

DETROIT CHARTER REVISION COMMISSION
PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 60

ISSUE CATEGORY: Government Operations & Structure

SOURCE: City Council,

RELATED CHARTER SECTIONS: §4-113 (Separation of Powers)

Letter dated December 2, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Allow Council members to communicate directly with city officers and employees subject to direction and supervision of mayor and provide them power to exercise management supervision over performance of directors and personnel of city departments.

[Sec. 4-113. Separation of Powers,](#)

[City council or its members, to the extent necessary in the performance of the duties of their offices, may communicate with city officers and employees who are subject to the direction and supervision of the mayor, with respect to the provision of city services, and to the extent practicable and consistent with mayoral control of city government departments, exercise management supervision of the performance of the directors and personnel of city government departments.](#)

Deleted: Prohibition on interference in administration

Deleted: Except for purposes of inquiries and investigations, the city council or its members shall deal

Deleted: solely through the mayor, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately

RATIONALE: "Language has been added changing the title of this section to reflect the city's adoption of the separation of powers doctrine, which does not automatically apply to municipalities. City council recognizes the place of separation of powers in a strong mayor scheme of government, but also is aware that the implementation of a district election system for city council will create a heightened public expectation that district council members should be able to address district issues/problems currently under administrative control. Currently, council members are severely restricted from interaction with executive branch departments, except through council's investigative authority. This proposal partially eliminates the prohibition on interference with the administration in the current charter, and authorizes council to interact with executive branch officials to the extent necessary in performance of the duties of their offices. The key language, "to the extent necessary," is not defined – as considerable flexibility is warranted where the facts that would trigger interpretation of this section are as yet undefined."-*City Council's Rationale, Letter, dated December 13, 2010.*

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: