City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Andre P. Gilbert II
Deputy City Clerk

June 5, 2025

Andre P. Gilbert II
Deputy City Clerk
City of Detroit
200 Coleman A. Young Municipal Center
Detroit, Michigan

Re: (1) Whether the Ten Selected Volunteer Candidates for the Detroit Health Department Advisory Commission Need to be Sworn in by the City Clerk in Order to be Officially Recognized as a Board;
(2) Whether a Swearing in of the Candidates is Required; and
(3) Whether City Council Must Approve the Advisory Board First

Dear Deputy City Clerk:

On June 4, 2025, the Deputy Director of the Detroit Health Department inquired whether the ten selected volunteer candidates for the Detroit Health Department Advisory Commission need to be sworn in by the City Clerk in order to be officially recognized as a board. Today, you inquired whether a swearing in of the candidates is required and whether City Council must approve the advisory board first. We are responding to the three inquiries.

APPLICABLE CITY CHARTER PROVISIONS AND EXECUTIVE ORDERS

Section 7-201 of the 1974 Detroit City Charter provides for a Health Department Advisory Commission to be composed of at least five members and be created under Section 7-103 of the Charter. On August 20, 1974, Mayor Coleman A. Young issued Executive Order No. 3, which, in accordance with Section 7-103 of the Charter, created nine advisory commissions, including one for the Health Department. The Health Department Advisory Commission was created to have seven members who are appointed by the Mayor and are residents of the City of Detroit. (See attached copy of Executive Order No. 3.) On May 6, 1982, Mayor Coleman A. Young issued Executive Order No. 20, which amended Executive Order No. 3. (See attached copy of Executive Order No. 20.) The Order increased the number of members of the Health Department Advisory Commission to eleven, provided that the members be appointed for four-year terms, and required that the members be residents of the City of Detroit. Executive Orders Nos. 3 and 20 remain in effect.

The provisions in Section 7-201 of the 1974 Detroit City Charter were carried over into Section 7-201 of the 1997 Detroit City Charter. When the 2012 Detroit City Charter became effective on January 1, 2012, the language in Section 7-201 was changed to read:

> An advisory commission for health, composed of at least seven members, shall be created under Section 7-103. Seven of the members shall be appointed, one each from the non at-large districts.

As stated above, because Executive Order No. 20 remains in effect, the Health Department Advisory Commission is comprised of eleven members who are appointed for four-year terms, and are required to be residents of the City of Detroit. However, in accordance with Section 7-201 of the 2012 Detroit City Charter, the Mayor is required to appoint at least one member from each of the seven non at-large districts for electing City Council members.

ANALYSIS

I. Whether the Ten Selected Volunteer Candidates for the Detroit Health Department Advisory Commission Need to be Sworn in by the City Clerk in Order to be Officially Recognized as a Board

In response to the Deputy Health Director's inquiry, the answer is no. In accordance with Section 7-103 of the 1974 Detroit City Charter, the Health Department Advisory Commission was created on August 20, 1974 when Executive Order No. 3 was issued by Mayor Coleman A. Young. Because Executive Order No. 3 has not been rescinded, the Health Department Advisory Commission remains in effect.

In her inquiry, the Deputy Health Director indicates that there are "10 selected volunteer candidates." The number is contrary to Executive Order No. 20, which was issued by Mayor Coleman A. Young on May 6, 1982, which requires that the Health Department Advisory Commission be comprised of eleven members.

In addition, the Deputy Health Director's inquiry indicates that "We have selected 10 candidates for this volunteer role." It appears that the candidates may have been chosen by the Health Department. In the event that the candidates have not been appointed by the Mayor, the Health Department's action is contrary to the Section 7-103 of the 2012 Detroit City Charter, which provides that "Appointment to Advisory Commissions shall be made by, and members serve at, the pleasure of, the Mayor."

Lastly, the Deputy Health Director's inquiry indicates that "We developed the bylaws and MOU to be reviewed and adopted by the group during the [first] meeting next month. It should be noted that a governmental body in Michigan promulgates rules of procedure for its governance. Under Michigan law, bylaws are written for the governance of corporations and non-profit corporations.

II. Whether a Swearing in of the Candidates is Required

In response to your inquiry, the answer is yes. Section 3.5-102(4) of the 2012 Detroit City Charter, *Duties and Powers of City Clerk*, provides that "The City Clerk shall . . . (4) Administer oaths." Section 2-103 of the Charter, *Oath of Office*, provides:

> Every elective officer and every appointee before entering on official duties shall take and subscribe the following oath before the Detroit City Clerk: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this state and that I will faithfully discharge the duties of office to the best of my ability." The original of the oath shall be filed in the Office of the City Clerk and a copy provided to the elective officer or the appointee.

Lastly, Section 2-4-2 of the Charter, *Verification of residency*, provides:

> When taking and subscribing the oath of office for each member of a City board or commission, as provided for in Section 3.5-102(4) of the Charter, the City Clerk shall present to the member a completed "Service Record and Oath of Office Form," which delineates the member's full address. The City Clerk shall review the member's identification to verify that the member is a resident of the City of Detroit and, where, applicable, a resident of a non-at-large district. Upon verification, the member shall execute the form in the presence of the City Clerk who shall notarize and file the form.

Under these provisions, it is clear that the City Clerk is responsible for swearing in all members of the Health Department Advisory Commission.

III. Whether City Council Must Approve the Advisory Board First

In response to your inquiry, the answer is no. Please see Section I of the Analysis. In accordance with Section 7-103 of the 1974 Detroit City Charter, the Health Department Advisory Commission was created on August 20, 1974 when Executive Order No. 3 was issued by Mayor Coleman A. Young.

If you have any further questions regarding this matter, please let us know. Thank you.

Respectfully,

Dennis A. Mazurek
Administrative Special Services Employee
Office of City Clerk

Josephine A. Powell
Administrative Special Services Employee
Office of City Clerk

City of Detroit

EXECUTIVE OFFICE

COLEMAN A. YOUNG
Mayor

August 20, 1974

EXECUTIVE ORDER NO. 3

TO: THE HONORABLE CITY COUNCIL, HEADS OF DEPARTMENTS, BOARDS AND COMMISSIONS

SUBJECT: ADVISORY COMMISSIONS

Adequate representation of all the people is the best assurance of governmental responsiveness to community needs. That representation is achieved through elected officials, and also by means of citizens' commissions which advise those elected officials and their appointed executives.

Under the new Charter, the Mayor of Detroit is granted additional opportunities for the creation of such commissions by Executive Order. To provide for maximum community input to governmental decisions, I am hereby announcing the creation of nine Advisory Commissions with a total of 63 members.

Appointments to these bodies are at the discretion of the mayor. Announcements of the persons who will serve will be made under separate cover. Where it is so specified and reasons are stated, non-residents of the city may be appointed to serve.

AIRPORT COMMISSION

Nine members shall be appointed to terms ending on February 14, 1978. At least five members must be residents of the City of Detroit, but non-residents may be appointed because the Airport facility serves in a unique manner the entire metropolitan area.

CIVIC CENTER

Seven members shall be appointed to terms ending on February 14, 1978. At least five of the members must be residents of the City of Detroit, but non-residents may be appointed because the Civic Center facilities serve in a unique manner the entire metropolitan area.

CORRECTIONS

Seven members shall be appointed to terms ending on February 14, 1978. At least five of the members must be residents of the City of Detroit, but non-residents may be appointed because the women's facility is the only institution of its kind in the entire state.

ENVIRONMENTAL PROTECTION

Nine members shall be appointed to terms ending on February 14, 1978. All members must be residents of the City of Detroit.

FIRE

Four members shall be appointed to terms ending on February 14, 1978. All members must be residents of the City of Detroit

HEALTH

Seven members shall be appointed to terms ending on February 14, 1978. All members must be residents of the City of Detroit

MUNICIPAL PARKING

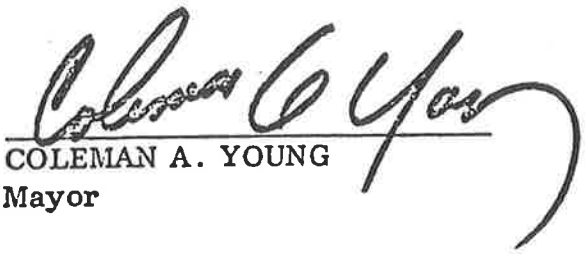
Five members shall be appointed to terms ending on February 14, 1978. At least three members must be residents of the City of Detroit, but non-residents may be appointed because the parking facilities are meant to serve people from the metropolitan area.

RECREATION

Eight members shall be appointed to terms ending on February 14, 1978. Each of the members shall be a resident of a different one of eight regions, contiguous with those regional boundary lines designated by the Detroit Board of Education.

TRANSPORTATION

Seven members shall be appointed to terms ending on February 14, 1978. All members must be residents of the City of Detroit.



COLEMAN A. YOUNG
Mayor

City of Detroit

EXECUTIVE OFFICE

EMAN A. YOUNG
Mayor

May 6, 1982

EXECUTIVE ORDER NO. 20

TO: THE HONORABLE CITY COUNCIL, HEADS OF DEPARTMENTS, BOARDS AND COMMISSIONS

SUBJECT: HEALTH ADVISORY COMMISSION

The purpose of this Executive Order is to amend Order No. 3 issued by me on August 20, 1974, which created Citizen Advisory Commissions for various departments.

That previous Order assigned to the Health Department a Commission of seven members. I am hereby increasing the number to eleven members. They shall be appointed for four-year terms, the first of which shall end on February 14, 1986. All members must be residents of Detroit.

Coleman A. Young

COLEMAN A. YOUNG
Mayor