

**DETROIT CHARTER REVISION COMMISSION**

**PROPOSAL/ISSUE REVIEW SUMMARY**

**ISSUE NUMBER:** GOS 218

**ISSUE CATEGORY:** Government Operations & Structure

**SOURCE:** Mayor Bing Administration

**RELATED CHARTER SECTIONS:** §6-401 (Law Department); §4-121

Letter, Rec'd December 21, 2010

(Special Counsel)

**RELEVANT ORDINANCE SECTION:**

**RELEVANT LAW(S):**

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**ISSUE/PROPOSAL STATEMENT:** Clarify that the Law Department is the exclusive legal representative of the Executive and Legislative branches of government, subject to relevant sections of the Charter (i.e. §4-121).

**Section 6-401. Law Department.**

The Law Department is headed by the Corporation Counsel and is responsible for providing all legal advice and representation to the Executive and Legislative Branches of City Government, except where disputes arise under Section 4-121<sup>4</sup> of this Charter. The Mayor shall appoint the Corporation Counsel, subject to approval of the City Council. However, if the City Council does not disapprove the appointment within thirty (30) days, the appointment is confirmed. The Mayor may remove the Corporation Counsel without cause.

**RATIONALE:** *“On August 17, 1972, the City Council Research and Analysis Division (“RAD”) was created, through enactment of an ordinance, to act as a research arm of the City Council. Over the past 38 years, RAD has often designated its agency, without charter authority, as the “attorneys” for the Legislative Branch of City government. When doing so, RAD duplicates and conflicts with the Law Department, which is Charter-mandated to represent both the Executive and Legislative Branches of City government and to protect the interests of the City of Detroit.*

*“This change would assist in the proper delivery of legal services to the Legislative Branch of City Government. In addition, this change would ensure that legal advice be uniformly provided from one office. Lastly, this change will assist, along with the recommend changes, below, in Section 4-121 of the 1997 Detroit City Charter, to clarifying the charter authority of the Law Department to provide legal services, the non-charter authority of RAD to advise City Council on policy issues, and the selection of outside legal counsel when conflicts between the Mayor and the City Council result in litigation.” -Mayor Bing Administration, Letter, Rec'd December 21, 2010.*

**ANALYSIS:**

**DISPOSITION/COMMISSION ACTION:**

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<sup>4</sup> See, Section 4-121 of Mayor’s proposed revisions.

**NOTES:**