

TO BE PRINTED IN THE DETROIT LEGAL NEWS DATED  
TUESDAY, NOVEMBER 30, 2021

## Notice of Enactment

TO THE PEOPLE OF THE CITY OF DETROIT, MICHIGAN

On, November 16, 2021 the City Council passed the following Ordinance:

To amend Chapter 12, *Community Development*, by adding Article X, *Industry Standards Boards*, to include Division 1, *In General, Creation and Dissolution of Industry Standards Boards*, containing Section 12-10-1, *Purpose*, Section 12-10-2, *Definitions*, Section 12-10-3, *Establishment of Industry Standards Boards*, Section 12-10-4, *Petitions to establish an Industry Standards Board*, Section 12-10-5, *Dissolution*, Section 12-10-6, *Department to assist*, Section 12-10-7, *Prohibition on retaliation*, to include Division 2, *Operation of Industry Standards Boards; Rules and Procedures*, containing Subdivision A, *Meetings*, containing Section 12-10-21, *Public participation; compliance with Open Meetings Act and Freedom of Information Act*, Section 12-10-22, *Special meetings*, Section 12-10-23, *Closed meetings*, Section 12-10-24, *Quorum of the Industry Standards Board*, Section 12-10-25, *Meeting agenda*, Section 12-10-26, *Parliamentary procedure*, Section 12-10-27, *Other hearings and public discussions*, and to include Subdivision B, *Members and Officers*, containing Section 12-10-41, *Composition of Industry Standards Boards*, Section 12-10-42, *Filling vacancies; excessive absences*; Section 12-10-43, *Compensation*, Section 12-10-44, *Officers; number*, Section 12-10-45, *Nominations and elections of officers*, Section 12-10-46, *Term of officers*, Section 12-10-47, *Duties of officers*, and to include Subdivision C, *Conduct of Industry Standards Boards*, containing Section 12-10-61, *Powers and duties of an Industry Standards Board*, Section 12-10-62, *Required activities of an Industry Standards Board*, Section 12-10-63, *Report*, Section 12-10-64, *Submission of report to Mayor and City Council*, and Section 12-10-65, *Continuing investigation by City Council*, to create a process by which establish Industry Standards Boards may be established in the City of Detroit.

ORDINANCE NO. 2021-42

CHAPTER: 12

ARTICLE: X

J.C.C. November 3, 2021

Passed: November 16, 2021

Approved: November 22, 2021

Published: November 30, 2021

Effective: November 30, 2021

Please see attached ordinance

Tate

1 BY COUNCIL MEMBER \_\_\_\_\_ :

2 AN ORDINANCE to amend Chapter 12, *Community Development*, by adding Article X,  
3 *Industry Standards Boards*, to include Division 1, *In General; Creation and Dissolution of*  
4 *Industry Standards Boards*, containing Section 12-10-1, *Purpose*, Section 12-10-2, *Definitions*,  
5 Section 12-10-3, *Establishment of Industry Standards Boards*, Section 12-10-4, *Petitions to*  
6 *establish an Industry Standards Board*, Section 12-10-5, *Dissolution: reconvening board*, Section  
7 12-10-6, *Department to assist*, Section 12-10-7, *Prohibition on retaliation*, to include Division 2,  
8 *Operation of Industry Standards Boards; Rules and Procedures*, containing Subdivision A,  
9 *Meetings*, containing Section 12-10-21, *Compliance with Open Meetings Act and public*  
10 *participation; compliance with Freedom of Information Act*, Section 12-10-22, *Special meetings*,  
11 Section 12-10-23, *Closed meetings*, Section 12-10-24, *Quorum of the Industry Standards Board*,  
12 Section 12-10-25, *Meeting agenda*, Section 12-10-26, *Parliamentary procedure*, Section 12-10-  
13 27, *Other hearings and public discussions*, and to include Subdivision B, *Members and Officers*,  
14 containing Section 12-10-41, *Composition of Industry Standards Boards*, Section 12-10-42,  
15 *Filling vacancies; excessive absences*; Section 12-10-43, *Compensation*, Section 12-10-44,  
16 *Officers; number*, Section 12-10-45, *Nominations and elections of officers*, Section 12-10-46,  
17 *Term of officers*, Section 12-10-47, *Duties of officers*, and to include Subdivision C, *Conduct of*  
18 *Industry Standards Boards*, containing Section 12-10-61, *Powers and duties of an Industry*  
19 *Standards Board*, Section 12-10-62, *Required activities of an Industry Standards Board*, Section  
20 12-10-63, *Report*, Section 12-10-64, *Submission of report to Mayor and City Council*, and Section  
21 12-10-65, *Continuing investigation by City Council*, to create a process by which Industry  
22 Standards Boards may be established in the City of Detroit.

1           **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

2           **THAT:**

3           **Section 1.** That Chapter 12 of the 2019 Detroit City Code, *Community Development*; be  
4 amended by adding Article X, *Industry Standards Boards*, containing Section 12-10-1 through  
5 Section 12-10-65, to read as follows:

6                                   **CHAPTER 12. COMMUNITY DEVELOPMENT**

7                                   **ARTICLE X. INDUSTRY STANDARDS BOARDS**

8                                   **DIVISION 1. IN GENERAL; CREATION AND DISSOLUTION OF INDUSTRY**

9                                   **STANDARDS BOARDS**

10           **Sec. 12-10-1. Purpose.**

11           The City of Detroit is committed to using the resources and power of City government to  
12 support, maintain, and encourage local industries, which serve our community and provide jobs  
13 that sustain families and the City. Subject to the limitations of the Local Government Labor  
14 Regulatory Limitation Act, MCL 123.1381 et seq, and for the purposes described in this section,  
15 the City of Detroit establishes by enactment of this ordinance the implementation of Industry  
16 Standards Boards. The enactment of this legislation will assist in the provision of safety in  
17 workplaces and working standards, and is a benefit to the City and its residents through increased  
18 physical and mental wellbeing, and economic growth.

19           **Sec. 12-10-2. Definitions.**

20           For purposes of this article, the following phrase shall have the meaning ascribed to it by  
21 this section:

22           Department means the Human Rights Department, also known as the Civil Rights  
23 Inclusion and Opportunity Department (CRIO).

1 Employer association means a trade organization or a local chamber of commerce.

2 Worker organization means any organization tasked with the outreach and training of  
3 workers on various laws that affect their employment.

4 **Sec. 12-10-3. Establishment of Industry Standards Boards.**

5 (a) The City Council may by the adoption of a resolution establish an Industry  
6 Standards Board for a specific industry when:

7 (1) A formal petition is submitted to the City Clerk in accordance with Section 12-10-  
8 4 of this Code;

9 (2) At the request of the Mayor; or

10 (3) At the discretion of the City Council.

11 **Sec. 12-10-4. Petitions to establish an Industry Standards Board.**

12 (a) Petitions to establish any Industry Standard Board for a specific industry shall be  
13 signed by a minimum of 150 workers from the specific industry.

14 (b) Petitions shall be on the form provided or approved by the City Clerk for this  
15 purpose.

16 (c) Signed petitions shall be submitted to the City Clerk. The City Clerk shall report to  
17 the City Council the receipt of the petitions and forward the petitions to the Department to canvass  
18 the petitions and make a determination regarding their compliance with Subsection (a) of this  
19 section. Upon completion of the canvass, or upon request by the City Council, the Department  
20 shall report its conclusions to the City Council. Upon a finding by the City Council that a petition  
21 to establish an Industry Standards Board satisfies the requirements of Subsection (a) of this section,  
22 the City Council shall within 45 days of receipt of the report from the Department adopt a  
23 resolution establishing an Industry Standards Board for the subject industry.

1 **Sec. 12-10-5. Dissolution; reconvening of board.**

2 (a) A particular Industry Standards Board shall be dissolved:

3 (1) One year after the Industry Standards Board has issued its recommendation;

4 (2) Two years after its creation if no recommendation has been issued; or

5 (3) By majority vote of the industry Standards Board itself, with public notice to the  
6 subject industry and opportunity for public comment.

7 (b) Within 12 months of the dissolution of an Industry Standards Board, a worker in  
8 the relevant industry, the Mayor, or the City Council may request that the Board be reconvened.

9 **Sec. 12-10-6. Department to assist.**

10 The Human Rights Department will support the activities of the board by scheduling  
11 meetings and securing public meeting places, and may assist with basic clerical functions.

12 **Sec. 12-10-7. Prohibition on retaliation.**

13 No employer may retaliate against an employee that participates in an Industry Standards  
14 Board for their participation in such activity.

15 **Secs. 12-10-8—12-10-20. Reserved.**

16 **DIVISION 2. OPERATION OF INDUSTRY STANDARDS BOARDS;**

17 **RULES AND PROCEDURES**

18 **Subdivision A. Meetings**

19 **Sec. 12-10-21. Compliance with Open Meetings Act and public participation; Compliance**  
20 **with Freedom of Information Act.**

21 (a) All meetings and hearings of an Industry Standards Board shall be open to the  
22 public, and noticed and conducted in compliance with the Michigan Open Meetings Act, being  
23 MCL 15.261 et seq. In accordance with the purposes of Industry Standards Boards, public

1 participation is to be encouraged and public comment shall be a part of every Industry Standards  
2 Board meeting.

3 (b) Records of an Industry Standards Board shall be made available in accordance with  
4 the Michigan Freedom of Information Act, being MCL 15.231 et seq.

5 **Sec. 12-10-22. Special meetings.**

6 Special meetings of an Industry Standards Board shall be called at the request of the  
7 Chairperson, three members of the Board, by City Council, or by the Mayor. Notice of special  
8 meetings shall be given at least 48 hours prior to such meetings and shall state the purpose, date,  
9 time, and place of the meeting. Special meetings shall be held in accordance with Section 8 of the  
10 Michigan Open Meetings Act, being MCL 15.268.

11 **Sec. 12-10-23. Closed meetings.**

12 (a) Under Section 8 of the Michigan Open Meetings Act, being MCL 15.268, an  
13 Industry Standards Board may go into closed session only for certain specified exceptions.

14 (b) When an agenda item falls under one of the exceptions under Section 8 of the  
15 Michigan Open Meetings Act, being MCL 15.268(a) through (h), the Chairperson shall call for a  
16 roll call vote to go into closed session. Upon receiving the necessary majority or two-thirds roll  
17 call vote, as specified by Section 7 of the Michigan Open Meetings Act, being MCL 15.267, the  
18 portion of the meeting subject to the exception enumerated in the Michigan Open Meetings Act  
19 shall be closed to the public.

20 (c) The Secretary, or designee of the Chairperson, shall act as recording Secretary  
21 during a closed session and keep separate minutes. In accordance with Section 7 of the Michigan  
22 Open Meetings Act, being MCL 15.267, the minutes of all closed meetings shall be kept in the  
23 Office of the City Clerk for one year and a day.

1 **Sec. 12-10-24. Quorum of the Industry Standards Board.**

2 A majority of members serving shall constitute a quorum of an Industry Standards Board  
3 for the taking of official action at regular and special meetings.

4 **Sec. 12-10-25. Meeting agenda.**

5 (a) The Chairperson or persons calling the meeting shall prepare, in conjunction with  
6 designated staff, an agenda for each meeting.

7 (b) To the extent practicable, the agenda package shall be hand-delivered, mailed via  
8 first class mail, or sent via email, to each Industry Standards Board Member and the City Clerk at  
9 least four days prior to the meeting. The package shall contain sufficient information and reports  
10 so that Industry Standards Board members have the opportunity to obtain a working knowledge of  
11 each item appearing on the agenda.

12 (c) Changes to the agenda may be proposed after discussion with, and concurrence by,  
13 the Chairperson. The agenda may be amended at the Industry Standards Board meeting by action  
14 of the Industry Standards Board.

15 (d) All Industry Standards Board members shall provide, and update as necessary,  
16 contact information with the Office of the City Clerk for the purposes of receiving meeting notices,  
17 agenda packages, and other relevant information.

18 **Sec. 12-10-26. Parliamentary procedure.**

19 Parliamentary procedure in Industry Standards Boards meetings shall be governed by  
20 "Robert's Rules of Order, Newly Revised."

1 Sec. 12-10-27. Other hearings and public discussions.

2 An Industry Standards Board may schedule hearings and discussions on any topic or item  
3 related to information relevant to the subject industry for which the Industry Standards Board was  
4 established, or regarding a topic or an item on which formal action may be required.

5 Secs. 12-10-28—12-10-40. Reserved.

6 Subdivision B. Members and Officers

7 Sec. 12-10-41. Composition of Industry Standards Boards.

8 (a) Each Industry Standards Board shall consist of nine members, who either live or  
9 work in the City, appointed as follows:

10 (1) Three members that are workers, or representatives which have been chosen by  
11 workers, in the subject industry:

12 a. The Mayor shall appoint one member identified in Subsection (a)(1) of this  
13 section; and

14 b. The City Council shall appoint two members identified in Subsection (a)(1)  
15 of this section;

16 (2) Three members that are from management or employer associations in the subject  
17 industry:

18 a. The Mayor shall appoint one member identified in Subsection (a)(2) of this  
19 section; and

20 b. The City Council shall appoint two members identified in Subsection (a)(2)  
21 of this section;

22 (3) One representative appointed from the Mayor's Office.

23 (4) One representative appointed from City Council; and



1           (5) One representative from the public at-large appointed by City Council.

2    **Sec. 12-10-42. Filling vacancies; excessive absences.**

3           (a) Vacancies on an Industry Standards Board shall be filled in the same manner as the  
4    original appointment.

5           (b) Absence from three consecutively scheduled meetings, without notifying the  
6    Chairperson prior to the beginning of the scheduled meetings and requesting an excused absence,  
7    shall be cause for removal.

8    **Sec. 12-10-43. Compensation.**

9           All members of an Industry Standards Board serve without compensation.

10   **Sec. 12-10-44. Officers; number.**

11           The Industry Standards Boards shall have three officers: Chairperson, Vice-Chairperson,  
12   and Secretary.

13   **Sec. 12-10-45. Nominations and elections of officers.**

14           The Industry Standards Board shall nominate and elect its officers from within its  
15   membership on an annual basis within 60 days of the adoption of the resolution creating the board,  
16   and on every anniversary thereafter.

17   **Sec. 12-10-46. Term of officers.**

18           The Chairperson, Vice-Chairperson, and Secretary shall take office immediately following  
19   their election and shall hold office for a term of one year, or until their successors are elected and  
20   assume office.

21   **Sec. 12-10-47. Duties of officers.**

22           (a) The Chairperson shall:

23           (1) Preside at all meetings, when present;

1           (2) Execute all documents relating to Industry Standards Board policy or designate  
2           such responsibility as warranted;

3           (3) Prepare the initial agenda for each meeting; and

4           (4) Perform any other agenda duties as directed by the Industry Standards Board.

5           (b) The Vice-Chairperson shall:

6           (1) Act in the capacity of the Chairperson in the Chairperson's absence; and

7           (2) In the event the office of the Chairperson becomes vacant, the Vice-Chairperson  
8           shall succeed to this office for the unexpired term.

9           (c) The Secretary shall:

10          (1) Discharge such duties as prescribed for the Secretary by "Robert's Rules of Order,  
11          Newly Revised," except where staff from the Department is available to perform  
12          them;

13          (2) Forward the Industry Standards Board records, including notices for, and minutes  
14          of, meetings and hearings to the City Clerk who shall maintain the records for the  
15          Industry Standards Board; and

16          (3) Act in the capacity of the Vice-Chairperson in the Vice-Chairperson's absence. In  
17          the event the office of the Vice-Chairperson becomes vacant, the Secretary shall  
18          succeed to this office for the unexpired term; the Industry Standards Board shall  
19          elect a successor to the office of Secretary for the unexpired term.

20    Secs. 12-10-48—12-10-60. Reserved.

1                                    **Subdivision C. Conduct of Industry Standards Boards**

2    **Sec. 12-10-61. Powers and duties of an Industry Standards Board.**

3                    The powers and duties of an Industry Standards Board shall include the authorization to  
4 gather relevant information through:

5            (1) Investigation. All Industry Standards Boards shall have the authority to  
6                    investigate market conditions, which may include but is not limited to, requests  
7                    for information from the subject industry, reports from both employee and  
8                    management perspective, and the distribution and gathering of surveys.

9            (2) Outreach. All Industry Standards Boards shall utilize worker organizations to  
10                   assist in the collection of required information and promotion, and the engagement  
11                   of workers in the subject industry in the process. Employers in the subject industry  
12                   are strongly encouraged to assist in the dissemination of information and  
13                   promotion of an Industry Standards Board.

14           (3) Hearings. All Industry Standards Boards shall, prior to issuing any  
15                   recommendation, hold public hearings regarding the subject industry. All such  
16                   public hearings shall be held at a time and location convenient to the employees  
17                   of the subject industry, and shall include interpretation services.

18    **Sec. 12-10-62. Required activities of the Industry Standards Board.**

19            Each Industry Standards Board shall:

20           (1) Evaluate and make findings regarding factors that may contribute to a shortage of  
21                   workers or difficulty retaining workers in a subject industry which shall include,  
22                   but is not limited to the current level of compensation, benefits, opportunities for  
23                   training, and work scheduling;

1       (2) Conduct educational outreach that increases public participation and enables the  
2               Industry Standards Board to identify industry specific practices that may negatively  
3               impact workers, consumers, and residents of the City;

4       (3) Consider the required level of compensation in the subject industry to provide for  
5               family supporting wages sufficient to protect the health of residents as well as  
6               contribute to a vibrant City;

7       (4) Consider standards for the subject industry which would improve the health of its  
8               workers and the general community; and

9       (5) Receive and forward any complaints regarding the subject industry to the  
10              appropriate enforcement agency for review and potential action.

11    **Sec. 12-10-63. Report.**

12       (a) At the conclusion of the activities for a specific industry, conducted as provided in  
13       Section 12-10-62 of this Code, the Industry Standards Board shall create a comprehensive report  
14       based upon topics relevant to the subject industry for which the Industry Standards Board was  
15       established, which shall include the following recommendations as necessary:

16           (1) Appropriate standards for the subject industry including wage, benefits, and  
17           working conditions;

18           (2) Improvements to current operational industry standards;

19           (3) Worker training to lead to better performance in the industry, which can lead to,  
20           amongst other things, improved satisfaction with one's job and the quality of the  
21           job itself;

22           (4) Steps to improve compliance with state law and City ordinance; and

1           (5) The promotion of the findings contained within the report to interested parties,  
2                           including residents of the City and the subject industry located in the City.

3           (b) The report created pursuant to Subsection (a) of this section shall be submitted to  
4 the Department within 15 days of said reports completion and shall be published on the  
5 Department's website for one year from the date of the original posting provided that said report  
6 conforms to the intent of the ordinance and does not conflict with state preemption.

7 **Sec. 12-10-64. Submission of report to Mayor and City Council.**

8           The final report created pursuant to Section 12-10-63 of this Code shall be distributed to  
9 the Mayor and City Council for examination of the recommendations made by an Industry  
10 Standards Board, and for potential further action.

11 **Sec. 12-10-65. Continuing investigation by City Council.**

12           (a) City Council may hold further hearings related to the recommendations provided  
13 in the report identified in Section 12-10-63 of this Code, and explore methods to educate Detroit  
14 workers and industries on those recommendations and options to assist workers and residents in  
15 enforcing all City and State standards for which noncompliance is found to be prevalent in the  
16 industry.

17           (b) Where enforcement of the City Code is necessary, the City Council shall forward  
18 such findings of non-compliance to Corporation Counsel to determine appropriate enforcement  
19 action.

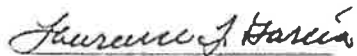
20 **Secs. 12-10-66 –12-10-80. Reserved.**

21           **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,  
22 safety, and welfare of the People of the City of Detroit.

1           **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are  
2 repealed.

3           **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City Council  
4 Members serving, it shall be given immediate effect and become effective upon publication in  
5 accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed  
6 by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective  
7 on the thirtieth (30) day after enactment, or on the first business day thereafter, in accordance with  
8 Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:



Lawrence T. Garcia  
Corporation Counsel