

DETROIT CHARTER REVISION COMMISSION
PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 194

ISSUE CATEGORY: Government Operations & Structure

SOURCE: Mayor Bing Administration

RELATED CHARTER SECTIONS: §2-105 (Definitions)

Letter, Rec'd December 21, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Various additions, deletions and clarifications have been made to the "Definitions" section of the Charter.

Sec. 2-105. Definitions.

As used in this Charter:

~~1- Agency¹ – means any department, office, multi member body, or other organization of city government and includes any elective officer, appointee, employee, or person acting or purporting to act in the exercise of official duties subdivision of the Legislative Branch of City government.~~

~~2- *Appoint and hire.* A person is appointed means being named to a position in the exempt service and is hired for a position in the classified service as defined by section 6-517 .~~

~~The exempt service comprises both compensated and uncompensated positions.~~

~~The term "appointee" refers to persons holding either compensated or uncompensated positions.~~

~~Appointee means a person holding either a compensated or uncompensated position.~~

¹ The term "agency" should be used through the Revised Charter where appropriate.

~~The terms “appointive office” and “appointive officer,” however, refer only to compensated positions and appointees holding compensated positions.~~

Appointive office or appointive officer mean compensated positions and appointees holding compensated positions.

~~For the purpose of this subsection, reimbursement of expenses under section 2-109 is not “compensation.”~~

City means the City of Detroit.

Department² means any subdivision of the Executive Branch of City government that is created under this Charter or subsequently under Section 7-102 of this Charter.

Director means the administrative head of any department or agency regardless of the title of a particular director.

District means a ward drawn on a geographical basis, which constitutes a political unit from which members of the city council and community advisory councils are elected.

Elective officers means the Mayor, each member of the City Council, and the City Clerk.

~~3- Filling of vacancies — means, except as otherwise provided by this Charter, whenever a vacancy occurs in any appointive position, ~~the~~ the vacancy shall be filled by appointment (for the unexpired term, if any) in the manner provided for the original appointment.~~

Exempt service means both compensated and uncompensated positions.

~~4- General election in the city (distinguished from ‘city general election’) — means a city-wide general election regardless of whether its purpose is to fill national, state, county or City offices.~~

Hire means being employed for a position in the classified service as defined in Section 6-517 of this Charter.

² The term “department” should be used through the Revised Charter where appropriate.

~~5. *Including or included.* Unless the contrary is expressly stated, are not words of limitation. They always mean "including but not by way of limitation" or "included but not by way of limitation."~~

Multi-Member Body means any board, commission, or other organization of City government.

~~6. *Number and gender.* The singular number includes the plural, the plural number includes the singular, and the masculine gender includes the feminine gender and the neuter.~~

~~7. *Serving and present.* ~~It~~ means, when calculating an ordinary or extraordinary majority of:~~

A. *City Council members serving*, vacant City Council seats are not included ~~— ;~~ and

B. *City Council members present*, neither vacant City Council seats nor those of absent members are included.

~~8. *Tense.* This Charter is to be regarded as speaking in the present and continuously. Thus, for example, the phrase "as provided by law" will incorporate the provisions of law as they change from time to time.~~

~~9. *Vacancy.* ~~It~~ means that the position of any elective officer or appointee ~~shall become~~ is deemed vacant upon death, resignation, permanent disability, or dismissal from the position in any manner authorized by law or this Charter.~~

~~10. *Voter of the city or city voter.* ~~Voter of the city or city voter~~ means a person who has the qualifications of and is registered as an elector of the City of Detroit under state law.~~

~~11. *Retain (distinguishing legal representation other than the corporation counsel).* The temporary hiring of outside legal counsel.~~

~~12. *District or ward.* District means a ward drawn on a geographical basis, which constitutes a political unit from which members of the city council and community advisory councils are elected.~~

COMMENTARY

The current definition of "agency" has caused confusion. The recommended change in this section for the definition of "agency" and for the other definitions contained in the section will ensure that the terms are properly used throughout the Charter.

RATIONALE:

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: