**DETROIT CHARTER REVISION COMMISSION**

**7737 Kercheval Street, Detroit Michigan 48214**

May 1, 2020

**COMMISSIONERS**

**Carol Weaver, Chair Sent Via Email**

**Nicole Small, Vice Chair**

**Krissa Holmes, Esq., Secretary**

**Joanna Underwood,** **Parliamentarian**

**Barbara Wynder, Esq., Treasurer and Vice Parliamentarian**

**Quincy Jones**

**Richard Mack, Esq.**

**Tracy Peters, Esq.**

**Denzel McCampbell**

**STAFF**

**Lamont D. Satchel, General Counsel**

Scott Benson, Councilman

Detroit City Council

2 Woodward Avenue

CAYMC

Detroit, Michigan 48226

**Re:** Response to Budget Inquiry

Dear Councilman Benson:

This serves as the Detroit Charter Revision Commission’s (“DCRC” or “Commission”) official response to your March 24, 2020 letter addressed to the Detroit Charter Revision Commission’s chair, Deputy CFO, Tanya Stoudemire and Irv Corley from the Legislative Policy Division. We assume that you have already received a response to your letter from Mr. Corley and Ms. Stoudemire and request that you share their response with us for our records, and to make sure that their response is representative of our understanding and consistent with our information. Nevertheless, as your letter is addressed to several individuals and doesn’t specify to whom each question is directed, we will attempt to answer only those questions that relate to the Commission or implicate information within the purview and control of the DCRC.

1. **Please justify the current proposed Mayor’s budget based upon actual expenditures.**

The Commission has no knowledge, interest or participation in the development of the Executive branch’s budget. We assume this was directed to Ms. Stoudemire or Mr. Corley. If your intent was otherwise, please clarify the relevance of this question to the DCRC and we will promptly respond.

1. **As per the 7 Nov 2018 Detroit City Council resolution, the Detroit Charter Commission (DCC) is authorized payment of $50 per meeting for 90 meetings, for a total of $4.5K per member, and is required to hold its meetings in the Coleman A. Young Municipal Center (CAYMC) Committee of the Whole Room. Please provide an accounting of member’s attendance to illustrate the amount of compensation earned by each member. Include the number of meetings each individual commissioner has remaining in their 90 meeting stipend allocation**.

While it is correct that the initial compensation for DCRC meetings was set at $50 per meeting by the Detroit City Council on or about November 7, 2018, you may recall that you and your colleagues subsequently approved by resolution an increase to $110. We would advise that you confirm and obtain from the City Clerk the actual approval. As to providing an accounting regarding Commission members attendance at meetings and approved compensation, please consult with the purchasing department, which is responsible for making payments and obtaining the necessary supporting documentation. This documentation is provided directly to the city by Commissioners.

The Commission has published its meeting schedule pursuant to the Open Meetings Act. Please advise if you would like to obtain a copy from our office or you can acquire one from the City Clerk. Due to multiple inconveniences caused to citizens by attending meetings at CAYMC, and cognizant of the need to allow all citizens to participate in shaping the direction of our city via the charter revision process, the Commission has elected to hold its meetings in the community. It was this same sense of accountability and inclusion that no doubt caused citizens to embrace the historic revision in the 2012 charter that *requires* the Mayor to hold community meetings in each of the seven non at-large districts at least once during each calendar year, which is a practice that the City Council was subject to in the preceding 1997 Charter. In fact, we had the honor of conducting a DCRC meeting in your district, where we were warmly received by you in your remarks to the Commission and public. The Commission intends to continue to embrace the practice of *meeting citizens where they live*, which has become an essential feature of our city government and exemplifies accountable, accessible and participatory democracy.

1. **In 2019, the Detroit Wayne County Joint Building Authority threatened to disallow any further DCC meetings at CAYMC due to a commission member assaulting security staff, the lack of a professional decorum and chaotic environment of DCC meetings. Has DCC corrected this behavior and been allowed to host meetings at CAYMC again.**

The Commission considers this question irrelevant as to its budget and inappropriate in its implications. If you are capable of providing clarity, relevance and a substantive connection, the Commission may be able to provide an appropriate response. For purposes of properly informing the record, you are incorrect in your assessment as to why the DWCJBA attempted to improperly prohibit the DCRC from utilizing the Erma Henderson Auditorium in the Coleman Alexander Young Municipal Center and it would behoove you to ascertain the facts before publishing and/or adopting such intemperate conclusions and accusations.

1. **Is the DCC on schedule to provide a revised Charter to the residents of Detroit? If so, please provide evidence of such. If not, please identify any obstacles and what resources are needed to accomplish the goal of submitting a revised Charter within the timeline allowed by law.**

The Detroit Charter Commission has adopted and published a Flight Plan that details its approach to accomplishing its work. This plan is published on the Commission’s website. At present the only obstacles geared toward significantly thwarting the citizens right to receive a revised charter are proposed cuts to the Commission’s budget in the area of 70% and attempts to supplant the Commission’s statutory responsibility for drafting the Charter by improperly placing that function in the hands of the city government by requiring that the city’s Corporation Counsel preform that duty. In effect you have proposed to financially cripple the Commission and then direct the city’s law department to draft the charter for the Commission. The necessary resources to accomplish the Commission’s statutory duty of presenting a revised charter are set forth in the recently revised Commission budget, sent to City Council on April 30, 2020.

1. **The proposed DCC budget identifies $328K in professional contracts to staff the DCC. Please provide job descriptions of all staff members, and evidence of work completed by staff to justify the need for professional staff. Why can’t these functions be accomplished by staffing the DCC with existing City of Detroit personnel?**

Job descriptions for staff are located on the Commission’s website. While we appreciate your interest in our work, we are not inclined or capable of transferring to you the intellectual property of the Commission. As an elected body, with a statutory mandate, we consider it inappropriate to presume an oversight role over the work of the Commission. This is an offense to the letter and spirit of the Home Rule City Act and evidences a fundamental misunderstanding regarding the relative roles, responsibilities and powers inherent in the City Council and DCRC.

We have hired staff to assist in the work of the Commission and are satisfied with that arrangement. If circumstance should change regarding our staffing needs, as we are in the best position to make that assessment, we will take the appropriate actions as an independent, elected body to address the matter.

You inquire why the job functions of Commission staff can’t be provided by city employees. We note that you have recently clarified the intended scope your question to apply solely to our attorney, who was hired to, among other things, draft the revised Charter and provide legal guidance in that process. The answer to your question is clear. As you are aware, Charter Commissions are statutorily created bodies, composed of Commissioners elected by the citizens of a particular unit of local government for the express purpose of making revisions to the city’s governing document. The purpose of the Charter is to determine the form, structure and functions of municipal government and the Commission is charged with adopting and proposing to citizens, revisions that reflect community values and interests, and best governmental practices. Our legislature has determined and was intentional that the most effective way of accomplishing this purpose is through an ***independent*** elected body, rather than allow the local unit of government to spearhead and conduct the charter revision process. It is the removal of political self-interest and undue political influence from the charter revision process that the Home Rule City Act (“HRCA”) affords citizens.

Aside from several formal statutory obligations imposed on a local unit of government with respect to Charter Commissions, the fundamental and essential obligation of a local unit of government is to *adequately* fund the operations of the Commission. It is primarily the funding of the Commission that allows for the Charter Commission to successfully accomplish its statutory duty. The HRCA’s insistence on an independent Commission, serving as a check and balance on local government, isn’t an awkward moment in municipal constitution development, but the confirmation of a fundamental tenet of democracy rooted in fairness, a studied, sober reflection on human nature and an appreciation of the undeniable inclination toward corruption of power by those with potential or actual political interests. A city’s constitution belongs to the people and not those whose conduct, powers and operations it intends to regulate and therefore the revision process should be accorded the level of respect and arm’s length development it deserves.

Your proposal to give the essential function and purpose of the Commission, drafting the Charter, into the hands of the city government ignores the purpose, function, role and relative relationship between the Charter Commission and the organs of government whose fate is subject to their deliberations. The Commission is not a subordinate unit of city government, subject to the influences of local politics or pressures of self-interest, but a duly elected body charged with preparing for citizens’ approval a revised city constitution that reflects the values, interest and aspirations of our community.

As with other Detroit Charter Commissions there will inevitably be situations where the city executive and/or legislative branches disagree with the feasibility, legality, or necessity for a particular revision. This is how it should be. However, how can this be mediated or tolerated when then the Commission is subject to the dictates of the city, with little or no leverage? It is remarkable that one would entertain such an imposition on the will of the citizens of Detroit and willingly assault the notions of democracy by requiring the Commission to cede its power and authority to those over whom it has been given the responsibility to organize.

The administrations of Mayor Coleman Alexander Young and Mayor Dave Bing, as well as the City Councils that were seated during their terms in office, were unflinching in their commitment and adherence to a statutorily independent Detroit Charter Revision Commission and appropriately funded them, without request for interference in its operation that would even give the appearance of impropriety.

It should be noted that prior Commissions and this Commission have availed themselves of ancillary services from City employees, including media services, printing, IT services, transcription of meetings, consultation and assistance on contract procurement and providing the Commission with necessary information and relevant documents, none of which thrusts the city government into the actual role of developing and shaping the Detroit City Charter. We expect to continue to avail ourselves of these services from the City and can only insist, for the integrity of the charter revision process, that we must be uncompromising in maintaining our role as the final authority on drafting a revised Detroit City Charter, with the full cooperation of the legislative and executive branches of city government. In effect we only use those services that do not inappropriately place city employees in our seat.

1. **Please justify the current proposed $12k in food.**

This matter has been addressed in the revised DCRC budget submitted on Thursday, April 30, 2020.

1. **Please justify the current proposed $22.5 in postage.**

This matter has been addressed in the revised DCRC budget submitted on Thursday, April 30, 2020.

1. **Please justify the current proposed $2.4k in Telecommunications and $7.6k-Voice Com Serv-Cellular**.

These costs are fixed and determined by the City of Detroit which provided these services and equipment under its existing contracts with the relevant vendors.

1. **The Detroit FY 2011-12 budget shows the DCC budget at $355k. Please compare that budget to the proposed FY2021-22 budget and why the current and previous year’s budget requests have ballooned to $576k.**

The 2018 Charter Revision Commission is not aware of the content of budgets from prior Charter Commissions. Our budgets are based on the specific needs and current resources necessary to accomplish our statutory duties. Any attempt to compare our budget with those of prior Commissions, whether 1974, 1997 or 2008, would yield no insight or assistance in our budget development, as each Charter Commission, including the 2008 Charter Revision Commission that you referenced, constructs its budgets based on the unique needs and particular circumstances in existence at the time of their operation.

Your novel method of budget development, which doesn’t account for inflation, erroneously assumes comparable expense categories and ignores other factors, is inconsistent with best practices and we have instead opted to use the budget development process adopted by and familiar with the city’s finance division and most private and public sector businesses and organizations. We have recently submitted a revised budget and would direct your attention to that document, as it accurately captures the resources needed to accomplish our purpose.

Sincerely,

Carol Weaver

Carol Weaver, Commission Chair

cc: Detroit Charter Commissioners

Hon. Janice Winfrey, City Clerk

Tonya Stoudemire, Deputy CFO

Irv Corley, LPD