

**ARTICLE 5.  
THE EXECUTIVE BRANCH:  
THE MAYOR and GENERAL PROVISIONS**

General Comments

- Insert following new language which would eliminate the need for Sections 5-103 (in part), 5-105, 5-106, 5-107, 6-503, 6-504 and 7-801.

**Sec. 5 \_\_\_\_ City Departments.<sup>1</sup>**

Except as otherwise provided by law or in this Charter, the Mayor may initiate, create, consolidate or discontinue departments. The departments shall be responsible for the performance of the functions and services as determined by the executive branch.

There shall be a Director of each department who shall be the principal officer thereof. As used in this chapter, "Director" means the administrative head of each department regardless of the title of a particular Director.

Except as otherwise provided by law or this Charter, a Director shall be appointed by the Mayor and serve at the pleasure of the Mayor. A Director may, with the consent of the Mayor, appoint a Deputy Director. The appointment of both the Director and Deputy Director shall be made, and may be revoked without cause, by a writing filed with the City Clerk. Vacancies shall be filled in the same manner as prescribed by this Charter for original appointments.

Each Director shall be responsible for the administration and direction of the affairs and operations of his or her department and shall exercise general management and control thereof. A Director shall respond to any inquiry or investigation of the Inspector General, Auditor General and City Council.

Each Director shall have a graduate or professional degree plus a minimum of ten years, or an undergraduate degree plus a minimum of 15 years, of progressively responsible administrative experience in the public or private sectors which has included responsibility for supervising a large scale service delivery program with a substantial budget. For departments that offer Public Services, each Director shall have a license in the subject area.<sup>2</sup> The qualifications herein may be waived by the Mayor upon submission of a written explanation filed with the City Clerk and the department of Human Resources.

Directors shall be appointed solely on the basis of their respective executive, administrative and professional qualifications which shall be prescribed by rule.

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<sup>1</sup> Incorporates GDS 1, 11, 63 and 68.

<sup>2</sup> [INSERT IN DEFINITION SECTION] "Public Services" are services provided directly to citizens including but not limited to: (i) health; (ii) water and sewerage; (iii) garbage and debris collection and management; and (iv) building, safety and environmental activities.

(NOTE: If proposed “Sec. 5 \_\_\_ City Departments” is adopted – the below recommendations to §§ 5-103, 5-104 and 5-106 will not be necessary.)

**Sec. 5-103. Mayoral Appointments**

Current Language

The mayor may appoint a secretary and other necessary assistants.

Except as otherwise provided by law or this Charter, the mayor shall appoint for each department of the executive branch a director who serves at the pleasure of the mayor as head of the department. As used in this chapter, "director" means the administrative head of each department regardless of the title of a particular director.

Proposed Language<sup>3</sup>

The Mayor may appoint a secretary and other necessary assistants.

Except as otherwise provided by law or this Charter, the mayor shall appoint for each department of the executive branch a Director who serves at the pleasure of the Mayor as head of the department. The Mayor may remove a Director without cause. Vacancies shall be filled in the same manner as prescribed by this Charter for original appointments. As used in this chapter, "Director" means the administrative head of each department regardless of the title of a particular Director.

Each Director shall have a graduate or professional degree plus a minimum of ten years, or an undergraduate degree plus a minimum of 15 years, of progressively responsible administrative experience in the public or private section which has included responsibility for supervising a large scale service delivery program with a substantial budget. For departments that offer Public Services, each Director shall have a license in the subject area. The qualifications herein may be waived by the Mayor upon submission of a written explanation filed with the Clerk and the department of Human Resources.

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<sup>3</sup> Incorporates GDS 1 and GDS 11. If adopted, this language also implicates changes to existing §§6-503, 6-504 and 7-801.

**Sec. 5.105 Appointment of Deputies.**

Current Language

Except as otherwise provided by law or this Charter, the director of each department of the executive branch shall, with the consent of the mayor, appoint a deputy. The appointment shall be made and may be revoked without cause by a writing filed with the city clerk.

Proposed Language

Except as otherwise provided by law or this Charter, the director of each department of the executive branch ~~may~~, with the consent of the mayor, appoint a deputy. ~~The~~ appointment shall be made and may be revoked without cause by a writing filed with the ~~C~~ity ~~C~~lerk.

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**Sec. 5.106 Powers and Duties of Department Directors.**

Current Language

Except as otherwise provided by law or this Charter, the director of each department of the executive branch shall:

6. Respond to any inquiry or investigation of the ombudsperson, auditor general and city council.

Proposed Language

Except as otherwise provided by law or this Charter, the director of each department of the executive branch shall:

6. Respond to any inquiry or investigation of the ~~Inspector General~~, ~~A~~uditor ~~G~~eneral and ~~C~~ity ~~C~~ouncil.

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**ARTICLE 6.  
THE EXECUTIVE BRANCH:  
CHAPTER 2. PLANNING DEPARTMENT**

Deleted: STAFF DEPARTMENTS¶

**General Comments**

- Remove mention of the Planning Commission from the charter.
- Consolidate all planning functions in the Planning Department.
- This proposed change is supported by a review of the history of the Planning Commission.

**Sec. 6-206. Executive Planning Council**

Current Language

The executive planning council is composed of:

1. The planning director;
2. The director of each department of the executive branch (or a person from the department designated by the director) with responsibility in the following areas:
  - A. Housing.
  - B. Commercial or industrial development.
  - C. Transportation.
  - D. Recreation and parks.
  - E. Environmental protection.
  - F. Human resources development or public health.
  - G. Capital agenda and capital budget.
  - H. Enforcement of codes.
3. Other persons whom the mayor may appoint including, where possible, the persons responsible for the development activities of other governmental and private organizations operating in the city.

Proposed Language<sup>4</sup>

- Delete §6-206 in its entirety. This would also lead to deletion of §§6-207 and 6-208.
- Elected officials should be given flexibility to “plan” the best way they see fit.

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<sup>4</sup> Incorporates GDS 111.

**ARTICLE 6.  
THE EXECUTIVE BRANCH:**

**CHAPTER 5. HUMAN RESOURCES DEPARTMENT**

Deleted: STAFF DEPARTMENTS

**Sec. 6-505. Civil Service Commission.**

Current Language

The human resources department is headed by a six (6) member civil service commission.

The mayor shall appoint two (2) members to two (2) year terms beginning February fifteenth (15th) of each even numbered year and the city council shall appoint three (3) members to two (2) year terms beginning February fifteenth (15th) of each odd numbered year. A member may be removed only for cause by the appointing authority. A vacancy on the commission shall be filled for the unexpired term, if any, by the authority making the original appointment. The human resources director shall serve ex-officio on the commission.

A member must be a citizen of the United States and a resident of the city. The members of the commission may hold no other public office or public employment except that of notary public. The commission shall be representative of the total community and shall meet at least once each month.

The commission may hold hearings, subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the commission shall apply to the appropriate court. The Commission may delegate the powers to hold hearings, administer oaths and take testimony.

Proposed Language

- Adopt GDS 101 with the below identified amendments:

A five (5) member Civil Service Commission may be appointed by the Mayor.

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A member must be a citizen of the United States and a resident of the City of Detroit. The members of the commission may hold no other public office or public employment with the City of Detroit except that of notary public.

**Sec. 6-506. Non-Discrimination.**

Current Language

No city employee or applicant for employment shall be discriminated against because of race, color, creed, national origin, age, political orientation, sex, sexual orientation, or non-disabling handicap. The human resources department shall take affirmative action as required by the Constitutions of Michigan and the United States, to assure that all levels of the classified service are reasonable representative of the ethnic and sex composition of the city

Proposed Language

- Adopt GDS 16.
- This will bring language in line with current law and other proposed revisions we've adopted which speak to these issues.

**Sec. 6-516. Residence**

Current Language

The city may, by ordinance, establish residency requirements for city employment.

Proposed Language

~~Except as otherwise provided by law, the~~ City may establish residency requirements for city employment.

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**Sec. 6-508 Labor Relations**

**Sec. 6.509 Classification of Positions**

**Sec. 6.510 Examinations**

- All but first paragraph

**Sec. 6.511 Validations**

**Sec. 6.512 Recruitment and Advancement**

**Sec. 6.513 Employee Grievance**

**Sec. 6.514 Jurisdiction**

**Sec. 6.515 Payrolls**

**Sec. 6.518 Transfers and Promotions to Exempt Positions**

**Sec. 6.519 Consolidation of Entities**

- Remove sections in their entirety. Except, leave first paragraph of Sec. 6.510.
- This language is very prescriptive and reads like department level policy and procedure.

**ARTICLE 7.  
THE EXECUTIVE BRANCH:  
PROGRAMS, SERVICES and ACTIVITIES**

**CHAPTER 1. GENERAL PROVISIONS**

**General Notes:**

- Under this proposal, there would be no difference between what the current Charter calls Staff Departments vs. Programs/Services and Activities.
- All departments named in the Charter would simply be Departments.
- As such, everything now included in Article 7 – could be moved into Article 6.

**Sec. 7-101. Existing Programs, Services and Activities.**

Original Language

When this Charter takes effect, all executive and administrative agencies and functions existing under the 1974 Charter or by ordinance or resolution and not superseded by this Charter shall continue with the force and effect of ordinance until superseded by action taken under section 7-102 or 7-104.

Proposed Language

- Delete this section in its entirety.

**Sec. 7-102. Assignment of Authorized Function.<sup>5</sup>**

Original Language

The mayor shall prepare an executive organization plan which, consistent with law and this Charter, sets forth all agencies of the executive branch and assigns authorized programs, services and activities to each agency.

The plan as proposed by the mayor shall be filed with the city council and made public. The city council shall study and conduct hearings on the plan and may request the mayor to make modifications in it. Sixty (60) business days after the filing of the plan with the city council, it shall become effective, with such modifications as are accepted by the mayor, unless disapproved by a resolution adopted by a two-thirds (2/3) majority of city council members serving. All amendments to the plan must originate with the mayor and are subject to the same procedure in taking effect.

The plan shall include the office of mayor, the six departments created by article 6, and all departments or functions created by article 7 or continued by section 7-101. However, the plan may not provide for more than thirty-six (36) departments, exclusive of any department organized under specific statutory authority, unless authority for a greater number is granted under section 104.

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<sup>5</sup> Incorporates GDS 93.

The mayor may not reassign or combine the functions of staff departments, but may, except as to departments created under chapters 3, 9, 10, 11, 15 and 16 of this article, assign any of the functions of an operating department to a staff department, reassign the functions of one (1) operating department to another operating department or combine operating departments.

Proposed Language

**Sec. 7-102 Executive Organization Plan.**

The mayor shall prepare an executive organization plan which, consistent with law and this Charter, sets forth all departments of the executive branch and assigns authorized programs, services and activities to each agency.

The plan as proposed by the Mayor shall be filed with the City Council and made public. The City Council shall study and conduct hearings on the plan and may request that the Mayor make modifications thereto. Sixty (60) business days after the filing of the plan with the City Council, it shall become effective, with such modifications as are accepted by the Mayor, unless disapproved by a resolution adopted by a two-thirds (2/3) majority of City Council members serving. All amendments to the plan must originate with the Mayor and are subject to the same procedure in taking effect.

**Sec. 7-103. Advisory Commissions.**

Original Language

Commissions of citizens to advise any agency of the executive branch, or branch offices of any agency, in the determination of its policies and budget and the implementation of its programs, services and activities may be created by executive order. Appointments to the commissions shall be made by and members serve at the pleasure of the mayor.

The mayor shall endeavor to make city-wide commissions as representative of the entire city as possible and any commission created to advise a branch office of any agency as representative of the people being served as possible.

All members of advisory commissions shall be residents of Detroit unless the mayor shall expressly specify otherwise in the executive order and state reasons allowing non-residents to serve.

Proposed Language

- Adopt GDS 102.

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Deleted: The plan shall include the office of mayor, the six departments created by article 6, and all departments or functions created by article 7 or continued by section 7-101. However, the plan may not provide for more than thirty-six (36) departments, exclusive of any department organized under specific statutory authority, unless authority for a greater number is granted under section 104.¶

¶ The mayor may not reassign or combine the functions of staff departments, but may, except as to departments created under chapters 3, 9, 10, 11, 15 and 16 of this article, assign any of the functions of an operating department to a staff department, reassign the functions of one (1) operating department to another operating department or combine operating departments.¶



**ARTICLE 7.  
THE EXECUTIVE BRANCH:  
PROGRAMS, SERVICES and ACTIVITIES  
CHAPTER 7. PUBLIC WORKS**

**Sec. 7-702. Sidewalk Maintenance.**

Original Language

The public works department may repair sidewalks after first giving the owner, occupant, or party in interest of the premises in front of or adjacent to which such sidewalk or driveway is located notice and an opportunity to repair as prescribed by ordinance. Any such ordinance adopted shall provide for appropriate hardship protections for the abutting property owner.

The cost of any sidewalk repairs performed by the department of public works, with interest, shall be collected from the owner, occupant, or party in interest of the premises in front of or adjacent to which such sidewalk or driveway is located through a special assessment or shall, not less than one (1) year following the date on which sidewalk repairs performed by the department of public works were completed, at the election of the public works department, be a lien of the city upon the premises in front of or adjacent to which such sidewalk or driveway is located. The procedures for the recovery of the cost of sidewalk repairs performed by the department of public works shall be prescribed by ordinance. The decision by the public works department to repair a defective sidewalk shall not release the owner from responsibility or liability for that condition.

Proposed Language

- Delete section in its entirety.
- It is very prescriptive and reads like department level policy.

**ARTICLE 7.  
THE EXECUTIVE BRANCH:  
PROGRAMS, SERVICES and ACTIVITIES  
CHAPTER 14. TRANSPORTATION**

**Sec. 7-1401. Department.**

Original Language

The transportation department shall:

1. Own, maintain, and operate a public transportation system above, on, or below the surface of the ground, or in any combination thereof, utilizing technology known or to be developed;
2. Operate the system within the city and to a distance outside the city as permitted by law;
3. Exercise or recommend the exercise of other functions and powers provided by law or ordinance, including the specific powers of the city to finance transportation under sections 8-401, 8-503(4),-and 8-602 of the Charter.

Proposed Language<sup>6</sup>

**Except as otherwise provided by law regarding a regional transportation system or a joint operating agreement,** the transportation department shall:

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1. Own, maintain, and operate a public transportation system above, on, or below the surface of the ground, or in any combination thereof, utilizing technology known or to be developed;
2. Operate the system within the city and to a distance outside the city as permitted by law;
3. Exercise or recommend the exercise of other functions and powers provided by law or ordinance, including the specific powers of the city to finance transportation under sections 8-401, 8-503(4),-and 8-602 of the Charter.

**Sec. 7-1403. Intelligence Division.**

Current Language

The director of the transportation department may appoint an intelligence division, exempt from article 6, chapter 5.

Proposed Language

- Delete. This is very prescriptive and reads like department level policy.

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<sup>6</sup> Incorporates GDS 25.

## REMOVE MENTION OF FOLLOWING DEPARTMENTS FROM CHARTER<sup>7</sup>

1. Arts (Art 7, Ch 3)
2. Consumer Affairs (Art 7, Ch 6)
3. Environmental Affairs (Art 6, Ch 6) (NOTE: Has been merged into Building & Safety)
4. Health (Art 7, Ch 2)
5. Historical (Art. 7, Ch 9)
6. Human Rights (Art. 7, Ch. 10)
7. Public Lighting (Art 7, Ch. 12)
8. Recreation (Art 7, Ch 13)
9. Zoo (Art 7, Ch. 16)

### Rationale:

- Removing the mention of a department in the charter does not mean that it will go away or the services will not be offered anymore.
- It would mean that a department is no longer charter mandated (or perceived to be charter mandated).
- This would allow the elected officials of the day the flexibility to shape and fund government in a way that is most responsive to the needs of that day.

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<sup>7</sup> Incorporates GDS 7, 57, 67, 78, 82, 93 and 94.