

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 166

ISSUE CATEGORY: Government Operations & Structure

SOURCE: Richard Mack

RELATED CHARTER SECTIONS: §2-101 (Qualifications for Elective and

Letter, December 26, 2010

Appointive Officers)

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Add a three year residency/domicile requirement for elective office. City Council candidates must be a resident and a qualified and registered voter of the district they represent at time of filing and while holding office; elected and appointed official must be domiciled in Detroit at time of assuming duties and while holding office.

Sec. 2-101. - Qualifications for elective and appointive officers.

A person must be a citizen of the United States, a resident and a qualified and registered voter of Detroit, and domiciled within the City of Detroit, for a minimum of three years prior to filing for elective office, and while holding any elective city office. Domiciled is defined as the place where a person has his/her true, fixed and permanent home. In addition, a person who represents a City Council district must be a resident and a qualified and registered voter of the district, at the time of filing for, and while holding, the position of an elective member of City Council.

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A person must be a citizen of the United States, a resident and a qualified and registered voter of Detroit, and domiciled within the City of Detroit, at the time of assuming the duties of, and while holding, any appointive city office. However, this requirement does not preclude an appointive officer who is assigned to a work location outside the city from using a residence outside of the city. This provision shall not apply if otherwise prohibited by state law.

RATIONALE: “Despite MCL sec. 15.601 et al, the Residency of Public Employees Act, the City should not change the language in its Charter requiring residency, in the event that the statute is amended/abolished in the future. The Charter by its terms already limits its efficacy to the limits of state law. Sec. 1-102. It is much easier for the state statute to change than the Charter language to change. Plus, the current statute does not apply to the unpaid appointive official. Indeed, persons who are appointed to office within the City should have enough concern for the City to pay taxes therein.

“As to the residency requirement for the elected official, it is necessary to have a person familiar with the City as a resident to file for elective office. Those individuals make the most effective leaders.”-Richard Mack, Esq., Letter, December 26, 2010.

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: See also Professor Sedler memorandum under “Legal Opinion” tab.

