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**TO:** Honorable City Council

**FROM:** David D. Whitaker, Director  
Legislative Policy Division 

**DATE:** January 12, 2024

**RE:** **Proposed Charter Amendment – One Year Post-Employment Prohibition**

Council Member Scott Benson requested the Legislative Policy Division to draft language to amend the 2012 Detroit City Charter. The proposed amendment would provide some exceptions to the City's one year post-employment prohibition. Under the current language, no former public servant may come before the City Council or any City department, agency, board, commission or body in connection with any matter the public servant was involved with within one year after the end of employment. LPD was requested to draft language that would provide exceptions for quasi-government entities created by the City and other governmental employment. The proposed language reads as follows:

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

1. Subject to state law and except for personal services 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.

2. 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.

This prohibition shall not apply to:

- a. Employment with other governmental entities such as but not limited to the State of Michigan, County of Wayne; or
- b. Employment with quasi-governmental entities created by the City of Detroit.

The Home Rule City Act, MCL 117.2, outlines the process by which the City's charter may be amended. The section provides in pertinent part:

Sec. 21. (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. (emphasis added)

Section 3-105 supports this and authorizes the City Council to put the proposal before the city's voters. The section indicates "The City Council may submit by resolution adopted not less than seventy (70) days before any election or special election, any proposal to voters of the city."

State election law provides further guidance that requires more days than indicated in the Charter as follows:

(2) **If a ballot question of a ... city...** is to be voted on at a regular election date or special election, the ballot wording of the ballot question must be certified to the proper local or county clerk not later than 4 p.m. on the twelfth Tuesday before the election. **If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 82 days before the election.** Petitions to place a county or local ballot question on the ballot at the election must be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk.

In the case of a City Council initiated petition, the proposed amendment must be filed with the Election Commission by the twelfth Tuesday before the election. Additionally, the Election Commission must certify the ballot wording at least 82 days prior to election.

In order for the charter amendment to be placed on the ballot it must be first approved by City Council by a 3/5 members election or presently 6 members. Then language must be approved by the State Attorney General. Thereafter, the ballot language has to be certified to the Election Commission by at least the twelfth Tuesday before the election.