


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
LaKisha Barclift, Esq.
Paige Blessman
M. Rory Bolger, Ph.D., FAICP
Lisa DiChiera
Eric Fazzini, AICP
Willene Green
Christopher Gulock, AICP
Derrick Headd

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

Marcel Hurt, Esq.
Kimani Jeffrey
Anthony W. L. Johnson
Phillip Keller, Esq.
Edward King
Kelsey Maas
Jamie Murphy
Latawn Oden
Analine Powers, Ph.D.
W. Akilah Redmond
Rebecca Savage
Sabrina Shockley
Renee Short
Floyd Stanley
Thomas Stephens, Esq.
Timarie Szwed
Theresa Thomas
Ian Tomashik
Ashley A. Wilson

TO: Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division

DATE: January 19, 2024

RE: **Request for Report on Services Mandated By State Law and City Charter**

The Legislative Policy Division has been requested by Council Member Scott Benson to provide a report that details the services the City of Detroit (City) is required to provide as mandated by State Law or City of Detroit Charter. LPD notes that among the myriad of State statutes reviewed, an attempt is being made to provide an accurate reference of the laws that mandate action be taken by local units of government which impact the City services. LPD further notes that whether the statute or charter mandates the establishment of a department or service, LPD has not identified any that indicates the amount of funding that should be appropriated to the department or service.

A Michigan State University article identified how functions or services are frequently classified by local governmental units as follows¹:

1. Functions mandated by law – functions performed because federal, state or local constitutions, charters, statutes, regulations or court orders mandate them. These functions must be carried out by the (local governmental unit) government unless and until the law is changed or repealed.

¹ Mandated Services and Offices in Michigan County Government State and Local Government Program, Michigan State University, April 2009. Dr. Eric A. Scorsone; Page 2.

2. Functions mandated by agreement –functions performed because the (local governmental unit) is a party to a contractual agreement. These functions are mandated for the duration of the agreement.
3. Functions necessary, but not mandated –These are “support” services necessary to carry out the mandated services referred to in (1) and (2). Examples include accounting, payroll, central services, buildings and building maintenance.
4. Discretionary functions – functions that do not meet any of the above criteria.

Services Mandated by State Law:

As requested LPD is attempting to identify those functions or services that are mandated by law or Charter. This analysis begins with the authorization of municipal powers. The Michigan Constitutional provides in pertinent part under Article VII, Section 21:

The legislature shall provide by general laws for the incorporation of cities and villages.

In Michigan, under the general law, the State has provided for the incorporation of the City is under the Home Rule City Act MCL 117.1 et, seq.,

AN ACT to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.

Pursuant to MCL117.3 *Mandatory Charter provisions* includes the following relevant subsections:

- (f) That the subjects of taxation for municipal purposes are the same as for state, county, and school purposes under the general law.
- (g) The annual laying and collecting taxes in a sum, except as otherwise provided by law, not to exceed 2% of the taxable value of the real and personal property in the city. Unless the charter provides for a different tax rate limitation, the governing body of a city may levy and collect taxes for municipal purposes in a sum not to exceed 1% of the taxable value of the real and personal property in the city. As used in this subdivision, "taxable value" is that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.
- (h) An annual appropriation of money for municipal purposes.
- (i) The levy, collection, and return of state, county, and school taxes in conformance with the general laws of this state, except that the preparation of the assessment roll, the meeting of the board of review, and the confirmation of the assessment roll may be at the times provided in the city charter.
- (j) The public peace and health and for the safety of persons and property. In providing for the public peace, health, and safety, a city may expend funds or enter into contracts with a private organization, the federal or state government, a

county, village, or township, or another city for services considered necessary by the legislative body.

This legislative act requires that the City as an incorporated local unit of government under the State provide in its Charter taxation as set forth under the general law; that the levying and collection of taxes not exceed 2% of the taxable value of real and personal property in the City; the levy, collection and return of state county and school taxes are in line with the general laws of the state; and authorizes the City through the use of police powers, the ability to provide for the public peace and health and for the safety of persons and property. The laying and collection of taxes has a direct impact on budget appropriation and the services provided by the City.

Another mandatory State law provision applicable to the City is Public Act 2 of 1968, Uniform Budgeting and Accounting Act, MCL 141.421 et seq., which provides in pertinent part:

Sec. 1.

(1) The state treasurer shall prescribe uniform charts of accounts for all local units of similar size, function, or service designed to fulfill the requirements of good accounting practices relating to general government. Such chart of accounts shall conform as nearly as practicable to the uniform standards as set forth by the governmental accounting standards board or by a successor organization that establishes national generally accepted accounting standards and is determined acceptable to the state treasurer. The official who by law or charter is charged with the responsibility for the financial affairs of the local unit shall insure that the local unit accounts are maintained and kept in accordance with the chart of accounts. The state treasurer may also publish standard operating procedures and forms for the guidance of local units in establishing and maintaining uniform accounting.

This provision as well as sections under MCL 141.424 *Annual financial report; contents; filing; extension; unauthorized investments prohibited; "pension" defined*; MCL 141.425 *Local units; audits*; and MCL 141.436, *General appropriations act; requirements; line items not mandated; taxation; limitation on estimated total expenditure; presumption; suit against county legislative body; standing; mediation; severability*, provide mandatory procedures of which the City must undertake in developing and determining operating budgets. These statutory provisions are required to provide a uniform manner in determine accurate budgets for appropriation, which directly impact services rendered.

Another statutorily mandated provision regarding the budget and revenues are identified under the Home Rules City Act, MCL 117.4t *Population more than 600,000; requirements; appropriations*. This statutory requirement specifically applies to the City of Detroit due to its population and provides the City and its officers, employees, agents, and contractors shall comply with the Michigan financial review commission act. This section provides that the city shall adopt a financial plan covering that fiscal year and the next 3 fiscal years in compliance with the provisions set forth therein.

The actions taken by the Election Commission of the City is mandated pursuant to Michigan Election Law, MCL 168.719 which provides in pertinent part:

The election commission of each city and township shall perform those duties relative to the preparation, printing, and delivery of ballots as are required by law of the boards of county election commissioners.

LPD notes that there are many State laws that provide the authority for the local governmental unit to undertake, but it is not mandatory. However, if the City chooses to exercise the state granted authority

and/or undertake the service, the City must follow the requirements set forth in the law. An example would be the City is authorized under Public Act 368 of 1978, Public Health Code, MCL 333.2421 *City health department; creation; powers and duties*. The City is not required to establish a Health Department, however under the provision:

A city having a population of 750,000² or more may create a city health department which shall be considered a local health department for purposes of this code, if the requirements of sections 2422 to 2424 are met. If a city creates a health department, that department and its local governing entity shall have the powers and duties of a local health department or local governing entity as provided by this part.

Having created a Health Department the City is mandated to comply with provisions under the Public Health Code, MCL 333.2431 *Local health department; requirements; report; reviewing plan for organization of local health department; waiver*; and MCL 333.2433 *Local health department; powers and duties generally*.

Another example would be where the Public Act 110 of 2006, Michigan Zoning Enabling Act under MCL 125.3301 provides in pertinent part:

Sec. 301.

- (1) Each local unit of government in which the legislative body exercises authority under this act shall create a zoning commission unless 1 of the following applies:
 - (b) A planning commission was, as of June 30, 2006, in existence in the local unit of government and pursuant to the applicable planning enabling act exercising the powers and performing the duties of a county zoning commission created under former 1943 PA 185, of a township zoning board created under former 1943 PA 184, or of a city or village zoning commission created under former 1921 PA 207. Unless abolished by the legislative body, that existing planning commission shall continue and exercise the powers and perform the duties of a zoning commission under this act.

The City having exercised authority under the Act is required to comply with the mandatory provisions of the Act with the establishment of the City Planning Commission. Another example under the Michigan Zoning Enabling Act is where under MCL 125.3202 provides in pertinent part:

- (1) A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens...

The City having established a zoning ordinance is to follow the mandate set forth under the Enabling act including but not limited to MCL 125.3601 which requires:

- (1) A zoning ordinance shall create a zoning board of appeals.

² LPD notes at the time MCL 333.2421 was passed the City of Detroit's population exceeded 750,000. The City having the qualified population at that time created the health department pursuant to the Act. Although the City's population has since dropped below 750,000, it is still required to operate the health department under the state law requirements.

LPD further notes that with the passage of the Headlee Amendment to the State Constitution in 1978, any State mandate upon local governments must also be funded by the State. Article IX, Section 29 provides:

The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18.

This provision prevents the State from mandating any new services or activities without providing state appropriations to cover any increase in cost to provide the service or activity. As previously indicated there are many State laws where a service may be provided pursuant to the law, but it is not mandatory for the City to provide. Without knowing the specific laws or services the City has voluntarily undertaken, LPD is not able to address the mandatory provisions required therein.

Services Mandated by Charter:

The Detroit City Charter was adopted by the citizens of the City of Detroit. Pursuant to Article 1, Section 1-101 provides:

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.

The Charter requires specific duties and responsibilities with regard to certain departments and agencies. The Charter does not specify or mandate the amount of funding that must be provided to carry out those duties and/or responsibilities. However, the departments and agencies duties and responsibilities must be funded at a serviceable level. The Michigan Court has defined what a serviceable level of funding means. The Court in *Cahalan, et al. v. Wayne County Board of Commissioners*, 93 Mich App 114, 286 N.W.2d 62 (1979) held,

A serviceable level of funding is the minimum budgetary appropriation at which statutorily mandated functions can be fulfilled. A serviceable level is not met when the failure to fund eliminates the function or creates an emergency immediately threatening the existence of the function. A serviceable level is not the optimal level. A function funded at a serviceable level will be carried out in a barely adequate manner, but it will be carried out. A function funded below a serviceable level, however, will not be fulfilled as required by statute. Id at 124

LPD notes, it is the responsibility of the City through the Mayor and more particularly the City Council to fund the requisite duties and responsibilities at a serviceable level. The Charter requires the establishment of departments and agencies which are outlined below.

The City Charter under Article 2 Section 2-106.8 requires the establishment of the Board of Ethics. The Charter further states that the Board of Ethics be funded under Section 2-106.13 which provides:

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).

Article 3, Section 3-101 of the Charter establishes an Election Commission which is required by State law to plan, monitor and administer all elections in the City of Detroit.

The City Charter under Article 4, Chapter 2 provides for the establishment of the Board of Zoning Appeals as required by State law and requires the enactment of an ordinance that includes the compensation for Board Members.

Article 4 Chapter 3 of the Charter establishes the City Planning Commission as set forth by State law to carry out the duties outlined in Section 4-302:

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.

The Charter provides under Article 6 the mandatory Staff Departments as follows:

- Chapter 1 Budget Department; Section 6-101: list the powers and duties; Section 6-103 requires management audits to the operations of all agencies.
- Chapter 2 Planning Department; Section 6-201: requires the Department to establish and implement strategic plans for community development, opportunities for global trade; recruit, support and assist in the retention of businesses and develop programs for the support of emerging industries and provide annual reports detailing the same to City Council.
- Chapter 3 Finance Department;
 - Section 6-302: The Finance Director shall direct and coordinate the financial activities of the accounts division, the assessments division, the treasury, and the purchasing division. The Finance Director shall also secure and maintain compliance with all laws pertaining to financial controls for the protection of public funds.
 - Section 6-303: 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.
 - Section 6-304 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.

Chapter 4 Human Resources:

- Section 6-402: 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.
- Section 6-408: The Labor Relations Division shall act for the City under the direction of the Mayor, in the negotiation and administration of collective bargaining contracts.
- Section 6-409: 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.
- Section 6-412: 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.
- Section 6-413: 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.
- Section 6-415: 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.
- Section 6-419: 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.

Chapter 5 Building, Safety Engineering and Environmental Department

- Section 503: Powers and Duties; This section enumerates a list of mandated responsibilities for the Department including but not limited to:

- Develop and implement a coordinated and comprehensive environmental policy for the City of Detroit;
- Administer, enforce, manage and coordinate compliance by the City of Detroit with federal, state and local environmental laws and regulations;
- 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;
- Develop and coordinate policy, programs and procedures for remediation, redevelopment and reuse of contaminated land sites in the City of Detroit;
- 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.;
- Administer and enforce all laws, ordinances and regulations relating to the use of land ("zoning"); and
- 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.

Section 6-505: 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.

Section 6-507: 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.

Section 6-509: The Department 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.

Article 7 Executive Branch: Programs, Services and Activities

Chapter 3 Arts; Section 7-301 provides in pertinent part:

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

Chapter 4 Public Works; Section 7-401:

The Department of Public Works shall:

1. Provide for the management and collection of garbage and debris.
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.

Section 7-403 Recycling:

The Department of Public Works shall prepare, implement and update as necessary a comprehensive City-wide Recycling Plan ("Plan") for the City of Detroit that provides for the capture of the City's waste stream prior to disposal.

Chapter 5 Fire; Section 7-504 Duties:

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.

Chapter 6 Historical; Section 7-601 Department provides in pertinent part:

The Historical Department shall maintain and operate the City's historical museums directly or pursuant to an operating agreement.

Chapter 7 Human Rights Department

Section 7-703: The City shall make an annual appropriation for the effective operation of the Department.

Section 7-704 Duties:

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 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.

Chapter 8 Police; Section 8-801 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.

Section 8-803 Duties of Board of Police Commissioners, The Board Shall:

1. In consultation with the Chief of Police, 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.

Section 7-806 Duties of Chief of Police. The mandated duties of the Chief of Police include but are not limited to:

- 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;
- 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 Board Secretary; and direct employees in the performance of their duties;
- 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.

Chapter 9 Public Lighting; Section 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.

Chapter 10 Recreation; Section 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.

Chapter 11 Transportation; Section 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.

Chapter 12 Water and Sewerage; Section 7-1202 Powers:

Under the direction of the Board, the Department shall supply water, drainage and sewerage services within and outside of the City. The Board shall periodically establish 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.

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.

The Board may 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.

Chapter 13 Zoological Park; Section 7-1302: Mandates the Zoological Parks Commission shall advise the Department on general program goals for the zoological parks.

Chapter 14 Television Channels; Section 7-1401 Cable Television Channels:

The City of Detroit shall operate and maintain its television channels for the benefit of the People 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.

Article 7.5, Chapter 1 Auditor General; Section 7.5-105 Powers and Duties: The mandated duties of the Auditor General include but are not limited to:

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...The Auditor General shall make an annual financial analysis of all agencies not selected for audit in the current year. Make a full report to the City Council of each individual audit and file a copy with the Mayor.
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.

Article 7.5, Chapter 2 Law Department;

Section 7.5-201, provides in pertinent part: The Law Department is headed by the Corporation Counsel who is the duly authorized and official legal counsel for the City of Detroit and its constituent branches, units and agencies of government.

Section 7.5-203, provides in pertinent part: 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 or her own initiative.

Section 7.5-204 provides: 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.

Section 7.5-206 provides: 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.

Section 7.5-209, provides in pertinent part: The Corporation Counsel shall be responsible for enforcing compliance with the Charter. 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.

Section 7.5-210, provides: 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.

Article 7.5 Chapter 3, Office of Inspector General

Section 7.5-301, provides: 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.

Section 7.5-306 provides: 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. 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.
3. Have access to the financial and other records of all City agencies at any time.

Section 7.5-309, provides in pertinent part: 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 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.

Section 7.5-316, provides: 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, Chapter 4 Ombudsperson

Section 7.5-404, provides: The salary of the Ombudsperson is equal to the salary of the Auditor General.

Section 7.5-412 , provides: The Ombudsperson shall make periodic reports to the City Council of action taken under this chapter. All reports shall be made public.

Article 8, Chapter 1 Planning Procedure

Section 8-101, provides: The Mayor shall propose and the City Council 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").

Article 8 Chapter 2, Budgets

Section 8-202, provides in pertinent part:

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.
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.

Section 8-213, provides: 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.

Section 8-214, provides in pertinent part: The 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.

Article 8, Chapter 4 Property Taxation

Section 8-402 Assessor's Duties, provides:

- 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.

Article 9, Chapter 2 Council of the Arts

Section 9-201, provides in pertinent part: 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.

Article 9, Chapter 4,

Section 9-401, provides: 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.

Article 9, Chapter 7, Risk Management

Section 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 11 Retirement Plans

Section 11-101 City Duties, provides:

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.

LPD has reviewed relevant Michigan statutes and the provision of the City Charter and provided what appears to be the mandated provisions applicable to the city of Detroit. As previously indicated, the mandates do not provide specific amounts of funding that is to be appropriated to fulfill the requirements. The funding amounts are subject to policy considerations to be made by the Mayor and City Council during budget deliberations.

If we can be of further assistance, please call upon us.