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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: April 13, 2023

RE: **REPORT ON THE PROCESS TO MODIFY THE DETROIT CITY CHARTER**

Council Member Scott Benson requested the LPD provide a report on the process required to modify the City Charter in order to:

1. Decouple the City Clerk from City Council salaries.
2. Decouple the Ombudsman from the Auditor General salary.
3. Authorize the Board of Police Commissioners (BOPC) to receive a stipend or compensation for their work.

1. Decouple the City Clerk from City Council salaries.

Upon reviewing the City Charter, there does not appear to be any language coupling the salaries of the City Clerk and City Council. Therefore, as an elective official, the salary of the City Clerk should be determined by the Elected Officials Compensation Commission pursuant to Sec. 2-108.

2. Decouple the Ombudsman from the Auditor General salary.

Sec 7.5-404 of the City Charter explicitly provides that “[t]he salary of the Ombudsperson is equal to the salary of the Auditor General.” Therefore, decoupling the salaries of the Ombudsman and the Auditor General would require an amendment to the City Charter.

3. Authorize the Board of Police Commissioners (BOPC) to receive a stipend or compensation for their work.

Sec 7-802 of the City Charter provides:

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 reimbursement for parking, mileage and other reasonable expenses.

Therefore, providing compensation to the BOPC would also require an amendment to the City Charter.

4. Amending the Charter

The Home Rule City Act (HRCA) provides the process for amend provisions of a City Charter. Section 21 of the HRCA, MCL 117.21 states, in part:

(1) An amendment to an existing city charter, whether the charter was adopted under this act or formerly granted or passed by the legislature for the government of a city, may be proposed by the legislative body of a city on a 3/5 vote of the members-elect or by an initiatory petition. If the amendment is proposed by the legislative body of the city, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election, or at a special election, held not less than 60 days after the proposal of the amendment. If the amendment is proposed by an initiatory petition, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election held in the city not less than 90 days after the filing of the petition.

(2) Proposed charter amendments and other questions to be submitted to the electors shall be published in full with existing charter provisions that would be altered or abrogated by the proposed charter amendment or other question. The purpose of the proposed charter amendment or question shall be designated on the ballot in not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question. The text of the statement shall be submitted to the attorney general for approval as to compliance with this requirement before being printed. In addition, the proposed charter amendment in full shall be posted in a conspicuous place in each polling place. The form in which a proposed charter amendment or question shall appear on the ballot, unless provided for in the initiatory petition, shall be determined by resolution of the legislative body, and if provided for by the initiatory petition, the legislative body may add an explanatory caption.

(3) A proposed charter amendment shall be confined to 1 subject. If the subject of a charter amendment includes more than 1 related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each proposition. If a proposed charter amendment is rejected at an election, the amendment shall not be resubmitted for a period of 2 years.

Because the HRCA requires that each charter amendment “shall be confined to 1 subject,” the two charter amendments would have to be put before the voters separately. To submit the amendments to a vote in the November 7, 2023 city election, City Council would have to propose the amendments by September 8, 2023.

Please contact our office if you have any further questions.