon request of City Council, any City Council member, or the Mayor, the Corporation Counsel shall prepare or assist in preparing any ordinance or resolution for introduction before the City Council.

#### **Sec. 7.5-208. Intra-Government Dispute Resolution.**

~~In all disputes between branches or units of city government, before any branch or unit can institute legal proceedings, they shall have first requested and obtained from Corporation Counsel a legal opinion which details which party's position is consistent with the current state of the law. Corporation Counsel shall then instruct the branch or unit whose legal position is inconsistent with the current state of the law to retain legal assistance and representation from an outside law firm or outside attorney if they intend to institute legal proceedings.~~

In cases of disputes between the branches of government, prior to filing a lawsuit or taking other legal action, the highest public official from the disputing branches of government, **or city office with a right to retain separate counsel**, shall first meet, **at least once**, to resolve the matter. In the case of the Executive Branch the highest public official shall be the Mayor or designee; in the case of the Legislative Branch it shall be the Council President or designee; and in case of the Office of the City Clerk it shall be the City Clerk or designee. ~~The parties shall engage in facilitation of the matter over a period of fourteen (14) business days, or more as agreed to by the parties, before taking legal action. The facilitation shall be conducted by a facilitator, mutually agreed to by the parties. Nothing in this section shall preclude a branch or unit of government from seeking a temporary restraining order, injunction or other emergency legal action based on irreparable harm, but this section shall be complied with if the court rules that no irreparable harm exists, in which case the parties shall meet as required in this section. the facilitation period shall be twenty-eight (28) business days from the date of the court's decision, or longer as agreed to by the parties.~~

#### **Sec. 7.5-209. Enforcement of Charter.**

The Corporation Counsel shall be responsible for enforcing compliance with the Charter **and shall investigate and respond to all claimed violations of the Charter that are presented to the Law Department. All claimed Charter violations shall be responded to in sixty (60) days and confirmation of receipt of the actual claimed violation shall be sent to the complainant within fourteen (14) days of receipt. Claimed Charter violations submitted by citizens to the legislative or executive branches of the City of Detroit shall be forwarded to the Corporation Counsel for official review and response in accordance with the timelines and process set forth herein.**

Corporation Counsel shall document in writing any violation of the Charter by the executive or legislative branches, Office of City Clerk, elected official or other persons subject to compliance with the Charter. This written notice shall contain the nature of the violation, including the Charter section(s) violated, direct the necessary action to be taken to remedy the violation, and date by which the remedial action must be taken. The time for taking the required remedial action shall not exceed fourteen (14) calendar days. The notice of Charter violation shall be presented to the offending body or individual, with a copy provided to the Mayor, City Council and City Clerk. **Corporation Counsel shall have the right and obligation to pursue immediate judicial relief in the form of injunctive relief, temporary restraining order, mandamus or similar emergency legal remedy, when warranted.**

In the event the offending body or individual fails to remedy the Charter violation within the time frame and manner required in the written notice, Corporation Counsel shall take all reasonable actions to secure compliance, including, but not limited to, judicial action. **This section does not preclude those aggrieved by an alleged violation of the Charter from asserting their rights in a court of competent jurisdiction. Reasonable attorney fees and costs may be awarded to successful litigants, as allowed by law.**

**The Corporation Counsel shall routinely monitor compliance with the Charter throughout the calendar year. Corporation shall conduct an annual year end compliance review of the Charter to ensure that all matters and actions required under the Charter have been fulfilled and no prohibited conduct has occurred. The review shall be provided in writing to the Mayor and City Council in a report that documents those findings, including remedial actions taken or to be taken in cases of Charter violations. All findings of violations during the compliance review shall result in the initiation of enforcement proceeding under this section. The annual compliance review shall detail all actions taken to remedy any violation. The annual review shall be a public document, conspicuously posted on the City's website, and submitted to City Council and the Mayor on or before December 31 of each year.**

Nothing in this section is meant to waive any right to attorney-client privilege.

#### **Sec. 7.5-210. Claim Reduction.**

Corporation Counsel shall advise City departments, agencies and entities on risk reduction strategies that are necessary to limit or eliminate the City's exposure to liability.

#### **Sec. 7.5-211. Other Duties.**

The Corporation Counsel has such other duties as may be provided by law, this Charter, or ordinance.

## **ARTICLE 7.5.**

### **INDEPENDENT DEPARTMENTS and OFFICES**

#### **CHAPTER 3. OFFICE OF INSPECTOR GENERAL**

##### **Sec. 7.5-301. Establishment.**

An independent Office of Inspector General is hereby created. The Inspector General shall head the office. The purpose of the Office of Inspector General is to ensure honesty and integrity in City government by rooting out waste, abuse, fraud, and corruption.

##### **Sec. 7.5-302. Appointment, Removal, Term of Office and Vacancy.**

The Inspector General shall be appointed by the majority of City Council members serving. The Inspector General may be removed for cause by a two-thirds (2/3) vote of City Council members serving and shall be appointed for a term of **ten (10)** ~~six (6)~~ years.

If a vacancy occurs in the Office of Inspector General, the City Council shall, within sixty (60) days, fill the office for a full term.

##### **Sec. 7.5-303. Minimum Qualifications.**

The Inspector General shall be a person who:

1. Has a bachelor's degree from an accredited institution of higher learning.
2. Has at least ten (10) years of experience in any one, or combination of, the following fields:
  - a. As a federal, state or local law enforcement officer;
  - b. As a federal, state or local government attorney, including a public defender;
  - c. As a federal or state court judge;
  - d. Progressive supervisory experience in an investigative public agency similar to an inspector general's office;
  - e. Has managed and completed complex investigations involving allegations of fraud, theft, deception and conspiracy; and
  - f. Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary.

##### **Sec. 7.5-304. Limitations; Prohibited Activities.**

During his or her term, the Inspector General may not engage in an occupation for profit, except for teaching, or hold any other government office outside the duties of the Inspector General. Subject to applicable law, the Inspector General shall not solicit votes or raise monetary or in-kind contributions for any candidate for an elective office. Any person who has held the position of Inspector General is not eligible for reappointment. Subject to applicable law, the Inspector General may not hold any elective city office until two (2) years after leaving the position.

##### **Sec. 7.5-305. Jurisdiction.**

The powers and duties of the Inspector General shall extend to the conduct of any Public Servant and City agency, program or official act, contractors and subcontractors providing goods and services to the City, business entities seeking contracts or certification of eligibility for city contracts and persons seeking certification of eligibility for participation in any city program. **The jurisdiction of the Inspector General**

shall also extend to any legal entities, agencies or public authorities that have an agreement, contract, memorandum of understanding or other similarly arrangement with the City of Detroit, including grant recipients of the City.

#### **Sec. 7.5-306. Powers and Duties.**

The Inspector General shall:

1. Investigate any Public Servant, city agency, program or official act, contractor and subcontractor providing goods and services to the City, business entity seeking contracts or certification of eligibility for City contracts and person seeking certification of eligibility for participation in any city program, either in response to a complaint or on the Inspector General's own initiative in order to detect and prevent waste, abuse, fraud and corruption.
2. **Conduct forensic audits as part of an investigation and** have access at any time to the financial and other records of all city agencies, **departments, offices, boards, commissions, branches and units of government, public authorities and other entities within the jurisdiction of the Office of the Inspector General.**
3. Issue quarterly reports to the City Council and Mayor concerning results of investigations and audits undertaken by the Office of Inspector General. All reports shall be a public record and additionally published electronically on the World Wide Web or another format as to provide remote or on-line access to the reports.
4. Provide mandatory training for all entities that fall under the jurisdiction of the Office of the Inspector General.

#### **Sec. 7.5-307. Subpoena Powers.**

1. The Inspector General may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within the control of any city agency during regular business hours.
2. The Inspector General may enforce a subpoena or order for production of evidence. The Inspector General shall apply to the appropriate court to impose any penalty prescribed for failure to obey a subpoena or order.

#### **Sec. 7.5-308. Duty to Report Illegal Acts.**

If the Inspector General has probable cause to believe that any Public Servant or any person doing or seeking to do business with the City has committed or is committing an illegal act, then he or she shall promptly refer the matter to the appropriate prosecuting **and law enforcement** authorities.

#### **Sec. 7.5-309. Employees.**

The Office of Inspector General shall include an Inspector General and such deputies, assistants and other employees as deemed necessary by the Inspector General. The Office of Inspector General staff shall include, at a minimum, attorneys, investigators and **forensic** auditors ~~who are certified public accountants~~. The Inspector General may hire, promote, discipline and remove employees of the office, assign duties to the employees and supervise the performance of those duties. The staff of the office may include persons who are both subject to, and exempt from, Article 6, Chapter 4 of this Charter.

#### **Sec. 7.5-310. Cooperation in Investigations; Obstruction.**

1. It shall be the duty of every Public Servant, contractor, ~~and~~ subcontractor and licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the Inspector General in any investigation **or forensic audit** pursuant to this Article. **Failure to cooperate may result in forfeiture of office, discipline, debarment or any other applicable penalty. This requirement and associated penalty shall be incorporated into all contracts and subcontracts to the extent necessary to make them effective against such entities or persons.**
2. Any Public Servant, **or others within the jurisdiction of the Inspector General**, who willfully and without justification or excuse obstructs an investigation **or forensic audit** of the Inspector General by withholding documents or testimony is subject to forfeiture of office, discipline, debarment or any other applicable penalty. This requirement and associated penalty shall be incorporated into all contracts and subcontracts to the extent necessary to make them effective against such entities or persons.
3. **Persons or entities that are subject to the jurisdiction of the Inspector General and who have direct knowledge of matters concerning waste, abuse, fraud and corruption shall report such matters to the Office of Inspector General. If any such person or entity believes a crime has been committed, they may also report it to the appropriate law enforcement agency.**

#### **Sec. 7.5-311. Consultation Required and Investigation Recommendation.**

1. No report or recommendation that criticizes an official act shall be **published nor its findings and conclusions publically** announced until every agency or person affected is allowed a reasonable opportunity to be heard at a hearing with the aid of counsel. In accordance with section 2-111 of this Charter, the Inspector General will promulgate procedural rules for hearings.
2. After the hearing, if the Inspector General believes it necessary to make a formal report, a copy of any statement made by an agency or person affected shall accompany the **final** report.
3. **All agencies, persons and entities within the jurisdiction of the Inspector General shall review and consider the Inspector General's investigative recommendation. Within thirty (30) days of receiving the recommendation from the Inspector General's final investigation report every agency, affected person or entity must submit in writing either: (1) A detailed response on how they will adopt and enforce the Office of Inspector General's recommendations or; (2) A detailed response that outlines why the affected party or person is unwilling or unable to enforce the Office of Inspector General's recommendation. These responses will be made part of the official investigation record.**

#### **Sec. 7.5-312. Conflict of Interest; Special Counsel.**

Where there exists a conflict of interest between the Inspector General and another branch of City government, the Inspector General has the authority to retain an attorney licensed to practice law in Michigan who shall represent the Inspector General in legal proceedings. Such attorney shall not represent the City as a municipal corporation in any legal proceeding.

#### **Sec. 7.5-313. Confidentiality.**

Subject to any applicable state law, all **open** investigative and **forensic audit** files of the Office of Inspector General shall be confidential and shall not be divulged to any person or agency, except to the United States Attorney, the Michigan Attorney General or Wayne County Prosecutor's Office, or as otherwise provided in

this Charter, **including appropriate law enforcement and any investigative agencies as determined by the Inspector General.**

**Sec. 7.5-314. Immunity.**

The Inspector General and the staff shall be, to the full extent permitted by law, immune from any suit based on any report or communication within the scope of official duties.

**Sec. 7.5-315. Retaliation Prohibited; Penalty.**

No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the Inspector General in the performance of his or her duties. Any person who violates this provision shall be subject to a fine of not less than \$300 and not more than \$500 for each violation and any other penalties under applicable law.

**Sec. 7.5-316. Funding.**

The City shall annually appropriate funds sufficient to enable the Office of Inspector General to perform its duties. Funding shall be in accordance with section 8-214 (Proportional Funding for Oversight Agencies).

## **ARTICLE 7.5.**

### **INDEPENDENT DEPARTMENTS and OFFICES**

#### **CHAPTER 4. OMBUDSPERSON**

##### **Sec. 7.5-401. Ombudsperson.**

The Ombudsperson shall be appointed by a two-thirds (2/3) majority of City Council members serving.

##### **Sec. 7.5-402. Term of Office.**

The Ombudsperson's term is ten (10) years.

The Ombudsperson may be removed for cause by a two thirds (2/3) majority of City Council members serving.

Any person who has held the position of Ombudsperson is not eligible for re-appointment.

##### **Sec. 7.5-403. Vacancy.**

If a vacancy occurs in the office of Ombudsperson, the City Council shall, within sixty (60) days, fill the office for a full term.

##### **Sec. 7.5-404. Salary.**

The salary of the Ombudsperson is equal to the salary of the Auditor General.

##### **Sec. 7.5-405. Staff.**

~~To carry out the responsibilities of the office, the Ombudsperson may, within appropriations, appoint not more than six (6) employees who are exempt from Article 6, Chapter 4 of this Charter. The number of exempt positions on the Ombudsperson's staff may be increased by a majority of City Council members serving.~~

***To carry out the responsibilities of the office, the Ombudsperson shall appoint at least (10) employees who are exempt from Article 6, Chapter 4 of this Charter. The number of exempt positions on the Ombudsperson's staff shall be accounted for by the budget provided for the Ombudsman by City Council.***

##### **Sec. 7.5-406. Definition.**

In this chapter, "official act" means any action, omission, decision, recommendation, practice or procedure of any agency.

##### **Sec. 7.5-407. Jurisdiction.**

The Ombudsperson may investigate any official act of any agency except elective officers which aggrieves any person. The authority of the Ombudsperson extends equally to all agencies. However, with respect to any investigation authorized by this Charter to be made by an agency having subpoena power, the

Ombudsperson may only investigate and report whether the agency's investigation and hearing, if any, was conducted fully and fairly.

The Ombudsperson may establish procedures for receiving and processing complaints, conducting investigations and hearings, and reporting findings. No fee shall be levied for the filing or investigation of complaints.

#### **Sec. 7.5-408. Powers of Investigation.**

The Ombudsperson may request and shall be given necessary assistance and information by each agency. The Ombudsperson may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within the control of any agency during regular business hours, and establish rules of procedure. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the Ombudsperson shall apply to the appropriate court.

Where there exists a conflict of interest between the Ombudsperson and another branch of government, the Ombudsperson has the authority to retain an attorney licensed to practice law in Michigan who shall represent the Ombudsperson in legal proceedings. Such attorney shall not represent the city as a municipal corporation in any legal proceeding.

#### **Sec. 7.5-409. Delegation of Powers.**

The Ombudsperson may delegate in writing to a member of the staff the powers to administer oaths and take testimony.

A delegation is revocable at will and does not prevent exercise of any power by the Ombudsperson.

#### **Sec. 7.5-410. Correspondence From Person Detained.**

Any letter to the Ombudsperson from a person in a place of detention, penal or otherwise, under the control of an agency shall immediately be forwarded, unopened, to the Ombudsperson.

#### **Sec. 7.5-411. Consultation Required.**

No report or recommendation that criticizes an official act shall be announced **or published** until every agency or person affected is allowed a reasonable opportunity to be heard with the aid of counsel.

After the hearing, if the Ombudsperson believes it necessary to make a formal report, a copy of any statement made by an agency or person affected shall accompany the report.

#### **Sec. 7.5-412. Reports.**

The Ombudsperson shall make periodic reports to the City Council of action taken under this chapter. All reports shall be made public.

**Sec. 7.5-413. Duty to Report Illegal and Improper Acts.**

If the Ombudsperson has probable cause to believe that any elective officer, appointee, employee or member of an agency or any person doing or seeking to do business with an agency has committed or is committing any illegal act, the Ombudsperson shall promptly refer the matter to the appropriate authorities.

**Acts of retaliation, retribution, intimidation, harassment or other similar actions taken by city employees, Public Servants, and others subject to the jurisdiction of the Board of Ethics, that are intended to penalize complainants, are inappropriate and strictly prohibited. The Ombudsperson shall report all such improper activity to the Board of Ethics. Where appropriate the Ombudsperson shall also report such improper actions to the Inspector General, Corporation Counsel, Mayor or City Council for resolution. The Ombudsperson shall be informed of the actions to be taken to address the allegation of inappropriate conduct.**

**Sec. 7.5-414. Obstruction.**

The office or position of any elective officer or appointee who willfully and without justification or excuse obstructs any investigation of the Ombudsperson by withholding documents or testimony may be forfeited under section 2-107(B)(2) of this Charter.

**Sec. 7.5-415. Immunity.**

The Ombudsperson and the staff shall be, to the full extent permitted by law, immune from any suit based on any report or communication within the scope of official duties.

**Sec. 7.5-416. Limitations.**

The Ombudsperson may not hold any office of trust or profit other than the office of Ombudsperson, or engage in any occupation for profit outside the duties of this office. The Ombudsperson is not eligible to hold any city office until two (2) years after leaving the position.

**Sec. 7.5-417. Remedies Cumulative.**

The remedies of this chapter are additional to those provided under any other law.

# ARTICLE 8.

## PLANNING and FINANCIAL PROCEDURES

### CHAPTER 1. PLANNING PROCEDURE

#### Sec. 8-101. Comprehensive Plan.

~~The Mayor shall propose~~ **The Planning Commission shall prepare, approve and the submit to** City Council **for approval** ~~shall approve, with the modifications it deems necessary,~~ a Master Plan of policies for the social, economic and physical development and conservation of the city, and the full range of transportation, access and mobility options ("Plan" or "Master Plan"). **During the approval process, City Council may make necessary modifications to the Master Plan as submitted.**

#### Sec. 8-102. Periodic Review.

After approval of the Plan **by City Council, the Planning Commission shall, in coordination with the Planning and Development Department and other relevant Executive Branch offices, annually propose any amendments necessary to keep the Plan current. City Council shall consider for approval the proposed amendments and make any modifications in the Plan that it deems necessary.** ~~the Mayor shall annually propose any amendments necessary to keep the Plan current and the City Council shall consider the Mayor's proposed amendments and make the modifications in the Plan that it deems necessary.~~

#### Sec. 8-103. Council Procedure.

The City Council shall conclude its action on the Plan annually by December 1. Interested persons and groups shall be given notice and an opportunity to be heard by either the City Council, the City Planning Commission, or other committee of the City Council, before approval of the Plan or any amendments to the Plan.

#### Sec. 8-104. Purpose of the Plan.

The Master Plan shall be a set of guidelines to assist the Mayor, **City Council** and others in proposing, ~~and the City Council in evaluating and implementing,~~ specific proposals for the total development of the City and its residents. **The Plan is meant to be widely disseminated among city residents and used as a mechanism to educate residents concerning the social, economic, health, environmental, transportation, physical and other important challenges and opportunities in their community. The Mayor and City Council shall devise and implement a strategy and campaign utilizing the City of Detroit's television station, website, social media platforms and other means to fulfil its obligation to disseminate and educate the public regarding the Master Plan.**

# **ARTICLE 8.**

## **PLANNING and FINANCIAL PROCEDURES**

### **CHAPTER 2. BUDGETS**

#### **Sec. 8-201. Fiscal Year.**

Except as otherwise provided by ordinance, the City's fiscal year is July 1 through June 30. If the fiscal year is changed, related dates specified in the Charter shall change accordingly.

#### **Sec. 8-202. Capital Agenda.**

1. On or before November 1 of each even numbered year, the Mayor shall submit a proposed Capital Agenda for the next five (5) fiscal years to the City Council.
2. The Capital Agenda shall state:
  - a. All physical improvements and related studies and surveys, all property of a permanent nature, and all equipment for any improvement when first erected or acquired, to be financed during the next five (5) fiscal years in whole or in part from funds subject to control or appropriation by the city, along with information as to the necessity for these facilities;
  - b. Capital expenditures which are planned for each of the next five (5) fiscal years;
  - c. The estimated annual cost of operating the facilities to be constructed or acquired; and
  - d. Other information pertinent to the evaluation of the capital agenda.

For each separate purpose, project, facility, or other property there shall be shown the amount and the source of any money that has been spent or encumbered, or is intended to be spent or encumbered before the beginning of the next fiscal year and also the amount and the source of any money that is intended to be spent during each of the next five (5) years. This information may be revised and extended each year for capital improvements still pending or in process of construction or acquisition.

The City Council may delete projects from the capital agenda as submitted but it may not otherwise amend the capital agenda until it has requested the recommendations of the Planning and Development Director. The City Council shall not be bound by those recommendations and may act without them if they are not received within thirty (30) days from the date requested.

3. The City Council shall publish in one (1) or more daily newspapers of general circulation in the city a general summary of the capital agenda and a notice stating:
  - a. The time and places where copies of the proposed capital agenda are available for public inspection; and
  - b. The time and places, not less than two (2) weeks after the publication, for a public hearing on the proposed capital agenda.

The head of any agency has the right, and it shall be a duty when requested by the City Council, to appear and be heard.

4. At the conclusion of its deliberation, but not later than March 1 of the following year, the City Council shall approve a five (5) year capital agenda for the City. If the City Council fails to take action by March 1, the proposed Capital Agenda shall be deemed approved.

#### **Sec. 8-203. Annual Budget.**

In accordance with law, the City shall establish by ordinance, dates upon which the Mayor shall submit to the City Council a proposed annual budget for the next fiscal year, and City Council to complete consideration of the budget. Proposed capital appropriations shall be set forth in a separate section of the annual budget.

Before November 1 of each year and prior to submitting a proposed annual operating budget, the departments of police, fire, public works, water and sewerage, recreation, health and public lighting shall conduct a public meeting to review programs, services and activities to be included in the budget and receive public comment.

Departments shall publish a general summary of programs, services and activities funded in the current fiscal year, in one (1) or more daily newspapers of general circulation in the city. The summary shall include funds spent or encumbered in the current fiscal year. The notice shall be published not less than ten (10) days before the day on which the meeting is held, and shall state date, time and place of the meeting.

#### **Sec. 8-204. Budget.**

1. The budget shall constitute a complete financial plan for the city for the next fiscal year.
2. The budget shall set forth estimated revenues from all sources and all appropriations. Any surplus or deficit during the fiscal year preceding that covered by the budget shall be entered as an item in the budget.
3. The total of proposed expenditures shall not exceed the total of estimated revenues.
4. **The budget shall equitably fund social service programs in relationship to the budget for the Police Department.**

#### **Sec. 8-205. Form of Appropriation.**

All appropriations to each agency shall be made in lump sums to the agency's specific programs, services or activities, or to additional classes as the Mayor may recommend in the proposed budget, subject to amendment by deletion, addition or substitution by the City Council. However, the accounts of each department and agency shall be maintained in such detail as required by generally accepted standards of financial reporting. A uniform system of accounts shall be established as required by state law.

#### **Sec. 8-206. Public Hearing.**

A public hearing in the manner provided by law or ordinance shall be held on the proposed budget before adoption.

#### **Sec. 8-207. Amendment Before Adoption.**

After the public hearing, the City Council may adopt the budget with or without amendment.

#### **Sec. 8-208. Budget Adoption.**

Consideration of the budget shall be completed by the City Council as provided by ordinance.

If the Mayor disapproves amendments made by the City Council, the Mayor shall within seven (7) days, submit to the City Council in writing the reasons for the disapproval.

The City Council shall proceed to reconsider any budget item so disapproved. If after reconsideration a two thirds (2/3) majority of the City Council members serving agree to sustain any of the City Council's amendments to the budget, those amendments so sustained shall be of full force and effect. The City Council's reconsideration of the budget must be concluded within three (3) business days after receipt of the Mayor's disapproval.

#### **Sec. 8-209. Effect of Budget Adoption.**

Adoption of the budget shall constitute:

1. Appropriations of the amounts specified therein from the funds indicated;
2. A levy of the property tax specified therein; and
3. Authorization for the issuance of any bonds specified therein.

#### **Sec. 8-210. Amendments After Adoption.**

1. If during the fiscal year the Mayor advises the City Council that there are available for appropriation revenues in excess of those estimated in the budget, the City Council may make supplemental appropriations for the year up to the amount of the excess.
2. To meet a public emergency affecting life, health, property or the public peace, upon request of the Mayor, the City Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet those appropriations, the City Council may authorize the issuance of emergency notes as provided by this Charter or ordinance, in a manner consistent with state law.

#### **Sec. 8-211. Transfer of Appropriations.**

At any time during the fiscal year upon written request by the Mayor, the City Council may, by resolution, transfer all or part of any unencumbered appropriation balance among the programs, services or activities within an agency or from one (1) agency to another.

#### **Sec. 8-212. Report of Budget Deficit.**

Where, during the Fiscal Year, the head of any agency, department or City funded entity determines that the budget is in deficit, the head shall immediately notify, in writing, the Mayor and Budget Director of the reason for, and circumstance surrounding, the deficit. Within ten (10) business days of notification, the Budget Director shall request a hearing with the City Council to apprise it of the deficit and outline actions to remedy the deficit.

#### **Sec. 8-213. Revenue Estimating Conference.**

The Directors of the Finance Department, Budget Department, Auditor General and City Council's Fiscal Analysis Division shall hold a revenue estimating conference two times per year. The revenues under consideration shall include all general fund, solid waste fund, and risk-management fund revenues, and revenues of enterprise agencies that require a general fund subsidy. The parties shall also compile and

consider any and all outstanding delinquent receivables in the possession of City agencies, departments and entities and, in conjunction with Corporation Counsel, recommend to the Mayor and City Council the most efficient means to collect this revenue, which may include collection procedures by the Law Department.

#### **Sec. 8-214. Proportional Funding for Oversight Agencies.**

The Detroit City Council shall establish a proportional method to fund oversight agencies to insure the proper oversight of executive and legislative branches of government. City Council shall arrive at an equitable proportional method to fund oversight agencies in local government. City Council shall prepare and adopt a proportional funding system within ninety (90) days of the effective date of this Charter.

The **proportional** funding system shall **be enacted** ~~include a formula to distribute funds to each of the agencies contained in this section and any other agencies added by ordinance.~~ The ordinance shall contain this mandate to establish a proportional method of funding for oversight agencies, the list of agencies included in this section and other agencies determined by City Council.

**The distribution of funds to each of the qualifying agencies shall be based on a percentage of the City's general fund budget. The percentage shall be no less than the agency's average percentage of the general fund City budget for the three (3) years prior to the enactment of the ordinance. In the case of the Auditor General, the cost of the auditing contract for the City's Comprehensive Annual Financial Report shall not be considered in the computation. Prior to the enactment of the ordinance, City Council shall meet with the oversight agencies to ensure the funding percentage is sufficient to carry out their respective Charter mandated duties, and make changes to the funding percentage as necessary. Once enacted, each oversight agency's funding percentage will be applied to the overall City budget, showing minimum funding allocated to each agency. Oversight agencies may request additional funds as necessary through the normal City budget amendment process.** ~~internal cost allocation plan shall determine the amount of funds to be appropriated to each agency for oversight functions. The proportional funding system shall be enacted by ordinance. The ordinance shall contain this mandate to establish a proportional method of funding for oversight agencies, the list of agencies included in this section and other agencies determined by City Council.~~

The oversight agencies referred to in this section shall include the Office of the Inspector General, Auditor General, Ombudsperson, ~~and Board of Ethics,~~ **and any other agencies added by ordinance.**

#### **Sec. 8-215. Election Funding.**

**The City shall establish a proportional method to fund the planning, monitoring and administration of all elections in the City of Detroit. This funding shall support all operations related to elections including the maintenance of reasonably accessible voter registration sites across the City of Detroit on a year-round basis.**

**The funding system shall include a formula to distribute funds to the Election Commission and Department of Elections which shall not fall below 95% of the median budget for the previous five fiscal years, unless otherwise enacted by ordinance. The internal cost allocation plan shall determine the total amount of funds to be appropriated to the Election Commission and Department of Elections for election administration. The proportional funding system shall include no less than 0.005% but no more than 0.05% of the total income tax revenue for the previous fiscal year. This funding system for the Election Commission and Department of Elections shall be established by ordinance.**

#### **Sec. 8-216. Pre-Bankruptcy Procedure.**

At least five (5) days prior to filing for bankruptcy in accordance with federal law, the City Council and Mayor shall provide public notice and hold a joint emergency hearing to educate the public on the necessity and conditions that warrant such a filing and receive public comment regarding the intention to commence federal bankruptcy proceedings.

#### **Sec. 8-217. General Fund Budget Reserve.**

A Cash Reserve Fund in the General Fund of the City shall be maintained in an amount no less than five percent (5%) of the prior year's adopted General Fund expenditure budget. The Cash Reserve Fund shall be maintained and reported as restricted under applicable Governmental Accounting Standards Board rules and must be invested in accordance with applicable laws. Short term borrowing from the Cash Reserve Fund shall be for a period of no more than one fiscal year and must be approved by the City Council. Annual income from the Cash Reserve Fund may be used only for capital improvements. Capital improvements shall be construed to include acquisition, construction, reconstruction, or improvement of facilities, equipment, or land for use by the City and all expense incidental thereto.

The City shall prepare and adopt a four year financial plan with a General Fund Budget Reserve ("Reserve Fund") intended to cover increases in projected expenditures or reductions in projected revenue that is equal to at least 5% of projected expenditures for each fiscal year, in accordance with state law or otherwise if not so required. The Chief Financial Officer shall promulgate a policy directive concerning the administration of the Reserve Fund which shall be approved by City Council, along with any revisions thereto. City Council shall adopt an ordinance that incorporates the requirements under this section and other requirements deemed appropriate for the administration of the General Fund Budget Reserve.

The policy directive shall address, at a minimum:

1. The amount to be yearly appropriated to the Reserve Fund;
2. The process for utilizing the Reserve Fund, which shall include the requirement to consider other financial measure to avoid the need for utilizing the Reserve Fund and delineation of all prior steps taken to address the financial situation that necessitates use of the Reserve Fund;
3. Permissible uses of the funds in the account, including investment income; and
4. The plan for the restoration of funds utilized from the Reserve Fund.

*This new section 8-217 codifies the current legal obligation of the City to have a cash reserve fund to deal with underestimations of expenses and overestimations of revenue. MCL 117.4t(b)(vi) and (c)(vi). This section also requires the City to adopt a policy directive for the administration of this cash reserve fund and an ordinance that minimally incorporates the requirements under this section.*

*The legal obligation to create a reserve fund applies only to municipalities with a population of at least 600,000. However, adding this legal obligation to the Charter is intended to ensure that this prudent financial practice continues despite the population of the City and is an additional measure added to this Charter to impose fiscal responsibility upon city government.*

## **ARTICLE 8.**

### **PLANNING and FINANCIAL PROCEDURES**

#### **CHAPTER 3. ADMINISTRATION OF BUDGETS**

##### **Sec. 8-301. Work Programs and Allotments.**

When the Budget Director specifies, each agency shall submit work programs for the next fiscal year showing the requested allotments of its appropriation by periods within the year. The Budget Director shall review and authorize those allotments with or without revision as early as possible in the fiscal year. The Budget Director may revise those allotments during the year if desirable and shall revise them to accord with any supplemental, emergency, or transferred appropriations.

##### **Sec. 8-302. Limit on Obligations and Payments.**

No obligations shall be incurred against, and no payments shall be made from, any allotment or appropriation except in accordance with appropriations duly made and unless the Chief Accounting Officer, or in absence of the Chief Accounting Officer, a designee of the Finance Director advises that there is a sufficient unencumbered balance in the allotment or appropriation and that sufficient funds will be or are available to meet the obligation.

When the Chief Accounting Officer or, in absence of the Chief Accounting Officer, a designee of the Finance Director so advises, the obligation may be incurred or payment made in accordance with any applicable procedure established under section 6-306.

##### **Sec. 8-303. Penalties for Violation.**

Any incurring of obligation or authorization of payment in violation of the provisions of this Charter shall be void and any payment so made illegal; the action shall be cause for removal of any officer who knowingly incurred the obligation or authorized or made the payment, and he or she shall also be liable to the City for any amount so paid and to any criminal sanctions imposed by law or ordinance.

##### **Sec. 8-304. Obligations to be Met by Subsequent Appropriations.**

As permitted by law, the City may by resolution of the City Council:

1. Make contracts or make or authorize payments for capital improvements to be financed wholly or partly by the issuance of bonds; or
2. Make any contract or lease (including installment contracts, lease-purchase contracts, or other forms of deferred payment contracts for the acquisition of real property or capital equipment) providing for payments beyond the end of the fiscal year.

# **ARTICLE 8.**

## **PLANNING and FINANCIAL PROCEDURES**

### **CHAPTER 4. PROPERTY TAXATION**

#### **Sec. 8-401. Power.**

The City is authorized to levy property taxes at the rate of two percent (2%) of assessed value of all real and personal property in the City or to such other maximum limit as may be permitted by law.

Included is the power to levy property taxes for public transportation and transit services to the maximum rate permitted by law.

The subjects of taxation for municipal purposes shall be in accordance with state law.

#### **Sec. 8-402. Assessors' Duties.**

1. The Board of Assessors shall certify the assessment roll to the board of review on or before the date provided by ordinance
2. The Assessors shall prepare the tax roll by spreading property taxes ratably on the assessment roll on or before the date provided by ordinance and shall deliver the tax roll to the Treasurer in the manner provided by law.

#### **Sec. 8-403. Collection of Property Taxes.**

1. Except as otherwise provided by this Charter or ordinance, the rights, duties, powers, and immunities established by state law shall apply in the collection and enforcement of city property taxes.
2. City property taxes shall become a debt of the persons liable for them on the date provided by state law and shall become payable, and a lien upon the property, on the first (1st) day of the city's fiscal year or such other date as may be provided by ordinance.
3. Property taxes shall become delinquent if they remain unpaid on September 1. However, when any person shall pay one-half (1/2) of the city taxes on any property on or before the fifteenth (15th) day of August, the remaining one-half (1/2) shall not become delinquent until the sixteenth (16th) day of January. The City may, by ordinance, provide interest and penalties for delinquent city property taxes.
4. State, county and school taxes shall be collected and returned by the City Treasurer in accordance with state law. However, except as otherwise provided by law or ordinance, city property taxes shall not be returned to the Wayne County Treasurer under state law.
5. Before the end of the City's fiscal year, the Treasurer shall give reasonable notice to all persons who are liable for delinquent real property taxes that, on the last day of the fiscal year, the city's lien on real property for delinquent city real property taxes shall be deemed "sold" to the Finance Director. Thereafter, the Finance Director, with the concurrence of the Planning and Development Director or any other department director designated by the Mayor, may sell the lien in accordance with procedures provided for by ordinance adopted by the City Council. Any such ordinance adopted shall provide for appropriate hardship protections. The ordinance may also provide for public notice of the sale of the lien to a third party. The council may at any time review and revise the procedures and protections established by any such ordinance adopted to determine their appropriateness and effectiveness. However, two (2)

years following the enactment of any such ordinance, the City Council shall review the procedures and protections established by that ordinance to determine their appropriateness and effectiveness.

6. Two (2) years after such a sale of the lien on any real property to the Finance Director, the city or other holder of the lien may bring a civil action to foreclose its lien.

If the City or other holder of the lien prevails in the action, the judgment, which may not be entered before one hundred and twenty (120) days have expired from the filing of the complaint, shall provide that possession of the real property to which the lien attached shall be given to the City or other holder of the lien, unless the judgment, and all costs are paid within sixty (60) days. The judgment when final shall be conclusive evidence of the City's or other lienholder's title in fee simple, subject only to unextinguished interests or encumbrances.

7. In addition to the other remedies specified in this section, at the time unpaid city property taxes become delinquent or at any later time permitted by law, the city may maintain a personal action against the debtor for collection of the unpaid property taxes and may use any means permitted by law for collection of the debt. The City of Detroit tax roll shall be prima facie evidence of the amount of the indebtedness to the City of Detroit. The preceding sections of 8-403 are not the exclusive remedies of the City of Detroit.

8. In addition to the procedures and remedies for the collection and enforcement of the property taxes set forth in the Charter, the city or other lienholder may use any procedure and remedy for the collection and enforcement of property taxes established by state law.

9. **To the extent permitted by law, residents shall have the right to present proof of and contest a property tax over assessment within ten years of the over assessment.**

#### **Sec. 8-404. Tax Abatements.**

**The City shall execute a Tax Abatement Agreement with all recipients of tax abatements. All Tax Abatement Agreements shall be posted on the City's website within five (5) days of execution.**

**The Tax Abatement Agreement shall set forth the terms and conditions for receiving the tax abatement and contain the following provisions, at a minimum:**

- 1. In addition to relevant executive orders, local ordinances and City of Detroit Charter provisions, the recipient will comply with all applicable county, state and federal laws and regulations that govern its operations, employees and residents of the City of Detroit.**
- 2. Where applicable the recipient shall comply with residency requirements.**
- 3. The recipient will comply with the complaint procedure outlined in this Charter section.**
- 4. The term of the tax abatement, which shall not exceed five (5) years.**

#### **A. Complaint Procedure**

**City residents and employees of the recipient shall have a right to file a complaint with the Auditor General alleging a violation of the Tax Abatement Agreement. The Auditor General may, where appropriate, refer any complaints or post-complaint findings to the Inspector General. The Auditor General has jurisdiction over all tax abatements granted by the City, even if the City is a third-party to an abatement agreement to which the recipient is a party. The Auditor General shall thoroughly**

investigate the complaint and may hold hearings to address the complaint. The Auditor General may exercise the investigatory rights and powers granted under section 7.5-105(3) of this Charter as it relates to the recipient. The recipient shall be given a reasonable opportunity to respond to the complaint.

After completion of its investigation, the Auditor General shall make a written ruling on the complaint. The Auditor General ruling may be appealed to City Council. In cases where a violation has been substantiated by the Auditor General, the City shall impose a penalty which may include the imposition of a fine of up to 25% of the value of the abatement, a reduction or elimination of remaining period of the abatement, or other penalty deemed appropriate. Recipients shall be barred from future abatements and City contracts until the substantiated violations have been resolved. Penalties may be cumulative.

Any revenue from fines imposed for violation of the Tax Abatement Agreement will be earmarked for funding the investigations performed by the Auditor General.

***Sec. 8-405. Tax Increment Financing Accounts.***

In all Tax Increment Financing districts approved by the City, a predetermined percentage of the funds within the district's Tax Increment Financing Account shall be used to support workforce development and job training initiatives within the boundaries of the tax increment finance district. Within 180 days from the adoption this Charter, the City Council shall take all necessary actions to fulfill the requirements of this section through adoption of an ordinance.

## **ARTICLE 8.**

### **PLANNING and FINANCIAL PROCEDURES**

#### **CHAPTER 5. BORROWING**

**Sec. 8-501. General Power.**

The City may borrow money for any purpose within the scope of its powers, may issue bonds or other evidence of indebtedness therefore and may, when permitted by law, pledge the full faith, credit, and resources of the city for the payment of those obligations.

**Sec. 8-502. Limitations on Borrowing.**

The net bonded indebtedness incurred annually by the City shall not exceed the limit permitted by law. No obligations shall be sold to obtain funds for any purpose or purposes other than that for which those obligations were specifically authorized.

**Sec. 8-503. Specific Kinds of Borrowing.**

Included within the City's general power are the following specific kinds of borrowing:

1. Bonds to Finance Local Public Improvement.

The City may borrow money and issue bonds in anticipation of the payment of special assessments or any combination of special assessments levied under sections 8-601 and 8-602 of this Charter. Special

assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City.

The City may also borrow money and issue bonds under section 8-501 for its share of the cost of any local public improvement or, where the cost of that improvement is to be defrayed in part from the payment of special assessments and in part from other city revenues, for the entire cost of that improvement.

All collections on each special assessment roll or combination of rolls to the extent that those collections are pledged for the payment of the principal and interest on any bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of the principal and interest and may be used for no other purpose.

2.       Emergency Bonds.

In case of fire, flood, or other calamity, the city may, subject to law, authorize the issuance of emergency bonds which shall be general obligations of the City for the relief of residents of the City and for the preservation of city property.

3.       Budget Bonds.

Any capital improvement items contained in the budget may be financed by the issuance of bonds as a part of the budget system. However, the amount of those bonds together with the city property taxes levied for the same year may not exceed the limit permitted by law.

4.       Bonds to Finance Transit Facilities.

The City may borrow money for public transportation and rapid transit facilities and may incur obligations and issue bonds therefore to the maximum extent permitted by law.

5.       Bonds to Finance Public Lighting Facilities.

The City may borrow money for public lighting facilities and may incur obligations and issue bonds therefore to the maximum extent permitted by law.

**Sec. 8-504. Use of Borrowed Funds.**

Each obligation shall contain on its face a statement of the purpose for which it is issued and no officer of the City may use the proceeds for any other purpose, except that, whenever all or any part of the proceeds of any issue remains unexpended and unencumbered for the purpose for which the issue was made, the City may use those unexpended and unencumbered funds in any manner permitted by law or for the retirement of the issue, or, if the issue shall have been fully retired or if any funds remain after retirement of the issue, then for the retirement of other obligations of the City.

**Sec. 8-505. Execution of Obligation.**

All obligations issued by the City shall be executed with the facsimile signature of the Mayor and signed by the Director of Finance and shall bear the seal of the city. Interest coupons shall be executed with the facsimile signatures of the Mayor and the Director of Finance.

**Sec. 8-506. Tax Exempt.**

All obligations issued by the City shall be exempt from all city taxation.

## **ARTICLE 8.**

### **PLANNING and FINANCIAL PROCEDURES**

#### **CHAPTER 6. SPECIAL ASSESSMENTS**

**Sec. 8-601. Power To Assess.**

The City may determine that the whole or any part of the expense of any local public improvement or repair shall be defrayed by special assessments upon the property specially benefited and so declare by resolution. Special assessments may be levied before, during, or after the making of the improvement. However, where special assessments are not levied until after commencement of a local public improvement, the resolution levying those assessments shall not be effective unless approved by a two-thirds (2/3) majority of City Council members serving after all interested parties have been given an opportunity to be heard on all relevant issues, including necessity.

**Sec. 8-602. Special Assessments to Finance Transit Facilities.**

Included within section 8-601 is the power to finance any local improvements or repair for public transportation or rapid transit facilities through special assessments to the maximum extent permitted by law.

**Sec. 8-603. Procedure Ordinance.**

The complete special assessment procedure to be used, including the preparing of plans and specifications; estimated costs; the preparation, hearing and correction of the special assessment roll; the collection of special assessments; the assessment of single lots of parcels; and any other matters concerning the making of improvements by the special assessment method, shall be provided by ordinance. The ordinance shall authorize additional assessments, if the prior assessments prove insufficient to pay for the improvement or is determined to be invalid, in whole or in part, and shall also provide for the refund of excess assessments; however, if the excess is less than five percent (5%) of the total costs as defined by ordinance, it may be placed in the general fund of the City.

**Sec. 8-604. Assessment Lien.**

From the date of confirmation of any roll levying any special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the property subject thereto and that amount shall also be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent city property taxes.

#### **Sec. 8-605. Contest of Assessments.**

No action of any kind may be instituted for the purpose of contesting or enjoining the collection of any special assessment (a) unless, the special assessment is first protested at the hearing held for the purpose of confirming the special assessment roll; and (b) the action is commenced within thirty-five (35) days after the final decision, ruling, determination or order confirming the roll. If the Corporation Counsel submits a written opinion finding the roll illegal, in whole or in part, the City Council may revoke its confirmation, correct the illegality, if possible, and reconfirm it, provided that no property shall be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

City Council may by ordinance provide a process for contest of special assessments which is in accordance with state law and is not inconsistent with this section.

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 1. COMMUNITY ADVISORY COUNCILS**

#### **Sec. 9-101. Definition and Purpose.**

Community Advisory Councils as used in this chapter are advisory councils established by ordinance upon the petition of city residents. The purpose of these Councils is to improve citizen access to city government. The City Council shall create advisory council districts by ordinance that shall be the same as districts from which council members are elected, exclusive of the at-large district. The ordinance shall be adopted within ninety (90) days after the effective date of this Charter.

#### **Sec. 9-102. Creation and Composition of Advisory Councils.**

City Council shall by ordinance establish seven (7) Community Advisory Councils upon receipt of a petition from the residents of districts created under section 9-101. The petitions shall be 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~~ **one (1) percent of the number of persons voting at the last municipal general election in the non at-large district having the lowest number of votes cast.**

Each Community Advisory Council shall consist of five (5) members elected from a single non at-large district, who shall be residents and qualified and registered voters of the district; one (1) youth member between the ages of thirteen (13) and seventeen (17); and one (1) member selected as a representative for senior issues. **The youth and senior representatives shall be selected by a majority vote of the five (5) elected members.** City Council shall establish by ordinance a procedure for the selection and appointment of the high school member and senior issues representative on Community Advisory Councils. After creation of a Community Advisory Council, elected members shall be elected at the next election occurring in the city, if permitted by law, and shall serve until January 1 of the year following the regular city municipal elections. Thereafter, elected Community Advisory Council members shall be elected to four (4) year terms at the regular city municipal elections. Notwithstanding election to an initial term of less than four (4) years, an elected member may not be elected to more than two (2) consecutive four (4) year terms. The senior issues representative selected in accordance with the City ordinance shall serve one (1) four (4) year

term, and may be reappointed. The youth member selected in accordance with City ordinance shall serve a one (1) year term and may be reappointed for as long as the person meets the age requirement. Reappointment of the youth member shall be for one (1) year terms. All members shall **receive a meeting stipend in a manner and amount to be determined by City Council** ~~serve without compensation.~~

The City Council member elected from the non at-large district in which a Community Advisory Council resides, or their designee, shall attend all official meetings of that Community Advisory Council.

#### **Sec. 9-103. Powers, Duties and Limitations.**

City Council shall, by ordinance, prescribe uniform procedures, for the exercise of the powers and duties for all Community Advisory Councils. Included in those powers and duties shall be the provision that a community council may require that the City Council representative receive prior consultation from the Community Advisory Council on all issues which relate exclusively to that district.

Community Advisory Councils shall receive ~~no~~ appropriations from city funds **for their effective operation,** ~~but~~ **and** may accept donations or grants in accordance with state, federal or local law. **City Council shall determine the amount, manner and purposes of the appropriation.**

A particular Community Advisory Council shall be dissolved only by a petition signed by the same number of qualified voters residing in the Community Advisory Council district required above, and an ordinance adopted after public hearing by City Council with public notice to the Community Advisory Council district in question.

Each Community Advisory Council shall hold public meetings not less than **two (2) times each month** ~~four (4) times each year.~~ The meetings will be held within the respective districts and will be held in donated **or leased** facilities with an attempt to provide as broad of a geographical distribution for the meetings as possible. The meetings shall be held in accordance with the Michigan Open Meetings Act and the Community Advisory Councils shall comply with the Michigan Freedom of Information Act.

The powers and duties of each Community Advisory Council shall include:

1. Communicating to City Council the concerns of groups, agencies, businesses, **Block Clubs, nonprofit corporations, commercial developers, Community Development Corporations, residents and other related issues** within its districts with respect to the delivery of programs and services.
2. Assisting groups, agencies, businesses and residents in community problem solving by meeting with groups to:
  - a. Clarify issues; and
  - b. Demonstrate proper procedural approaches to accessing city government.
3. **Designing in collaboration with City Council and** disseminating information to groups, agencies, businesses and residents on social and physical plans for the districts areas.
4. Providing advice to community representatives and City Council on major issues within the council district which may include:
  - a. Housing development;
  - b. Commercial blight;
  - c. Safety and security;
  - d. Economic and community development;
  - e. Employment opportunities;

- f. Code enforcement; and
  - g. Other concerns impacting social, economic, cultural and environmental conditions within the district.
5. ~~Familiarizing themselves~~ **Acquiring a comprehensive understating of** with the City Charter, with the objective of assisting the community in understanding the intent and relevance of Charter provisions.
  6. Familiarizing themselves with the Master Plan for the City of Detroit in relationship to the City generally and the land area within their district generally.
  7. Meeting annually with the Mayor and annually with City Council to discuss the challenges confronting the district and the resources required to advance the interest and support the viability of the district.
  8. **Provide advice to City Council on the budget for the City of Detroit.**
  9. **The right to request that their City Council representative receive prior consultation from the Community Advisory Council on all issues that may come before City Council which relate exclusively to their district, including information about projects taking place in the district, in a manner that allows the Community Advisory Council sufficient time to review the information and advise City Council prior to any legislative decision.**

## ARTICLE 9.

### MISCELLANEOUS PROVISIONS

#### CHAPTER 2. COUNCIL OF THE ARTS and FUNDING FOR THE ARTS

##### Sec. 9-201. Council of the Arts.

~~The Council of the Arts, comprised of fifteen (15) members, shall be appointed by and serve at the pleasure of the Mayor.~~ ***The Council of the Arts shall be composed of fifteen (15) members, nine (9) appointed by and serving at the pleasure of City Council and six (6) appointed by and serving at the pleasure of the Mayor. Appointments by the Mayor and City Council shall each include one youth between the ages of 15-17. Each member's term is four (4) years. Not more than four (4) terms expire each year. Vacancies shall be filled in the same manner and on the same conditions as the initial appointment.***

The Council shall act as an advisory body to the Mayor and the City Council and as advocate for the arts and aesthetics in all aspects of city life. It shall advise and support cultural institutions and groups interested in cultural activities. It shall encourage, develop and support a wide variety of programs which reflect the cultural needs and experiences of all citizens and shall encourage participation by all citizens in the cultural activities carried on in the city.

The Council of Arts may, within appropriations appoint an Executive Director, exempt from Article 6, Chapter 4 of this Charter. The Executive Director serves at the pleasure of the Council.

##### Section 9-202. Funding for the Arts.

**The City is authorized to make financial appropriations and allocations to private and public nonprofit institutions that provide residents with civic, artistic or cultural activities and services within or on behalf of the City of Detroit. These activities and services shall include, but is not**

limited to, visual arts, creative and expressive movement, acting, music, poetic expression, theater, architecture, architectural landscaping, literature and letters, creative writing, digital arts, and allied arts and crafts. The City may also enter into agreements with private and public nonprofit institutions for the provision and maintenance of these activities and services for the benefit of the public.

*COMMENTARY: The Charter Commission has recognized the vital and important role that the civic, arts and cultural communities play in the life of a vibrant, tolerant and thriving city. This new section codifies in the Charter the right of the City of Detroit to support civic, artistic and cultural services and activities as sanctioned by the Home Rule City Act. MCL 117.4k. It is expected that by making this commitment prominent in the Charter more citizens will come to support these services and activities in their communities and city government will increase its obligations to provide support in this area.*

#### **Section 9-203. Charles H. Wright Museum of African American History.**

The City of Detroit shall provide to the Charles H. Wright Museum a minimum annual appropriation, adjusted for inflation, of \$3,500,000, or any portion thereof in the form of services as may be requested by the museum and allowed by the City. The City shall contribute an annual minimum of \$550,000 to an endowment fund for the museum to be used based on terms and conditions to be determined by City Council. City Council may amend the amount of any appropriation or allocation herein granted with the approval of seven (7) Councilmembers.

Where the City of Detroit enters an agreement with the museum that allows the City to select board trustees or is otherwise granted that right, at least 85% of those board trustees shall be city residents, five (5) of whom shall be elected and serve in a manner as determined by City Council. Unless otherwise prohibited by law, the creative direction and major financial decisions shall be voted on by the Board of Trustees.

# **ARTICLE 9.**

## **MISCELLANEOUS PROVISIONS**

### **CHAPTER 3. REGULATORY POWER and REVIEW**

#### **Sec. 9-301. Regulatory Power.**

The City may, in exercise of its police power:

1. Regulate;
2. Prohibit; or
3. Prohibit except as authorized by permit, license or franchise any trade, occupation, amusement, business or other activity within the city.

#### **Sec. 9-302. Appellate Review.**

The City shall provide, by ordinance, for the review of administrative decisions of city agencies which are not within the appellate jurisdiction created by other sections of this Charter.

This section shall not be construed to diminish the right of any party to direct any immediate legal or equitable remedies in any court or other tribunal.

#### **Sec. 9-303. Limitations on a Franchise.**

An irrevocable franchise and all renewals, amendments and extensions of it, may be granted only by ordinance.

The City Council may approve such an ordinance only after a public hearing has been held on it and after the grantee named in it has filed with the City Clerk its unconditional acceptance of all the terms of the franchise.

The ordinance may not take effect unless it has been approved by the voters of the city, where state law so requires, or, unless it has been approved by a two-thirds (2/3) majority of City Council members serving, where approval of the voters is not required by state law.

When approval of the voters of the City is required, the ordinance as approved by the City Council shall be published in a daily newspaper of general circulation in the city not less than thirty (30) days before the election at which it is submitted to the voters. The City Council may not call a special election unless the expense (as determined by the City Council) of holding the election has first been paid to the Treasurer by the grantee.

A franchise for the use of the streets or other public places of the city or for the transaction of a local business may not be sold or transferred in any manner, nor may a party other than the grantee use the franchise, unless the city gives its consent by ordinance.

#### **Sec. 9-304. Standard Provisions of a Public Utility Franchise.**

Public utility franchises shall include provisions for fixing and periodically readjusting rates and charges at the direction of the City.

The City may, with respect to any public utility franchise granted by it, whether or not so provided in the granting ordinance:

1. Repeal the franchise for:
  - a. Violation of or failure to comply with any of its provisions,
  - b. Misuse or non-use, or
  - c. Failure to comply with any regulation imposed under authority of this Charter;
2. Require proper and adequate extension and maintenance of plant facilities at the highest practicable standard of efficiency;
3. Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
4. Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period of the franchise;
5. Impose other regulations determined by the City Council to be conducive to the health, safety, welfare, and convenience of the public; or
6. Require the public utility to permit joint use of its property and equipment, located in the streets and public places of the City, by the City and other utilities, insofar as joint use may be reasonably practicable, and, in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions, for joint use.

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 4. SPECIFIC RESPONSIBILITIES**

##### **Sec. 9-401. Board of Review.**

The City Council may, by ordinance, sit as a Board of Review to the extent allowed by law, or appoint a Board of Review to hear and determine appeals from property tax assessments. The board shall possess the duties and powers provided by law, which may be exercised by the whole board or by committees thereof. An appointed board shall consist of at least seven (7) members appointed from each of the non at-large districts.

Appeals from decisions of the board shall be taken in the manner provided by law.

##### **Sec. 9-402. Hospitals.**

The City shall provide, by ordinance, for the operation of any city hospital by a division of a public health agency, by a department of hospitals, or by a non-profit public corporation.

Notwithstanding section 5-103, the ordinance may provide for the administration of a hospital by a commission which may appoint a director and deputy director, exempt from Article 6, Chapter 4. Such an ordinance and any amendment to it shall originate with the Mayor, except that an ordinance, providing for the operation of a city hospital by a non-profit public corporation, and any amendment thereto, may originate with either the Mayor or the City Council.

#### **Sec. 9-403. Revision Question.**

The question of whether there shall be a general revision of the City Charter shall be submitted to the voters of the City of Detroit at the gubernatorial primary of ~~2038~~ 2018, and at every fourth (4th) gubernatorial primary thereafter and may be submitted at other times in the manner provided by law. A primary election shall be held for the offices of Charter Revision Commissioners at the same election and shall be void if the proposition to revise is not adopted. If the proposition to revise is adopted, Charter Revision Commissioners shall be elected at the ensuing general election for governor.

#### **Sec. 9-404. Schools and Youth Employment.**

Every resident of Detroit has a right to an education that will permit the full development of his or her potential. City government has a responsibility to cooperate with the school districts serving the people of Detroit in the achievement of this objective and to exercise such influence and to provide such ancillary or supplemental services to the people or to the school districts as may be necessary or helpful in the furtherance of this objective.

**Employment opportunities for city youth shall be a priority concern for our city government. In addition to other employment programs and opportunities that may initiated, sponsored or supported by the City of Detroit, the city youth shall be provide meaningful employment opportunities, summer or otherwise, in each executive branch department, legislative branch office and City Clerk's office. The scope, extent and particulars of this youth employment program shall be determined by City Council in conjunction with the Mayor and implemented pursuant to ordinance. The program may include private and non-profit employment opportunities and may be coordinated with public school districts within the City of Detroit.**

#### **Sec. 9-405. Elimination of Redundancy in Government.**

Every effort shall be made by city elective officers, employees, and branches and units of government to reduce duplication of efforts and increase and maintain efficiency in the operations of city government. ~~Within one hundred eighty (180) days of the effective date of this Charter, the~~ The Executive and Legislative branches, and City Clerk shall conduct a comprehensive evaluation of its programs, services, activities, policies and operations to identify and eliminate any redundancy. ~~Thereafter, the~~ The evaluations shall be made within the first quarter of the year following the regular city general election. Each evaluation shall result in a compiled report of the City of Detroit entitled "*Report on Elimination of Redundancy*," which, at a minimum, outlines the efforts and means taken to identify redundancy, makes findings on redundancy and details methods implemented to eliminate, reduce or avoid redundancy. The report shall be published and presented to City Council and the Auditor General in April of the year of its completion.

As much as practicable attempts shall be made to realign service delivery systems and eliminate operational duplication and inefficiency, which may include cooperative agreements with other government entities as allowed by law.

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 5. SPECIFIC POWERS**

##### **Sec. 9-501. Eminent Domain.**

The City has the power of eminent domain and, to the extent permitted by law, may condemn private or public property, located within or outside the city, for any public purpose. This power may be exercised in accordance with any procedure authorized by law or ordinance.

Private property may not be taken without just compensation therefore being first paid or secured. Further, the City may, by ordinance, provide supplemental compensation for property taken. Where the conduct of the City constitutes a taking of property under the law, any party injured by such a taking may institute an inverse condemnation action in a court of appropriate jurisdiction.

##### **Sec. 9-502. Enabling Legislation.**

The City may enact any ordinance authorized by law or necessary to carry out the provisions of any section of this Charter.

##### **Sec. 9-503. Historic Areas and Landmarks.**

The preservation of historic areas and landmarks is declared to be a public purpose.

The City may provide, by ordinance, for the preservation of historic areas and landmarks within the City. When an area is designated an historic district, the designation may not be withdrawn without the consent of a majority of the property owners within the district and the requirements of the district applicable to private property may be enforced upon the complaint of any property owner or association of property owners within the district.

##### **Sec. 9-504. Library.**

The City may make appropriations to, and exercise its power in aid of, the Detroit Library Commission for the operation of libraries within the City.

##### **Sec. 9-505. Penalties.**

The City shall by ordinance, provide punishment, up to the extent permitted by law, for the violation of this Charter or any ordinance.

All persons prosecuted for the violation of this Charter or any ordinance shall be afforded all rights of due process required by federal and state law.

##### **Sec. 9-506. Rents, Tolls, Excises and Taxes.**

The City may provide for the laying and collecting of rents, tolls, excises and taxes in accordance with section 4-114.

### **Sec. 9-507. Service Fees.**

Any agency of the City may, with the approval of the City Council, charge an admission or service fee to any facility operated, or for any service provided, by an agency.

The approval of the City Council shall also be required for any change in any such admission or service fee.

### **Sec. 9-508. Utilities.**

#### **1. Acquiring and Financing of City-Owned Utilities.**

The City may acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain public utilities and borrow money, levy taxes, or make other arrangements for the financing of public utilities to the maximum extent permitted by law or this Charter. Included is authority to acquire and maintain or participate in the acquisition of maintenance of a bridge or tunnel across the Detroit River or to acquire, own and operate ferry boats on the Detroit River and surrounding water.

As used in the chapter, public utility means any business or service affected with the public interest as defined by general law.

#### **2. Rates.**

Except as provided by section 7-1202, the City shall, by ordinance, fix just and reasonable rates and such other charges as may be necessary for supplying city utility services to the residents of the City and others.

#### **3. Enforcement.**

The City shall provide, by ordinance, for the enforcement of city utility rates and charges.

### **Sec. 9-509. Parking Fines.**

The City Council shall, by ordinance, adopt a schedule of fines and penalties for parking violations.

### **Sec. 9-510. Incentives for City-Based Businesses.**

The City shall provide by ordinance for incentives to business entities located within the City of Detroit, to the extent permitted by law. The City may adopt a purchasing ordinance with a system of incentives for Detroit-based businesses. The incentives may provide for businesses located in economic zones of the City, or for community-based enterprises, as defined by ordinance. This ordinance shall be enacted no more than one hundred eighty (180) days after adoption of this Charter.

**ARTICLE 9.**  
**MISCELLANEOUS PROVISIONS**  
**CHAPTER 6. RETIREES' REPRESENTATION**

**Sec. 9-601. Retirees' Representation.**

Retired general city employees are entitled to be represented in the city legislative and budgetary proceedings on issues affecting their interest by persons elected by them.

**ARTICLE 9.**  
**MISCELLANEOUS PROVISIONS**  
**CHAPTER 7. RISK MANAGEMENT**

**Sec. 9-701. Risk Management Council.**

The Risk Management Council is an advisory body to the Mayor comprised of:

1. A chairperson, appointed by the Mayor, who shall be an appropriately qualified Mayoral cabinet-level official, which may not be any person identified in this section;
2. The Corporation Counsel;
3. The Chief of Police;
4. The Finance Director;
5. The Human Resources Director;
6. The Auditor General;
7. A City Council designee who is a city employee, other than a member of City Council;
8. The Inspector General;
9. The Transportation Director;
10. The Ombudsperson; **and**
11. **An hourly employee annually appointed by the Mayor.**

**Where applicable, any member may have their Deputy Director attend meetings in their absence. The Mayor may reappoint the hourly employee member, who shall serve at the Mayor's pleasure and is subject to any confidentiality requirements that may govern the Risk Management Council.**

**Sec. 9-702. Duties.**

In addition to their regular duties, members of the Risk Management Council shall have the following duties:

1. The Risk Management Council shall make recommendations to the Mayor, and shall have authority to implement the Mayor's directives concerning implementation of policies, programs and activities to minimize exposure or liability of the City to claims and damages.
2. The Risk Management Council shall produce, with the assistance of the Finance Department, a quarterly report that summarizes its evaluation, monitoring and coordination of the City's comprehensive risk management strategy.

3. The Risk Management Council shall prepare for the Mayor and City Council an annual strategic risk management report, in conjunction with the Finance Department, which evaluates the effectiveness of risk management functions within the City. Included in the report shall be recommendations on, and identification of, city-wide and agency and department specific, risk reduction strategies and projected savings from implementation of these strategies.
4. The Risk Management Council and Finance Department shall formulate a cost system to monitor, control and report on all potential risk and liability costs to the City of Detroit.
5. Assisted by the Finance Department, the Risk Management Council shall provide an annual report to the Mayor and City Council summarizing claims that have been paid by the City on risk related matters including, but not limited to, the settlement of lawsuits, pre-litigation claims and worker's compensation claims. The report shall provide recommendations for risk avoidance and liability exposure reduction measures related to these claims. Release of the report shall coincide with the Mayor's annual submission of the proposed budget to City Council.

Annually the Risk Management Council shall assess the administration and effectiveness of safety, liability and risk reduction functions in each city agency, and report findings and recommendations to the Mayor and City Council. The City shall make an annual appropriation for the operation of the Risk Management Council that is adequate to perform its duties.

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 8. INSURANCE ASSISTANCE**

##### **Sec. 9-801. City Sponsored Insurance Assistance.**

To the extent allowed by law, the City of Detroit may establish an insurance system to provide, support, supplement or otherwise assist in the provision of automobile and/or property insurance for City residents. Within sixty (60) days of the effective date of this Charter, the Corporation Counsel shall advise the City Council and Mayor, in writing, on the legal requirements necessary to implement the insurance systems contemplated by this chapter and whether there exists any legal prohibition to implementing the insurance system.

No insurance system shall be implemented without the Mayor and City Council jointly commissioning a feasibility study that must demonstrate the ability of the City to fund, sustain and operate the insurance system in a fiscally responsible manner. Any insurance system implemented by the City shall be done pursuant to ordinance and in accordance with applicable laws.

City Council may, by majority vote, discontinue the operation of any insurance program implemented under this chapter.

**The Mayor and City Council shall have an affirmative obligation to monitor automobile and property insurance rates in the City of Detroit and take all legally permissible actions to ensure competitive rates and equitable terms.**

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 9. AFFORDABLE HOUSING**

**Sec. 9-901. Inclusionary Housing Requirements.**

Chapter 14, Article XII of the Detroit City Code is incorporated into the Charter by reference.

**Sec. 9-902. Calculation of Area Median Income.**

For purposes of determining eligibility for affordable housing in a development that has been awarded tax subsidies or credits from the City of Detroit, or where otherwise applicable, the Area Median Income shall be based on the median family income of the State of Michigan or the City of Detroit, whichever is lower. In no event shall the Area Median Income include other municipalities outside the boundaries of the City of Detroit, unless such inclusion results in a lower Area Median Income than that calculated under this section.

**Sec. 9-903. Affordable Housing Development and Preservation Fund.**

The City shall establish by ordinance and appropriate funds for an Affordable Housing Development and Preservation Fund. At a minimum, the ordinance shall set forth the purpose of the fund, its acceptable uses and sources of funding.

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 10. RESPONSIBLE CONTRACTING**

**Sec. 9-1001. Required Contract Terms and Provisions.**

- A. In all contracts for services between the City of Detroit and contractors, including general contractors and subcontractors, the City shall include the following provisions:**
- 1. Commitment to comply with the terms set forth in Executive Order 2016-1, without regard to the financial amount of the project.**
  - 2. A prohibition on ethnic intimidation in fulfilling the terms of the contract.**
  - 3. Requirement to maintain documentation of completed employee training.**
  - 4. Agreement is subject to enforceability of its terms and condition either pursuant to the complaint procedure administered by the Auditor General under section 8-404(A) of the Charter, or the executive branch enforcement office, at the election of the complainant.**

5. Prohibition on illegal conduct.
6. Requirement to maintain the certifications set forth in section 9-1002.
7. Other terms deemed appropriate by the City of Detroit.
8. A commitment to provide job opportunities, summer and otherwise, to City of Detroit youth during the term of the contract either through a city sponsored program or on its own initiative.

#### **Sec. 9-1002. Certification.**

The Office of Contracting and Procurement shall establish a contractor certification process for entities and individuals bidding on opportunities to provide contractual services to the City of Detroit. The bidder must certify that they meet certain requirements at the time of bid submission and as may be determined by the Office of Contracting and Procurement. Completion of certification shall be a precondition to the award of a contract.

The certification process shall confirm that bidders have met certain qualifications, including but not limited to those below, regarding their past performance, work history and current qualifications, performance capabilities and other areas as determined by the Office of Contracting and Procurement or ordinance. Potential contractors submitting bids shall:

1. Provide information to certify the percentage of the workforce on the project that will be residents of the City of Detroit.
2. Certify their intent to comply with Executive Order 2016-1, without regard to the dollar amount of project.
3. Provide information to certify that the bidder and its employees have all valid and necessary licenses required by law, and are staffed and classified properly, with proper ratios of classifications.
4. Provide information to certify the bidder has completed all government facilitated training that is required by law.
5. Provide all required financial, insurance, surety and bonding information and certify there is sufficient financial resources to begin and complete the project, and cover costs and damages in the event of default.
6. Provide proof of access to or control of equipment and supplies necessary to complete the project.
7. Provide evidence to certify the existence of Equal Employment Opportunity Programs.

The City Council shall enact an ordinance, within 180 days of the adoption of this Charter, that is not inconsistent with and implements the provisions of this section. Until such time as passage of the ordinance, the City shall implement that requirements of this section.

No provision of this section should be construed to abrogate or limit any legal rights afforded to contractor's employees under the collective bargaining process.

#### **Sec. 9-1003. Reporting Obligations.**

The Executive Branch shall annually report by contractor, project, development or other matter that requires or promises to employ Detroit residents, the number of Detroit resident job opportunities required, promised and actually filled. The report shall also detail any fines or penalties required, collected and waived in cases of failure to adhere to any employment requirements and the dollar amount of each project, agreement, development or other matter required to be in the report. City Council shall implement this section by ordinance and supplement the requirements of this section therein. The annual report shall be cumulative with data reported from 1980 forward, or earlier if data

is available. The Mayor shall personally provide the report to City Council at a public meeting. All reports shall be conspicuously published and stored on the City of Detroit's website.

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 11. LABOR NEUTRALITY**

##### ***Sec. 9-1101. Labor Neutrality.***

Unless prohibited by law, all contracts between the City of Detroit and business entities shall contain a requirement that the business entity remain neutral concerning union efforts to organize and represent the businesses' employees who perform services, transport people or products, or manufacture products for the City of Detroit. The neutrality requirement is effective from the execution of the contract until its termination. The contract shall indicate that a violation of this requirement is a material breach of the contract and afford the business an opportunity to contest any alleged violation, and appeal final determinations of a violation.

The labor neutrality requirement is violated if the business is found to have supported or opposed unionization, including but not limited to preparation of materials which advocate for or against unionization, held meetings to influence employees about unionization, or planned or conducted activities by supervisors to assist, promote or deter union activities.

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 12. LABOR RELATIONS**

##### **Sec. 9-1201. Fact Finding; Imposition of Terms and Conditions of Employment**

For purposes of labor contract negotiations, in situations where fact-finding is permitted by state law, the City will not invoke the fact-finding process prior to 120 days after the expiration of the union contract. Upon completion of fact-finding, the City may only impose an individual term or condition of employment on exclusively-represented employees that is the same as a term or condition of employment recommended by the fact-finder or, alternatively, that is of greater value to employees than that recommended by the fact-finder. An affirmative vote of six (6) members of the City Council shall be required for imposition of terms and conditions of employment.

City Council may adopt an ordinance that codifies this section within 180 days of voter approval of this Charter.

**Sec. 9-1202. Emergency Bargaining.**

In the event of a financial review by the State of Michigan pursuant to the Local Financial Stability and Choice Act (Public Act 436 of 2012; MCL 141.1541 et seq.) or any similar or successor state statute, within twenty-four (24) hours of the decision, the City must notify all exclusive representative labor organizations of the decision and convene good faith, mediated negotiations to address any existing financial challenges. The parties shall jointly select a mediator experienced in union contract mediation. If the parties cannot agree on a mediator, they will ask the Michigan Employment Relations Commission to select a mediator. Once selected, the mediator will be charged with assessing and making recommendations regarding changes in the employment conditions of the unionized employees to assist with the existing financial challenge, and publish said recommendations. The City will not impose any changes in employment conditions, or modify any existing union contract language, unless mutually agreed upon with the applicable union.

City Council may adopt an ordinance that codifies this section within 180 days of voter approval of this Charter.

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 13. COMMUNITY BENEFIT AGREEMENTS**

**Sec. 9-1301. Community Benefit Agreements.**

This section shall apply to all Community Benefit Agreements and related ordinances. This section applies to all development projects that meet the following requirements:

1. The project's investment is \$50 million or greater in value; and
2. The project involves the transfer of City property for \$1 million or greater irrespective of its market value or existence of open bidding; or
3. The City has issued a tax abatement, tax increment financing or other tax breaks that abate more than \$1,000,000.00 of City taxes over the term of the abatement that inure to the benefit of the developer.

City Council may adopt any provision in this section by ordinance.

**A. Neighborhood Advisory Councils**

Prior to City Council approval of a development project under any community benefits ordinance, the City shall announce a Neighborhood Advisory Council meeting on the City's website and in all places where City public notices are typically posted. The notice shall describe in detail the specific development project, including its location and proposed development.

Neighborhood Advisory Council members, all of whom shall be residents, shall be selected as set forth below and residents within one mile of the development project will receive priority in selection. Any person who is an agent, employee, or official of the Developer may not serve on the Neighborhood Advisory Council.

#### **Selection Process**

1. Three Detroit residents who reside within one mile of the development project shall be elected at the first meeting of the Neighborhood Advisory Council.
2. The Mayor, with approval of City Council, shall appoint a member to the Neighborhood Advisory Council who is a representative of a labor union whose members perform a skilled trade that will be utilized to construct the development project.
3. The Mayor, with approval of City Council, shall appoint a member to the Neighborhood Advisory Council who is a representative of a labor union whose members perform a skilled trade that will be utilized to provide services within the development project following construction.
4. The Mayor and City Council shall each appoint one member.
5. One (1) member from the development area representing the disability community and one member from the development area representing the faith-based community, shall be appointed by the Neighborhood Advisory Council.

Within seventy-two (72) hours of the establishment of the Neighborhood Advisory Council, it shall be provided documents concerning the development project that have been submitted to the City of Detroit. The documents shall include, but not be limited to, all development agreements, developer RFP response, projected revenue, all renderings, economic analysis, environmental studies, documents related to brownfield studies and other documents used by the City in approving, monitoring and completing the development project or those requested by the Neighborhood Advisory Council. If the Neighborhood Advisory Council is not in receipt of such documents within the required time frame, or is denied access to such documents, then the City Council may issue a subpoena for such documents and Corporation shall pursue its enforcement powers under this Charter on behalf of the Neighborhood Advisory Council.

#### **B. Neighborhood Advisory Council Meeting with Developer**

At least five (5) Neighborhood Advisory Council meetings with the Developer shall take place. These meetings are to be noticed in accordance with the Open Meetings Act and posted on the City's website. Funding shall be provided to support such community outreach efforts, including fliers, online presence and community meeting space.

The Neighborhood Advisory Council and Developer shall discuss community benefit provisions that the Developer will provide, which shall include how the Developer will assist with mitigation of potential negative impacts of the development project, housing affordability, gentrification, displacement, transportation, environmental contamination, environmental justice, racial

disparities, economic inequality, poverty, and the fiscal impact of the development. This discussion shall include an analysis of the impact that low-wage jobs created by the development project may have on the demand for taxpayer-supported public assistance and City services.

The Neighborhood Advisory Council and Developer meetings will result in a Community Benefits Report, which shall outline the items the Developer will provide to the community and its residents. This Report shall identify the financial value of the community benefit provisions. The Report shall also reference the ability to file a claim with the Auditor General for failure to comply with the Report's provisions. The Community Benefits Report and a summary of the development project shall be conspicuously posted on the City website upon completion.

The development threshold for Tier 2 developments shall be \$300,000.

## **ARTICLE 9.**

### **MISCELLANEOUS PROVISIONS**

#### **CHAPTER 14. COMPENSATION EQUITY**

##### **Sec. 9-1401. Compensation Equity Program.**

To the extent allowed by law, within three hundred sixty (360) days of adoption of this Charter, City Council shall pass an ordinance that implements a program, process and guidelines for compensation equity that is intended to reduce the wage earner disparity between employees, such that no employee's wage shall be less than six times the highest wage provided to the highest wage earner performing similar functions or in compatible positions across the City's workforce.

The ordinance will adopt the aforementioned ratio between the highest and lowest paid full-time employees and annually publish the ratio as part of the official compensation schedule for the City of Detroit. The ordinance shall also establish the groupings of compatible positions that will be used to assess compensation equity. The ordinance may address other areas deemed necessary to effectuate the intent of this section.

Any compensation changes resulting from the aforementioned program will only apply to the City of Detroit's unionized employees pursuant to applicable bargaining. Compensation changes may apply to non-unionized employees upon implementation.

##### **Sec. 9-1402. Compensation Equity Report.**

The Mayor shall prepare an annual Compensation Equity Report of city employees and officials. The purpose of the report shall be to profile the nature, extent and remedies for compensation inequities. The report shall set forth the current compensation disparities among employees, describe efforts taken to address the disparities, list year-over-year changes in compensation disparities and provide other relevant information regarding compensation equity.

# **ARTICLE 9.**

## **MISCELLANEOUS PROVISIONS**

### **CHAPTER 15. CHARTER COMMISSION**

#### **Sec. 9-1501. Charter Revision Commission.**

In accordance with the Home Rule City Act, the legislative body of the City of Detroit shall adequately fund any Detroit Charter Revision Commission established pursuant to state law. Such funding shall be no less than an amount to cover Commission expenses. Expenses shall include, but are not limited to, Commissioner stipends, lease of office space, city-wide community meetings and mailings, publication of proposed charters, engaging and compensating staff, which may include, but is not limited to, an Executive Director, Administrative Assistants, Researchers and General Counsel. Funding amounts shall be commensurate with similarly situated positions and expenses of the City of Detroit. Although an independent statutorily created body, at its discretion and upon its request the Charter Revision Commission may avail itself of city services, resources and support that are necessary to fulfill its statutory obligations.

Both City Council and the Mayor shall each appoint a liaison from the legislative and executive branches of government, respectively, to coordinate with the Charter Revision Commission in acquiring the information necessary to complete its work, including access to city employees, contractors, departments, agencies, boards and commissions. All branches and units of city government, commissions, authority and boards that receive requests from the Charter Revision Commission to submit proposed revision shall submit the request to each department, office or agency under its control and supervision and request that they provide any required revisions related to their function or certify in writing to the Charter Revision Commission that no revisions are necessary. Each branch and unit of city government, commission, board, authority or agency that receives proposed charter revisions from the Charter Revision Commission for comment and input shall timely provide it.

All meetings of the Charter Revision Commission shall be video recorded and produced by the City of Detroit for later broadcast on any city owned television stations and archived on its website for repeat viewing. Meeting schedules may be publicized on any city media or communication system as requested.

The City of Detroit shall provide disability accommodations for all public meetings of the Charter Revision Commission, including interpreters for the hearing impaired and braille version of publically available documents, as requested.

Nothing herein is intended to limit any legal rights or obligations of the Charter Revision Commission or City of Detroit.

## **ARTICLE 10. COURTS**

### **Sec. 10-101. Courts.**

The organization, powers, procedures and practices of the courts with jurisdiction for cases involving violations of this Charter or city penal ordinances shall be as provided by this Charter or ordinance, in accordance with state law.

The City may make appropriations for the operation of any court where it is in the city's interest to do so and shall dispose of revenues resulting from the collection of fines in accordance with law.

## **ARTICLE 11. RETIREMENT PLANS**

### **Sec. 11-101. City's Duties.**

1. The City shall provide, by ordinance, for the establishment and maintenance of retirement plan coverage for city employees.
2. Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and that funding shall not be used for financing unfunded accrued liabilities.
3. The accrued financial benefits of active and retired city employees, being contractual obligations of the city, shall in no event be diminished or impaired.

### **Sec. 11-102. Continuation of Existing Plans.**

The retirement plans of the city existing when this Charter takes effect, including the existing governing bodies for administering those plans, the benefit schedules for those plans and the terms for accruing rights to and receiving benefits under those plans shall, in all respects, continue in existence exactly as before unless changed by this Charter or an ordinance adopted in accordance with this article.

### **Sec. 11-103. Principles Applicable In Administering Plans.**

Not more than two (2) governing bodies for administering the city's retirement plans may be established, whose membership is set forth in this section, subject to applicable law.

1. The Board of Trustees of the General Retirement System shall consist of:
  - a. The Mayor;
  - b. A City Council member selected by that body;
  - c. The City Treasurer;

- d. Five (5) members of the retirement system, to be elected by the members of the retirement system under rules and regulations as may be adopted by the Board; except that not more than one (1) trustee shall be elected from any department;
  - e. A citizen of the City who is neither an employee of the city nor eligible to receive benefits under the retirement system, appointed by the Mayor, subject to approval of the Board; and
  - f. One (1) retirant, receiving benefits under the retirement system and elected by retired city employees under procedures established by ordinance.
2. The Board of Trustees of the police and fire retirement system shall consist of:
- a. The Mayor or in the absence of the Mayor, a designee;
  - b. A City Council member selected by that body;
  - c. The City Treasurer;
  - d. The Chief of Police;
  - e. The Fire Commissioner;
  - f. Three (3) firefighters who are members of the retirement system elected by the firefighter members under the rules and regulations as may be adopted by the Board. Trustees shall be:
    - (1) Two (2) to be elected by and from members holding the rank of lieutenant (or equivalent) and lower ranks.
    - (2) One (1) to be elected by and from members holding a rank above lieutenant (or equivalent);
  - g. Three (3) police officers who are members of the retirement system elected by police officer members under the rules and regulations as may be adopted by the board. Trustees shall be:
    - (1) Two (2) to be elected by and from members holding the rank of lieutenant (or equivalent) and lower ranks.
    - (2) One (1) to be elected by and from members holding a rank above lieutenant (or equivalent); and
  - h. Two retirants, receiving benefits under the retirement system, who shall be residents of the city, one elected by retired firefighters and one elected by retired police officers under procedures established by ordinance.

Staff services required by a governing body shall be provided as determined by the Finance Director.

#### **Sec. 11-104. Information Required Before Benefit Increase.**

Before final action on any proposed change in future retirement benefits is taken, the City Council shall obtain a report as to the immediate and long-term costs of the change from an independent actuary of its choosing and may not take final action until at least three (3) months after the report of the actuary is made public at a meeting of the City Council.

#### **Sec. 11-105. Audits.**

The Board of Trustees for the city retirement plans shall contract for annual independent audits.

## **ARTICLE 12.**

### **INITIATIVE and REFERENDUM**

#### **Sec. 12-101. Initiative and Referendum.**

The voters of the city reserve the power to enact city ordinances, call the “initiative”, and the power to nullify ordinances, enacted by the city, called the “referendum”. However, these powers do not extend to the budget or any ordinance for the appropriation of money; the referendum power does not extend to any emergency ordinance.

The initiative and the referendum may be invoked by petition as provided in this chapter.

#### **Sec. 12-102. Petitions.**

Initiative and referendum petitions must be signed by voters of the City, not less in number than three percent (3%) of all votes cast for the office of Mayor at the preceding regular city general election.

Petitions shall set forth in full, the measure to be initiated or referred, as well as a brief statement of its substance. If the measure is submitted to the voters, that brief statement shall appear on the official ballot.

Signers of the petitions shall be voters of the City. Each signer shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition paper shall contain a sworn affidavit of the circulator stating the number of signers on each petition paper; that each signature is, to the knowledge of the circulator, the genuine signature of the person whose name it purports to be; and that it was affixed in the presence of the circulator.

#### **Sec. 12-103. Time of Filing.**

An initiative petition must be filed with the City Clerk not less than one hundred and forty (140) days before the election at which it is to be voted on.

A referendum petition must be filed with the City Clerk before the ordinance on which the referendum is sought, takes effect or, where the ordinance is given immediate effect, within thirty (30) days after its effective date.

#### **Sec. 12-104. Filing and Canvass of Petitions.**

Petitions to adopt or rescind an ordinance shall be filed with the Office of the City Clerk. The City Clerk shall verify the number of petitions that were filed and transmit petitions to the Department of Elections for a canvass of the petitions. Within ten (10) days of receipt, the Department of Elections shall canvass the signatures thereon to determine their sufficiency and make a report of the result to the City Council. Any signature on an initiative petition obtained more than six (6) months before the filing of the petition with the Office of the City Clerk shall not be counted.

#### **Sec. 12-105. Insufficient Petitions.**

If the Clerk’s canvass discloses that the number of signatures on petitions for any initiative or referendum is insufficient, additional petitions may be filed within fifteen (15) days after the Clerk’s determination.

When this fifteen (15) day period has expired, the Clerk shall again canvass the signatures on the petitions filed to determine their sufficiency and make a report of the result.

#### **Sec. 12-106. Suspension of Ordinance.**

Where a referendum on an ordinance has been invoked under section 12-103, the effect of the ordinance shall be delayed or suspended until the City Clerk has made a final report that the referendum petitions are insufficient or, if the referendum petitions are sufficient, until the voters of the City have expressed their support for the ordinance in the referendum election.

#### **Sec. 12-107. Time Limit for Enactment or Repeal of Ordinance.**

Upon the report of the Department of Elections that the initiative or referendum petitions are sufficient, and filed within the time limits provided by this Charter, the City may within sixty (60) days:

1. In the case of an initiative petition, enact the ordinance, which is proposed by the petition, in accordance with Section 4-115, 4-117, 4-118 of this Charter; or
2. In the case of referendum petition, repeal the ordinance, which is set out in the petition, in accordance with Section 4-115, 4-117, 4-118 of this Charter.

#### **Sec. 12-108. Submission to Election Commission and Voters.**

If the City fails to enact or repeal the ordinance in accordance with Section 12-107 of this Charter, the City Council shall forward the proposed initiative or referendum petition to the Election Commission. The Election Commission shall make a determination as to whether the question can lawfully be placed on the ballot and report their conclusions to the City Council. If there is no legal impediment to placing the measure on the ballot, the Election Commission shall place the question on the ballot and submit the measure to the voters in accordance with the applicable requirements of Michigan Election Law, MCL 168.1, et seq.

If a measure must be submitted to the voters, it shall be submitted:

1. In the case of an initiative or referendum, at the next election in the city, or, in the discretion of the City Council, at a special election, subject to applicable provisions of the Michigan Election Law, MCL 168.1, et seq.

Except as otherwise required by law, the result of any initiative or referendum election shall be determined by a majority of the voters voting on the question.

#### **Sec. 12-109. Amendment, Repeal and Re-Enactment.**

An ordinance adopted by the voters through initiative proceedings may not be amended or repealed by the city for a period of twelve (12) months after the date of the election at which it was adopted, and an ordinance nullified by the voters through referendum proceedings may not be re-enacted by the city for a period of twelve (12) months after the election at which it was defeated.

#### **Sec. 12-110. Submission by Council.**

The City Council may, on its own motion, submit any proposed ordinance or any proposal for the repeal or amendment of any ordinance to the voters in the manner and with the effect provided in this chapter for submission of proposals initiated by petition.

**Sec. 12-111. Similar or Conflicting Measures.**

If two (2) or more initiative or referendum measures submitted to the voters of the City shall have conflicting provisions, or attempt to accomplish the same object, and more than one (1) of these measures is approved by the voters, the measure receiving the highest number of affirmative votes shall prevail to the extent of their inconsistency.

**Sec. 12-112. Repeal or Amendment of Ordinance in Effect.**

The voters of the City may invoke the initiative power to repeal or amend an existing ordinance.

## **ARTICLE 13. WAGE and STANDARD BOARDS**

**Sec. 13-101. Wage and Standard Board.**

The citizens of the City of Detroit are committed to using the resources and power of city government to support, maintain and encourage local industries and jobs that sustain families and communities within the City of Detroit. Facilitating a collaborative approach to decision making across multiple industry sectors and policy areas is believed to yield equitable and sustainable public and private employment policies and opportunities. The creation of Wage and Standards Boards for industry sectors operating with the City of Detroit is a means to achieve this important end.

**Sec. 13-102. Establishment of Wage and Standard Boards.**

The City Council shall establish Wage and Standard Boards for the various industry sectors that operate within the City of Detroit and assign the necessary resources and commit the required funds to oversee the creation and operation the Boards.

Interest groups that represent or advocate on behalf of workers may formally petition in writing the City Council for the creation of a specific industry sector Wage and Standard Board. City Council may also initiate the creation of a specific Wage and Standard Board.

Within forty-five (45) days of receiving an interest or advocacy groups written petition to establish a particular Wage and Stand Board, City Council shall convene a hearing on the petition. At least ten (10) days after the hearing a decision shall be made regarding the establishment of the petitioners Wage and Standards Board.

**Section. 13-103. Composition; Selection of Members; Terms; Vacancies; Removal.**

Each Wage and Standards Board shall consist of nine (9) members. Eight (8) members shall be appointed by City Council and one (1) member by the Mayor, as follows:

1. Interest groups with workers as members in the relevant industry sector, or which advocate for workers in that sector, shall nominate candidates to City Council to serve on the board. Three (3) qualified candidates shall be appointed to serve on the board in accordance with a selection and qualification process established by City Council.
2. Interest groups with employers as member in the relevant industry sector, or which advocate on behalf of employers in that industry sector, shall nominate candidates to City Council to serve on the board. Three (3) qualified candidates shall be appointed to serve on the board in accordance with a selection and qualification process established by City Council.
3. City Council shall appoint one (1) member to serve on the board.
4. The Mayor shall appoint one (1) member to serve on the board.
5. A majority of leaders for each established and operational Citizen Advisory Council shall nominate candidates to City Council to serve on the board. One (1) qualified candidate shall be appointed to serve on the board in accordance with a selection and qualification process established by City Council.

Members shall serve a term of 4 years and any vacancy shall be filled in the same manner as the initial appointment. The power to remove members is vested in the appointing authority.

#### **Sec. 13-104. Duties and Powers of Boards.**

##### **Duties**

1. Each board shall establish proposed wages, employment conditions and operational standards for workers in their respective industry sector.
2. Board shall consult with employers, employees and experts in their industry sector in the development of proposed wages, employment conditions and operational standards for workers in their respective industry sector.
3. Boards shall prepare a report of recommendations of wages, employment conditions and operational standards for various job titles in their respective industry sector for submission to City Council for review and approval. A copy shall also be concurrently provided to the Mayor.
4. Prepare other industry related reports and studies as requested by City Council or the Mayor.
5. Boards shall measure and report to City Council and the Mayor whether Detroit businesses within the industry sector are meeting the recommended wages, conditions and standards.
6. Boards shall have other such duties as assigned by City Council.

##### **Powers**

1. Boards may conduct hearings, subject to the Michigan Open Meeting Act.

2. **Boards may administer oaths and require by subpoena the attendance and testimony of witnesses and production of books, records and other evidence relative to any matter under inquiry.**
3. **Boards shall have other such powers as conferred by City Council.**

**Sec. 13-105. Report of Recommendations.**

**All report or studies referenced in this Article or requested by City Council or the Mayor shall be made public in written and electronic form.**

**City Council and the Mayor shall receive and consider all recommendations from the Boards and determine if the City of Detroit should adopt any of the recommendations for businesses operating in the City of Detroit, with whom it does business or provides tax or other public incentives, to the extent permitted by law. City Council shall make its determination at a session of the City Council within forty-five (45) days of receiving the recommendations, which shall thereafter be published on the website of the City of Detroit. The Mayor shall make the determination in writing within forty-five (45) days of receiving the recommendations, file a copy of the determination with the City Clerk and place it on the official record of City Council. Determinations by City Council and the Mayor shall explicitly state the reasons why each recommendation should or should not be adopted, including for financial, policy or other reasons.**

## **ARTICLE 14**

### **13**

## **SCHEDULE**

**Sec. 4314-101. Effect on Existing City Legislation.**

**All ordinances and resolutions of the City and all orders, rules and regulations made by any officer or agency of the City which are not inconsistent with this Charter shall remain in effect, until changed by action taken under this Charter.**

**The Corporation Counsel shall, within six (6) months after the effective date of this Charter, recommend to the City Council such changes as may be necessary to make the provisions of the 1997 Charter which have been continued in force as well as existing ordinances, resolutions, orders, rules, and regulations consistent with this Charter.**

**Sec. 4314-102. Continuation of Public and Private Rights.**

**All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing when this Charter takes effect shall continue unaffected except as modified in accordance with this Charter.**

**Sec. 4314-103. Rights of Officers and Employees.**

No provision of this Charter shall affect or impair the rights or privileges of city officers or employees existing when this Charter takes effect with respect to appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, or the civil rights or privileges of city officers or employees.

Any person who, at the time this Charter takes effect, holds a position in city government from which he or she could have been removed only for cause or under the rules of the Civil Service Commission, may not be removed under this Charter unless:

1. Cause for the removal is established in proceedings before the Civil Service Commission;
2. The person is transferred to another position in city government and is assured of salary and benefits at least as favorable as would have been earned by service in the position from which transferred until mandatory retirement age is reached; or
3. A mutually agreeable settlement is made by the City with the person discharging all rights against the City which the person may assert.

**Sec. 4314-104. Effective Date.**

Except as otherwise provided, this Charter shall become effective **upon adoption by a vote of the Electorate** ~~on January 1, 2012.~~

**Sec. 4314-105. Employees Benefit Plan.**

The governing provisions of the City of Detroit employees benefit plan may be changed by ordinance. However, the benefits provided by the City of Detroit employees benefit plan may be amended by resolution of the Detroit City Council.

The governing body of the employees benefit plan shall be the General Retirement System Board of Trustees, except the civilian member.

**Sec. 4314-106. Condemnation.**

The procedures for the exercise of the City's power of eminent domain existing when this Charter takes effect shall remain in effect until changed by ordinance.

**Sec. 4314-107. Fire and Police Pension Committees.**

The provisions of the 1974 Charter relating to the Fire Department Pension Committee and the Police Department Pension Committee, existing when this Charter takes effect, shall in all respects continue in existence exactly as before until changed by ordinance.

**Sec. 4314-108. Police Fund.**

The Police Commissioner's power under the 1974 Charter shall in all respects continue in existence exactly as before until changed by ordinance.

#### **Sec. 4314-109. Initial Appointments; Vacancies.**

Notwithstanding any provision of this Charter, the first appointments after the effective date of this Charter to the vacant positions on any multi-member body may be for varying terms less than the length prescribed by this Charter in order that thereafter not more than the specified number of terms will expire in any year.

The term of a member serving a fixed term of office on any multi-member body when this Charter takes effect shall expire at the end of the fixed term, unless otherwise indicated in this Charter. Appointments to vacancies arising on the multi-member bodies shall then be made in accordance with the provisions in this Charter.

***All vacancies and openings for City of Detroit boards and commissions established within the Charter, or created pursuant to a power granted under the law or City Charter, shall be conspicuously posted on the City of Detroit's website or equivalent electronic medium within three (3) days of the vacancy or opening and at least two weeks prior to filling the position. The postings are to contain nomination or application details for the board or commission, and a copy of application or nomination materials, if applicable.***

#### **Sec. 4314-110. General Provision.**

If any question concerning transition from the ~~1997~~ **2012** Charter to this Charter (for which this Charter has not provided) arises, the City may provide for a resolution of the question by ordinance.

#### **Sec. 4314-111. Submission of the Charter.**

This Charter shall be submitted for adoption at the general election to be held **August 3, 2021** ~~November 8, 2014~~, in the manner and with the effect prescribed by state law as follows:

Proposal C - Proposal to Adopt a New City Charter.

Shall the City of Detroit Home Rule Charter proposed by the Detroit Charter Revision Commission be adopted?

Yes  
No