

## MEMORANDUM

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**TO:** Mike Duggan, Mayor  
City of Detroit

Lawrence Garcia, Corporation Counsel  
City of Detroit

**CC:** Honorable Colleagues  
Janice Winfrey, City Clerk  
Avery Peeples, City Council Liaison  
Boysie Jackson, Director, Office of Contracting and Procurement

**FROM:** Council President Brenda Jones 

**DATE:** February 8, 2021

**RE:** Administrative Interference with Legislative Oversight & Investigative Powers

The Detroit City Council is an oversight body tasked with ensuring accountability, transparency, and fiscal responsibility. Therefore, any questions submitted by myself or my colleagues are in adherence to that responsibility. Prior to the vote on any contract, resolution, ordinance, or other item submitted to the legislative body for consideration, the Detroit City Council consistently submits various questions and concerns. Some of those questions have responses that are readily available, and others must be researched or requested from other entities. It is not uncharacteristic for the City Council to submit questions where the responses require additional follow up regarding the implementation of the contract, resolution, ordinance, or other item submitted to the legislative body for consideration.

Recently, the Demolition Department submitted over 20 contracts in excess of \$30,000,000 for consideration to the Detroit City Council. During the meeting, Chief Procurement Officer Boysie Jackson provided precise employment statistics for various contractors. These contracts are currently being held as a result of further legislative review.

However, on February 9, 2021, for the first time in over a year, the Office of Contracting and Procurement declined to respond to questions related to the hiring and recruitment of Detroit residents and businesses on City contracts. This failure to respond is as a result of a privileged and confidential report submitted by the Law Department entitled "City Council's ability to delay voting on city contracts until the CPO complies with legislatively imposed directives."

In addition to the Proposal N contracts, there are numerous other contracts, such as the city golf course management contracts, that were held to evaluate operations, effectiveness, and efficiencies to ensure that contract actions taken by departments are in the best interest of the City of Detroit. Therefore, the submission of questions and departmental evaluation have long standing historic roots in the legislative review of city contracts. The utilization of a legal loophole to prevent the disclosure of employment information for city contracts poses a concern with transparency and accountability related to how City of Detroit contract dollars are spent.

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COUNCIL PRESIDENT BRENDA JONES

Additionally, as laid out in the Procurement Ordinance, contractors receiving Detroit Based Business certifications are required to submit employment statistics. Therefore, at minimum, the Office of Contracting and Procurement has access to employment statistics for Detroit certified companies. Furthermore, the Office of Contracting and Procurement refers contractors to the Detroit Employment Solutions Corporation, therefore a report on the status of those interactions should be readily available with additional follow up from the Detroit Employment Solutions Corporation. Finally, the Office of Contracting and Procurement provides bid tabulation reports to the Legislative Policy Division and, thus, those documents are readily available for submission when requested. Failure to provide responses or documents is a conscious effort to prevent transparency.

The Detroit City Council has a duty to ensure that those dollars are spent efficiently, effectively and in the best interest of the residents of the City of Detroit. Each member of the Detroit City Council is granted that decision when they vote and utilize questions and responses to assist in making that important decision.

The Mayor's Office and the Law Department are utilizing the City of Detroit Charter to arbitrarily decide when the Office of Contracting and Procurement and various other city departments will divulge information. This establishes a dangerous precedent and poses a serious threat to the long-term transparency and accountability related to how City of Detroit tax, grant and community benefit dollars are spent.

Per the City Charter, my colleagues and I are allotted investigative powers to serve as the checks and balances related to actions taken by the Mayor, his appointees and city departments. In addition to the current failure to respond to questions and concerns related to City of Detroit contracts, various city departments also have failed to respond to questions and concerns in a timely manner in order to ensure effective and efficient legislative review.

The Law Department has submitted a privileged and confidential opinion that severely threatens the transparency and integrity between the Administration and the taxpaying residents of this City. It is my intent to ensure that Detroit residents have a clear understanding of how their tax, grant and community benefit dollars are spent and to make certain that Detroiters are the priority on City of Detroit contracts. As a result of the Law Department opinion, many of my questions related to hiring and employment are outstanding and unanswered for the first time in over a year. Some questions are not relative to hiring and employment, but are related to information that is available to be provided to this body for transparency. However, the Administration has chosen not to respond to questions and concerns. I am extremely disappointed in the actions taken to negatively impact the legislative review process. Additionally, I am concerned with the impact of these actions on the transparency, accountability and oversight for future City Councils.

I caution the Administration against these actions and urge my colleagues to take a critical review on the actions being taken to weaken the investigative powers of the Detroit City Council. In order to ensure transparency and accountability, I will be submitting a resolution waiving privilege on this memorandum.

My office has tried continuously to work to address the issues of Detroit residents and businesses being priorities on City of Detroit contracts. It is my hope that we can work collaboratively to draft legislation and create policies that ensure long term reporting, recruitment and hiring of Detroit residents on City of Detroit contracts, rather than establish an environment within the City of Detroit that lacks transparency, accountability, and collaboration.