

DETROIT CITY CHARTER REVISION

On November 2, 1993, the question, "Shall there be a general revision of the charter of the City of Detroit?" will be on the Detroit General Election ballot.

A home rule charter is a city's constitution its most basic law. The charter establishes the form of government, its officers, how those officers are selected, their term of office, and the duties and powers of the officers. The Michigan Constitution of 1908 and the Home Rule Cities Act (P.A. 279 of 1909 as amended) provide that the citizens of a city can exercise local self-government by framing, adopting, and amending a home rule charter.

The Home Rule Cities Act lays out the process for electing a charter commission to write or revise a charter. It lists what a charter can and cannot include, and prescribes how the charter is to be put on the ballot. Even though the charter has to stay within the constitution and state law, the power to develop, adopt, revise or amend the city charter is broad and important.

Although the city charter determines the form, structure, and procedures of city government, there are many things that a city charter cannot do. It cannot guarantee efficient and effective government. It cannot insure fiscal stability or revitalize the economy of the city. It cannot provide leadership or direction. The citizens of the city ultimately are responsible for determining the form of city government and for electing the leadership that will use the charter and other legal process instruments to serve the residents of the city.

Democratic Principles

Several of the democratic principles that are the foundation of the American political system are also the basis for framing and amending local home rule charters. These principles assist in placing the process of charter-writing in perspective and provide for a set of standards to assist in this process.

Six of these principles are particularly relevant to local government: (1) popular sovereignty - that authority is vested in the people; (2) individual rights - the freedom of all individuals; (3) representation - the people agree to elect representatives to govern; (4) majority rule - that majority rule is the best expression of the popular will; (5) limited government/divided power - that government only has the power given to it by the people who then limit power and divide authority; and, (6) accountability - that sufficient authority is provided local officials and that these officials are accountable for that authority. Most of the critical political issues of today can be expressed in terms of these fundamental values.

Detroit City Charter History

First Home Rule Charter Detroit's first three charters were written by the state Legislature, in accordance with the laws of the time. In 1918, the citizens of Detroit adopted a home rule charter

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that instituted the strong mayor-council form of government, reduced the size of the council from 42 to nine, changed the manner of electing council members from districts to at-large, and changed elections from partisan to nonpartisan. That charter served as Detroit's constitution for 56 years, during which period it was amended over 200 times. By the late 1960s, there was concern that the 1918 charter was hampering the administration of urban renewal, social programs, affirmative action, and other programs. In 1968, a charter study committee, appointed by Mayor Cavanagh, recommended that the city charter be completely rewritten.

Charter Revision, 1970-73 Detroit voters approved calling a charter commission in August 1970, and elected a charter commission in November of that year. At the November 1972 election, the proposed new charter was narrowly defeated, but two separate ballot questions submitted to the voters were decided: 67 percent wanted to retain at-large election rather than a combination at-large/district system, and 63 percent favored continuing nonpartisan elections. In November 1973, voters approved a revised proposed charter that retained the strong mayor-council form, which clearly defines the powers of the executive and legislative branches, and incorporated at-large and nonpartisan elections and other modifications. The new charter took effect on July 1, 1974.

Current Charter The present Detroit City Charter establishes the authority of the mayor, who has control of and is responsible for the executive branch which provides the city services. The city charter also establishes the legislative branch, headed by the city council, which determines the policies of city government and is also responsible for oversight of the executive branch.

Changes in the Detroit City Charter can be accomplished by single issue charter amendments placed on the ballot by either a two-thirds vote of the nine-member council, or attaining approximately 28,000 signatures, or by a general revision of the charter. The present charter has had 17 proposed amendments, 13 of which have passed. Amendments may alter or improve within the lines of the original charter, but a change that disrupts, cancels, or makes inoperable the original charter is a revision. For example, adoption of a district election of council could be accomplished by amendment, but a change from a strong mayor-council form to a council-manager form of city government would require a general revision of the city charter.

The Question of General Revision

The current charter provides that in 1993, and every 16 years thereafter, voters should decide whether to undertake a general revision of the charter. The question of charter revision will appear on the November 2, 1993, ballot as **Proposal A:**

Shall there be a general revision of the charter of the City of Detroit?

Nine charter commissioners will be elected in November. If the charter revision question is rejected, the commission will not be established. The task of a charter commission is to draft and approve a proposed, revised charter, submit it for review by the Governor, and then to the voters for adoption or rejection. A charter commission has a maximum of three years to complete its task but may end its task earlier if a charter is adopted or if three proposals are rejected by the voters.

The charter revision question provides the community an opportunity to periodically reassess the strengths and weaknesses of the current charter. In doing so, the community must decide how

well the form and structure of city government established by the charter meet the needs of the citizens today and in the future. A charter revision commission can recommend for consideration by the voters a revised charter that it believes would make government more effective and responsive to changing community needs.

Charter Revision Issues

There are several specific charter issues that could be addressed by a charter revision commission, if the voters approve Proposal A on the November 2, 1993, ballot.

Council Election by District One Detroit charter revision issue is whether to continue to elect council members at-large or to elect them by district or by a mixed at-large and district system. Among the most-populous U.S. cities, three elect council at-large, nine use district elections, and eight elect council by a mixed system (see Table on page 5). Among the 20 largest cities in Michigan, 14 cities elect council at-large, four by districts, and two by a mixed system. Detroit presently elects nine council members at-large.

Term Limits Term limitations are an emerging public policy issue. After the results of the November 1992 election, 15 states have enacted state legislative term limitations. Nine of the 20 most-populous U.S. cities have imposed term limits on both mayor and council, but none of the largest Michigan cities, including Detroit, has term limits.

Balance of Power In the strong mayor-council form of government, there exists an inherent competition between the executive and legislative branches of municipal government. Conflict between mayor and council, or too dominant a role for one or the other branch of government, can undermine the necessary checks and balances and adversely affect city government operations. The 1974 Detroit City Charter established a strong mayor-council form of government with clearly defined executive and legislative branch powers and incorporated the system of checks and balances inherent in that structure. In this competition in Detroit the executive seems to have developed the dominant role.

Oversight of the Police Department A challenge faced by cities today is how to balance two fundamental and often competing principles concerning the accountability of the police department: civilian involvement and supervisory oversight. The first principle is the need for the policies and performance of the police department to be responsive to diverse people, interests, and values of Detroit. The method of resolving citizen complaints is particularly important. The second principle is the need to assure that supervisory control of the police department is securely vested in the mayor, clearly establishing the accountability of the mayor's office for an effective and equitable police department. The 1974 charter combined the most extensive elements of both civilian oversight and civilian review found anywhere at that time. The current charter issue is that of evaluating the effectiveness of this system on the operations of the police department.

There are numerous other charter issues that could be considered by a charter revision commission including decentralization of city government; evaluation of the office of Ombudsman; economic development and long range planning of the city; campaign finance/expenditures; legal counsel for the city council; and others.

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Summary of Principal Arguments in Favor of and Against General Revision

The principal arguments in favor of the general revision of the Detroit City Charter can be summarized as follows:

- The charter revision process is an exercise in local self-government and each generation should have the opportunity to draft its own charter.
- Detroit has changed in the past 20 years and the governmental needs of its citizens should be reexamined.
- Detroit city government has faced gridlock over the past 20 years with frequent disputes and lawsuits between the mayor and council.
- A comprehensive review of the structure of city government is needed to determine its effectiveness for meeting the city's future needs.
- There are a sufficient number of proposed charter revision areas to warrant an overall charter revision approach rather than single amendments which are an alternative approach to the charter revision process. It is difficult to get a two-thirds vote of the council or 28,000 signatures for charter amendment; and, piecemeal amendments create problems.

Principal arguments against the general revision of the Detroit City Charter include the following:

- The present charter has served the city well and charter revision opens the door to unanticipated changes in the charter that might not be desirable.
- The cost of creating a charter commission could well exceed \$1 million.
- There does not appear to be a groundswell of public sentiment for a general revision of the city charter.
- There has been only one mayor and 17 council members to serve under the 1974 charter, and a new administration will take over the city government next year and should be given the opportunity to serve under the present charter.
- The last charter revision occurred largely because the Cavanagh Charter Study Commission recommended revision and provided two important elements: (1) it identified specific charter weaknesses in a 50-year old charter that had been amended over 200 times, and (2) it focused public attention on the issue of charter revision well in advance of electing charter commissioners and voting on the ballot issue.

Detroit City Charter Revision -- Special Project

The Citizens Research Council has prepared a special Detroit City Charter Revision series of 12 publications on the charter revision process and on charter issues. The project was financed, in part, by grants from Community Foundation for Southeastern Michigan, Hudson-Webber Foundation, Matilda R. Wilson Fund, and NBD Bank. The papers in the series are listed on page 6. Copies of these papers are available from the Citizens Research Council upon request.

COMPARISON OF LOCAL GOVERNMENT CHARACTERISTICS FOR THE MOST-POPULOUS U.S. AND MICHIGAN CITIES

Name	FORM OF GOVERNMENT (1)	PARTISAN NONPARTISAN	MAYOR		COUNCIL		TERMS LIMITS				
			Veto Power	Budget (2)	Appointments	Length of Term (yrs)	Electoral System	Size of Council	Length of Term (yrs)	Max. # Consecutive Mayor	Terms Council
U.S. Cities:											
New York	M-C	Partisan	Yes	Mayor	Mayor	4	District	51	4	No Limit	No Limit
Los Angeles	M-C	Nonpartisan	Yes	Mayor/CAO	Mayor	4	District	15	4	2	2
Chicago	M-C	Partisan	Yes	Mayor	Mayor	4	District	51**	4	No Limit	No Limit
Houston	M-C	Nonpartisan	No	Mayor	Mayor	2	Mixed (9/5)*	15**	2	2	2
Philadelphia	M-C	Partisan	Yes	Mayor	Mayor/CAO	4	Mixed (7/10)*	17	4	No limit	No limit
San Diego	C-M	Nonpartisan	No	CAO	CAO	4	District	9**	4	2	2
Detroit	M-C	Nonpartisan	Yes	Mayor	Mayor	4	At-large	9	4	No Limit	No Limit
Dallas	C-M	Nonpartisan	No	CAO	CAO	4	Mixed (1/14)*	15**	2	2	4
San Antonio	C-M	Nonpartisan	No	CAO	CAO	2	District	11**	2	2	2
Phoenix	C-M	Nonpartisan	No	CAO	CAO	4	District	9**	2	2	2
San Jose	C-M	Nonpartisan	No	Mayor/CAO	CAO	4	District	10**	4	2	2
Baltimore	M-C	Partisan	Yes	Mayor	Mayor	4	District	19	4	No Limit	No Limit
Indianapolis	M-C	Partisan	Yes	Mayor	Mayor	4	Mixed (2/5)*	7	4	No Limit	No limit
San Francisco	M-C	Nonpartisan	Yes	Mayor	Mayor	4	At-large	11	4	2	2
Jacksonville	M-C	Nonpartisan	Yes	Mayor	Mayor	4	Mixed (5/14)*	19	4	2	2
Columbus	M-C	Nonpartisan	Yes	Mayor	Mayor	4	At-large	7	4	No Limit	No Limit
Milwaukee	M-C	Nonpartisan	Yes	Mayor	Mayor	4	District	16	4	No Limit	No Limit
Memphis	M-C	Nonpartisan	Yes	Mayor	Mayor	4	Mixed (7/6)*	13	4	No Limit	No Limit
Washington DC	M-C	Partisan	Yes	Mayor	Mayor	4	Mixed (5/8)*	13	4	No Limit	No Limit
Boston	M-C	Nonpartisan	Yes	Mayor	Mayor	4	Mixed (4/9)*	13	2	No Limit	No Limit
Michigan Cities:											
Detroit	M-C	Nonpartisan	Yes	Mayor	Mayor	4	At-large	9	4	No Limit	No Limit
Grand Rapids	C-M	Nonpartisan	No	CAO	CAO	4	District	7**	4	No Limit	No Limit
Warren	M-C	Nonpartisan	Yes	Mayor	Mayor	4	At-large	9	4	No Limit	No Limit
Flint	M-C	Nonpartisan	Yes	Mayor	Mayor	4	District	9	4	No Limit	No Limit
Lansing	M-C	Nonpartisan	Yes	Mayor	Mayor	4	Mixed (4/4)*	8	4	No Limit	No Limit
Sterling Heights	C-M	Nonpartisan	No	CAO	CAO	2	At-large	7**	2	No Limit	No Limit
Ann Arbor	C-M	Partisan	Yes	CAO	CAO	2	District	11**	2	No Limit	No Limit
Livonia	M-C	Nonpartisan	Yes	Mayor	Mayor	4	At-large	7	4	No Limit	No Limit
Dearborn	M-C	Nonpartisan	Yes	Mayor	Mayor	4	At-large	7	4	No Limit	No Limit
Westland	M-C	Nonpartisan	Yes	Mayor	Mayor	4	At-large	7	4	No Limit	No Limit
Kalamazoo	C-M	Nonpartisan	No	CAO	CAO	2	At-large	7**	2	No Limit	No Limit
Southfield	C-M	Nonpartisan	Yes	Mayor/CAO	Mayor/CAO	4	At-large	7	4	No Limit	No Limit
Farmington Hills	C-M	Nonpartisan	No	CAO	CAO	1	At-large	7**	4	No Limit	No Limit
Troy	C-M	Nonpartisan	No	CAO	CAO	3	At-large	7**	3	No Limit	No Limit
Pontiac	M-C	Nonpartisan	Yes	Mayor	Mayor	4	District	7	4	No Limit	No Limit
Taylor	M-C	Nonpartisan	Yes	Mayor	Mayor	4	At-large	7	4	No Limit	No Limit
Saginaw	C-M	Nonpartisan	No	CAO	CAO	2	At-large	9**	4	No Limit	No Limit
St. Clair Shores	C-M	Nonpartisan	No	CAO	CAO	4	At-large	7**	4	No Limit	No Limit
Royal Oak	C-M	Nonpartisan	No	CAO	Mayor/CAO	2	At-large	7**	4	No Limit	No Limit
Wyoming	C-M	Nonpartisan	No	CAO	CAO	2	Mixed (3/3)*	7**	4	No Limit	No Limit

(1) M-C means Mayor-Council; C-M means Council-Manager

(2) CAO means chief administrative officer

* Mixed refers to those city councils composed of both members elected at-large and from single-member districts, the number of members elected are shown in parenthesis (at-large/by district).

** Mayor is member of council

Source: The Municipal Year Book, 1993, International City Management Association; direct inquiry by Citizens Research Council.

DETROIT CHARTER REVISION SERIES

<u>Report No.</u>	<u>Title and Author (where not otherwise indicated, prepared by CRC staff)</u>
310-01	<u>Democratic Principles and Home Rule Charters</u> ; Susan B. Hannah, School of Public Affairs and Administration, Western Michigan University
310-02	<u>Detroit Charter Revision--A Brief History</u> ; George E. Ward, Chief Assistant Prosecuting Attorney of Wayne County, Former Executive Director, Detroit Charter Commission, and President, Wayne County Charter Commission
310-03	<u>The Nature and Purpose of a Home Rule Charter</u>
310-04	<u>Reflections on City Charter Revision</u> ; Bernard Klein and Richard Simmons, Former Charter Commissioners
310-05	<u>Form of City Government* Separation and Balance of Powers Between the Mayor and the City Council</u>
310-06	<u>The Detroit Board of Police Commissioners: Historical and Policy Context</u> ; David F. Smydra, Urban Studies Program, Wayne State University and Former Executive Secretary, Detroit Board of Police Commissioners
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310-10	<u>Election of City Council</u>
310-11	<u>Detroit City Charter: Budget and Finance Issues</u>
310-12	<u>Term Limitations for Local Officials</u>