

## DETROIT CHARTER REVISION COMMISSION

### PROPOSAL/ISSUE REVIEW SUMMARY

**ISSUE NUMBER:** GOS 61

**ISSUE CATEGORY:** Government Operations & Structure

**SOURCE:** City Council,

**RELATED CHARTER SECTIONS:** §4-119 (Veto)

Letter dated December 2, 2010

**RELEVANT ORDINANCE SECTION:**

**RELEVANT LAW(S):**

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**ISSUE/PROPOSAL STATEMENT:** Allow City Council to reconsider an ordinance or resolution vetoed by Mayor at a special meeting, in addition to at a regular meeting.

Sec. 4-119. Veto.

Every ordinance or resolution of the city council, except quasi-judicial acts of the city council including any under section 9-302, appointments by the city council or action taken under section 2-107(2-3), 4-102, 4-105, 4-108, 4-109, 4-120, 4-121, 7-1006, or 12-110 of this Charter, shall be presented by the city clerk to the mayor within four (4) business days after adjournment of the meeting at which the ordinance or resolution is adopted.

The mayor, within seven (7) days of receipt of an ordinance or resolution, shall return it to the city clerk with or without approval, or with a veto and a written statement explaining the veto. However, with respect to an emergency ordinance, the mayor shall notify the city clerk of a veto in any reasonable manner within twenty-four (24) hours after the mayor's office received written notice from the city clerk that the emergency ordinance has been adopted.

An ordinance approved by the mayor shall be deemed enacted thereupon. An ordinance returned to the city clerk neither approved nor vetoed by the mayor shall be deemed enacted upon receipt by the city clerk. The mayor shall return any resolution neither approved nor vetoed to the city clerk with a written statement explaining the reason the resolution was neither approved nor vetoed. An ordinance or resolution not returned to the city clerk within seven (7) days of receipt by the mayor shall be deemed enacted upon expiration of the seven (7) day period; however, with respect to an emergency ordinance, should the mayor fail to notify the city clerk of a veto within twenty-four (24) hours of receipt by the mayor's office of notice that the ordinance has been adopted, the ordinance shall be deemed enacted upon expiration of the twenty-four (24) hour period.

An ordinance or resolution vetoed by the mayor can be reconsidered by the city council only at a regular or special meeting within one (1) week after receipt of the mayor's veto. A two-thirds (2/3) majority of city council members serving may pass the ordinance or resolution over the mayor's veto.

**RATIONALE:** "The sole change in the last paragraph is to add the words "or special," to allow city council to respond to a mayoral veto during a special meeting, as allowed under the Open Meetings Act and Council's own rules. This issue has arisen periodically in the past, particularly during recess periods when city council desires to override a mayoral veto, and the law department has indicated that it cannot do so in a special session. The proposed language would overcome this technical issue that has arisen in the past." -*City Council's Rationale, Letter, dated December 13, 2010.*

**ANALYSIS:**

**DISPOSITION/COMMISSION ACTION:**

**NOTES:**