

David Whitaker, Esq.  
Director  
Irvin Corley, Jr.  
Executive Policy Manager  
Marcell R. Todd, Jr.  
Director, City Planning Commission  
Janese Chapman  
Director, Historic Designation  
Advisory Board

John Alexander  
Roland Amarteifio  
Megha Bamola  
LaKisha Barclift, Esq.  
Nur Barre  
Paige Blessman  
M. Rory Bolger, Ph.D., FAICPF  
Eric Fazzini  
Christopher Gulock, AICP

# City of Detroit

## CITY COUNCIL

LEGISLATIVE POLICY DIVISION  
208 Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 224-4946 Fax: (313) 224-4336

Derrick Headd  
Marcel Hurt, Esq.  
Kimani Jeffrey  
Edward King  
Jamie Murphy  
Kim Newby  
Analine Powers, Ph.D.  
Laurie Anne Sabatini  
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Ashley A. Wilson

TO: The Honorable Detroit City Council

FROM: David Whitaker, Director   
Legislative Policy Division Staff

DATE: May 11, 2022

RE: **Reparations Task Force LPD Structure Proposal**

On May 2, 2022, Council President Sheffield requested that the Legislative Policy Division (LPD) provide specific recommendations for the process of interviewing, selecting and seating members of the Reparations Task Force authorized by voters in November 2021.

Council Members may recall that this is another in a series of LPD reports on this subject matter. It should be referenced at the outset that this report is strictly limited to structural composition of the task force. Interested Council Members, media and members of the general public are referred to previous LPD reports readily available on the City web site or by request, among many available sources of information, which address many substantive issues in the reparations debates, but are necessarily outside the focused scope of this report.

### Overview

LPD has been tasked with proposing a structure for approval by City Council.

Since summer 2020 this work has been coordinated by an *ad hoc* group of Council President's staff, LPD, and community advocates of reparations. LPD's structural proposal has been informed by informal discussions among the participants in this process, and is further reflected in LPD's previous research on this topic: [Models for Structure of Detroit Reparations Task Force](#) (January 2022). In April 2022 LPD [reported](#) the results of Council's survey of public opinion on selected structural and task force composition issues, which also inform this proposal.

LPD's proposal has three basic parts: 1) City Council actions; 2) qualifications for members of the task force; and 3) task force functioning.

### **City Council Actions**

Consistent with the simplest and therefore in many ways clearest and most practical model previously discussed, applied by California (as AB 3121 on 9/30/20) at the state level, **City Council could pass an ordinance providing clear and specific scope of authority for the Reparations Task Force.**<sup>1</sup>

Under the terms of the attached ordinance, Council President would officially appoint an executive committee consisting of a chair and the three (3) of the *ad hoc* working coordinators of this process to this point, in order to provide continuity. City Council Members would each nominate two (2) additional members. Those 18 nominees, but not the executive committee, would be interviewed in Council's Internal Operations Committee in conformity with the procedures used for other appointments, and the top nine (9) selected by vote of the City Council Committee of the Whole. The resulting thirteen (13) person task force would then be charged with the responsibilities specified in the proposed ordinance.

The rationale for this proposal is its practicality, clarity and simplicity. City Council's authority to enact ordinances is in general the body acting in its most clear, direct and legally binding way (as opposed to, for example a resolution). That is appropriate for this broad and historic subject of reparations. The relatively straightforward, authoritative mandate of an ordinance is offered as a key element for an effective task force. The attached ordinance itself then spells out the Reparations Task Force's responsibilities for clarity.

### **Qualifications for Members of the Task Force**

The simplest way to concisely advance what could easily become a very time-consuming debate over many issues raised by reparations in terms of qualifications, process, diversity of representation and other issues, would be to delegate the choice of 18 nominees to each individual Council Member (2 each), and ultimately the selection of the 9 members at large of the Task Force by votes of Council as a whole, similar to the way other multi-member boards and commissions have been appointed by Council. Council Members could nominate themselves, if they choose to participate in this historic work. Each Council Member would presumably vote for 9 candidates on the first round, the top vote getters being confirmed, and then smaller numbers of votes and re-votes cast in subsequent rounds, if necessary, until the top

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<sup>1</sup> A draft ordinance is attached. In discussing it, while modifications are foreseeable, the need for considering the collective effect of all proposed modifications on the proposal needs to be considered, in light of the effects on the task force proposal as a whole. Unintended effects of some changes must be considered, in what is clearly a controversial subject area. It is not that the draft ordinance should not be revised; it should be. But revisions should reflect the consensus of Council Members and the working group moving this forward to establishment of the task force, or else be prepared to make further modifications that may be required for consistency and workability in the interests of the Reparations Task Force and the outcome of its work.

9 candidates are collectively selected by having received more support from City Council as a whole than the others throughout the process.<sup>2</sup>

Although it is simplest to leave the criteria for Task Force members' nomination up to City Council, the input from the survey gave clear support to residents who are directly affected, historians, community activists, legal professionals, housing experts, and an otherwise qualified, experienced and trusted cross-section of our community. There was an unsurprising preference for Detroit residents, as well as an expressed support for a non-resident with particularly valuable expertise. Such diverse and informed public input was solicited, not as binding, statistically significant or scientific, but to inform a robust public discussion (to which this report itself is another contribution).

### **Task Force Functioning**

Consistent with the noted themes of practicality, clarity and simplicity, the Reparations Task Force selected by the above procedures, as stated in the attached proposed ordinance, would then be charged with the work of making recommendations in the fields of development and housing for reparations, a major substantive debate that is beyond the scope of this report. Other issues like budget, defining reparations and beneficiaries, retention of outside contractor(s) (if any), and staffing the task force also await further discussion pursuant to the attached ordinance, if this proposal is adopted, or by whatever modifications Council may agree on.

LPD recommends an eighteen month time frame from the date the task force is seated until it will issue its report and recommendations, whatever they may ultimately be. June 1, 2022 through December 31, 2023 is a suggested rough time line for the Reparations Task Force to do its work.

Council may wish to provide the attached draft ordinance to the Law Department for review, and LPD looks forward to working with them to establish, and presumably to help staff, the task force, if that is Council's desire.

If we can be of further assistance regarding these issues, please feel free to call upon us and LPD will be glad to provide further research and analysis upon request.

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<sup>2</sup> The similarity to the way this Council selected its own leadership is noted, and is intentional.

## S U M M A R Y

AN ORDINANCE to amend Chapter \_\_\_ of the 2018 Detroit City Code, \_\_\_\_\_, by adding Article \_\_\_, titled *Reparations Task Force*, which consists of Sections \_\_\_ - \_\_\_ - \_\_\_ through \_\_\_ - \_\_\_ - \_\_\_, to establish and select the Detroit Reparations Task Force and provide for its functioning; that the Reparations Task Force will be funded by the City, and to provide for the work of the Reparations Task Force, as authorized by Detroit electors in November 2021.

1 **BY COUNCIL PRESIDENT SHEFFIELD:**

2 **AN ORDINANCE** to amend Chapter \_\_ of the 2018 Detroit City Code, \_\_\_\_\_, by  
3 adding Article \_\_\_, titled *Reparations Task Force*, which consists of Sections \_\_-\_\_-\_\_ through  
4 \_\_-\_\_-\_\_, to establish and select the Detroit Reparations Task Force and provide for its  
5 functioning; that the Reparations Task Force will be funded by the City, and to provide for the  
6 work of the Reparations Task Force, as authorized by Detroit electors in November 2021.

7 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

8 **Section 1.** Chapter \_\_ of the 2018 Detroit City Code, \_\_\_\_\_, is amended  
9 by adding Article \_\_\_, *Reparations Task Force*, which consists of Sections \_\_-\_\_-\_\_ through \_\_-  
10 \_\_-\_\_, to read as follows:

11 **CHAPTER .**

12 **ARTICLE . Reparations Task Force**

13 **Sec. - - . REPARATIONS TASK FORCE.**

14  
15 The Detroit City Council makes the following findings and declarations:  
16

17 Reparations for centuries of Black Americans’ enslavement, and subsequent second-class  
18 citizenship rooted in structural racism and discrimination, are a long-overdue recognition that  
19 Blacks face unfair and unequal conditions, created within public and private sectors, and  
20 reproduced over time and place. Reparations are intended as a way to overcome the reluctance to  
21 take action to cure these systemic ills, and to help create true equality; and  
22

23 The Reparations Task Force is established to help further exploration of the feasibility and ability  
24 of the City of Detroit to create processes, develop, and implement community reparations for mass-  
25 historic unjust treatment of Detroit’s majority Black population by making recommendations for  
26 housing and economic development programs that address historical discrimination against the  
27 Black community in Detroit; and  
28

29 The Detroit City Council strongly supports reparations for centuries of human enslavement and  
30 post-emancipation systemic discrimination and racism; reparations have been prominent among  
31 protestors’ demands during historic demonstrations in the wake of the George Floyd killing in  
32 2021, which at least temporarily shifted racial attitudes and relations among many Americans; and  
33

34 The Reparations Task Force shall have full authority pursuant to law to develop comprehensive  
35 recommendations for a strong and sufficient US federal government program funding commitment  
36 to reparations, funding programs that should be democratically administered at the local level for  
37 the benefit of Detroit’s Black community applying a racial equity framework, including without  
38 restriction or limitation such popular social initiatives as shall be necessary and appropriate to  
39 support this core Detroit population’s needs and capacities for protection, enforcement and  
40 fulfillment of all their human rights, including:

- 41
- 42 a. Right to Water and Sanitation
- 43
- 44 b. Right to Environmental Health
- 45
- 46 c. Right to Safety
- 47
- 48 d. Right to Live Free from Discrimination, including people with disability and immigrants
- 49
- 50 e. Right to Recreation
- 51
- 52 f. Right to Access and Mobility
- 53
- 54 g. Right to Housing
- 55
- 56 h. Right to the Fulfillment of Basic Needs; and
- 57

58 Pursuant to City Council’s Charter-mandated powers of investigation, legislation, oversight and  
59 comprehensive responsibility for City affairs, City Charter Sec 4-109, the above public policy  
60 priorities for a human-rights based economic reparations system should be pursued vigorously and  
61 locally in Detroit by establishment of the Reparations Task Force to make appropriate  
62 recommendations regarding environmental justice, sustainability, a dedicated and adequate public  
63 health fund, and the whole range of the City of Detroit’s local reparations initiatives; and

64

65 The Detroit City Council strongly supports reparations and a governmentally sponsored, citizen-  
66 led grassroots movement for reparations due Detroit’s Black community, and

67

68 The Detroit City Council calls on the State of Michigan and all its electors and communities to  
69 restore affirmative action in Michigan by amending the Michigan State Constitution to repeal Art.  
70 1, Sec 26, and replacing it with a robust pro-affirmative action and -reparations policy  
71 authorization.

72

73 **Sec. - - . Scope of Authority.**

74 The Reparations Task Force shall have full authority to make recommendations regarding  
75 reparations for the purposes set forth in this ordinance, including authority over its own  
76 proceedings, staff, and all matters pertaining to reparations.

77 **Sec. - - . Legal Representation.**

78 The City of Detroit Law Department shall provide legal representation to the Reparaions Task  
79 Force, pursuant to the Detroit City Charter.

80 **Sec. - - . Membership.**

81 Members of the Reparaions Task Force shall be determined as follows:

82 1. The Task Force shall consist of thirteen (13) members, appointed as follows:

83 a. A Four-Member Executive Committee shall be appointed by the City Council  
84 President; and

85 b. Nine (9) Members at large shall be appointed by the City Council as follows:

86 i. Each City Council Member may nominate up to two (2) additional  
87 members. Those 18 or fewer nominees shall be interviewed in  
88 Council's Internal Operations Committee, and the top nine (9) selected  
89 as members at large of the Reparation Task Force by vote of the City  
90 Council Committee as a whole.

91 **Sec. - - . Reporting.**

92 The Reparaions Task Force shall submit a written report of its findings and recommendations to  
93 the City Council no later than the date that is eighteen months the date of the first meeting of the  
94 Reparaions Task Force.

95 **Sec. - - . Funding**

96 The Reparaions Task Force shall be reasonably and adequately funded to perform its functions  
97 established by this ordinance by the City of Detroit, pursuant to the annual budget process. City  
98 Council, in consultation with the Mayor and the Chief Financial Officer, shall retain authority  
99 over the Reparaions Task Force's maximum budget.

100 **Sec. - - . Rules.**

101 The Reparations Task Force may promulgate such rules for its own operations as may be  
102 necessary to carry out the purposes of this ordinance.

103 This ordinance is hereby declared necessary to preserve the public peace, health, safety, and  
104 welfare of the People of the City of Detroit.

105 All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

106 In the event this ordinance is passed by two-thirds (2/3) majority of City Council Members serving,  
107 it shall be given immediate effect and become effective upon publication in accordance with  
108 Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed by less than a two-  
109 thirds (2/3) majority of City Council Members serving, it shall become effective on the thirtieth  
110 (30) day after enactment, or on the first business day thereafter, in accordance with Section 4-118  
111 of the 2012 Detroit City Charter.

Approved as to form:

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112 Corporation Counsel