

# Citizens Research Council of Michigan

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## Detroit City Charter Revision

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On November 2, 1993, as provided in the 1974 charter, voters of the City of Detroit will determine whether a charter commission will be established to revise the current charter. This series is being financed in part by grants from Community Foundation for Southeastern Michigan, Hudson-Webber Foundation, and Matilda R. Wilson Fund, and NBD Bank.

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### REFLECTIONS ON CITY CHARTER REVISION

by

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City charters tend to reflect the ideas, problems, and political power relationships that exist during the time that the charter is written and debated. Although a city charter is the basic framework of a city and is supposed to be analogous to what the U.S. Constitution is to the national government, city charters are seldom as general and tend to be too specific and, therefore, in greater need of amendment and periodic revision.

That charters tend to reflect the power relationships in existence at the time of writing is illustrated by the Detroit Charters of 1918 and 1973. In the 1916-1918 period, the civic reform movement was en vogue and its main emphasis was to "clean up" the cities from all types of civic corruption revealed to be prevalent in most cities by the writing of the muckrakers. It is therefore not surprising that the features contained in the 1918 charter were a small city council elected at large, strong mayor form of government, strong specific fiscal restraints, off year elections, non-partisan government and other tenets of the civic reform movement.

These ideas still held sway when the 1970-73 Charter Revision Commission did its work (wit-

ness the overwhelming vote in 1972 to retain non-partisan government and at large elections when submitted to the voters as separate items). However, additional concerns emerged on the political scene by the end of the decade of the 1960s. In 1969, the late Mayor of Detroit, Jerome P. Cavanagh, appointed a committee of distinguished citizens headed by John O'Hair (currently Wayne County Prosecutor) to study whether Detroit could benefit from a thorough study and revision of its City Charter. That study committee reported in the affirmative, the Council voted to put the question on the ballot, and the voters voted to set up a Charter Revision Commission and elected nine commissioners after selecting 18 in the primary in 1970. There is little doubt that the deadlock between the Mayor and the Common Council in 1969 was a major factor in convincing the voters that charter revision was worth the effort.

However, while deadlock was a major factor in the vote to attempt charter revision, other political issues were emerging and were reflected in the deliberations of the Charter Commission. In general, these issues were the sense of alienation from government, control over the police department, effectiveness of city government, as

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well as the beginnings of fear of regionalization on the part of large segments of the Detroit population. It should be remembered that at the time of the Commission, the black-white ratio in the Detroit population was just about 50-50. While this was not a factor in arguments among the Commissioners, it was evident in testimony brought before the Commission by the varieties of organized and unorganized groups.

For example, let us consider the divergent views in regard to control over the police department. Many other cities were debating the establishment of civilian review boards to monitor the behavior of their police departments. This approach was strongly recommended by some and was equally as strongly opposed by others, and at the time the Charter Commission believed that it could come up with a structure that would provide greater civilian input into the department without the negative connotation of a civilian review board. This resulted in the establishment of a five-person civilian commission to set general policies and practices of the department while the law enforcement professionals carried out the day-to-day work of law enforcement. What the Charter Commission did not foresee was the emergence of a mayor who could control both the civilian commission and the department itself. Certainly any new Charter Commission should review this structure to determine whether it should be continued, be modified, or abolished.

Consider the issue of greater popular control of city government. Some of the Charter Commissioners believed that electing some Councilpersons from districts could help in bringing people closer to their city government, but most Commissioners and later the voters themselves rejected this idea. The Charter Commission did adopt a provision requiring the City Council to hold a number of meetings each year out in the community. It also established an office of the Ombudsman to give the citizenry easier access to lodge complaints against the city, especially

in its delivery of vital services. Certainly any new Charter Commission should reexamine this issue and decide whether this has successfully brought city government closer to the people or whether some other structure might be more beneficial.

These last two examples are among the many issues considered by the Charter Commission and examples of where the Charter Commission attempted to address specific concerns through the Charter. However, caution must be exercised not to substitute charter provisions for regular ordinances and policies. Using a charter as the means of solving current problems only makes the charter prematurely dated. Charters should set the broad framework of city government and provide for enough flexibility so that even unforeseen problems can be acted upon by future city administrations. Great care must be taken by Charter Commissioners not to use a charter to react to a particular mayor or council or city clerk or bureaucracy.

Before a charter can be presented to the voters it must also be scrutinized by the State Attorney General on behalf of the Governor who has the power to review proposed charters. This helps avoid any provisions in the charter that are in conflict with the state or federal constitution or state and federal laws. This is a wise requirement, since it also drives home to the Commissioners as well as the citizenry the limitations of charter revision and that it cannot solve all urban problems. The most serious urban problem about which charters can do very little is the problem of financial resources. Most of that issue is preempted by the state for better or for worse.

The guide to charter revision published by the National Civic League stresses that the ability to sell a proposed revised charter depends a lot on the public's perception of the members of the Charter Commission itself. This was certainly true of the Detroit Charter Revision of 1970-73.

If the voters perceive the commission as conscientious and hard-working, they will approve the product even if there are parts with which they disagree. On the other hand, if the commission is perceived as perk abusing, petty wranglers, self interested, the voters would tend to reject even a good charter submission.

The Charter Commission of 1970-73 was perceived positively by the people of Detroit. Frequent public meetings, opportunities for varieties of input and explanations for its actions, all contributed to this well deserved positive image. In retrospect, might some of the decisions have been better if decided differently? Undoubtedly! That's why the Commission chose to enable the voters to consider the question of charter revision in 1993 and every 16 years thereafter in addition to being able to propose amendments in the intervening years.

In the final analysis, a charter cannot guarantee effective and democratic city government. That

can only be accomplished by electing competent and effective officials and monitoring their performance constantly. The effective operation of block clubs, neighborhood groups and other popular bodies goes a long way to help guarantee to the citizenry their fair share of city services, even in an age of cutbacks and scarce resources. A charter can provide some mechanism for empowering the citizens beyond mere voting, but experience has shown that this too can be extended too far and can help produce stalemate as disputes result between and among citizen groups and the city officialdom. In other words, the real challenge to a charter commission is how to strike the proper balance between flexibility and creativity on the part of the elected and appointed officials and democratic input by the citizenry. Thus, a charter can help encourage even if it cannot be guaranteed that it would work out in practice.

It is an exciting adventure to try to achieve this balance.

