



Detroit City Charter

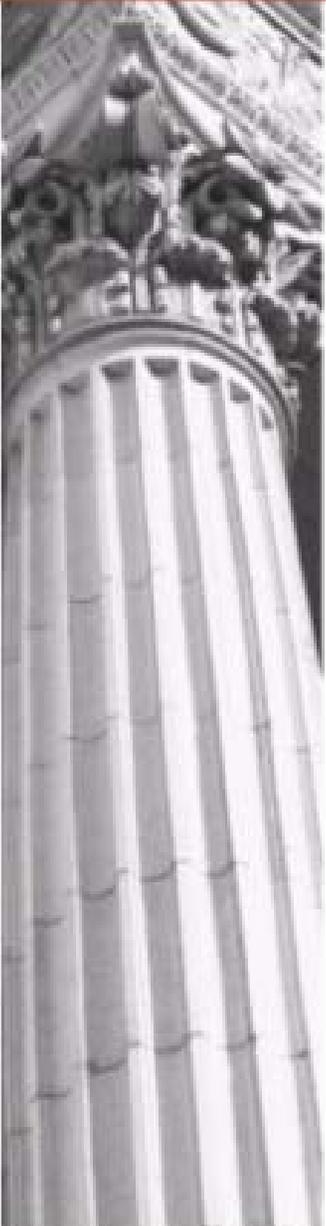
Detroit Charter Revision Commission
January 22, 2010

Eric Lupher
Director of Local Affairs
elupher@crcmich.org



About the CRC of Michigan

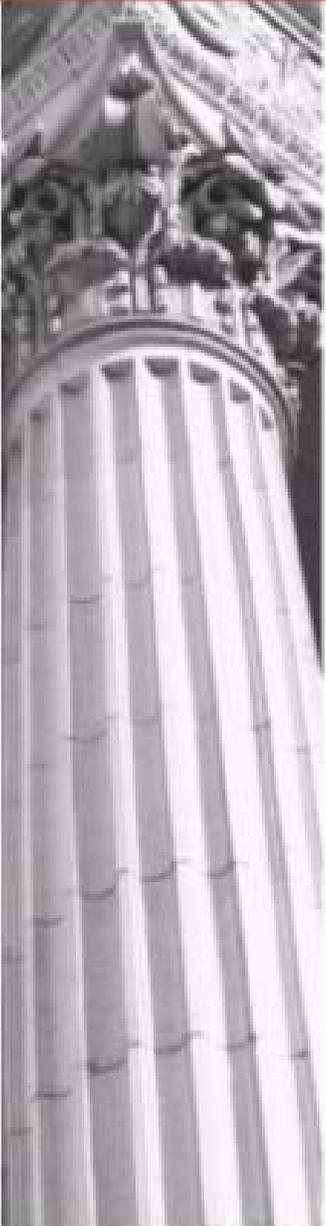
- Founded in 1916
- Statewide orientation
- Promotes sound policy for state and local governments through factual research
- Non-partisan
- Private not-for-profit
- Relies on charitable contributions of Michigan businesses, foundations, and individuals

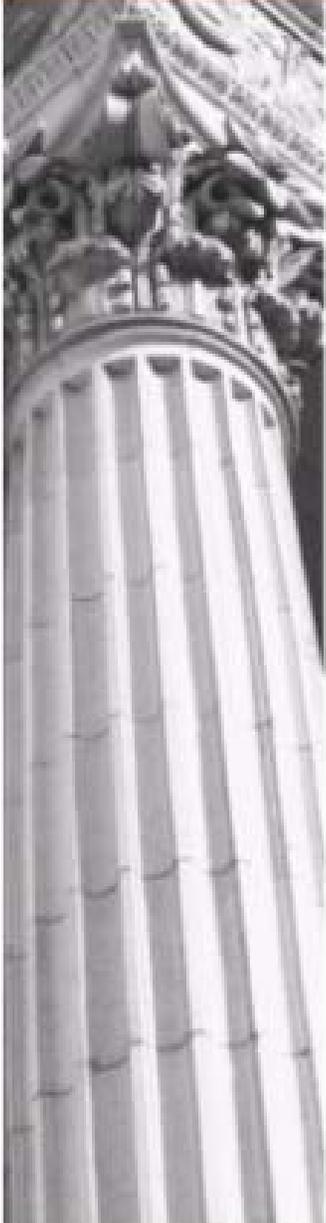




Essential Purposes of a City Charter

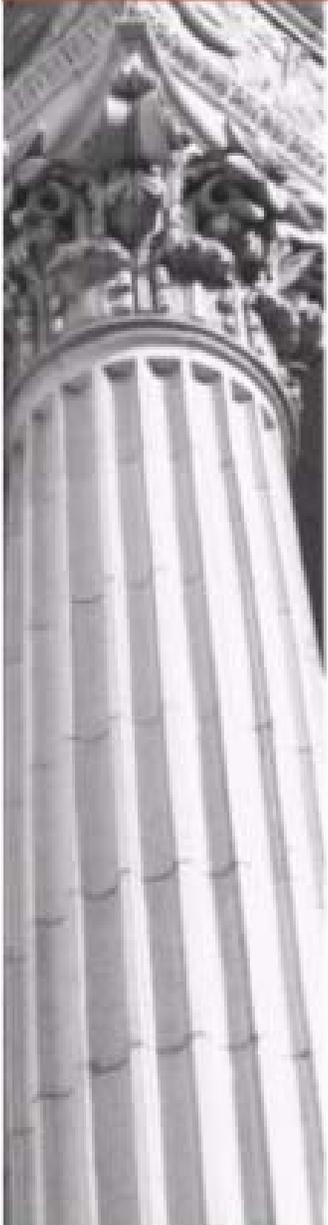
- Election of representatives as city officials
- Create the structure and powers for providing city services
- Enough structure for efficient operations but not too much as to limit the ability of elected officials to respond to changing times





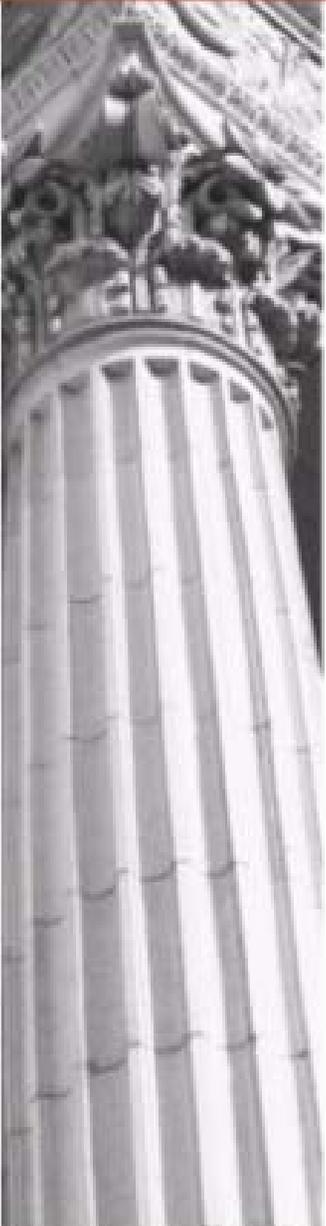
6 Detroit City Charters

- **3 Drafted in Lansing**
 - Prior to Home Rule provisions in 1908 State Constitution
 - 1802, 1815, 1857 drafted by Legislature
 - Constant tinkering and amending from afar
- **3 Home Rule City Charters**
 - Post 1908 Constitution authorizing home rule
 - 1914 failed to gain voter approval
 - 1918, 1973, 1996



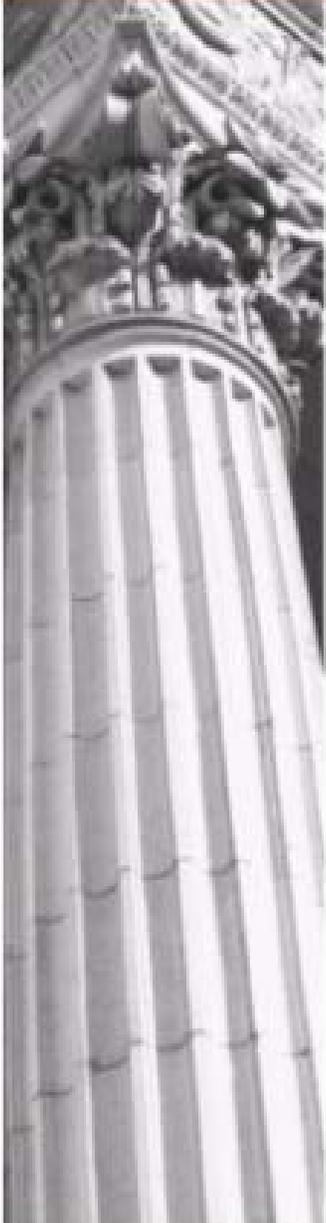
1918 City Charter

- In effect for 56 years – 1918 to 1974
- Grounded in Jacksonian Democracy and Progressive Era
 - Small City Council elected at large
 - Strong Mayor form of government
 - Off year elections
 - Non-partisan government
- 1918 Charter was amended over 200 times



The End of the 1918 City Charter

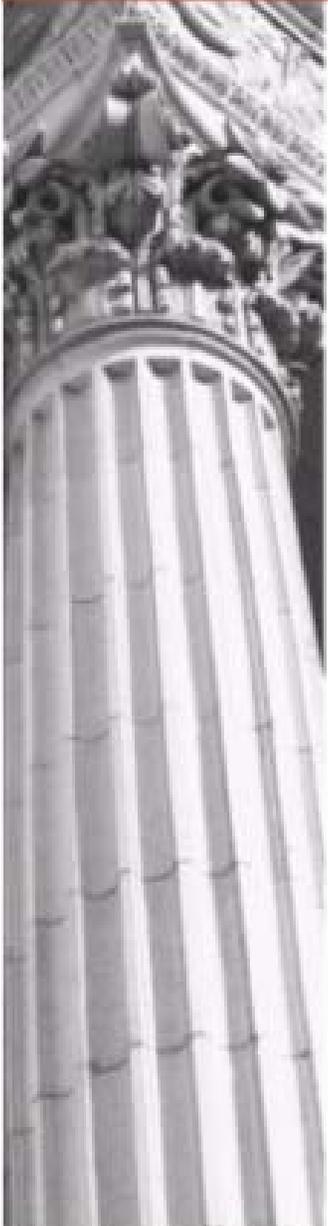
- **1969 deadlock between Mayor Cavanagh and the Common Council**
- **1969 Charter Study Committee**
- **1971 Charter Commission created new charter in atmosphere of:**
 - **Alienation from government**
 - **Control over police department**
 - **Effectiveness of city government**
 - **Fear of regionalization**



1974 City Charter

- **The primary goal was not to change from the basic plan of executive government which was judged to have served the city well, but to retain that governmental form in a shorter, clearer, more generic charter and to eliminate many legal constraints that restricted elected leadership like handcuffs.**

George Ward, Executive Director, 1970-73
Detroit Charter Commission



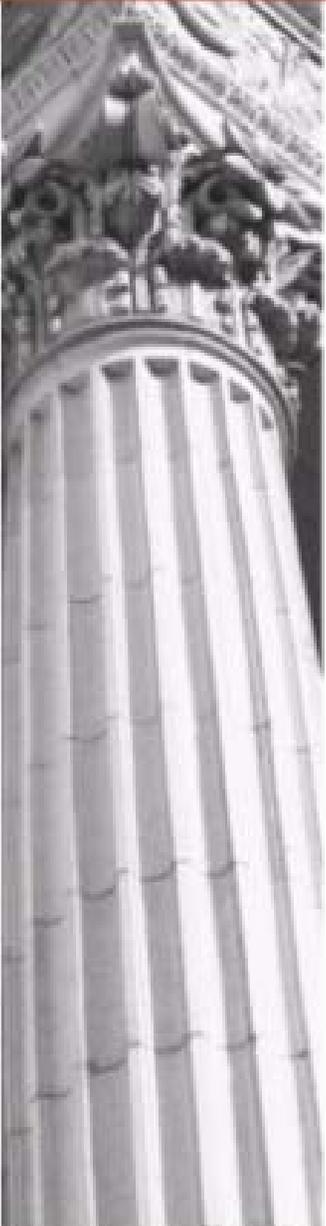
1996 City Charter

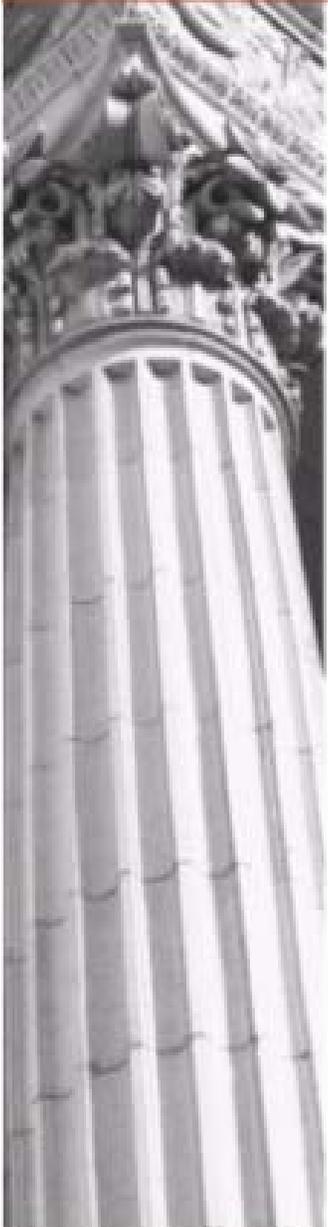
- **1974 charter was not functioning as well as was hoped**
- **Difficulty separating personality from policy**
 - **Mayor Young in office for the full time that 1973 Charter was in effect**
- **1996 Charter was revamp of 1974 Charter with about 80 changes**
 - **Reduced from 145,000 to about 25,000 words**



1996 Charter

- Retained strong mayor-council form, 9 member council elected at large, many department provisions unchanged
- Department names changed, departments given charter status, Community Advisory Councils created, new risk management provisions
- 4 amendments in 14 years



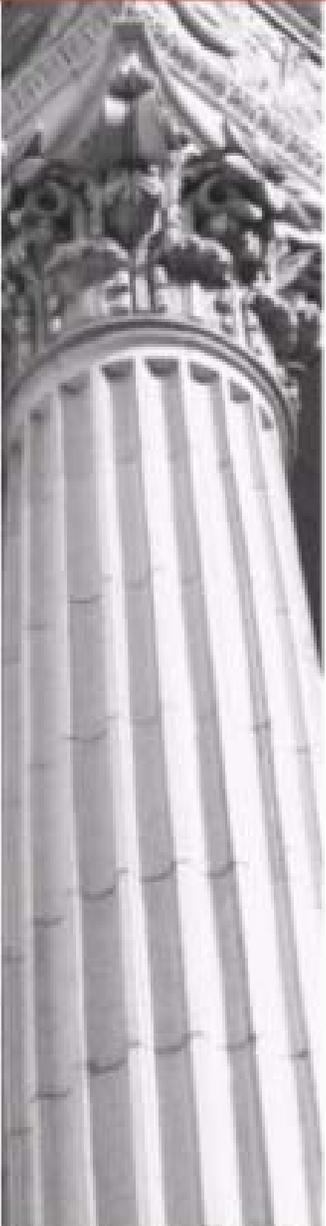


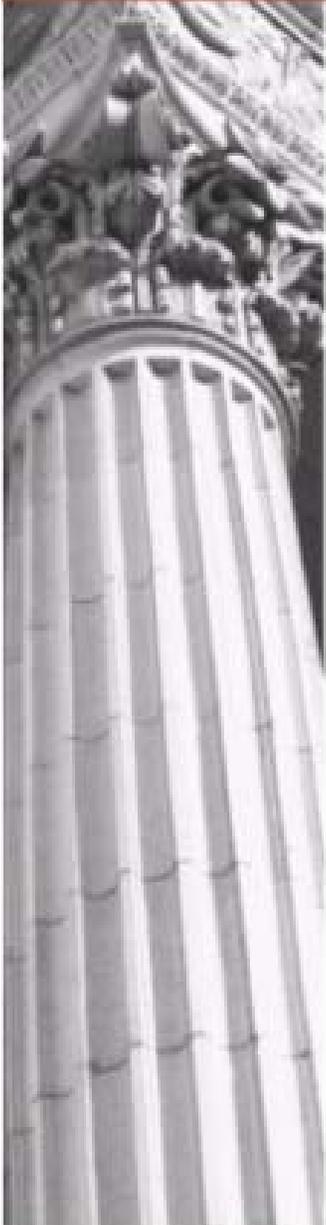
Charter Issues and Relevant History



Basic Decisions for this Commission

- Strong mayor/city manager/hybrid
- Size and manner of electing city council
- Relative powers of executive/legislative branches
- Basic city services
- Creating accountability to electorate



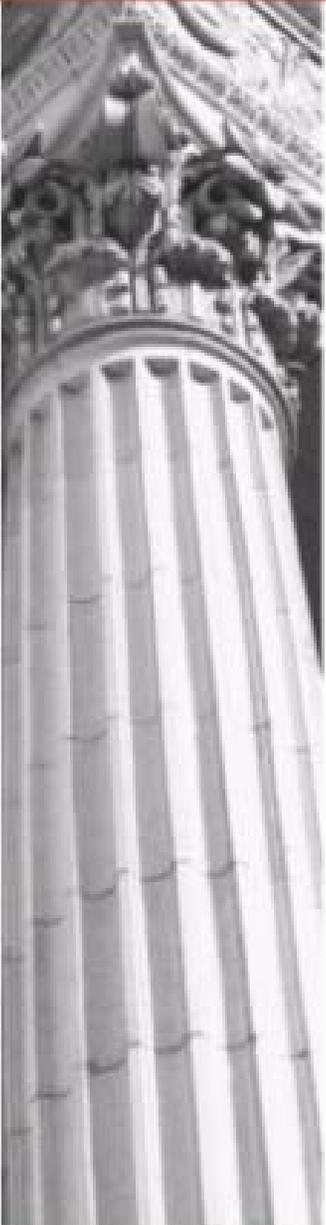


Mandatory and Optional Charter Provisions per Home Rule Cities Act

<u><i>Mandatory</i></u>	<u><i>Optional</i></u>
Body Corporate – sue/be sued	
Legislative body – council/commission	Number, at-large v wards, staggered/simultaneous, term limits
Mayor	Elected by people or by city council
Clerk Treasurer Assessor/Board of Review	Directly elected or appointed by mayor/city council
Tax Limitation (20 mills)	May be lower
Taxing procedures	
Protection of public peace, health, and safety of persons and property	
Ordinance adoption	
Journal kept in English	
Uniform system of accounting	
	Everything else



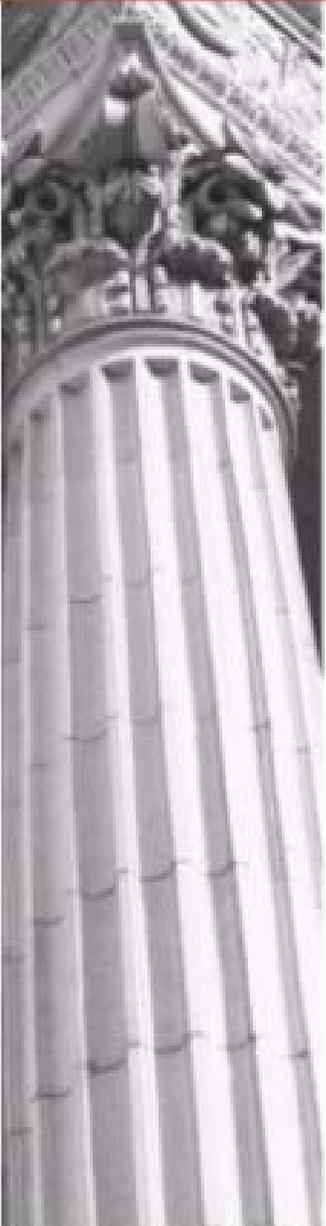
Efficiencies

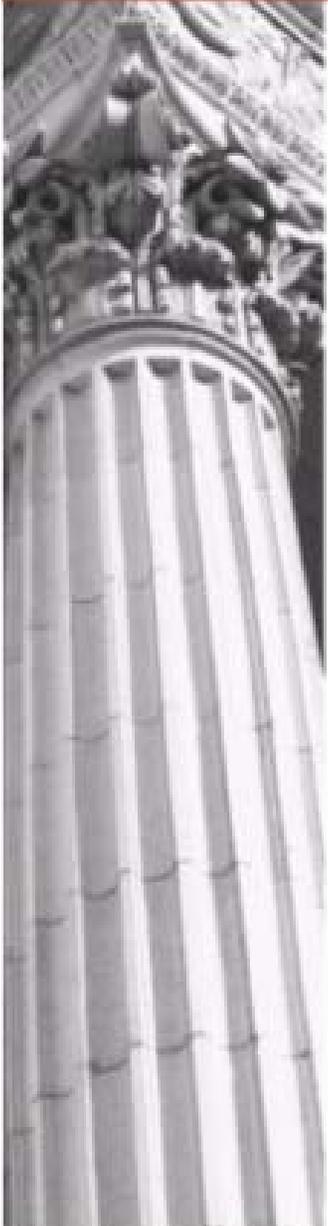




Provisions that restrict ability of elected officials to streamline the city government

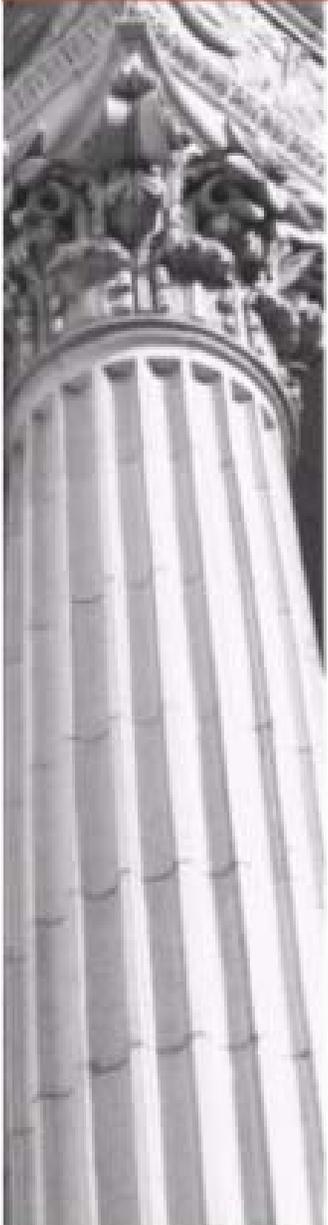
- **Charter Departments**
- **Duplicative Functions**
- **Unnecessary Separation of Functions**
- **Retirement Provisions**
- **Privatization Restrictions**





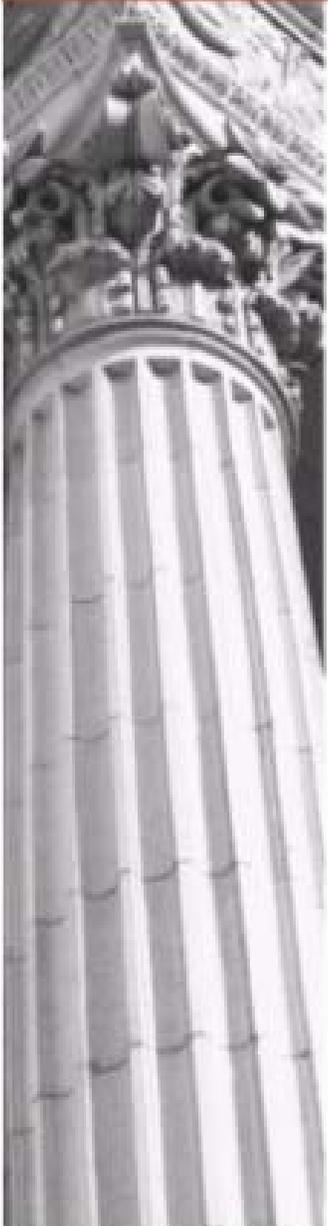
Do these departments need to be provided for in City Charter?

- Health
- Arts
- Consumer Affairs
- Historical
- Human Rights
- Community and Economic Development
- Recreation
- Auditor General
- Zoological Park
- Council of the Arts
- Courts
- Elections
- Public Lighting
- Water and Sewer
- Transportation
- Ombudsman



Duplicative Functions

- City Planning Commission
- Planning Department



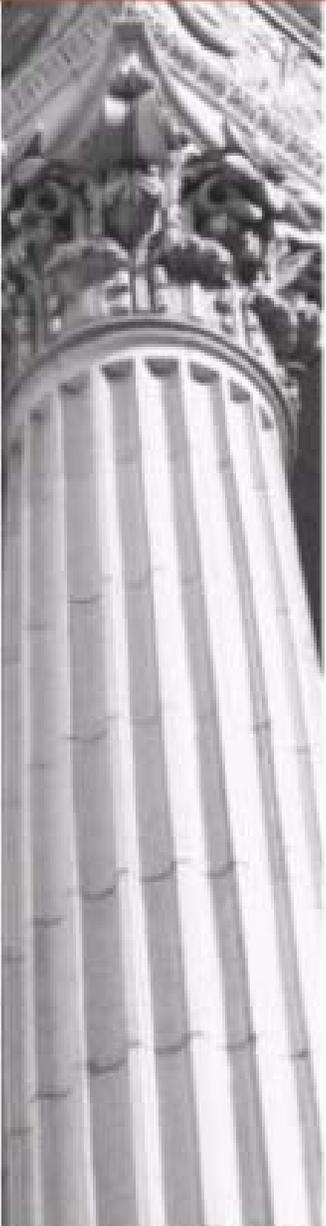
Unnecessary Separation of Functions

- **Budget & Finance Departments**
- **Elections & Clerk**
- **Lighting & Public Works**



Charter Departments

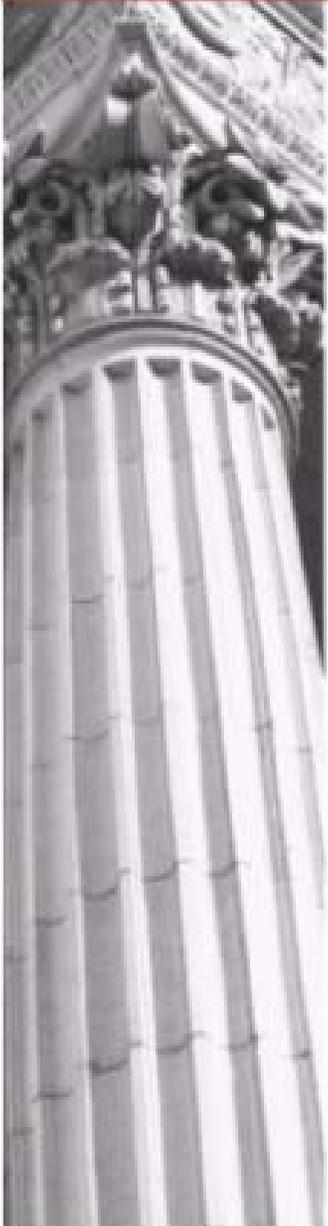
- Detroit needs to downsize and align expenditures with available revenues
- Inclusion/duplication/separation of these departments in city charter restricts options for executive and legislative branches to cut/regionalize/privatize services
- Most of these departments not found in charters of other Michigan cities
- Failure to mention in the charter does not mean they will automatically disappear
 - Provided for in ordinance or organizationally





Defined Benefit Pension System

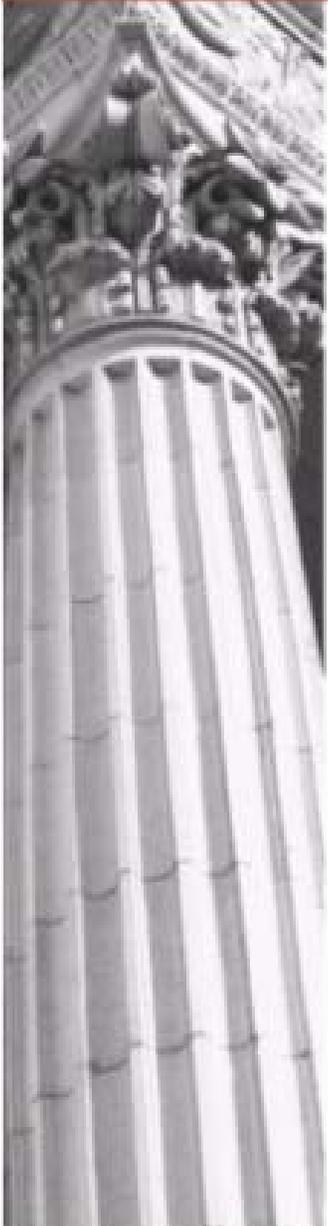
- **Article 11 of the 1996 Charter provides for 4 DB pension plans**
- **Some provisions carried forward from 1918 Charter**
- **Provision added to distribute excess earnings based upon respective contributions by the city and by employees**
- **Charter provisions can restrict the ability to confront a major cost driver in city budget**
 - **Constitution protects existing pension obligations**





Pension Boards

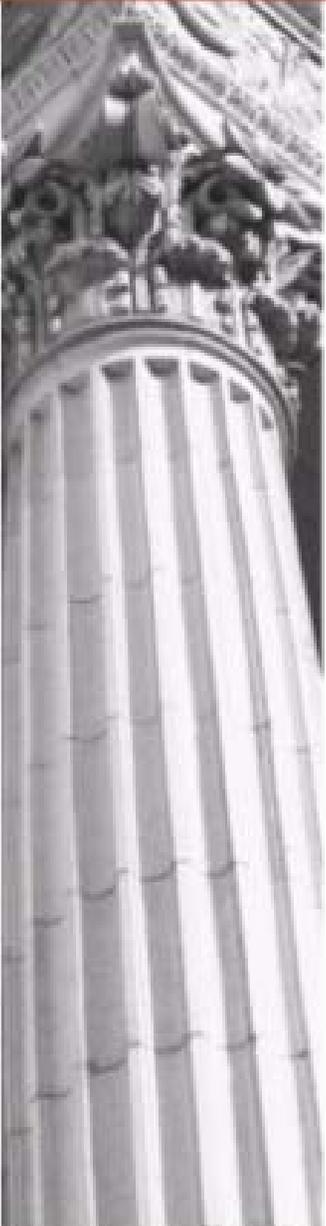
- **Are present boards representing city? Municipal employees? Taxpayers?**
- **See conflict of interest case against several former trustees of the San Diego City Employees' Retirement System currently pending before the California Supreme Court**
- **Could include taxpayer representatives, financial experts from banks, others who are not self-interested pension system members**





Privatization

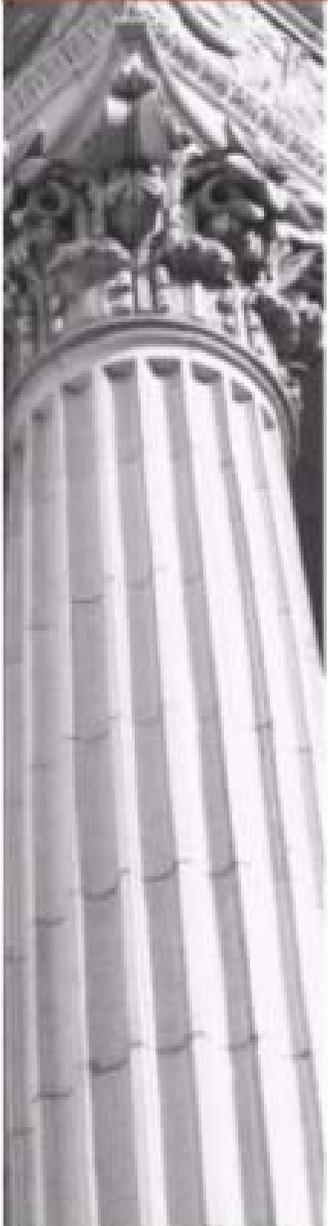
- **New provisions in 1996 Charter**
- **Section 6-307 provides a process for consideration of privatization**
- **Some provisions are simply best practice (e.g., requiring cost study)**

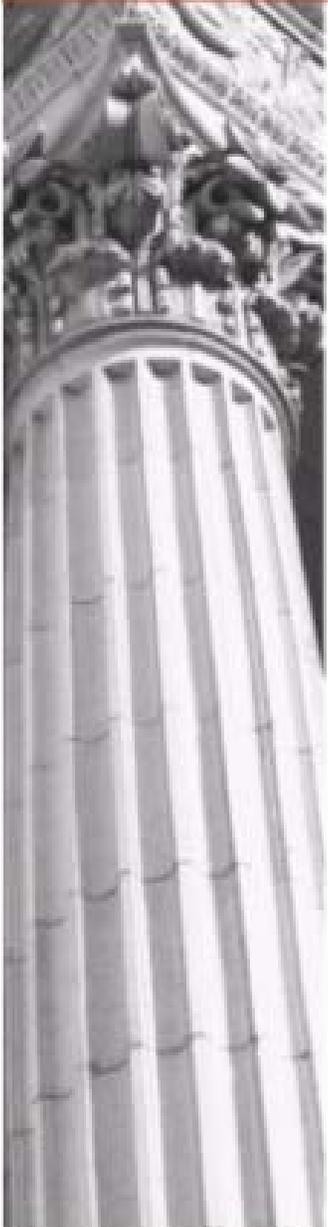




Privatization

- Most of provisions were written on behalf of city unions to prevent loss of jobs
- Subsection 7 requires supermajority vote (2/3) by city council to approve privatization
- If city is to seek economies and efficiencies through collaboration and contracting, then these provisions need revisited



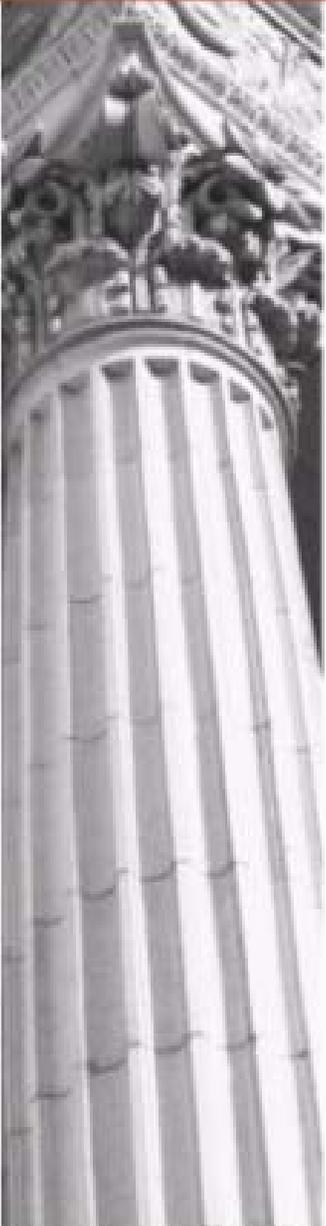


Representation



City Council Election

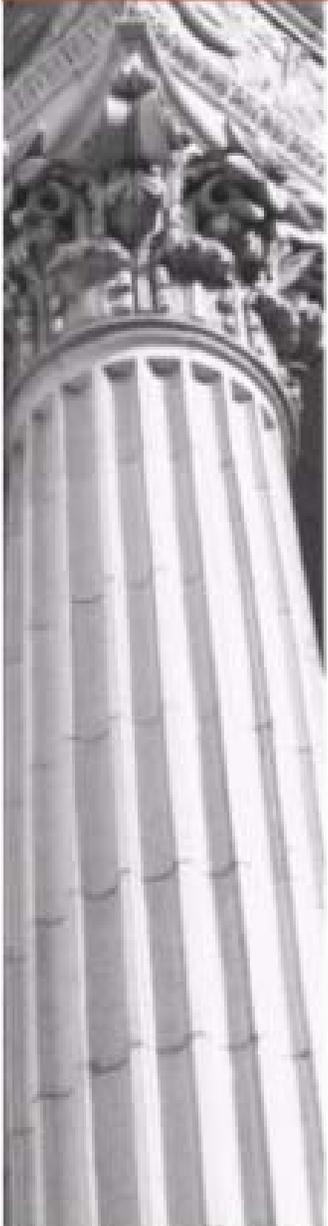
- 9 member body elected at large since 1918
- Question – Is 9 the right number?
 - Would larger number provide representation to more constituencies?
- Question – Will Charter Commission retain district election of council as adopted by voters in Proposal D (2009)?
 - People have spoken, but low voter turnout

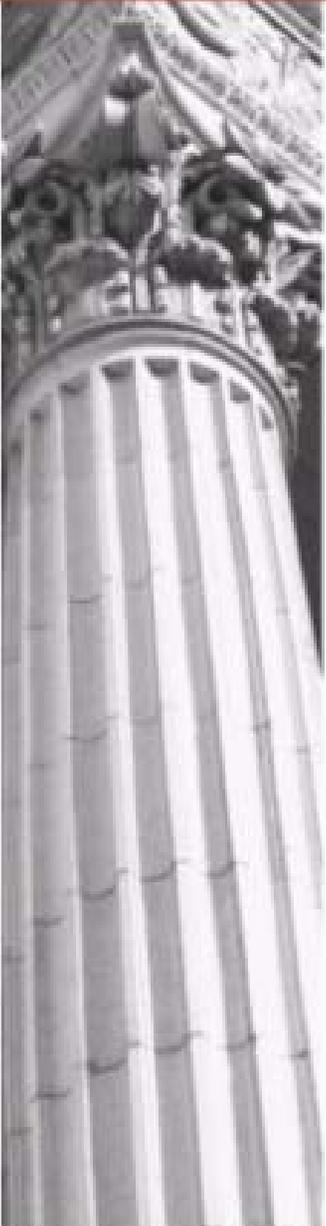




If Council by District:

- **Who should draw districts?**
 - Prop D – Elections Commission
 - 2002 PA 432 – 3-member apportionment commission
 - Charter Counties – 5-member body with political party participation
- **How should President be selected?**
 - Usually selected by councilmembers
- **Can provisions be drafted to prevent “logrolling”?**





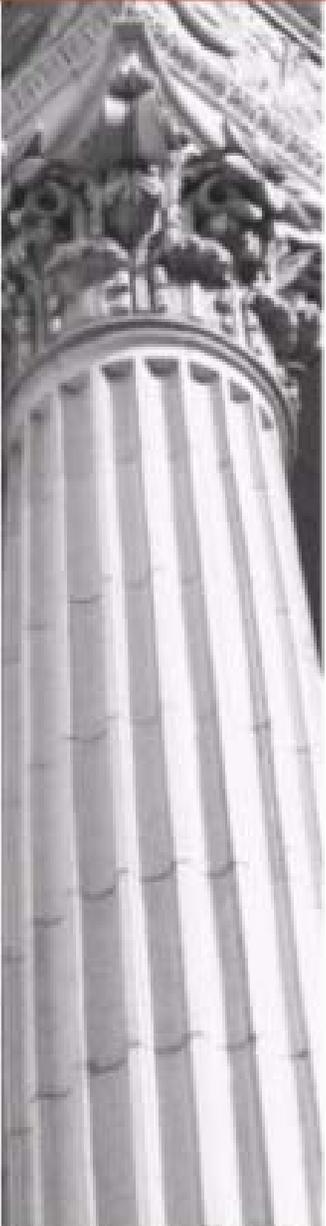
Strong Mayor

- **Historically the case in Detroit**
- **Detroit mayors relatively “stronger” than many other strong mayors**
 - **Budget, appointment, contracting, executive powers**
 - **Only one other (clerk) elected executive branch member**
- **Council by district potentially makes mayor relatively stronger**



City Manager?

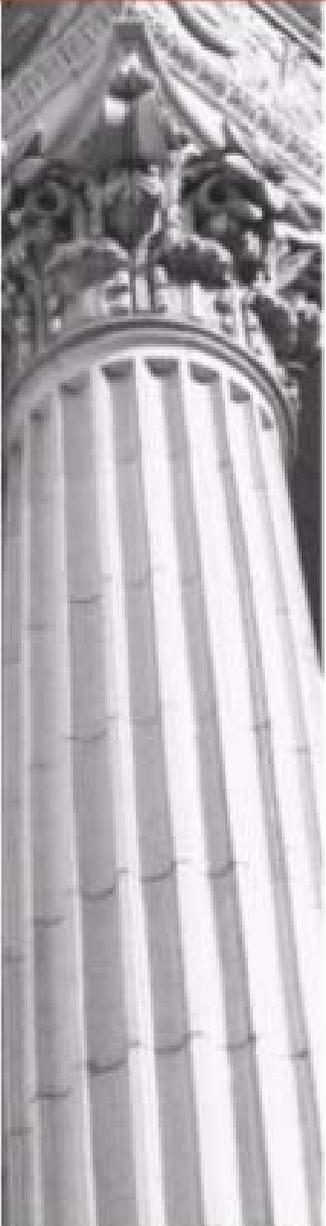
- **City of Detroit is a multi-million dollar enterprise**
- **Electing a mayor assumes person with organizational skills equal to task**
- **City managers trained in municipal operations**
- **Smaller cities serve as farm system, training managers to move on to big cities**

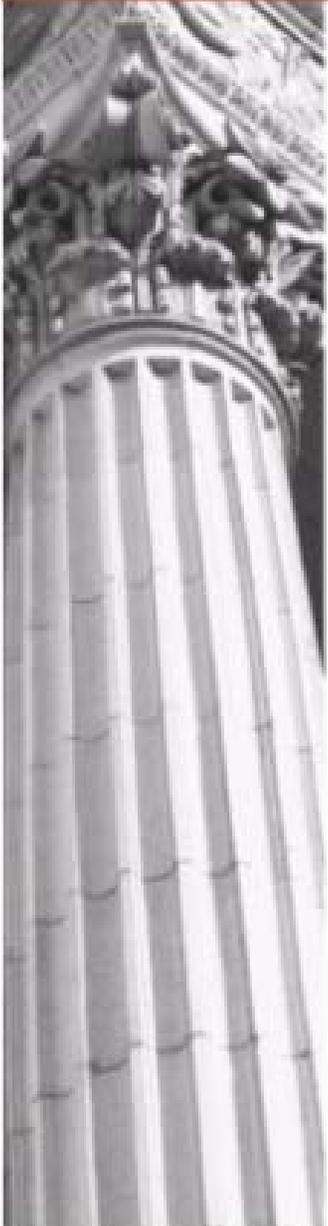




Term Limits

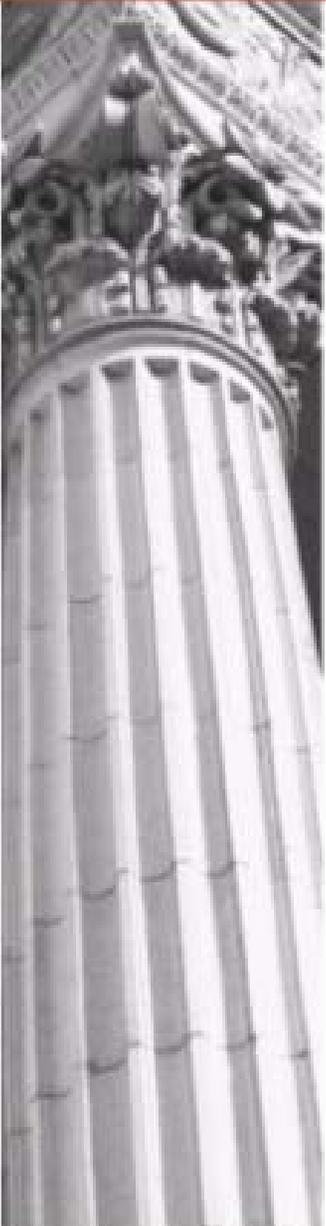
- A number of cities in Michigan and throughout U.S. have term limits for executive and legislative offices
- Adopted for state offices in 1992
- Experience in local government more favorable than at the state level





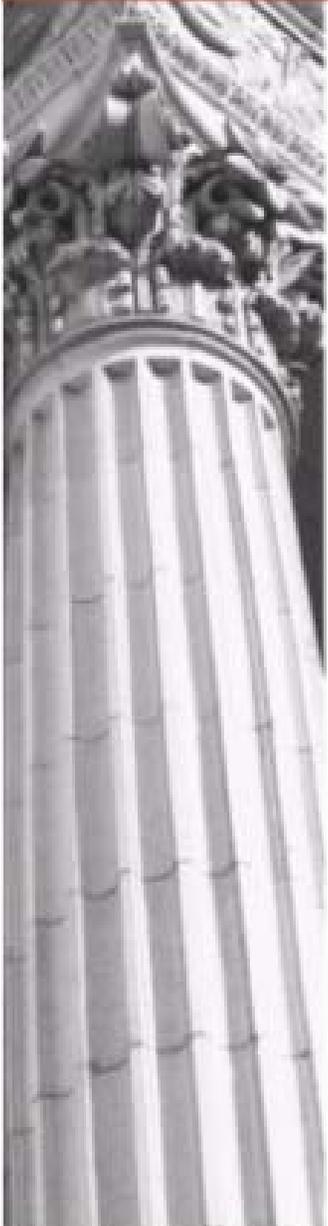
Ethics/Forfeiture Provisions

- **Focus at federal/state/local governments**
 - Major point of concern in rewrite of Dearborn City Charter
- **Provisions could address:**
 - Financial disclosure
 - Revolving door policies
 - Interaction with contractors/lobbyists
 - Nepotism in hiring



Elections

- **Special election to replace Mayor Kilpatrick highlighted inconsistency with state laws**
- **Michigan law provides for 4 dates: February, May, August, November**
- **Bring Section 3-101 in line with this reform**
 - **Potential to shift cost of elections administration to county or state**

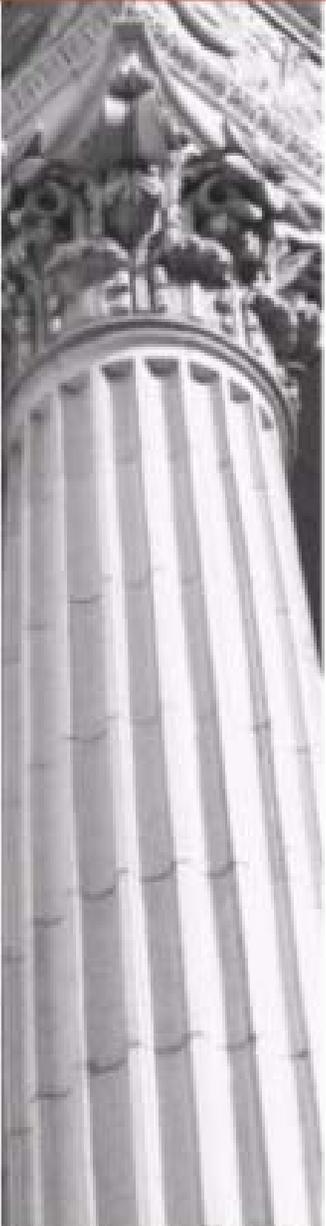


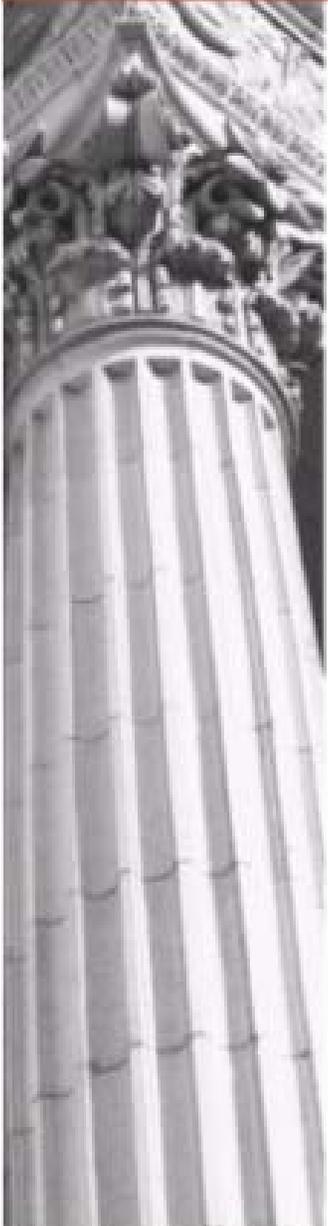
Succession to Office

- Kilpatrick resignation also brought succession ambiguities to forefront
- If President Pro Tempore of the City Council becomes President, should there be succession to President Pro Tempore?
- No mechanism in place to fill vacant city council seats
 - Especially needed with ward system



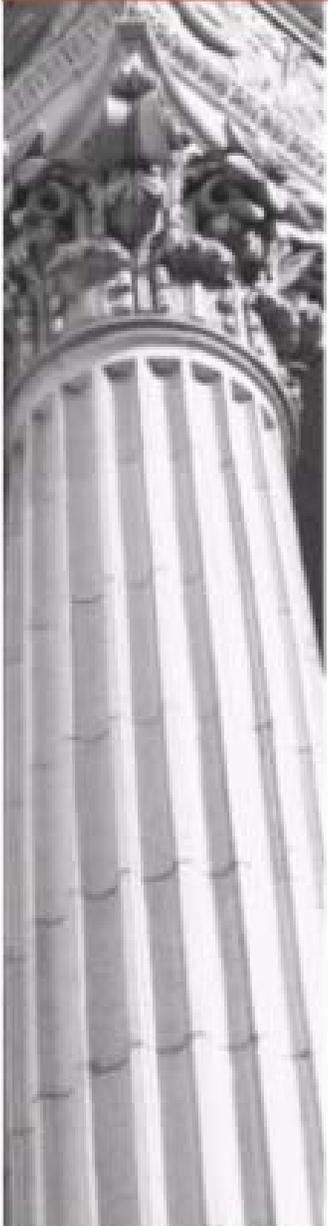
Operations





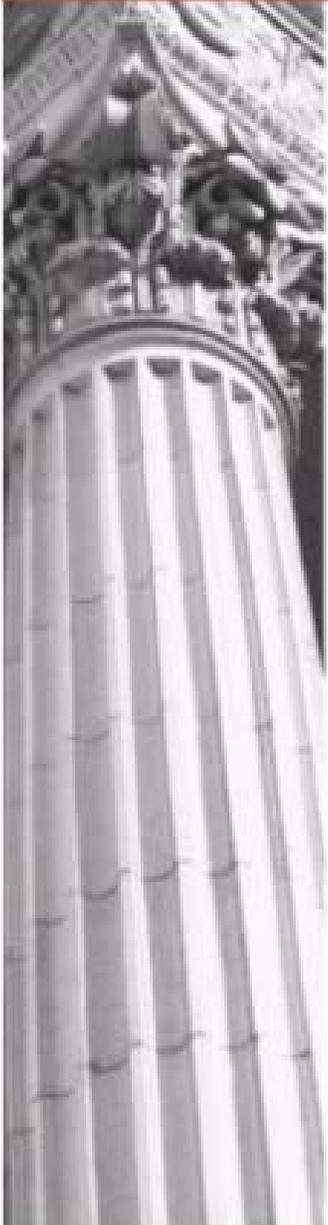
Police Commission

- Created by 1974 City Charter at a time when reduced alienation from government and control over police department were desired reforms
- Accountability to residents balanced with organizational accountability to elected officials
 - Civilian involvement: 5-member Police Commission
 - Administrative Control: Chief of Police appointed by mayor



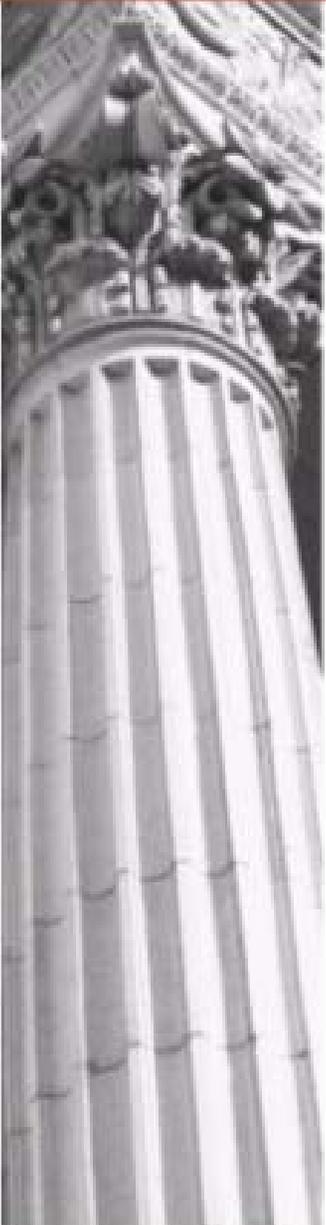
Police Commission

- **Role of Commission blurred by collective bargaining agreements, PA 312, varying interpretations of role, personalities of mayors, police chiefs, commission members**
- **Commission blurs responsibilities of Mayor and City Council**
- **With Police Department under Federal consent decree and actions disclosed in Kilpatrick hearings, how effective has the police commission been?**



Ombudsperson

- Created in 1974 City Charter
- Intended to give the citizenry easier access to lodge complaints against the city, especially in its delivery of vital services
- Does ombudsperson become redundant office under district election of council?



Law Department

- **How can Law Department be made to represent both executive and legislative branches of city government?**



CITIZENS RESEARCH COUNCIL OF MICHIGAN

The Citizens Research Council of Michigan is supported by gifts and grants of all sizes coming from many different donors including:

- **Foundations**
- **Businesses**
- **Organizations**
- **Individual Citizens like you**

We hope you will consider supporting CRC. For more information or to donate, contact us at:

Citizens Research Council of Michigan
38777 Six Mile Road
Livonia, MI 48152

(734) 542-8001
www.crcmich.org



Thank You

**We are happy to help as we have done
with other charter commissions.**

elupher@crcmich.org

www.crcmich.org