

New Business  
1-7-2020  
Referrals

**INTERNAL  
OPERATIONS  
STANDING  
COMMITTEE**

3



CITY OF DETROIT  
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER  
2 WOODWARD AVENUE, SUITE 500  
DETROIT, MICHIGAN 48226-3535  
(313) 224-4550 • TTY:711  
WWW.DETROITMI.GOV

Date: December 30, 2019

To: Honorable City Council

From: Law Department

Re: State of Michigan Quarterly Risk Management Report Pursuant to Section 18-8-24,  
*Appropriations, quarterly reports*, of the 1984 Detroit City Code.

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The Law Department has submitted a privileged and confidential memorandum regarding the above-referenced matter. Please submit this item for referral so that Council may consider any action that is necessary.

CITY CLERK 2020 JAN 9 PM 12:14:1



CITY OF DETROIT  
LAW DEPARTMENT

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4

Date: December 19, 2019

To: Honorable City Council

From: Law Department

Re: Law Department Report on MVA Settlements as authorized by resolution of the Detroit City Council.

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The Law Department has submitted a privileged and confidential memorandum regarding the above-referenced matter. Please submit this item for referral so that Council may consider any action that is necessary.

CITY CLERK 2020 JAN 3 PM 12:42



CITY OF DETROIT  
LAW DEPARTMENT

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(313) 224-5505  
WWW.DETROITMI.GOV

5

Date: December 19, 2019

To: Honorable City Council

From: Law Department

Re: Law Department Report on Tax Collection Initiative on Foreclosed Properties as authorized by resolution of the Detroit City Council.

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The Law Department has submitted a privileged and confidential memorandum regarding the above-referenced matter. Please submit this item for referral so that Council may consider any action that is necessary.

CITY CLERK 2020 JAN 8 PM 12:42



CITY OF DETROIT  
LAW DEPARTMENT

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**MEMORANDUM**

**To:** Detroit City Council  
**From:** Christina V. Kennedy   
Senior Assistant Corporation Counsel  
Municipal Section  
**Date:** December 18, 2019  
**Re:** Bicycle Helmet Ordinance

The Law Department has been asked to provide an opinion as to whether the City of Detroit can lawfully require bicyclists to wear helmets while riding a bike in the City.

**SHORT ANSWER**

The City of Detroit may lawfully enact an ordinance requiring bicyclists to wear helmets. If this Honorable Body enacts such an ordinance, it might consider limiting the mandate to bicyclists under the age of 18.

**LAW AND ANALYSIS**

There is no prohibition to a municipality enacting an ordinance that requires bicyclists to wear helmets. Section 606 of the Michigan Vehicle Code, MCL 257.606, states:

This chapter does not prevent a local authority with respect to streets or highways under the jurisdiction of the local authority and within the reasonable exercise of the police power from . . . [r]egulating the operation of bicycles and requiring the registration and licensing of bicycles, including the requirement of a registration fee.

MCL 267.606(1)(h). (Emphasis added). The statute explicitly defers to local authorities to regulate the operation of bicycles.

Further, section 658 of the Michigan Vehicle Code, MCL 257.658, provides insight into state-governance of the operation of bicycles, motorcycles and other mobility devices. While the

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statute requires motorcyclists to wear a helmet, with certain exemptions to said requirement, it does not require the same of bicyclists. The statute follows below:

- 1) A person propelling a bicycle or operating a motorcycle or moped shall not ride other than upon and astride a permanent and regular seat attached to that vehicle.
- 2) A bicycle or motorcycle shall not be used to carry more persons at 1 time than the number for which it is designed and equipped.
- 3) An electric personal assistive mobility device or an electric skateboard shall not be used to carry more than 1 person at a time.
- 4) A person less than 19 years of age operating a moped on a public thoroughfare shall wear a crash helmet on his or her head. A person less than 19 years of age operating an electric skateboard shall wear a crash helmet on his or her head. Except as provided in subsection (5), a person operating or riding on a motorcycle shall wear a crash helmet on his or her head.
- 5) The following conditions apply to a person 21 years of age or older operating or riding on a motorcycle, as applicable:
  - (a) A person who is operating a motorcycle is not required to wear a crash helmet on his or her head if he or she has had a motorcycle endorsement on his or her operator's or chauffeur's license for not less than 2 years or the person passes a motorcycle safety course conducted under section 811a or 811b and satisfies the requirements of subdivision (c).
  - (b) A person who is riding on a motorcycle is not required to wear a crash helmet on his or her head if the person or the operator of the motorcycle satisfies the requirements of subdivision (c).
  - (c) A person who is operating a motorcycle and a person who is riding on a motorcycle are not required to wear crash helmets on their heads if the operator of the motorcycle or the rider has in effect security for the first-party medical benefits payable in the event that he or she is involved in a motorcycle accident, as provided in section 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3103, in 1 of the following amounts, as applicable:
    - i. A motorcycle operator without a rider, not less than \$20,000.00.
    - ii. A motorcycle operator with a rider, not less than \$20,000.00 per person per occurrence. However, if the rider has security in an amount not less than \$20,000.00, then the operator is only required to have security in the amount of not less than \$20,000.00.
- 6) Crash helmets shall be approved by the department of state police. The department of state police shall promulgate rules for the implementation of this section under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Rules in effect on June 1, 1970, apply to helmets required by this act.



- 7) The crash helmet requirements under this section do not apply to a person operating or riding in an autocycle if the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet.
- 8) A person operating or riding in an autocycle shall wear seat belts when on a public highway in this state.
- 9) A person under the age of 12 shall not operate an electric skateboard on a public highway or street.

Prior to enactment of the above-referenced amended statute, which provides an exemption to the helmet requirement, the Michigan Supreme Court upheld a city ordinance requiring motorcyclists to wear a helmet as constitutional in *People of the City of Adrian v. Poucher*, 398 Mich 316; 247 NW2d 798 (1976). *Poucher*, acknowledging that in order for the State to enact legislation that “affects the individual rights of its citizens, [it] must show that it has a sufficient interest in protecting or implementing the common good, via its police powers. . .” *Id.* at 318, quoting *Kropf v. City of Sterling Heights*, 391 Mich 139, 157; 215 NW2d 179, 186 (1974). The Court balanced the burden of intruding upon an individual’s freedom to operate a motorcycle without a helmet against the State’s interest in protecting society as a whole by reducing injury to the cyclist, mitigating fatal injuries, and preventing automobile drivers in potential accidents from killing anyone. *Id.* at 320. In conducting its balancing test, the Court, considering that the cost of a motorcycle helmet is relatively low and technologically simple, found that requiring a helmet does not unduly burden the use of motorcycles, and does not violate individual rights. *Poucher*, at 320.

By analogy, there exists no case law that opines on the constitutionality of either a state or municipal mandate requiring the use of a bicycle helmet. However, MCL 257.606(h) demonstrates the Michigan Legislature’s intent to give strong deference to local authorities with respect to regulating the operation of bicycles. Such deference, taken with the *Poucher* Court’s stance on motorcycle helmets, indicate that a bicycle helmet requirement is likely to be upheld as constitutional.

While the State has not mandated that bicyclists wear helmets, several municipalities have enacted such ordinances. It should be noted that the Michigan cities that have enacted ordinances mandating use of bicycle helmets limit the requirement to those of various ages under that of majority. By way of illustration, the City of Adrian requires a helmet for bicycle riders and passengers under the age of 15. City of Adrian Ordinance § 90-181. Farmington Hills mandates that a person operating a bicycle under the age of 16 wear a bicycle helmet. City of Farmington Hills Ordinance § 18-340.1. The City of East Grand Rapids restricts persons under the age of 18 from operating or riding a bicycle unless that person wears a helmet. City of East Grand Rapids Ordinance § 105-10.103.



### **CONCLUSION**

For the reasons set forth above, the City of Detroit may lawfully enact an ordinance requiring bicyclists to wear helmets while riding their bikes in the City. If this Honorable Council enacts such an ordinance, it might consider restricting the requirement to riders and passengers under the age of 18 years.



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CITY OF DETROIT  
OFFICE OF THE CHIEF FINANCIAL OFFICER  
OFFICE OF DEVELOPMENT AND GRANTS

COLEMAN A. YOUNG MUNICIPAL CENTER  
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DETROIT, MICHIGAN 48226  
PHONE: 313 • 628-2158  
FAX: 313 • 224 • 0542  
WWW.DETROITMI.GOV

December 19, 2019

The Honorable Detroit City Council  
**ATTN: City Clerk Office**  
200 Coleman A. Young Municipal Center  
Detroit MI 48226

**RE: Authorization to submit a grant application to the United States Conference of Mayors for the DollarWise: Mayors for Economic Mobility 2020 Innovation Grant**

The Law Department is hereby requesting authorization from Detroit City Council to submit a grant application to the United States Conference of Mayors for the DollarWise: Mayors for Economic Mobility 2020 Innovation Grant. The amount being sought is \$10,000.00. There is no match requirement. The total project cost is \$10,000.00.

The DollarWise: Mayors for Economic Mobility 2020 Innovation Grant will enable the department to:

- Support the work of Project Clean Slate by upgrading software to better communicate with clients and track jobs numbers
- Increase the number of expungements for returning citizens

We respectfully request your approval to submit the grant application by adopting the attached resolution.

Sincerely,  
DocuSigned by:  
  
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Ryan Friedrichs  
Director, Office of Development and Grants

CC:  
Katerli Bounds, Deputy Director, Grants  
Sajjiah Parker, Assistant Director, Grants

CITY CLERK 2020 JAN 2 PM 1:59



## Office of Development and Grants

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### RESOLUTION

**Council Member** \_\_\_\_\_

**WHEREAS**, the General Services Department has requested authorization from City Council to submit a grant application to the USA Swimming Foundation, for the 2020 USA Swimming Foundation Grant, in the amount of \$10,000.00, to provide transportation to Brennan Pool for kids enrolled in the Learn To Swim Program; now

**THEREFORE BE IT RESOLVED**, the General Services Department is hereby authorized to submit a grant application to the USA Swimming Foundation for the 2020 USA Swimming Foundation Grant.



CITY OF DETROIT  
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OFFICE OF DEVELOPMENT AND GRANTS

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**Grant Application Request Form (GARF)**

In order to secure the Office of Development and Grants (ODG) approval required under Section 18-4-2 of the Detroit City Charter, this form is to be filled out by City Departments as soon as possible upon learning of an opportunity that the Department would like to pursue. This form must be signed and submitted not later than 20 business days prior to the application deadline.

Please submit this form to the following ODG staff: Sajjiah Parker, Assistant Director, [parkersa@detroitmi.gov](mailto:parkersa@detroitmi.gov) and Greg Andrews, Program Analyst IV, [andrewsgr@detroitmi.gov](mailto:andrewsgr@detroitmi.gov)

City Department	General Services Department
Date	12/13/2019
Department Contact Name	Donna Miller
Department Contact Phone	313-224-1155
Department Contact Email	millerdo@detroitmi.gov
Grant Opportunity Title	USA Swimming Foundation Grant 2020
Grant Opportunity Funding Agency	USA Swimming Foundation
Web Link to Opportunity Information	masinfo@usaswimming.org
Award Amount (that Department will apply for)	\$10,000
Application Due Date	December 17, 2019
Anticipated Proposed Budget Amount	\$10,000
City Match Contribution Amount	No Match Required
Source of City Match (include Appropriation Number, Cost Center, and Object Code)	NA
List of programs/services/activities to be funded and the Budget for each <i>Sample:</i> - ABC Afterschool program: \$150,000 - XYZ Youth leadership program: \$100,000 - Salary/Benefits: \$95,000 - Supplies: \$5,000	-Learn To Swim transportation \$12,240.00 -Scholarships \$10,500.00
Brief Statement of Priorities/Purpose for the Application <i>Sample: To support expansion of promising youth development programs in MNO neighborhood.</i>	-To support transporting kids to the swim program at Brennan Pool for eight weeks
Key Performance Indicators to be Used to Measure the Programs/Services/Activities <i>Sample:</i> # of kids newly enrolled in ABC and XYZ % of kids from ABC who demonstrate improved educational performance	# of kids receiving learn to swim instruction -Average number of sessions attended across the project period -Skill attainment

LaJuan Counts  
Director's Name (Please Print)

Director's Signature

12/13/19  
Date



CITY OF DETROIT  
OFFICE OF THE CHIEF FINANCIAL OFFICER  
OFFICE OF DEVELOPMENT AND GRANTS

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December 11, 2019

The Honorable Detroit City Council  
**ATTN: City Clerk Office**  
200 Coleman A. Young Municipal Center  
Detroit MI 48226

**RE: Authorization to submit a grant application to the Community Foundation for Southeast Michigan (CFSEM), for the FY 2020 General Grant Program**

The Civil Rights, Inclusion, and Opportunity Department (CRIO), is hereby requesting authorization from Detroit City Council to submit a grant application to the Community Foundation for Southeast Michigan (CFSEM), for the FY 2020 General Grant Program. The amount being sought is \$50,000.00. There is no required match. The total project cost is \$50,000.00.

The CFSEM FY 2020 General Grant will enable the department to:

- Host 10 racial sensitivity conversations across the City of Detroit
- Hire a consultant to facilitate meetings
- Pay for program related supplies and food
- Pay for venue rental

We respectfully request your approval to submit the grant application by adopting the attached resolution.

Sincerely,  
DocuSigned by:  
  
A38B48C2052F48B...

Ryan Friedrichs  
Director, Office of Development and Grants  
CC:  
Katerli Bounds, Deputy Director, Grants  
Sajjiah Parker, Assistant Director, Grants

CITY CLERK: 2020 JAN 13 PM 2:15:59



## Office of Development and Grants

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### RESOLUTION

**Council Member** \_\_\_\_\_

**WHEREAS**, the Civil Rights, Inclusion, and Opportunity Department has requested authorization from City Council to submit a grant application to the Community Foundation for Southeast Michigan, for the FY 2020 General Grant Program, in the amount of \$50,000.00, to host 10 conversations across Detroit, that encourage transparent dialogue about race relationships between business owners, newcomers, and long-time resident of the City of Detroit; now

**THEREFORE BE IT RESOLVED**, the Civil Rights, Inclusion, and Opportunity Department is hereby authorized to submit a grant application to the Community Foundation for Southeast Michigan.



CITY OF DETROIT  
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OFFICE OF DEVELOPMENT AND GRANTS

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### Grant Application Request Form (GARF)

In order to secure the Office of Development and Grants (ODG) approval required under Section 18-4-2 of the Detroit City Charter, this form is to be filled out by City Departments as soon as possible upon learning of an opportunity that the Department would like to pursue. This form must be signed and submitted not later than 20 business days prior to the application deadline.

Please submit this form to the following ODG staff: Sajjiah Parker, Assistant Director, [parkersa@detroitmi.gov](mailto:parkersa@detroitmi.gov) and Greg Andrews, Program Analyst IV, [andrewsgr@detroitmi.gov](mailto:andrewsgr@detroitmi.gov)

<b>City Department</b>	CRIO
<b>Date</b>	12-5-19
<b>Department Contact Name</b>	Charity Dean
<b>Department Contact Phone</b>	313-224-9516
<b>Department Contact Email</b>	deanc@detroitmi.gov
<b>Grant Opportunity Title</b>	General Grant Program
<b>Grant Opportunity Funding Agency</b>	Community Foundation of Southeast Michigan (CFSEM)
<b>Web Link to Opportunity Information</b>	<a href="https://cfsem.org/">https://cfsem.org/</a>
<b>Award Amount (that Department will apply for)</b>	\$50,000
<b>Application Due Date</b>	11/15/19
<b>Anticipated Proposed Budget Amount</b>	\$50,000
<b>City Match Contribution Amount</b>	N/A
<b>Source of City Match (include Appropriation Number, Cost Center, and Object Code)</b>	N/A
<b>List of programs/services/activities to be funded and the Budget for each</b> <i>Sample:</i> - ABC Afterschool program: \$150,000 - XYZ Youth leadership program: \$100,000 - Salary/Benefits: \$95,000 - Supplies: \$5,000	Consulting & Professional Fees: \$20,000 Program Supplies: \$15,000 Space Rental: \$7,500 Food: \$7,500
<b>Brief Statement of Priorities/Purpose for the Application</b> <i>Sample: To support expansion of promising youth development programs in MNO neighborhood.</i>	The purpose of this project is to host 10 conversations across Detroit that encourages open and transparent dialogue regarding race relations between business owners, newcomers, and long time residents of the City. The recent and highly publicized incidents of racial discrimination by local businesses against residents and employees of color prompted leadership of the City's Civil Rights, Inclusion, and Opportunity (CRIO) Department to respond quickly by denouncing these acts of racial insensitivity to maintain an atmosphere of tolerance and inclusiveness in Detroit.
<b>Key Performance Indicators to be Used to Measure the Programs/Services/Activities</b> <i>Sample:</i> # of kids newly enrolled in ABC and XYZ % of kids from ABC who demonstrate improved educational performance	The goals of this project are to: (1) Host 10 facilitated conversations on race and equity in Detroit; (2) Gather data from residents and business owners in the city about the current state of affairs and racial equity, and; (3) Use the data collected to inform a city-wide policy and strategy on dealing with issues of race relations in the city of Detroit.  This project will be measured by a third-party evaluator who will analyze each conversation. These results will be used to inform policies that prevents future incidents of discrimination (of any kind) in Detroit's business community and maintain an atmosphere that embraces differences and promotes tolerance.

**Charity Dean**

Director's Name (Please Print)

  
Director's Signature

12/09/19  
Date