

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 212

ISSUE CATEGORY: Government Operations & Structure

SOURCE: Mayor Bing Administration

RELATED CHARTER SECTIONS: §4-121 (Special Counsel)

Letter, Rec'd December 21, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Require that special counsel be a member of the State Bar of Michigan as opposed to licensed to practice in Michigan and not employed or under contract with the City. Clarify that special counsel is not "authorized" to represent the City of Detroit as a municipal corporation in any legal proceeding.

Sec. 4-121. Special counsel.

The City Council may obtain the opinion or advice of an outside attorney in any matter pending before ~~the Body~~. As provided for in this section, a member of the State Bar of Michigan may be designated as outside counsel.

Where ~~there exists~~ a conflict of interest exists between the City Council and ~~another the Executive Branch of City government~~, the City Council ~~has the authority~~ is authorized to retain ~~an attorney licensed to practice law in Michigan who shall~~ outside counsel, who is a member of the State Bar of Michigan and is not employed by, or under contract with, the City of Detroit, to represent the City Council, as a Body, in legal proceedings. Such attorney ~~shall not~~ is not authorized to represent the City as a municipal corporation in any legal proceeding.

RATIONALE: *"In the 1974 Detroit City Charter, this section provided that "The City Council may obtain the opinion of an outside attorney in any matter pending before it." The modification of this section in the 1997 Detroit City Charter has resulted in confusion regarding the selection of outside counsel. If City Council were permitted to retain a City appointee or employee to handle legal research or litigation as outside counsel, when the individual is being paid to conduct other work, the individual would be "double dipping" when also performing work for City Council."* -Mayor Bing Administration, Letter, Rec'd December 21, 2010.

ANALYSIS: Clarification may be need regarding the language ". Such attorney ~~shall not~~ is not authorized to represent the City as a municipal corporation in any legal proceeding" or its unmodified version as to the time frame intended.

DISPOSITION/COMMISION ACTION:

NOTES: