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Prepared by Citizens Research Council of Michigan

WAYNE COUNTY PROPOSAL #1 - COUNTY CHARTER AMENDMENT

The Wayne County Commission has placed a request for voter approval of a county charter amendment on the November 3, 1992 ballot.

Shall Section 4.113 of the Wayne County Charter be amended to assure a County Commission review and approval of the reorganization plan at least once each four years, by clarifying that a plan expires 180 days after the start of each term of the CEO, or sooner if a new plan is adopted?

Existing Charter Provision Section 4.113 of the Wayne County Charter states:

- (a) Within 90 days after taking office, the CEO shall submit a proposed Executive Branch reorganization plan to the Commission. The plan may provide for the creation or abolition of any department agency, division, or officer not expressly exempted by this Charter. The plan may assign all the powers, duties, and functions of the County among the agencies or departments not prohibited by this Charter. The CEO may propose amendments at any time to the Executive Branch reorganization plan.
- (b) The Commission may approve or reject the proposed plan or any proposed amendment. If the Commission fails to act on the proposed plan or a proposed amendment within 90 days after its submission, the plan or amendment becomes effective.

History It appears that the intent of the Wayne County Charter Commission was for the county executive to submit a reorganization plan every four years.

A reorganization plan developed by an appointed reorganization committee and containing the formal organization of the functions assigned to the executive branch was adopted by the first Wayne County chief executive officer (CEO) and immediately submitted to the County Commission. The original plan contained six major groupings of functions (called agencies or coordinating offices). Assistant county executives, who were on-site administrators rather than department heads, were assigned to coordinate the various departmental functions that comprised a coordinating office. This plan retained the pre-charter level of organization, with directors and deputies appointed in accordance with charter section 4.385, which states:

Unless otherwise specifically provided by this Charter or law:

- (1) The Deputy CEO, directors, deputy directors, members of boards and commissions, representatives of the County on intergovernmental bodies, and all other officials or representatives not in the classified service shall be appointed by the CEO with the approval of a majority of Commissioners serving.

A significant portion of the efforts of the first CEO were devoted to creating an executive branch structure that centralized control and accountability.

The second CEO elected after county charter adoption submitted a reorganization plan that retained the basic structure established four years earlier.. with two major changes. First, a new

agency of jobs and economic development was created. Second, the coordinating offices were redefined as departments, with the previous departments being redefined as divisions within those departments, and the reorganization plan reserved to the CEO the right to appoint not only department heads and deputies, but also division heads and chief assistants. "Each division will be headed by a Director and a Chief Assistant, appointed by the Chief Executive Officer and not subject to County Commission approval; with the exception of the division of Civil Service Commission... Division Directors and Chief Assistants will not be part of the classified service." This provision appears to violate the intent and purpose of Section 4.385 of the county charter.

After some negotiations, in May 1987 the county commission approved the second CEO's reorganization plan including the extension of appointment authority without commission interference.

The second CEO was reelected to a second term. On June 10, 1991, he submitted an "amendment to the Reorganization Plan." Based on a Corporation Counsel opinion that the CEO has an affirmative duty to submit an executive reorganization plan within 90 days of taking office, the commission determined to consider that submission as though it contained the original reorganization plan, modified by the "amendments." The amendments submitted affected the duties and responsibilities of some divisions of the executive branch of county government, but would not affect the delegation by the commission of the right to approved division heads and their chief assistants.

Oversight v Interference Resolution 91-602 of the Wayne County Commission rejected the June 10, 1991 "amendments" and any resubmission of the 1987 reorganization plan. The CEO has refused to submit a new reorganization plan relying on a Corporation Counsel opinion that the previously approved reorganization plan would remain in effect if the recent plan were rejected.

Resolution 92-472 placed the proposed charter amendment on the ballot, in the belief that the amendment would resolve the issue without expensive litigation.