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Detroit Charter Revision—5

THE FRAMEWORK OF GOVERNMENT IN THE PROPOSED DETROIT CHARTER

Under the Michigan home rule act the city charter as adopted by the people provides the framework of government under which the city operates. This framework provides the mechanism for performing two basic and vital functions—the political or policy leadership function and the administrative or operating function.

The form and structure of government as provided in the charter must make it possible for the representatives of the citizens of the community to agree on policies generally acceptable to the public, and then provide the structure for implementing such policies through performing functions and providing services.¹

The proposed charter for the city of Detroit as approved by the charter commission on July 7, 1972, makes a number of changes in the basic form and structure of city government:

- While the proposed charter retains the present strong-mayor form of government, the powers of the mayor have been strengthened substantially.
- The proposed charter revision calls on the voters to decide as a separate issue whether the election of city officials shall be nonpartisan (as at present) or partisan.
- The proposed charter revision also calls on the voters to decide as a separate issue whether the city will have a nine-member council elected at-large (as at present) or a fifteen-member council with seven elected at-large and eight from districts.
- The proposed charter makes some basic changes in the administrative organization of city government by establishing some new charter departments, by deleting reference in the charter to some existing departments, and by providing a new mechanism for organizing and reorganizing the administrative structure of city government.

¹ See Sinclair Powell, Developing Effective Government in a Major City—Twin Problems of Form and Administrative Organization, Citizens Research Council of Michigan, Memorandum No. 218, June, 1971.

Elections

The proposed charter provides for the election for four-year terms of the mayor, the city clerk and the city council—the present elective office of city treasurer would be made an appointive position. However, the proposed charter does not provide for either partisan or nonpartisan city elections, nor does it establish the size of the city council or the method in which councilmen will be elected.

Instead, the Charter Revision Commission decided to submit three separate propositions to the voters at the November 7 general election. The first proposition will ask Detroit voters to decide whether the main body of the proposed charter should be adopted or rejected. The second and third propositions will permit the voters the choice between alternative kinds of representation on the city council and between alternative methods of electing city officials.

On the second proposition the voters will decide whether the city council should be a nine-member body elected from the city at-large or, alternatively, a fifteen-member body with seven councilmen elected at-large and eight councilmen elected from districts of the city. The third proposition will permit the voters to decide whether city elections should be partisan or nonpartisan. Under present charter provisions, city elections are non-partisan and the council is composed of nine members elected at-large.

The decision by the charter commission to submit the second and third propositions to the voters as separate questions was a compromise measure. It was adopted because of the sharp division of opinion within the community over these controversial issues. Originally, however, a majority of the commission favored partisan elections and retention of the nine-member city council elected at-large.

If the voters adopt the charter and approve partisan elections, a provision of the proposed charter would permit the formation of local political parties. To appear on the ballot, a local party would be required to file petitions with signatures from at least one percent of the registered voters in the city. If the voters adopt the charter and approve a fifteen-member city council, a provision of the proposed charter would empower the elections commission to apportion the city into eight councilmanic districts after every federal decennial census.

Separation of Powers

Both the present and proposed charters provide for what is commonly known as the strong-mayor-council form of government, with general executive and administrative authority vested in the mayor and general legislative authority vested in the city council. Four characteristics are usually associated with the strong-mayor plan: (1) the mayor can hire and fire most directors of city departments; (2) the mayor can veto acts of the council; (3) the mayor prepares the budget for council consideration; and (4) the mayor is responsible for administering the budget after it is adopted.

On the basis of these characteristics, Detroit's present charter already provides for a strong-mayor plan. The proposed charter strengthens the mayor's powers in several important areas. First, the proposed charter provides for direct mayoral appointment of all but four of the directors of city departments. Under the present charter a number of the directors of charter-created departments are classified employees under civil service and are appointed by a board or commission. Second, the mayor's role in the budgeting process is strengthened in several respects. The budget director, who is now under civil service, will be appointed by and serve at the pleasure of the mayor. The proposed charter also requires that the council make lump sum appropriations, which will give the mayor greater flexibility in the expenditure of appropriated funds. Finally, the proposed charter gives the mayor general authority to reorganize the departments and agencies of the executive branch, subject to veto by a two-thirds vote of the council. The present charter permits reorganization of the executive branch only by ordinance or charter amendment.

While the proposed charter tends to increase the power of the mayor, a new office of ombudsman has also been created to serve as an independent check on the executive branch. The ombudsman will be appointed by a two-thirds vote of the council to a ten-year term of office subject to removal only for cause. The ombudsman is empowered to investigate any administrative act by an agency of city government for possible wrongdoing and to issue reports to the council and the public. The proposed charter also retains the office of auditor general to serve as an independent watchdog over the city's fiscal affairs. As in the present charter, the auditor general will be appointed by the city council to a ten-year term of office subject to removal only for cause.

Administrative Organization

Consistent with the separation of powers concept, the proposed charter authorizes the city council to perform the legislative task of creating new programs, services, and activities and discontinuing existing programs, services, and activities. The mayor, on the other hand, is vested with the general administrative authority to organize the executive branch and assign authorized functions to specific agencies.

The proposed charter provides that the mayor shall prepare an "executive organization plan" establishing the number of agencies in the executive branch and assigning authorized programs, services, and activities to each agency. The plan, and any amendments to it, must originate with the mayor and will automatically take effect sixty business days after being filed with the council, unless vetoed by a two-thirds vote of the council. The proposed charter prohibits the mayor, however, from merging or reassigning the functions of the following departments: budget, planning, finance, law, personnel, arts, historical, human rights, police, professional standards, water and sewerage, and zoological. The proposed charter also prohibits the mayor from establishing more than thirty operating departments (not including the housing commission and a department of hospitals) unless authorized to do so by ordinance.

Though the Charter Revision Commission's objective has been to establish a flexible framework which will readily permit reorganization of the executive branch to meet changing needs and circumstances, nineteen departments within the executive branch are created by the proposed charter, as shown in Table 1.

Table 1

Administrative Departments Created in Proposed Charter

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|-----------------------------|----------------------------|
| 1. Finance | 10. Historical |
| 2. Budget | 11. Police |
| 3. Planning | 12. Professional Standards |
| 4. Law | 13. Public Lighting |
| 5. Personnel | 14. Real Property |
| 6. Arts | 15. Recreation |
| 7. Consumer Affairs | 16. Transportation |
| 8. Environmental Protection | 17. Water and Sewerage |
| 9. Fire | 18. Zoological |
| | 19. Human Rights |

The proposed charter creates some new departments (e.g., 2, 7, 8 and 12); merges some existing departments (e.g., 1, 5, 14 and 16); and continues some present departments with varying degrees of change (e.g., 3, 4, 6, 9, 10, 11, 13, 15, 17, 18 and 19). Some departments created in the present charter are omitted in the proposed charter (e.g., department of public works, civic center commission, house of correction commission and department of health). The proposed charter provides that these agencies will be retained as presently constituted with ordinance status until changed or modified in accordance with the executive organization plan.