

CHARTER

OF

CITY OF DETROIT



As Adopted by Vote of the
People on November 5, 1996

EFFECTIVE JANUARY 1, 1997

Available for Sale at the
Office of Detroit City Clerk

JANICE M. WINFREY

200 City-County Building
Detroit, Michigan 48226

**CHARTER
OF THE
CITY OF DETROIT**

HOME RULE CITIES

**The power to adopt this Charter was conferred by
Act 279, Public Acts 1909 (now Chapter 49, of the
Compiled Laws of the State of Michigan, 1929, and
Chapter 49 of Michigan Statutes Annotated)**

Adopted by Vote of the People of the City of Detroit

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Part II

PREAMBLE AND DECLARATION OF RIGHTS

PREAMBLE

We, the people of Detroit, do ordain and establish this Charter for the governance of our city, as it addresses the programs, services and needs of our citizens; fostering an environment and structure whereby public policy objectives and decisions reflect citizen participation and desires; pledging that all our officials, elected and appointed, will be held accountable to fulfill the intent of this Charter; acknowledging our blessings from God, we pray our efforts will be accepted.

DECLARATION OF RIGHTS

1. Detroit city government is a service institution that recognizes its subordination to the people of Detroit.

The city shall provide for the public peace, health and safety of persons and property within its jurisdictional limits.

The people have a right to expect aggressive action by the city's officers in seeking to advance, conserve, maintain and protect the integrity of the human, physical and natural resources of this city from encroachment and/or dismantlement.

The people have a right to expect city government to provide for its residents, decent housing; excellence in education; job opportunities; reliable, convenient and comfortable transportation; recreational facilities; organized programs of recreational activities; cultural enrichment, including libraries and art and historical museums; clean air and waterways, safe drinking water and a sanitary, environmentally sound city.

2. The city has an affirmative duty to secure the equal protection of the law for each person and to insure equality of opportunity for all persons. No person shall be denied the enjoyment of civil or political rights or be discriminated against in the exercise thereof because of race, color, creed, national origin, age, handicap, sex, or sexual orientation.
3. A person shall have reasonable access to all files and records of the city which relate to his or her rights and duties.
4. The people have a right to know the rules and regulations governing dealings between the city and the public and to a means for the review of administrative decisions.
5. The police forces of the city are in all cases and at all times in strict subordination to the civil power.
6. The city shall endeavor to require application of the principle of one person-one vote to the policy-making body of any regional or other multi-jurisdictional organization which taxes or provides any service to city residents or takes any action affecting the city's interests.
7. The enumeration of certain rights in this Charter shall not be construed to deny or disparage others retained by the people.
8. The city may enforce this declaration of rights and other rights retained by the people.

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Part III

ARTICLE 1. ESTABLISHMENT of CITY GOVERNMENT

Sec. 1-101. City Government.

The people of Detroit, by adoption of this Home Rule Charter, create and provide for their continuing control of the municipal government of the city of Detroit.

Sec. 1-102. General Powers.

The city has the comprehensive home rule power conferred upon it by the Michigan Constitution, subject only to the limitations on the exercise of that power contained in the Constitution or this Charter or imposed by statute. The city also has all other powers which a city may possess under the Constitution and laws of this state.

Sec. 1-103. Liberal Construction.

The powers of the city under this Charter shall be construed liberally in favor of the city. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

Sec. 1-104. Boundaries.

The boundaries of the city existing when this Charter takes effect continue in force until changed in accordance with law.

ARTICLE 2. GENERAL PROVISIONS

Sec. 2-101. Qualification 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, at the time of filing for, and while holding, any elective city office.

A person must be a citizen of the United States, a resident and a qualified and registered voter 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.

Sec. 2-102. Term of Office.

The term of every elective city officer is four (4) years and commences at noon on the first (1st) day of January after the regular city general election.

Sec. 2-103. Oath of Office.

Every elective officer and every appointee before entering on official duties shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this state, and that I will faithfully discharge the duties of office to the best of my ability"; and shall file that oath, duly certified by the officer before whom it was taken, in the office of the city clerk.

Sec. 2-104. Severability.

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter.

Sec. 2-105. Definitions.

As used in this Charter:

1. *Agency.* Any department, office, multi-member body, or other organization of the city government and includes any elective officer, appointee, employee, or person acting or purporting to act in the exercise of official duties.

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2. *Appoint and Hire.* A person is “appointed” to a position in the exempt service and is “hired” for a position in the classified service as defined by section 6-517.

The exempt service comprises both compensated and uncompensated positions.

The term “appointee” refers to persons holding either compensated or uncompensated positions. The terms “appointive office” and “appointive officer,” however, refer only to compensated positions and appointees holding compensated positions.

For the purpose of this subsection, reimbursement of expenses under section 2-109 is not “compensation.”

3. *Filling of Vacancies.*

Except as otherwise provided by this Charter, whenever a vacancy occurs in any appointive position, it shall be filled by appointment (for the unexpired term, if any) in the manner provided for the original appointment.

4. *General Election in the City (distinguished from ‘city general election’).*

A city-wide general election regardless of whether its purpose is to fill national, state, county or city offices.

5. *Including or Included.*

Unless the contrary is expressly stated, are not words of limitation. They always mean “including but not by way of limitation” or “included but not by way of limitation.”

6. *Number and Gender.*

The singular number includes the plural, the plural number includes the singular, and the masculine gender includes the feminine gender and the neuter.

7. *Serving and Present.*

In calculating an ordinary or extraordinary majority of:

A. “City council members serving,” vacant city council seats are not included.

B. “City council members present,” neither vacant city council seats nor those of absent members are included.

8. *Tense.*

This Charter is to be regarded as speaking in the present and continuously.

Thus, for example, the phrase “as provided by law” will incorporate the provisions of law as they change from time to time.

9. *Vacancy.*

The position of any elective officer or appointee shall become vacant upon death, resignation, permanent disability or dismissal from the position in any manner authorized by law or this Charter.

10. *Voter of the City or City Voter.*

Voter of the city or city voter means a person who has the qualifications of and is registered as an elector of the city of Detroit under state law.

11. *Retain (distinguishing legal representation other than the corporation counsel).*

The temporary hiring of outside legal counsel.

12. *District or Ward.*

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District means a ward drawn on a geographical basis, which constitutes a political unit from which members of the city council and community advisory councils are elected.

Sec. 2-106. Standards of Conduct.

1. The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance, consistent with state law. The ordinance shall contain appropriate penalties for violations of its provisions. The ordinance shall provide for the reasonable disclosure of substantial financial interests held by any elective officer, appointee, or employee who regularly exercises significant authority over the solicitation, negotiation, approval, amendment, performance or renewal of city contracts, and in real property which is the subject of a governmental decision by the city or any agency of the city. The ordinance shall prohibit actions by elective officers, appointees, or employees which create the appearance of impropriety.

2. An independent board of ethics is created. The board of ethics shall consist of seven (7) members:

A. Five (5) members of the public who are appointed by the mayor, with the advice and consent of the city council, which shall not be unreasonably withheld;

B. The corporation counsel; and

C. The director of the department of human resources.

Public members of the board shall be residents of the city who are not elective officers, appointees, or employees of the city at any time during their board membership. Members shall serve without compensation. All city elective officers, appointees, and employees shall be available for consultation with the board of ethics as it deems necessary. The board of ethics shall issue advisory opinions regarding the meaning and application of provisions of the Charter, city ordinances or other laws or regulations establishing standards of conduct for

elective officers, appointees, or employees. Advisory opinions shall be rendered upon written request by an elective officer, appointee, or employee. Advisory opinions shall be published by the board annually in a report to the mayor and city council. The opinions shall not disclose the identity of the elective officers, appointees, or employees concerned.

All meetings of the board shall be open to the public, unless an individual involved in the matter to be addressed requests in writing that the meeting be closed, or unless otherwise provided by ordinance.

Consistent with state law, the board of ethics may recommend improvements in the standards of conduct to ensure the ethical behavior of city elective officers, appointees, and employees, or in the organization and procedures related to the administration and enforcement of those standards. The board of ethics shall be authorized by ordinance to conduct investigations on its own initiative, subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, appoint independent counsel when necessary, and to perform other functions essential to ensure the integrity of city government. The board shall establish its rules and procedures in accordance with section 2-111 of this Charter. Funds sufficient to enable the board to perform its duties shall be appropriated annually.

3. Campaign Finance Reports.

Every elective officer or candidate for election shall make public campaign contributions and expenditures by filing a report or reports thereof as required by state law.

Sec. 2-107. Dismissal Proceedings.

1. Recall.

Any elective officer provided for in this Charter may be recalled by voters of the city in the manner provided by law.

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2. *Forfeiture.*

The position of an elective city officer or an appointee shall be forfeited if he or she:

- A. Lacks at any time any qualifications required by law or this Charter;
- B. Violates any provision of this Charter punishable by forfeiture; or
- C. Is convicted of a felony while holding the office or appointment.

The city council shall be the judge of the grounds of forfeiture of an elective officer or an appointee. A city council member charged with conduct constituting grounds for forfeiture may not participate in the resolution of the charge.

A person charged with conduct constituting grounds for forfeiture is entitled to a public hearing before the city council. Notice of the hearing shall be published in one (1) or more daily newspapers of general circulation in the city at least one (1) week in advance of the hearing. Decisions made by the city council under this section are subject to judicial review in a hearing de novo.

3. *Removal for cause.*

Any appointee subject to removal for cause may be removed by the appointing authority for lack of qualifications, incompetency, neglect of duties, misconduct, conviction of a felony, or a violation of this Charter or any ordinance, rule or regulation.

In the case of a person appointed to a multi-member body and subject to removal for cause, cause includes "habitual non-attendance" at the meetings of the body as defined in its rules.

An appointee may not be removed under this sub-section without an opportunity for a public hearing before

the appointing authority. A copy of the charges shall be furnished at least ten (10) days in advance of the hearing.

Sec. 2-108. Pay Plans.

All persons, except elective officers and those whose compensation is stated in collective bargaining contracts made effective under section 6-508, employed by the city and paid either in part or in whole from city appropriations shall be compensated in accordance with pay plans which have been approved by ordinance.

The salaries of all city elective officers shall be determined by an elected officials compensation commission, which shall be created by an ordinance containing provisions as required by state law.

Sec. 2-109. Reimbursement.

Except as otherwise expressly provided, the members of every multi-member body created by this Charter or under section 7-103 of this Charter shall serve without compensation but may be reimbursed for actual and necessary expenses incurred in the performance of their duties.

Sec. 2-110. General Provisions for Multi-Member Bodies.

Any multi-member body created by this Charter or under section 7-103 of this Charter may select its officers and adopt rules of procedure. Its meetings shall be public and it shall make a record of its proceedings. The record shall be public. A majority of its members constitutes a quorum and, if its members serve for fixed terms, each term begins on the fifteenth (15th) day of February.

Sec. 2-111. Rule-Making.

1. Before adopting any rule governing dealings between the city and the public, or establishing hearing

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procedures for resolving matters in dispute, a city agency shall give notice of a hearing by publication in a daily newspaper of general circulation at least four (4) weeks in advance of the hearing.

The notice of the hearing shall:

- A. Contain the proposed rule or a statement of its substance;
- B. Specify the officer or employee from whom additional information can be obtained; and
- C. Specify the time, place and method for presentation of views by interested persons.

The agency shall give any interested person the opportunity to submit written recommendations and comments, copies of which shall be kept on file and made available for public inspection.

No rule shall become effective until it has been published in a daily newspaper of general circulation. All effective rules shall be printed in a book of city rules.

2. Notwithstanding the preceding subsection, in the case of an emergency declared in writing by the mayor or the city council, a proposed rule may be given effect for a period not to exceed sixty (60) days pending completion of the required procedure.

3. If rules governing hearing procedures for resolving matters in dispute are adopted, those rules shall forbid the admission of any evidence where the admission would be contrary to due process of law.

Sec. 2-112. Public Records.

All records of the city shall be made available to the general public in compliance with the Freedom of Information Act, MCL 15.231 et. seq.; MSA 4.1801(1) et. seq.

ARTICLE 3. ELECTIONS

Sec. 3-101. City Elections.

A regular city general election to fill the elective offices of the city shall be held on the Tuesday after the first (1st) Monday of November of 1997 and every fourth (4th) year thereafter.

A regular city primary election to nominate candidates for city offices shall be held on the Tuesday after the second (2nd) Monday of September before the general election.

If a vacancy occurs in the office of mayor or city council thirty (30) days or more before the filing deadline for a general election in the city or special citywide election, the vacancy shall be filled at that election for the remainder of the unexpired term. When a vacancy occurs in the office of mayor or city council less than thirty (30) days before the filing deadline for a general election in the city or special citywide election, the city council shall order a special primary election for the nomination of candidates and a special general election to fill the vacancy for the remainder of the unexpired term. The resolution ordering a special election shall be adopted at least eighty (80) days before the special primary election and at least one-hundred and twenty (120) days before the special general election. Nominating petitions shall be filed not later than the fourth (4th) Tuesday after adoption of the resolution ordering the special elections. Vacancies occurring on or after March 1 of the year in which city elections are held shall not be filled by a special election.

The city council may, by resolution adopted not less than seventy (70) days before any election or special election, submit any proposal to the voters of the city.

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Sec. 3-102. Department of Elections.

A department of elections shall plan, monitor, and administer all elections in the city.

The department of elections is headed by the city election commission composed of:

1. The city clerk, who is chairperson;
2. The president of the city council; and
3. The corporation counsel.

The commission has general supervision of all elections in the city and may hire assistants, inspectors, and other election personnel. Precinct election officers and temporary employees required from time to time for periods not to exceed thirty (30) business days may be appointed, exempt from Article 6, Chapter 5 of this Charter.

The city clerk shall appoint, subject to the approval of the election commission, a director and deputy director of the department of elections, skilled and experienced in municipal election administration. Under the direction of the city clerk and in accordance with general policies of the election commission, the director shall supervise, plan and monitor all activities and operations incidental to the conduct of elections and voter registration. The director or deputy director of elections may be removed for cause by a two-thirds (2/3) majority of the election commission.

Except as otherwise provided by this Charter or ordinance, the commission shall perform all duties required of election commissions by law. It may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. To enforce a subpoena or order for the production of evidence or to impose any penalty prescribed for the failure to obey a subpoena or order, the commission shall apply to the appropriate court.

All meetings of the commission shall be open to the public.

In case of any doubt concerning election procedure, the commission shall prescribe the procedure to be followed.

Sec. 3-103. City Clerk.

1. *Duties.*

The city clerk is the chief elections officer of the city and shall keep the corporate seal of the city and all papers filed in or pertaining to the city clerk's office. When requested, the city clerk shall certify, under the corporate seal, copies of all papers and records for the office. The city clerk may administer oaths and take affidavits and has such other powers and duties as provided by law, this Charter or ordinance.

2. *Deputy.*

A deputy city clerk shall be appointed by and serve at the pleasure of the city clerk. In the absence or disability of the city clerk, or while the position is vacant, the deputy city clerk shall exercise all the powers and perform all the duties of the city clerk to the full extent permitted by law.

3. *Vacancy.*

If a vacancy occurs in the office of city clerk, the city council shall appoint a successor who shall serve until an elected city clerk takes office. A city clerk shall be elected (for the unexpired term, if any) at the next general election in the city held not sooner than one-hundred and eighty (180) days after the occurrence of the vacancy.

4. *Voter Registration.*

The city clerk shall maintain reasonably accessible voter registration sites throughout the city on a year-round basis.

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Sec. 3-104. State Law to Apply.

Except as otherwise provided by this Charter or ordinance, state law applies to the qualifications and registration of voters, the filing for office by candidates, and the conduct and canvass of city elections.

Sec. 3-105. Elective Officers of the City.

The elective officers of the city are the mayor, the city clerk, and the nine (9) members comprising the city council.

Sec. 3-106. Geographical Basis for Electing Council Members.

There shall be one (1) council district established in the city, and all members of the city council are elected from the one (1) council district at large.

Sec. 3-107. Nominating Petitions.

A candidate for nomination to an elective city office shall file with the city clerk a non-partisan nominating petition consisting of one (1) or more petition forms.

The candidate's petition shall be signed by a number of voters of the city equal to not more than one percent (1%) nor less than one-fourth percent (1/4%) of the total number of votes cast in the preceding regular city general election for the office which the candidate seeks.

Where a candidate is seeking nomination to the office of city council member, the candidate's petition shall be signed by a number of voters of the city equal to not more than one percent (1%) nor less than one-fourth (1/4%) of the number resulting when the total number of votes cast at the preceding regular city general election for all offices of city council member is divided by nine (9).

Sec. 3-108. Nominees.

The number of nominees for each elective city office selected at each primary election may not exceed twice the number of openings in the office to be filled. The nominees are entitled to have their names printed on the general election ballot.

ARTICLE 4. THE LEGISLATIVE BRANCH

CHAPTER 1. CITY COUNCIL

Sec. 4-101. City Council.

The city council is the city's legislative body. It has the powers and duties provided by law or this Charter.

Sec. 4-102. Meetings.

The city council shall hold its first (1st) meeting in the first (1st) week of January after the regular city general election and, during ten (10) months of the year, shall meet every business day unless otherwise provided by resolution at such times and places as it may provide.

On at least eight (8) occasions during each calendar year, the city council shall hold meetings in areas of the city, to be determined by the city council. Those meetings shall begin between the hours of seven (7) o'clock P.M. and eight (8) o'clock P.M.

Special meetings may be held at the call of the mayor or four (4) or more city council members and, whenever practicable, upon no less than twenty-four (24) hours notice to each member and to the public.

All business which the city council may perform shall be conducted at a public meeting held in compliance with the opening meetings act, 1976 PA267, MCL 15.261 et. seq.; MSA 4. 1800 et. seq.

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Sec. 4-103. Selection of Council President.

The member of the city council receiving the highest number of votes at the regular city general election shall be president of the city council for the ensuing four (4) year term, and the member of the city council receiving the next highest number of votes at such election shall be president pro tempore of the city council; and in the absence for any reason of the president and president pro tempore of the city council, or in case either of such offices shall become vacant for any reason, the member of the city council who received the next highest number of votes at such election to such absentee or to the person who held such vacated office, shall be the president or president pro tempore of the city council, as the circumstances of the case may require.

Sec. 4-104. Duties of the Council President.

The president of the city council shall preside at all regular session meetings of the city council. The president shall have administrative responsibility on behalf of the city council.

The city council shall provide in its rules for the duties and responsibilities of the council president.

Sec. 4-105. Rules and Journal.

The city council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings in the English language. The journal shall be a public record.

Sec. 4-106. Standing Committee Structure.

The city council shall provide for a standing committee structure by its rules which committees may include, but not be limited to the following areas:

1. *Budget and Finance;*
2. *Neighborhood and Community Services;*
3. *Human Resources;*
4. *Law and Public Safety;*
5. *Planning and Economic Development; and*
6. *Such committees as it deems necessary.*

The president of the council shall appoint the chairpersons of such standing committees, with the approval of a majority of the city council. However, the number of committees and the number of members per committee may be set by the city council. Only members of committees may vote on matters before the committee. The president shall be an ex-officio member of all committees, but shall be a voting member only as provided for any other council person.

Sec. 4-107. Quorum.

A majority of city council members serving constitutes a quorum, but a smaller number may adjourn from time to time and may compel attendance of absent members in the manner and subject to the penalties provided by rule of the city council.

Sec. 4-108. Voting.

Except as otherwise provided by this Charter, no action of the city council shall be effective unless adopted by at least a majority of city council members present.

Every city council member present shall vote on all questions, except as provided by state law, a city council member must promptly disclose any pecuniary

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interest in a contract which the city council has the power to approve, and no city council member may vote upon any matter related to the approval of the contract in which the city council member has a pecuniary interest.

On all ordinances, and in all other matters on the demand of one (1) or more members of the city council, the yeas and nays shall be taken and entered in it journal.

Sec. 4-109. Investigation.

The city council may make any investigations into the affairs of the city and the conduct of any city agency.

Sec. 4-110. Investigative Powers.

The city council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it or any of its committees. 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 city council shall apply to the appropriate court.

Sec. 4-111. Council Clerk.

The city clerk shall serve as the city council's clerk and shall keep a record of all its ordinances, resolutions, and other proceedings and perform such other duties as it may provide.

Sec. 4-112. Control of Property.

Except as otherwise provided by this Charter, the city may not sell or in any way dispose of any property without the approval by resolution of the city council.

The city council shall adopt an ordinance within one-hundred and eighty (180) days after the effective date of this Charter to provide for the acceptance of gifts or real and personal property and services to the city of Detroit.

Sec. 4-113. Prohibition on Interference in Administration.

Except for purposes of inquiries and investigations, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the mayor solely through the mayor, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

Sec. 4-114. City Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city shall be by ordinance which:

1. Provide a penalty or establish a rule or regulation for violation of which a penalty is imposed;
2. Provide for the laying and collecting of rents, tolls, excises and taxes, except as otherwise provided in section 8-209 of this Charter concerning property taxes levied by budget; or
3. Amend or repeal any ordinance previously adopted.

Other acts may be done either by ordinance or resolution.

Sec. 4-115. Ordinance Procedure.

1. Every proposed ordinance shall be introduced in writing. No ordinance may contain more than one (1) subject, and the ordinance's title must clearly express this subject. The enacting clause shall be "It is hereby ordained by the people of the city of Detroit..."

Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall clearly indicate matter to be omitted and new matter to be added.

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2. Upon the introduction of any ordinance, the city clerk shall distribute a copy to each city council member and to the mayor, shall file a reasonable number of copies in the office of the city clerk and such other public places as the city council may designate, and shall publish a summary of the proposed ordinance in a daily newspaper of general circulation in the city together with a notice setting out the time and place for a public hearing thereon and for its consideration by the city council.

The public hearing may not be held sooner than five (5) days after the publication. The public hearing may be held separately or with a regular or special city council meeting and may be adjourned from time to time. All interested persons shall have an opportunity to be heard.

As soon as practicable after enactment of any ordinance, the city clerk shall have it published in a daily newspaper of general circulation in the city together with a notice of its adoption.

3. Except as otherwise provided in this Charter, every ordinance shall become effective on the thirtieth (30th) day after enactment or at any later date specified therein.

Sec. 4-116. Immediate Effect.

A two-thirds (2/3) majority of city council members serving may give immediate effect to any ordinance.

An ordinance given immediate effect shall become effective upon publication or at any later date specified therein.

Sec. 4-117. Emergency Ordinance.

To meet a public emergency affecting life, health, property or the public peace, one (1) or more emergency ordinances may be enacted. However, an emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its service.

An emergency ordinance shall be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

An emergency ordinance may be adopted and given immediate effect at the meeting at which it is introduced by a two-thirds (2/3) majority of city council members present.

An emergency ordinance shall become effective upon publication or at any later date specified therein.

Every emergency ordinance is automatically repealed on the sixty-first (61st) day after its enactment, unless re-enacted as an emergency ordinance.

Sec. 4-118. Ordinances and Resolutions After Adoption.

1. The city clerk shall authenticate by signature and record all ordinances and resolutions in a properly indexed book kept for the purpose.

2. Within three (3) years after the effective date of this Charter and at least every ten (10) years thereafter, the city council shall provide for the preparation of a general codification of all city ordinances and resolutions having the effect of law.

The general codification shall be enacted by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of Michigan, and other rules and regulations which the city council may specify. This compilation shall be known as the Detroit City Code.

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Copies of the Code shall be furnished to city officers, placed in libraries and public offices for free public reference, and made available for purchase by the public at reasonable price fixed by the city council.

3. Each ordinance and resolution having the effect of law and each amendment to this Charter, shall be printed promptly after enactment, and the printed ordinances, resolutions and Charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the city council.

After publication of the first Detroit City Code, the ordinances, resolutions, and Charter amendments shall be printed in a form for integration with the Code currently in effect.

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 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.

Sec. 4-120. Council Personnel.

The city council may appoint a staff, exempt from article 6, chapter 5 of this Charter.

Sec. 4-121. Special Counsel.

The city council may obtain the opinion or advice of an outside attorney in any matter pending before it. Where there exists a conflict of interest between the city council and another branch of government, the city council has the authority to retain an attorney licensed to practice law in Michigan who shall represent the city council in legal proceedings. Such attorney shall not represent the city as a municipal corporation in any legal proceeding.

Sec. 4-122. Approval of Contracts.

The city may not purchase or in any way procure property or the services of independent contractors without approval by resolution of the city council except as provided by ordinance.

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ARTICLE 4. THE LEGISLATIVE BRANCH

CHAPTER 2. AUDITOR GENERAL

Sec. 4-201. Auditor General.

The auditor general shall be appointed by a majority of city council members serving. The auditor general shall be a certified public accountant.

Sec. 4-202. Deputy Auditor General.

The auditor general shall appoint a deputy who during periods of the auditor general's absence or temporary disability or when the position is vacant shall exercise the powers and perform the duties of the auditor general to the full extent permitted by law. The deputy auditor general shall be a certified public accountant. The deputy auditor general serves at the pleasure of the auditor general.

Sec. 4-203. Term of Office.

The term of auditor general is ten (10) years beginning with the taking of office. The auditor general may be removed for cause by a two-thirds (2/3) majority of city council members serving. Any person who has held the position of auditor general is not eligible for re-appointment.

Sec. 4-204. Employees.

In accordance with article 6, chapter 5, the auditor general may hire, promote, discipline and remove employees of the agency, assign duties to the employees, and supervise the performance of those duties.

Sec. 4-205. Powers and Duties.

The auditor general shall:

1. Make audits of the financial transactions of all city agencies at least once every two (2) years or as otherwise directed by the city council. The auditor general shall have access to the financial and other records of all city agencies at any time.

2. Make a full report to the city council of each individual audit and file a copy with the mayor.

3. As soon as possible after the close of each fiscal year, make a report of the financial position of the city. The report shall be a public record.

4. Investigate the administration and operation of any city agency and report findings and recommendations to the city council and the mayor. The auditor general may request and shall be given necessary assistance and information by each agency. The auditor general may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within the control of any agency during regular business hours.

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 auditor general shall apply to the appropriate court.

5. From time to time make reports to city agencies of irregularities of practice and erroneous accounting methods with recommendations for improving the accounting procedures and systems of the agencies.

Recommendations which are not put into effect by the agency shall be reviewed by the finance director, who shall advise the auditor general and the city council of action being taken with respect to the recommendations.

6. Upon request of the budget director, make available to the budget director all information useful in the preparation of the capital agenda or annual budget.

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7. Settle all disputed claims in favor of or against the city to the extent and in the manner provided by ordinance. All appeals from determinations made by the auditor general shall be brought in the court provided by law. However, no proceedings may be brought upon a claim within the jurisdiction of the auditor general until the claim is rejected by the auditor general or until six (6) months have elapsed from the time of filing the claim with the auditor general.

Sec. 4-206. Limitations.

The auditor general may hold no other city, county or state office.

Except as otherwise provided in this Charter, the auditor general shall not have any connection with any city agency, nor be custodian of any cash or securities belonging to the city other than the appropriation to the office.

ARTICLE 4.

THE LEGISLATIVE BRANCH

CHAPTER 3. OMBUDSPERSON

Sec. 4-301. Ombudsperson.

The ombudsperson shall be appointed by a two-thirds (2/3) majority of city council members serving.

Sec. 4-302. Term of Office.

The ombudsperson's term is ten (10) years.

The ombudsperson may be removed for cause by a two-thirds (2/3) majority of city council members serving.

Any person who has held the position of ombudsperson is not eligible for re-appointment.

Sec. 4-303. Vacancy.

If a vacancy occurs in the office of ombudsperson, the city council shall, within sixty (60) days, fill the office for a full term.

Sec. 4-304. Salary.

The salary of the ombudsperson is equal to the salary of the auditor general.

Sec. 4-305. Staff.

To carry out the responsibilities of the office, the ombudsperson may, within appropriations, appoint not more than six (6) employees who are exempt from article 6, chapter 5 of this Charter. The number of exempt positions on the ombudsperson's staff may be increased by a majority of city council members serving.

Sec. 4-306. Definition.

In this chapter, "official act" means any action, omission, decision, recommendation, practice or procedure of any agency.

Sec. 4-307. Jurisdiction.

The ombudsperson may investigate any official act of any agency except elective officers which aggrieves any person.

The authority of the ombudsperson extends equally to all agencies. However, with respect to any investigation authorized by this Charter to be made by an agency having subpoena power, the ombudsperson may only investigate and report whether the agency's investigation and hearing, if any, was conducted fully and fairly.

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The ombudsperson may establish procedures for receiving and processing complaints, conducting investigations and hearings, and reporting findings. No fee shall be levied for the filing or investigation of complaints.

Sec. 4-308. Powers of Investigation.

The ombudsperson may request and shall be given necessary assistance and information by each agency. The ombudsperson may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within the control of any agency during regular business hours, and establish rules of procedure. 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 ombudsperson shall apply to the appropriate court.

Where there exists a conflict of interest between the ombudsperson and another branch of government, the ombudsperson has the authority to retain an attorney licensed to practice law in Michigan who shall represent the ombudsperson in legal proceedings. Such attorney shall not represent the city as a municipal corporation in any legal proceeding.

Sec. 4-309. Delegation of Powers.

The ombudsperson may delegate in writing to a member of the staff the powers to administer oaths and take testimony.

A delegation is revocable at will and does not prevent exercise of any power by the ombudsperson.

Sec. 4-310. Correspondence From Person Detained.

Any letter to the ombudsperson from a person in a place of detention, penal or otherwise, under the control of an agency shall immediately be forwarded, unopened, to the ombudsperson.

Sec. 4-311. Consultation Required.

1. No report or recommendation that criticizes an official act shall be announced until every agency or person affected is allowed a reasonable opportunity to be heard with the aid of counsel.

2. After the hearing, if the ombudsperson believes it necessary to make a formal report, a copy of any statement made by an agency or person affected shall accompany the report.

Sec. 4-312. Reports.

The ombudsperson shall make periodic reports to the city council of action taken under this chapter. All reports shall be made public.

Sec. 4-313. Duty to Report Illegal Acts.

If the ombudsperson has probable cause to believe that any elective officer, appointee, employee or member of an agency or any person doing or seeking to do business with an agency has committed or is committing any illegal act, the ombudsperson shall promptly refer the matter to the appropriate authorities.

Sec. 4-314. Obstruction.

The office or position of any elective officer or appointee who willfully and without justification or excuse obstructs any investigation of the ombudsperson by withholding documents or testimony may be forfeited under section 2-107(2) of this Charter.

Sec. 4-315. Immunity.

The ombudsperson and the staff shall be, to the full extent permitted by law, immune from any suit based on any report or communication within the scope of official duties.

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Sec. 4-316. Limitations.

The ombudsperson may not hold any office of trust or profit other than the office of ombudsperson, or engage in any occupation for profit outside the duties of this office. The ombudsperson is not eligible to hold any city office until two (2) years after leaving the position.

Sec. 4-317. Remedies Cumulative.

The remedies of this chapter are additional to those provided under any other law.

ARTICLE 4. THE LEGISLATIVE BRANCH

CHAPTER 4. CITY PLANNING COMMISSION

Sec. 4-401. City Planning Commission.

A nine (9) member city planning commission shall be appointed by and serve at the pleasure of the city council. As far as possible, different professions and occupations shall be represented on the commission.

A member must be a resident of the city. The term of office is three (3) years and the terms of three (3) members expire each year. City council members are eligible for appointment to the commission.

Sec. 4-402. Powers and Duties.

The commission shall advise the city council on development matters as defined in section 6-204, and perform other functions as directed by the city council. Any resolution adopted by the commission is advisory and shall not be binding until adoption by the city council.

Sec. 4-403. Staff Assistance.

The commission may request, and is entitled to, assistance from the staff of the planning department in evalu-

ating or preparing any proposal relating to planning or development. All elective and appointive officers shall furnish to the commission, within a reasonable time, available information required by the commission. The commission may, within appropriations, appoint a staff, exempt from article 6, chapter 5 of this Charter.

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

Sec. 5-101. Mayor.

The mayor is the chief executive of the city and, as provided by this Charter, has control of and is accountable for the executive branch of city government.

Sec. 5-102. The Executive Branch.

Except as otherwise provided by law or this Charter, executive and administrative authority for the implementation of programs, services and activities of city government is vested exclusively in the executive branch.

Sec. 5-103. Mayoral Appointments.

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.

Sec. 5-104. Other Mayoral Powers.

The mayor is a conservator of the peace of the city and may administer oaths and take affidavits.

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Sec. 5-105. Appointment of Deputies.

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.

Sec. 5-106. Powers and Duties of Department Directors.

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

1. In accordance with article 6, chapter 5, hire, promote, supervise, discipline and remove all employees of the department.
2. Assign duties to the employees and supervise the performance of these duties.
3. Prescribe rules which are necessary for the organization and internal government of the department. However, no rule may be inconsistent with any collective bargaining contract or any rule or policy of the human resources department.
4. Prepare reasonable rules governing dealings between the department and the public. A rule becomes effective in accordance with section 2-111.
5. Present annually in quantitatively measurable terms the department's operational performance during the past year and the objective for planned improvement in the coming year. The report shall be submitted to the mayor and city council not later than the date established for the mayor to submit to the city council a proposed annual budget for the next fiscal year.
6. Respond to any inquiry or investigation of the ombudsperson, auditor general and city council.

Sec. 5-107. Powers of a Departmental Deputy.

The deputy in each department of the executive branch shall, under the director's supervision, during the director's absence or disability, or while the director's position is vacant, exercise all the powers and perform all the duties of the director to the full extent permitted by law.

Sec. 5-108. Deputy Mayor.

By a writing filed with the city clerk, the mayor shall designate a member of the mayoral staff or the director of a department of the executive branch as the deputy mayor. The mayor may terminate the designation without cause by filing a notice of termination with the city clerk.

During the absence or temporary disability of the mayor, the deputy mayor shall be acting mayor and shall exercise all the powers and perform all the duties of the mayor to the full extent permitted by law, except that the deputy mayor may not:

1. Exercise any power of appointment to or removal from office, except in an emergency declared by a two-thirds (2/3) majority of city council members present; or
2. Approve or veto any ordinance or resolution within the first five (5) days of the seven (7) days allowed under section 4-119 for exercise of the mayor's veto power.

Sec. 5-109. Succession to Office.

If a vacancy occurs in the office of mayor, the city council president shall succeed to the office until a new mayor is elected.

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If a dispute arises concerning whether a vacancy in the office of mayor has occurred, the city council president or any three (3) members of the city council may petition the appropriate court for a determination of this fact question.

ARTICLE 6. THE EXECUTIVE BRANCH: STAFF DEPARTMENTS

CHAPTER 1. BUDGET DEPARTMENT

SEC. 6-101. Budget Department.

The budget department is headed by the budget director.

Sec. 6-102. Powers and Duties.

The budget department shall assist other city agencies in the development of program and service objectives and in the conduct of financial planning to achieve those objectives.

The budget department shall obtain from city agencies all information required by the mayor for the preparation of the capital agenda and the capital and annual budgets. That information shall be furnished in the manner prescribed by the budget director.

The budget director, with the assistance of the planning director, shall assist the mayor in the preparation of the capital agenda and the capital budget.

Sec. 6-103. Management Audits.

The budget department shall conduct management audits which analyze and evaluate the operations of all agencies.

ARTICLE 6. THE EXECUTIVE BRANCH: STAFF DEPARTMENTS

CHAPTER 2. PLANNING DEPARTMENT

Sec. 6-201. Planning Department.

The planning department is headed by the planning director.

Sec. 6-202. Advance Planning.

The planning department shall obtain all information and conduct all studies required by the mayor and the heads of agencies in the preparation of proposals relative to development matters.

Sec. 6-203. Current Planning.

The planning department shall have continuing liaison with all agencies of the executive branch. It may assign any relevant study to any agency. Any agency, with knowledge and consent of the planning director, may undertake the study of any development matter within the scope of its duties. The planning department shall receive all reports concerning development matters and other information which it requests. The planning director shall, with the head of any agency involved, evaluate all reports and information received by the planning department in light of the policies, programs and priorities of the mayor, and the master plan.

Sec. 6-204. Definition.

The term "development matters" as used in the Charter includes: The master plan for social, economic and physical development and conservation; the annual capital agenda and capital budget; any development or

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renewal project on or affecting public real property or public interests in real property or requiring public assistance; proposed ordinances for the regulation of development or conservation; proposals for the demolition, disposition or relinquishment of, or encroachment upon, public real property or public interests in real property; and any other items added by ordinance.

Sec. 6-205. Public Hearings.

The people of the city living in areas likely to be affected by proposals resulting from any study undertaken by the planning department or an agency under sections 6-202 or 6-203 shall be given full opportunity in public hearings to present facts and arguments relative to the subject under study.

Sec. 6-206. Executive Planning Council.

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.

Sec. 6-207. Meetings.

The executive planning council shall meet regularly, not less frequently than once a month, under rules adopted by it and approved by the mayor.

Sec. 6-208. Duties.

The executive planning council shall provide information to the planning department concerning the total development needs of the city as well as development activities being planned or carried on within the city or affecting the interests of the city. It shall also advise the mayor and the planning director in determining priorities, in evaluating studies, in formulating development proposals, and in implementing authorized programs and projects.

ARTICLE 6. THE EXECUTIVE BRANCH: STAFF DEPARTMENTS

CHAPTER 3. FINANCE DEPARTMENT

Sec. 6-301. Finance Department.

The finance department is headed by the finance director.

Sec. 6-302. Departmental Divisions.

The finance director shall direct and coordinate the financial activities of the accounts division, the assessments division, the treasury, and the purchasing division. The finance director shall also secure and maintain compliance with all laws pertaining to financial controls for the protection of public funds.

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Sec. 6-303. Accounts Division.

The accounts division is headed by the chief accounting officer. The finance director, with the consent of the mayor, shall appoint the chief accounting officer, who serves at the pleasure of the finance director.

The chief accounting officer shall maintain records showing the financial condition of the city and perform such other duties as provided by law, this Charter or ordinance.

Sec. 6-304. Assessments Division.

The assessments division is headed by a three (3) member board of assessors. The term of membership on the board is three (3) years. One (1) term expires each year. Compensation for board members shall be established by ordinance.

The mayor shall appoint the members of the board and may remove a member for cause. Each member must possess the qualifications required by law for assessing officers.

Staff services required by the division shall be provided as determined by the finance director.

A majority of the board may review and correct any assessment made by an employee of the division.

Except as otherwise provided by this Charter or ordinance, the powers, duties and procedures of the board and the division are those provided by law.

Sec. 6-305. Treasury Division.

The treasury division is headed by the treasurer. The finance director, with the consent of the mayor, shall appoint the treasurer, who serves at the pleasure of the finance director.

The treasurer shall:

1. Collect all moneys of the city and receive from other officers and employees all moneys of the city collected by them.
2. Have custody of all moneys, funds and securities of the city, keep accounts of them and deposit them as directed by law or ordinance.
3. Disburse all city funds in accordance with law, this Charter or ordinance.
4. Except as otherwise provided by this Charter or ordinance, have such powers and immunities for the collection of taxes as provided by law.

Sec. 6-306. Purchasing Division.

The purchasing division is headed by the purchasing director. The finance director, with the consent of the mayor, shall appoint the purchasing director, who serves at the pleasure of the finance director.

The purchasing director shall, subject to the provisions of section 4-122:

1. Procure all property and all services of independent contractors to be paid for from appropriations made in the annual budget in accordance with section 8-302, except that an agency may be authorized by ordinance to procure specified kinds of property and services directly.
2. Follow all procedures established by ordinance to protect the interests of the city and to assure fairness in procuring property and services. Except in cases of emergency, those procedures shall require competitive bidding for purchases and contracts which are major as defined by ordinance. However, for purposes of this requirement, the "lowest responsible bidder" may be

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defined by ordinance in terms of lowest overall cost to the city.

3. Sell, lease or transfer in the ordinary course of city operations all personal property of the city which has become unsuitable for public use. Dispositions of personal property which are not in the ordinary course of city operations shall be defined by ordinance and are subject to city council control.

4. Follow procedures established by ordinance to protect the interests of the city and to assure fairness in disposing of personal property. Except in cases of emergency, those procedures shall require competitive bidding for all sales, leases and transfers which are major as defined by ordinance.

Sec. 6-307. Privatization of City Services.

The city shall provide by ordinance for a process by which the city shall act prior to any determination or action to enter into any agreement, by which a non-governmental person or entity provides services to the city substantially similar in whole or in part, to services provided by a regular employee of an agency of the city. Such ordinance shall provide for the following:

1. The preparation of a comprehensive report which details the need for the privatization.

2. Comprehensive written estimates of the total current costs to the city of the agency providing the subject services in the most cost efficient manner, including all direct and indirect costs.

3. A requirement for approval of the legislative body to solicit bids for the privatization, after its review of the comprehensive report and cost analysis.

4. An opportunity for the affected employees to organize and prepare a bid to provide the subject services.

5. A process whereby the agency prepares a comprehensive written analysis of all bids of public employees and non-governmental entities, which would include, but

not be limited to the cost of the bid to provide the services, contract performance; and unemployment, pension or other accrued benefits resulting from loss of agency employees.

6. Other factors to be included in the consideration, other than cost, which could affect the public interest including the effect of transfer of services from the public to the private sector on the access, delivery or quality of services to be provided; the reduction in the employment level of city residents; the differences in work rules and management practices of the workers in the private sector, including those related to legal and constitutional protections and any loss of accountability to city residents which would result from the services being provided by a non-governmental person or entity.

7. The provision that any final recommendation for the privatization of services would require the two-thirds (2/3) approval of the legislative body, which would be required to certify that it was its determination that the availability and quality of the subject services would be likely to equal or exceed the quality of services which could be provided by regular agency employees.

8. Provisions which would require the annual evaluation of the privatized services and the providing of such evaluation to the city council.

No provision of this section should be construed to abrogate or limit any legal rights afforded to the employees under the collective bargaining process.

Nothing in this section shall supersede provisions of section 6-517 of this Charter.

In addition, nothing in the ordinance should be construed as prohibiting the city from obtaining contractual services which are an expansion or addition to services already provided by governmental employees, provided that the contractual services are not a replacement for existing governmental positions.

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An ordinance implementing this section shall be adopted within one-hundred and eighty (180) days of the effective date of this Charter.

ARTICLE 6. THE EXECUTIVE BRANCH: STAFF DEPARTMENTS

CHAPTER 4. LAW DEPARTMENT

Sec. 6-401. Law Department.

The law department is headed by the corporation counsel. 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.

Sec. 6-402. Qualifications.

The corporation counsel and the deputy corporation counsel must be attorneys licensed to practice in Michigan.

Sec. 6-403. Civil Litigation.

The corporation counsel shall defend all actions or proceedings against the city.

The corporation counsel shall prosecute all actions or proceedings to which the city is a party or in which the city has a legal interest, when directed to do so by the mayor.

Upon request, the corporation counsel may represent any officer or employee of the city in any action or proceeding involving official duties.

No civil litigation of the city may be settled without the consent of the city council.

Sec. 6-404. Penal Matters.

The corporation counsel is the city prosecutor and shall:

1. Institute and conduct, on behalf of the people, all cases arising from the provisions of this Charter or city ordinances and, when authorized to do so by law, cases arising under state law.

2. Prosecute all these cases, including all recognizance and bail forfeitures, in the court of original jurisdiction and on appeal.

3. Prosecute all actions for the recovery of fines, penalties, forfeitures and other money arising out of these cases.

Sec. 6-405. Advice and Opinions.

Upon request, the corporation counsel shall give legal advice or opinions to the mayor, a member of the city council or the head of any agency.

Sec. 6-406. Form of Documents.

The corporation counsel shall prepare or approve all contracts, bonds and other written instruments in which the city is concerned, shall approve all surety bonds required to be given for the protection of the city, and shall keep a proper registry of all contracts, bonds and instruments.

Sec. 6-407. Drafting.

Upon request of city council, any city council member, or the mayor, the corporation counsel shall prepare or assist in preparing any ordinance or resolution for introduction before the city council.

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Sec. 6-408. Special Counsel.

Upon request of an agency or officer, the corporation counsel may retain an outside attorney as special corporation counsel for any particular matter or proceeding.

Sec. 6-409. Other Duties.

The corporation counsel has such other duties as may be provided by law, this Charter, or ordinance.

ARTICLE 6. THE EXECUTIVE BRANCH: STAFF DEPARTMENTS

CHAPTER 5. HUMAN RESOURCES DEPARTMENT

Sec. 6-501. General Purpose.

The purpose of this chapter is to establish a system of personnel administration that meets the needs of the people of Detroit, assures that employment and promotion in Detroit government are on the basis of merit and in accordance with collective bargaining under law, and provides methods of redress when these provisions are violated.

Sec. 6-502. Human Resources Department.

Except as otherwise provided by law or this Charter, the human resources department shall perform all aspects of the human resources functions for all agencies of the city.

Sec. 6-503. Human Resources Director and Deputy.

The human resources director shall be appointed by the mayor. The mayor may remove the director without cause. A deputy human resources director shall be appointed by and serve at the pleasure of the human resources director.

Sec. 6-504. Qualifications.

The human resources director shall have at least five (5) years experience in personnel administration.

Sec. 6-505. Civil Service Commission.

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.

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Sec. 6-506. Non-Discrimination.

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.

Sec. 6-507. Employee Organization.

Employees of the city have the right to collective organization and collective bargaining.

Sec. 6-508. Labor Relations.

A division of labor relations within the human resources department is created.

The mayor may appoint either the human resources director or another person as head of the labor relations division.

The person named as head of the division shall hold the position at the pleasure of the mayor.

In accordance with article 6, chapter 5, the head of labor relations division may hire, promote, supervise, discipline and remove employees of the division, assign duties to the employees and supervise the performance of those duties.

The labor relations division shall act for the city, under the direction of the mayor, in the negotiation and administration of collective bargaining contracts.

The city council must ratify any collective bargaining contract before it becomes effective.

The terms of any collective bargaining contract, and all rules and rulings made under it, shall take precedence over any inconsistent classifications, rules, or policies of the human resources department.

Sec. 6-509. Classification of Positions.

The human resources director shall prepare, maintain, and from time to time revise a classification plan for all positions in the classified service. The classification plan shall include an appropriate title for each class and a description of the duties and responsibilities of positions in the class. The human resources director may consult with the heads of city agencies in the preparation of those descriptions.

The classification plan and any revision of it, shall be filed with the city clerk and shall be a public record. The plan or any revision shall become effective thirty (30) days after filing, except that, within the thirty (30) day period, the civil service commission may, on its own initiative or at the request of any classified employee or the head of any agency affected, review the classification plan or any revision and, after giving the human resources director a full hearing, may make changes if it finds upon clear and convincing evidence that the description or classification of any position or positions is improper.

Sec. 6-510. Examinations.

Entry into the classified service shall, as nearly as conditions of good administration warrant, be by open, competitive examination. However, any person applying to work for the city in a profession or occupation for which he or she has been licensed by the governments of Michigan or the United States may be excused from this requirement by the rule of the civil service commission.

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The head of each agency may make all promotions to classified positions within the agency. However, the head of an agency shall give the commission written notice of any proposed promotion within the classified service not less than thirty (30) days before its effective date.

The human resources department may require a person nominated for a promotion to take a qualifying examination for the new position and, if that person does not achieve a passing score on the examination, the promotion shall not take effect.

The human resources director shall prepare, administer and grade all examinations, subject only to an examinee's right to appeal under section 6-511.

The human resources director shall consult with the head of the agency involved and other qualified individuals in the preparation of each of its examinations.

Other policies and rules governing entry into, and change of status within, the classified service shall be prepared by the human resources director and shall become effective upon ratification by the commission and upon the filing of a written copy with the city clerk. However, no person seeking to enter the classified service who has taken an examination and been placed on a register of applicants eligible for employment may be passed over in favor of an applicant with a lower examination score unless the head of the agency involved files with the commission written reasons for that action, acceptable to the commission.

Sec. 6-511. Validation.

To the maximum extent possible, the city shall use professionally developed examinations, supported by empirical data demonstrating that the examination is predictive of, or significantly related to, important elements of work behavior of the position or positions for which applicants are being evaluated.

An examinee may challenge any part of any examination on the grounds that it does not conform to the requirements of this chapter or departmental policies or rules, but the civil service commission may grant relief only if it finds that there is no clear and convincing evidence of validity for the examination or part being challenged.

Sec. 6-512. Recruitment and Advancement.

The human resources director shall prepare and carry out policies for the recruitment of capable persons for employment by the city and for employee advancement.

These policies shall be filed with the city clerk and shall be a public record. They shall become effective thirty (30) days after filing, except that, within the thirty (30) day period, the commission may review those policies and, after giving the human resources director a full hearing, may make changes if it finds upon clear and convincing evidence that the policies are contrary to the good of the service.

Sec. 6-513. Employee Grievances.

The civil service commission shall, by rule, provide a procedure for the final resolution of any grievance brought by or against a classified employee of the city. Any grievances filed with the commission under the procedure shall be finally determined within sixty (60) days after filing, unless the time is extended by agreement of the parties.

If a grievance is not settled, the aggrieved employee may file, within ten (10) calendar days, an appeal with the commission. The employee and the commission shall attempt to agree on a hearing officer from among not fewer than three (3) individuals proposed by the commission. If the employee and the commission are unable to agree, they shall request a recognized arbitration association as designated by ordinance to propose the

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names of five (5) persons who could act independently and impartially as hearing officer in the matter. In the presence of an officer authorized to take oaths, each side, acting in turn with the employee beginning, shall indicate a name to be struck with those proposed until both sides have struck two (2) names. The person whose name then remains shall be the hearing officer.

A hearing shall be held within thirty (30) calendar days after filing of an appeal. The hearing officer shall file a report of the decision, setting forth findings of fact, conclusions of law, and recommendations, within thirty (30) calendar days of the hearing which is subject to review by the commission.

Any rule or policy under this section becomes effective in accordance with section 2-111.

Sec. 6-514. Jurisdiction.

The commission procedure shall be exclusive for classified employees not covered by a collective bargaining contract.

A classified employee covered by a collective bargaining contract containing a procedure providing for a final and enforceable resolution of a grievance shall, unless the contract procedure is made exclusive, elect to use either the commission procedure or the contract procedure, but may not use both.

A classified employee covered by a collective bargaining contract containing a grievance procedure that does not result in a final and enforceable resolution of the grievance may, if the collective bargaining contract so provides, pursue the contract procedure and then file under the commission procedure.

Sec. 6-515. Payrolls.

The human resources department shall certify that the classified employees named in payroll vouchers are employed in accordance with this chapter and departmental policies and rules.

No officer shall make or approve or take any part in making or approving any payment to any classified employee unless the payroll voucher bears the certification of the human resources department.

Any sum knowingly or willfully paid contrary to this chapter or any departmental policy or rule may be recovered in a action brought by any person from any officer who made or approved the payment. All moneys recovered shall be paid into the city treasury. Any person may bring a suit to restrain an officer from making any payment contrary to this chapter, or any departmental rule, regulation or order.

If the commission finds that the name of any classified employee has been omitted from any payroll, the agency involved shall correct the payroll and the classified employee shall be paid as directed by the commission.

Sec. 6-516. Residence.

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

Sec. 6-517. Classified Service.

The classified service of the city shall consist of all employments in the city service except:

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1. Elective officers;
2. Persons holding appointments under this Charter;
3. Persons employed to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the city;
4. Others exempted by this Charter.

Sec. 6-518. Transfers and Promotions to Exempt Positions.

A person holding a position in the classified service may enter the exempt service, but may not be discharged therefrom, except by restoration to a classified position in accordance with rules of the commission.

Sec. 6-519. Consolidation of Entities.

If any city activity or agency is taken over by another unit of government, the commission shall prepare the city's payroll history record of all classified employees involved and send that record to the governmental unit. If, after the merger, the service of any such employee is discontinued for reasons other than misconduct or delinquency, the person's name shall be placed on an appropriate re-employment list in accordance with departmental rules.

If an activity of another private or public organization is taken over by the city, an employee who has held a position in the activity continuously for three (3) years before its merger with the city may retain the position. An employee who has held a position in the activity for less than three (3) but more than one (1) year before its merger with the city must take a departmental qualifying examination for the position. If the employee does not pass a required qualifying examination or if an employee has held a position in the activity for less than one (1) year before its merger with the city and is not selected to retain the position under the procedure of

section 6-510, the employee shall be dismissed within thirty (30) days after the establishment of a register of eligibles for the position.

ARTICLE 6. THE EXECUTIVE BRANCH: STAFF DEPARTMENTS

CHAPTER 6. ENVIRONMENTAL AFFAIRS

Sec. 6-601. Department of Environment.

The department of environment is headed by the director of environment.

Sec. 6-602. General Purpose.

The purpose of this chapter is to conserve and protect the natural resources of the city of Detroit in the interests of the health, safety and welfare of the people, to promote improved social and economic conditions in the city and to protect limited environmental resources for the future benefit of city inhabitants.

Sec. 6-603. Powers and Duties.

The department of environment shall:

1. Develop and implement a coordinated and comprehensive environmental policy for the city of Detroit;
2. Administer, enforce, manage and coordinate compliance by the city of Detroit with federal, state and local environmental laws and regulations;
3. Coordinate environmental programs for protection and conservation of land, water and air resources;
4. Develop and implement programs for response to emergency conditions which pose an immediate danger to health and safety to the people of Detroit or to the city's environment;

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5. Advise, consult and cooperate with agencies of the federal, state and local governments in furtherance of the purposes of this chapter;

6. Develop and coordinate policy, programs and procedures for remediation, redevelopment and reuse of contaminated land sites in the city of Detroit;

7. Develop and coordinate policy, programs and procedures to encourage and promote innovative and competitively viable sustainable economic development in the city of Detroit consistent with protection of the environment;

8. Provide technical support and assistance to other city departments in environmental matters, including response to federal, state and local governmental enforcement activities; qualification for eligible grant moneys, etc.;

9. Develop plans and proposals for joint cooperative investigation and research with the public and with private agencies and organizations on methods for eliminating or reducing land, air and water pollution;

10. Collect and disseminate appropriate educational literature and information, and otherwise promote educational programs for the purposes of advising the general public of the necessity and methods for the pollution prevention, securing public cooperation in pollution prevention measures and increasing public awareness of the importance of environmental protection and conservation of natural resources;

11. Do any and all other acts which may be necessary for the implementation of the powers and duties conferred on the department under this chapter.

Sec. 6-604. Conservation.

The department of environment shall develop programs for the protection and conservation of natural resources within the city of Detroit.

Sec. 6-605. Environmental Legislation.

The department of environment shall propose new ordinances, laws and regulations to the mayor, city council and other governmental entities as appropriate for improvement of the quality of the environment and promotion of the mission of the department.

ARTICLE 7.

THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES

CHAPTER 1. GENERAL PROVISIONS

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

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.

Sec. 7-102. Assignment of Authorized Function.

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.

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The plan shall include the office of mayor, the six (6) 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 7-104.

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.

Sec. 7-103. Advisory Commissions.

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 for allowing non-residents to serve.

Sec. 7-104. Change In Number of Authorized Functions.

Subject to the general provisions of this Charter, the city may, by ordinance, increase the number of departments of the executive branch beyond the number contemplated by this Charter.

The city may, by ordinance, authorize additional programs, services, or activities; or discontinue authorized programs, services, or activities.

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

CHAPTER 2. RESPONSIBILITIES in HEALTH and SANITATION

Sec. 7-201. Health.

The city is responsible for providing an adequate level of health services, both physical and mental, to all its residents.

An advisory commission for health, composed of at least five (5) members, shall be created under section 7-103.

Sec. 7-102. Sanitation.

The city is responsible for collecting and disposing of wastes in the manner least harmful to the environment.

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

CHAPTER 3. ARTS

Sec. 7-301. Department.

The arts department is headed by a seven (7) member commission. The members of the commission shall be appointed by and serve at the pleasure of the mayor.

The term of membership on the commission is four (4) years, and not more than two (2) members' terms expire each year.

The commission shall appoint, with approval of the mayor, the arts director and a deputy arts director. The director and the deputy director serve at the pleasure of the commission.

The arts department shall maintain and operate the Detroit Institute of Arts.

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

CHAPTER 4. BUILDING

Sec. 7-401. Duty Under Zoning Law.

The building department shall administer and enforce all laws, ordinances and regulations relating to the use of land ("zoning").

Sec. 7-402. Applications Filed Under Zoning Law.

All applications for permits, grants, variances, waivers or exceptions of any kind under zoning laws, ordinances and regulations shall be made to the department.

The department may allow or deny permits, grants, variances, waivers and other exceptions upon the terms and conditions provided by ordinance.

Sec. 7-403. Board of Zoning Appeals.

Except as otherwise provided by an ordinance, one (1) appeals board with the powers and duties that may be provided by ordinance shall be established by the city council in accordance with state law to review any decision made by the department under section 7-402 where any law, ordinance or regulation requires review by an appeals board.

The ordinance shall provide for rules governing the appeal, including the parties entitled to be heard in proceedings before the appeals board and the effect of a decision of the board, and may provide compensation for board members.

In any review proceeding, the building department shall file a written statement and may appear before the appeals board in support of its decision.

Sec. 7-404. Duty Under Other Regulatory Laws.

To the extent practicable, the department shall also administer and enforce all other laws and ordinances regulating the development, maintenance and use of real property in the city.

Sec. 7-405. One-Stop Service.

To the extent practicable, the department shall, in cooperation with other agencies whose permission is required prior to development, establish a procedure and application form under which an applicant for development permission may obtain, through the department, all necessary permission.

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

CHAPTER 5. COMMUNITY and ECONOMIC DEVELOPMENT

Sec. 7-501. Department.

A department or departments for community and economic development shall:

1. Propose, administer, and carry out authorized projects and programs for the conservation of stable areas, and for the elimination of blight and the restoration of decent, safe and sanitary living conditions in defined areas;
2. Propose, administer, and carry out authorized projects, programs and plans of action intended to stimulate or aid the development of housing;
3. Act as the "local public agency" for purposes of federally aided urban renewal and similar projects. However, the housing commission or other body which includes at least as many residents of urban renewal areas as the housing commission shall participate in the planning of and consent to any such renewal project;
4. Be responsible for seeking assistance for the city and business interests in the city, especially small and minority business interests, under federal and other aid programs; and
5. Endeavor to eliminate conditions of unemployment and under-employment and to maintain and strengthen the economy of the city by attracting new, and assisting the expansion of existing, commerce and industry in the city.

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

CHAPTER 6. CONSUMER AFFAIRS

Sec. 7-601. Department.

The consumer affairs department shall:

1. Conduct research and, in consultation with other public and private agencies, develop programs for consumer and protection;
2. Enforce laws and ordinances prohibiting fraudulent or dishonest practices in the advertising, offering for sale, and the sale of goods and services;
3. Except as otherwise provided by law or this Charter, grant, revoke, or approve transfers of all licenses and permits required by any law or ordinance for any business and collect fees for licenses and permits; and
4. Receive, evaluate, and investigate complaints, refer cases to appropriate federal, state, regional or county agencies, or take such other action as may be authorized by ordinance.

Sec. 7-602. Powers.

The department director may subpoena witnesses, administer oaths, take testimony, require the production of evidence, and promulgate rules for the department's procedures. 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 department director shall apply to the appropriate court.

The department director may delegate the powers to administer oaths and take testimony.

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Sec. 7-603. Consumers Council.

A consumers council is created.

The council consists of the department director and seven (7) members to be appointed for three (3) year terms by the mayor. The mayor shall annually designate one (1) of these seven (7) as chairperson. Not more than three (3) terms expire each year. A member serves at the pleasure of the mayor. The members must represent a cross section of consumer interests.

The consumers council shall advise the department on general program goals, undertake studies, make reports, and foster cooperation among federal, state, regional, county, and city agencies and private groups.

ARTICLE 7.

THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES

CHAPTER 7. PUBLIC WORKS

Sec. 7-701. Department.

The department of public works shall:

1. Provide for the management and collection of garbage and debris.
2. Except as otherwise provided by law or Charter, in cooperation with the department of environment, enforce the environmental ordinances of the city, relating to this chapter.
3. Provide for the construction, maintenance, demolition and engineering design of streets, alleys and public buildings.
4. Plan, establish and maintain systems and devices for safe and expeditious regulation and control of traffic within the city.

5. As provided by law or ordinance, perform other functions necessary to improve the quality of the environment.

Sec. 7-702. Sidewalk Maintenance.

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.

ARTICLE 7.

THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES

CHAPTER 8. FIRE

Sec. 7-801. Department.

The fire department is headed by the fire commissioner.

DETROIT CODE

The fire commissioner and the deputy fire commissioner shall be appointed by and serve at the pleasure of the mayor.

Sec. 7-802. Departmental Divisions.

Subject to the approval of the mayor, the fire commissioner shall appoint a chief of the fire department from the board of fire chiefs of the fire fighting division. The chief serves at the pleasure of the fire commissioner.

The chief shall serve as the director of operations for the fire fighting division.

Two (2) deputy fire chiefs shall be appointed by the fire commissioner from the ranks of the assistant chiefs and serve at the pleasure of the fire commissioner.

A fire marshal shall be appointed by and serve at the pleasure of the fire commissioner.

Sec. 7-803. Duties.

The fire department shall protect life and property from fire and enforce all laws, ordinances and regulations relating to fire prevention and safety within the city.

Sec. 7-804. Fire Marshal.

The fire marshal shall inquire into the origin of all fires resulting in property loss and shall make a written report concerning every such fire to the fire commissioner, the police commissioner, the Wayne County prosecuting attorney, the Detroit Board of Underwriters and any person legitimately interested in the matter.

The fire marshal shall also make such inspection of buildings and other places as is necessary for enforcement of the fire prevention ordinances of the city.

Sec. 7-805. Advisory Commission.

A four (4) member advisory commission may be appointed by the mayor to advise the mayor and the fire commissioner on matters relating to the fire department.

Sec. 7-806. Promotions.

1. The fire commissioner shall make all promotions to non-supervisory positions within the classified service of the department. The employee having served in the longest period in any position shall be advanced to fill any vacancy in the next highest position, if that person has, in the judgment of the fire commissioner, the qualifications for the higher position. Qualifications shall be reasonable and non-competitive.

2. Promotions within the classified service of the department to the supervisory positions of sergeant and above shall be determined by qualifications based on length of service in the next lower position and reasonable and objective evaluation of such factors as ability, skill, experience, knowledge and training.

ARTICLE 7.

THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES

CHAPTER 9. HISTORICAL

Sec. 7-901. Department.

The historical department is headed by a nine (9) member commission. The members of the commission shall be appointed by and serve at the pleasure of the mayor.

The term of membership on the commission is four (4) years, and not more than three (3) members' terms expire each year.

HOME RULE CHARTER

The commission shall appoint, with the approval of the mayor, a museums director and a deputy museums director. The director and the deputy director serve at the pleasure of the commission.

The historical department shall maintain and operate the city's historical museums.

ARTICLE 7.

THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES

CHAPTER 10. HUMAN RIGHTS

Sec. 7-1001. Department.

The human rights department is headed by the human rights director. The director and a deputy director shall be appointed by the mayor to four (4) year terms beginning on March first (1st) after the beginning of the mayor's term. The mayor may remove the director or deputy director for cause. However, the director and deputy director may not be appointed or removed without the approval of the human rights commission.

Sec. 7-1002. Commission.

An eleven (11) member human rights commission shall be appointed by the mayor, with the approval of the city council. A member must be a resident of the city. The commission shall be representative of the total community.

The term of membership on the commission is three (3) years, and not more than four (4) members' terms expire each year. The members of the commission may be removed by the mayor for cause.

Sec. 7-1003. Budget.

The city shall make an annual appropriation for the effective operation of the department.

Sec. 7-1004. Duties.

Subject to policies established by the commission, the department shall:

1. Investigate complaints of unlawful discrimination against any person because of race, color, creed, national origin, age, handicap, sex, or sexual orientation in violation of any ordinance or any law within the city's jurisdiction to enforce, and secure equal protection of civil rights without discrimination. The city shall implement this section by ordinance. The human rights department may cooperate with other civil rights agencies in the resolution of complaints where jurisdiction is concurrent;

2. Secure the rights of citizens to service from city government without discrimination; and

3. Endeavor to increase mutual understanding among residents of the community, to promote good will, and to work cooperatively with other agencies of government, community groups and organizations, and other persons to eliminate discrimination and the results of past discrimination.

Sec. 7-1005. Powers.

The department shall, with the consent of the commission, promulgate rules for its own procedures.

The department director may hold hearings, subpoena witnesses, administer oaths, take testimony, require the production of evidence, and issue appropriate orders, including the dismissal of a complaint. To enforce subpoena or order for production of evidence or other order to impose any penalty prescribed for failure to obey a subpoena or order, the department director shall apply to the appropriate court.

The department director may delegate the powers to hold hearings, administer oaths, and take testimony.

DETROIT CODE

Sec. 7-1006. Appeals.

Appeals from final orders of the department in all matters, except decisions of ineligibility to do business with the city, shall be taken to the court having jurisdiction provided by law. Appeals by persons or firms aggrieved by decisions of ineligibility to do business with the city may be heard by the city council or such other appellate body as may be provided by ordinance under section 9-302.

Sec. 7-1007. Remedies Cumulative.

This chapter shall not be construed to diminish the right of any party to direct any immediate legal or equitable remedies in any court or other tribunal.

ARTICLE 7.

THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES

CHAPTER 11. POLICE

Sec. 7-1101. Police Department.

The police department shall preserve the public peace, prevent crime, arrest offenders, protect the rights of persons and property, guard the public health, preserve order, and enforce laws of the state and the nation and the ordinances of the city.

Sec. 7-1102. Board of Police Commissioners.

The police department is headed by a five (5) member board of police commissioners. The members of the board shall be appointed by the mayor, subject to the approval of the city council. However, if the city council does not disapprove an appointment within thirty (30) days, an appointment is confirmed. The term of membership on the board is five (5) years and not more than one (1) member's term expires each year. The mayor may remove members of the board without cause. All

members of the board must be residents of the city. As nearly as possible, the board shall be representative of the total community. The board shall elect a chairman annually. A member of the board may not serve consecutive terms as chairman, nor may a person serve more than five (5) years consecutively as a member of the board. The board shall meet at the call of its chairman, but shall meet at least once each week. All meetings shall be public except that the board may, in its discretion, publicly reserve specified subjects for executive session. No member of the board shall have been an employee or elective or appointive officer of the city within three (3) years prior to appointment or while serving as a member of the board. Compensation for members of the board may be established by ordinance.

Sec. 7-1103. Duties of the Board of Police Commissioners.

The board shall:

1. In consultation with the chief of police, and with the approval of the mayor establish policies, rules and regulations;
2. Review and approve the departmental budget before its submission to the mayor;
3. Receive and resolve, as provided in this chapter, any complaint concerning the operation of the police department;
4. Act as final authority in imposing or reviewing discipline of employees of the department;
5. Make an annual report to the mayor, the city council, and the public of the department's activities during the previous year, including the handling of crime and complaints, and of future plans.

HOME RULE CHARTER

The board may 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 board shall apply to the appropriate court. The board may delegate in writing to a member of its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the board and does not prevent exercise of any power by the board.

Sec. 7-1104. Staff.

1. Secretary to the Board.

The board shall appoint a board secretary, who serves at its pleasure. The secretary shall not have been an employee or elective or appointive officer of the city within three (3) years prior to appointment. The secretary shall attend board meetings.

2. Investigative Staff.

The board shall also appoint a chief investigator and such additional staff of investigators as it deems necessary. The chief investigator shall not have been an employee or elective or appointive officer of the city within three (3) years prior to appointment. Investigators serve at the board's pleasure. They must possess skills and experience necessary for investigative work.

3. Other Staff.

The board may hire, in accordance with article 6, chapter 5, such additional staff as is necessary to carry out its duties. All members of the staff are under the direction of the board, and the chief of police has no authority over any member of the staff.

Sec. 7-1105. Chief of Police.

The mayor shall appoint a chief of police, skilled and experienced in police administration or law enforcement. The chief of police serves at the pleasure of the mayor.

Sec. 7-1106. Duties of the Chief of Police.

The chief of police is the chief executive officer of the police department and shall administer the department under the policies, rules, and regulations established by the board and shall:

1. Organize the department with the approval of the board;

2. Recommend rules, regulations, and procedures to the board for its approval;

3. Prepare the annual budget for the police department.

4. Hire, promote, commend, transfer, and discipline employees of the department; have authority to suspend and discharge employees of the department under section 7-1107; file complaints against employees with the board secretary; and direct employees in the performance of their duties;

5. Except as otherwise provided by the board, keep and control all property, books, records, and equipment belonging to the department or held by the department as evidence;

6. Submit to the board an annual report of the operations of the department for forwarding to the mayor, the city council, and the public;

DETROIT CODE

7. Present annually a police department operations improvement plan. The plan shall be filed with the city clerk, distributed to the mayor and city council, and be a public record;

8. Exercise such other powers as conferred by the board.

The chief, with the consent of the board, may appoint necessary deputy chiefs. The chief may attend all meetings of the board and speak on any issue but may not vote.

Sec. 7-1107. Discipline.

1. Manual.

The board, in consultation with the chief of police, shall adopt a manual of rules, regulations and procedures. The manual shall define categories of major and minor offenses and shall set forth the maximum and minimum penalties for each offense.

2. Summary Discipline.

The chief of police may implement summary discipline for a minor offense. A disciplined employee may request the board of police commissioners to set aside the summary discipline and reinstate any loss of pay.

3. General Discipline.

The chief of police may discharge or indefinitely suspend any employee for a major offense. When an employee is discharged or indefinitely suspended or other serious charges are made and the employee contests the discharge, suspension or charge, the matter shall be referred to a trial board. The procedure for trial boards shall be established by the department's rules and regulations. A member of a trial board must hold at least the rank of inspector or equivalent grade. All trial board proceedings shall be public. The decision of a trial board may be appealed to the board of police commissioners

Instead of hearing an appeal itself, the board of police commissioners may appoint a fact finder as provided in section 7-1109. The fact finder shall conduct a hearing and report findings of fact to the board. The board's disposition of the matter following such a hearing shall be final.

An employee charged with a major offense is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the board of police commissioners except with the concurrence of four (4) members of the board of police commissioners.

Sec. 7-1108. Complaints.

Complaints concerning the police department filed anywhere in the department shall be forwarded immediately to the board secretary. Copies of the complaint shall be made available to each member of the board, the chief investigator, and the chief of police. The chief shall investigate a complaint immediately and file a report of findings with the board within forty-five (45) days. However, the board may, in its discretion, at any time order an investigation by its own investigative staff instead of, or subsequent to, that of the chief.

The board secretary shall keep a public docket of complaints and the disposition of each complaint after investigation.

Sec. 7-1109. Resolution of Complaints.

If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent employee, or a member of the board of police commissioners, either the complainant, the respondent employee, or the board member may request the board to hear or review the matter. The board may, at its option, when it determines that a hearing or review is warranted by the evidence, hear or review the matter itself or refer the matter to a fact finder.

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When a matter is referred to fact finding, the secretary to the board and the respondent employee shall attempt to agree upon a person to act as a fact finder. The fact finder must be an attorney. If the parties fail to agree on a fact finder, they shall request a recognized arbitration association as designated by ordinance, to propose the names of five (5) attorneys who could act independently and impartially as a fact finder in the matter. In the presence of a person authorized to take oaths, each side, acting in turn with the employee beginning, shall indicate a name to be struck from those proposed until both sides have struck two (2) names. The person whose name then remains is the fact finder. The fact finder, in the conduct of the hearing, may 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 fact finder shall apply to the appropriate court. The cost of the fact finder shall be borne by the city.

After a hearing, the fact finder shall, within thirty (30) days, submit findings of fact to the board. The board, upon receipt of the report of the fact finder shall, within thirty (30) days, determine any discipline to be imposed. It shall then make the report and its action public. The decision of the board is final.

Any employee against whom a complaint is filed is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the board, except with the concurrence of four (4) members of the board. All pleadings filed and all hearings before the board and the fact finder shall be public. The parties to any hearing are the complainant and the respondent employee. Each has a right to counsel. The complainant's case may be presented by the complainant or complainant's counsel. Any probative evidence may be admitted.

Sec. 7-1110. Division of Police Personnel.

The division of police personnel is headed by a director of police personnel appointed by the board. The director of police personnel must be a civilian and serves at the pleasure of the board.

Sec. 7-1111. Deputy Director.

The director of police personnel shall appoint a deputy who serves at the pleasure of the director.

Sec. 7-1112. Recruitment and Entry into Service.

Applicants for employment as police officers with the department must enter the police service in accordance with section 7-1113. Applicants for civilian employment with the department must enter the classified service as provided in article 6, chapter 5 of this Charter.

Sec. 7-1113. Powers and Duties.

With the concurrence of the chief of police, the director of police personnel shall recruit applicants for service as police officers with the department, prepare and administer examinations for hiring police officers, and prepare and conduct examinations for promotion within the department.

Lateral entry into employment with the department as a police officer is permitted in accordance with the rules, regulations, and procedures established by the board.

Sec. 7-1114. Promotions.

The chief of police shall make all promotions within the department. All promotions shall be with the approval of the board.

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Promotions shall be made on the basis of competitive examinations administered by the director of police personnel except for positions above the rank of lieutenant or its equivalent. All examinations will be prepared by the division of police personnel with the concurrence of the board. No person who has taken an examination and has been placed on a register of employees eligible for promotion, may be passed over in favor of an employee with a lower examination score, unless the chief of police files with the board and the division of police personnel written reasons for the bypass, and the promotion is approved by four (4) of the commission members serving. Any person having been passed over may appeal to the board.

Sec. 7-1115. Examinations.

All examinations prepared and administered by the director of police personnel must be validated as provided in section 6-511.

Sec. 7-1116. Employees.

Employees of the department shall receive equal pay for the same or similar work and have an equal opportunity for promotion.

Sec. 7-1117. Police Officers Employed by Governmental and Educational Institutions.

The chief of police may, upon the annual application of governmental or educational institution showing a sufficient necessity, appoint police officers at the charge and expense of the institution making the application, to do duty at any place designated by the chief. These police officers hold office at the pleasure of the chief and are subject to the policies, rules, regulation, and discipline of the department. They shall wear such dress and emblems as the chief prescribes. They possess, as conservators of the peace, all powers and privileges and may perform all duties of police officers.

Sec. 7-1118. Police Reserves.

The chief of police may appoint persons to serve as police reserves and set qualifications for entry into the reserves. Police reserves when called to duty shall possess such powers as designated by the chief, including the powers of peace officers. Training standards shall be set by the chief. Unless there exists an officially declared emergency, duty shall be voluntary. The use of reserves shall be in accordance with rules and regulations approved by the board and the mayor.

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

CHAPTER 12. PUBLIC LIGHTING

Sec. 7-1201. Department.

The public lighting department is headed by the public lighting director.

Sec. 7-1202. Qualifications.

No person shall head the public lighting department nor serve as deputy director, unless that person is a licensed mechanical or electrical engineer.

Sec. 7-1203. Commission.

A five (5) member public lighting commission shall be appointed by and serve at the pleasure of the mayor. A member must be a resident of the city. The term of membership is five (5) years. One (1) term expires each year. The commission shall advise in the operation of the public lighting department.

Sec. 7-1204. Powers and Duties.

The department shall supervise and control all public lighting and public lighting plants and may:

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1. Furnish and sell light, heat and power to any person, firm, division, or corporation within or outside of the city to the extent permitted by law; and

2. Exercise other powers and perform other duties necessary to carry out its functions.

Sec. 7-1205. Limitations on Sale of Assets.

The following limitations shall apply relative to public lighting:

1. The city may not sell or in any way dispose of any property needed to continue the operation of any city owned public utility furnishing lighting, unless approved by a majority of city voters voting on the question at a regular or special election.

2. The city may not grant any public utility franchise for public lighting which is not subject to revocation at the will of the city council unless the proposition is first approved by three-fifths (3/5) of city voters voting on the question at a regular or special election.

3. All contracts, franchises, grants, leases or other forms of transfer in violation of this section shall be void and of no effect against the city.

ARTICLE 7.

THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES

CHAPTER 13. RECREATION

Sec. 7-1301. Department.

The recreation department shall operate recreational facilities, offer and carry on organized programs of recreational activities in the city, and, to the extent possible, coordinate all recreational programs and facilities being offered in the city.

Sec. 7-1302. Advisory Commission.

An advisory commission for recreation, comprised of one (1) representative from each of not fewer than eight (8) districts, shall be created under section 7-103.

ARTICLE 7.

THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES

CHAPTER 14. TRANSPORTATION

Sec. 7-1401. Department.

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.

Sec. 7-1402. Advisory Commission.

An advisory commission for transportation, composed of at least five (5) members, shall be created under section 7-103.

Sec. 7-1403. Intelligence Division.

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

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Sec. 7-1404. Limitations.

The following limitations shall apply relative to transportation:

1. The city may not sell or in any way dispose of any property needed to continue the operation of any city-owned public utility furnishing transportation service, unless approved by a majority of city voters voting on the question at a regular or special election.
2. The city may not grant any public utility franchise for transportation services which is not subject to revocation at the will of the city council unless the proposition is first approved by three-fifths (3/5) of city voters voting on the question at a regular or special election.
3. All contracts, franchises, grants, leases or other forms of transfer in violation of this section shall be void and of no effect against the city.

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

CHAPTER 15. WATER and SEWERAGE

Sec. 7-1501. Department.

The water and sewerage department is headed by a seven (7) member board known as the board of water commissioners. The members of the board shall be appointed by and serve at the pleasure of the mayor. The term of membership on the board is four (4) years and not more than two (2) members' terms expire each year.

A member must be a citizen of the United States and a resident of Michigan. At least four (4) members of the board must be residents of Detroit.

The board shall appoint, with the approval of the mayor, a director and a deputy director for the department. The director and deputy director serve at the pleasure of the board.

Sec. 7-1502. Powers.

Under the direction of the board, the department shall supply water, drainage and sewerage services within and outside of the city.

The board shall periodically establish equitable rates to be paid:

1. By the owner or occupant of each house or building using water, drainage, or sewerage services; and
2. By any person, municipality, or public or private agency making a wholesale purchase of water, drainage or sewerage services from the city.

Unless otherwise provided by contract, the unpaid charges for water, drainage, and sewerage services, with interest, shall be a lien of the city upon the real property using or receiving them.

The board may make all necessary adjustments in the collection of water, drainage or sewerage charges.

The board may be given additional authority to establish rates by ordinance.

Upon the request of the mayor the board shall advise the various agencies of the city on matters involving water resource management.

Sec. 7-1503. Limitation on Funds.

All moneys paid into the city treasury from fees collected for water, drainage or sewerage services shall be

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used exclusively for the payment of expenses incurred in the provision of these services, including the interest of principal of any obligations issued to finance the water supply and sewerage disposal facilities of the city, and shall be kept in separate funds.

Sec. 7-1504. Limitation on Sale of Assets.

The following limitations shall apply relative to water and sewerage:

1. The city shall not sell or in any way dispose of any property needed to continue the operation of any city-owned public utility furnishing water and sewerage service, unless approved by a majority of city voters voting on the question at a regular or special election.

2. The city shall not grant any public utility franchise for water and sewerage services which is not subject to revocation at the will of the city council unless the proposition is first approved by three-fifths (3/5) of city voters voting on the question at a regular or special election.

3. All contracts, franchises, grants, leases or other forms of transfer in violation of this section shall be void and of no effect against the city.

ARTICLE 7.

THE EXECUTIVE BRANCH: PROGRAMS, SERVICES and ACTIVITIES

CHAPTER 16. ZOOLOGICAL PARK

Sec. 7-1601. Department.

The zoological parks department is headed by the zoological director. The zoological parks department shall maintain and operate the city's zoological parks.

Sec. 7-1602. Commission.

The zoological parks commission shall advise the department on general program goals for the zoological parks. The zoological commission shall consist of five (5) members. The members of the commission shall be appointed by and serve at the pleasure of the mayor. The term of membership on the commission is four (4) years, and not more than two (2) members' terms expire each year.

ARTICLE 8.

PLANNING and FINANCIAL PROCEDURES

CHAPTER 1. PLANNING PROCEDURE

Sec. 8-101. Comprehensive Plan.

The mayor shall propose and the city council shall approve, with the modifications it deems necessary, a master plan of policies for the social, economic and physical development and conservation of the city ("plan" or "master plan").

Sec. 8-102. Periodic Review.

After approval of the plan, the mayor shall annually propose any amendments necessary to keep the plan current and the city council shall consider the mayor's proposed amendments and make the modifications in the plan that it deems necessary.

Sec. 8-103. Council Procedure.

The city council shall conclude its action on the plan annually by December 1. Interested persons and groups shall be given notice and an opportunity to be heard by either the city council, the city planning commission, or other committee of the city council, before approval of the plan or any amendments to the plan.

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Sec. 8-104. Purpose of the Plan.

The master plan shall be a set of guidelines to assist the mayor and others in proposing, and the city council in evaluating and implementing, specific proposals for the total development of the city and its residents.

ARTICLE 8.

PLANNING and FINANCIAL PROCEDURES

CHAPTER 2. BUDGETS

Sec. 8-201. Fiscal Year.

Except as otherwise provided by ordinance, the city's fiscal year is July 1 through June 30. If the fiscal year is changed, related dates specified in the Charter shall change accordingly.

Sec. 8-202. Capital Agenda.

1. On or before December 1 each even numbered year, the mayor shall submit a proposed capital agenda for the next five (5) fiscal years to the city council.

2. The capital agenda shall state:

A. All physical improvements and related studies and surveys, all property of a permanent nature, and all equipment for any improvement when first erected or acquired, to be financed during the next five (5) fiscal years in whole or in part from funds subject to control or appropriation by the city, along with information as to the necessity for these facilities;

B. Capital expenditures which are planned for each of the next five (5) fiscal years;

C. The estimated annual cost of operating the facilities to be constructed or acquired; and

D. Other information pertinent to the evaluation of the capital agenda.

For each separate purpose, project, facility, or other property there shall be shown the amount and the source of any money that has been spent or encumbered, or is intended to be spent or encumbered before the beginning of the next fiscal year and also the amount and the source of any money that is intended to be spent during each of the next five (5) years. This information may be revised and extended each year for capital improvements still pending or in process of construction or acquisition.

The city council may delete projects from the capital agenda as submitted to it, but it may not otherwise amend the capital agenda until it has requested the recommendations of the planning director. The city council shall not be bound by those recommendations and may act without them if they are not received within thirty (30) days from the date requested.

3. The city council shall publish in one (1) or more daily newspapers of general circulation in the city a general summary of the capital agenda and a notice stating:

A. The time and places where copies of the proposed capital agenda are available for public inspection; and

B. The time and places, not less than two (2) weeks after the publication, for a public hearing on the proposed capital agenda.

The head of any agency has the right, and it shall be a duty when requested by the city council, to appear and be heard.

4. At the conclusion of its deliberation, but not later than March 1 of the following year, the city council shall approve a five (5) year capital agenda for the city. If the city council fails to take action by March 1, the proposed capital agenda shall be deemed approved.

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Sec. 8-203. Annual Budget.

In accordance with law, the city shall establish by ordinance, dates upon which the mayor shall submit to the city council a proposed annual budget for the next fiscal year, and city council to complete consideration of the budget. Proposed capital appropriations shall be set forth in a separate section of the annual budget.

Before November 1 of each year and prior to submitting a proposed annual operating budget, the departments of police, fire, public works, water and sewerage, recreation, health and public lighting shall conduct a public meeting to review programs, services and activities to be included in the budget and receive public comment.

Departments shall publish a general summary of program, service and activities funded in the current fiscal year, in one (1) or more daily newspapers of general circulation in the city. The summary shall include funds spent or encumbered in the current fiscal year. The notice shall be published not less than ten (10) days before the day on which the meeting is held, and shall state the date, time and place of the meeting.

Sec. 8-204. Budget.

1. The budget shall constitute a complete financial plan for the city for the next fiscal year.

2. The budget shall set forth estimated revenues from all sources and all appropriations. Any surplus or deficit during the fiscal year preceding that covered by the budget shall be entered as an item in the budget.

3. The total of proposed expenditures shall not exceed the total of estimated revenues.

Sec. 8-205. Form of Appropriation.

All appropriations to each agency shall be made in lump sums to the agency's specific programs, services or activities or to additional classes as the mayor may recommend in the proposed budget, subject to amendment by deletion, addition or substitution by the city council. However, the accounts of each agency shall be maintained in such detail as required by generally accepted standards of financial reporting. A uniform system of accounts shall be established as required by state law.

The city council may request such supporting data for each appropriation as it deems necessary.

Sec. 8-206. Public Hearing.

A public hearing in the manner provided by law or ordinance shall be held on the proposed budget before adoption.

Sec. 8-207. Amendment Before Adoption.

After the public hearing, the city council may adopt the budget with or without amendment.

Sec. 8-208. Budget Adoption.

Consideration of the budget shall be completed by the city council as provided by ordinance.

If the mayor disapproves amendments made by the city council, the mayor shall within seven (7) days, submit to the city council in writing the reasons for the disapproval.

The city council shall proceed to reconsider any budget item so disapproved. If after reconsideration a two-thirds (2/3) majority of the city council members

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serving agree to sustain any of the city council's amendments to the budget, those amendments so sustained shall be of full force and effect. The city council's reconsideration of the budget must be concluded within three (3) business days after receipt of the mayor's disapproval.

Sec. 8-209. Effect of Budget Adoption.

Adoption of the budget shall constitute:

1. Appropriations of the amounts specified therein from the funds indicated;
2. A levy of the property tax specified therein; and
3. Authorization for the issuance of any bonds specified therein.

Sec. 8-210. Amendments After Adoption.

1. If during the fiscal year the mayor advises the city council that there are available for appropriation revenues in excess of those estimated in the budget, the city council may make supplemental appropriations for the year up to the amount of the excess.
2. To meet a public emergency affecting life, health, property or the public peace, upon request of the mayor, the city council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet those appropriations, the city council may authorize the issuance of emergency notes as provided by this Charter or ordinance, in a manner consistent with state law.

Sec. 8-211. Transfer of Appropriations.

At any time during the fiscal year upon written request by the mayor, the city council may, by resolution, transfer all or part of any unencumbered appropriation balance among the programs, services or activities within an agency or from one (1) agency to another.

ARTICLE 8.

PLANNING and FINANCIAL PROCEDURES

CHAPTER 3. ADMINISTRATION OF BUDGETS

Sec. 8-301. Work Programs and Allotments.

When the budget director specifies, each agency shall submit work programs for the next fiscal year showing the requested allotments of its appropriation by periods within the year. The budget director shall review and authorize those allotments with or without revision as early as possible in the fiscal year. The budget director may revise those allotments during the year if desirable and shall revise them to accord with any supplemental, emergency, or transferred appropriations.

Sec. 8-302. Limit on Obligations and Payments.

No obligations shall be incurred against, and no payments shall be made from, any allotment or appropriation except in accordance with appropriations duly made and unless the chief accounting officer, or in absence of the chief accounting officer, a designee of the finance director advises that there is a sufficient unencumbered balance in the allotment or appropriation and that sufficient funds will be or are available to meet the obligation.

When the chief accounting officer or, in absence of the chief accounting officer, a designee of the finance director so advises, the obligation may be incurred or payment made in accordance with any applicable procedure established under section 6-306.

Sec. 8-303. Penalties for Violation.

Any incurring of obligation or authorization of payment in violation of the provisions of this Charter shall be void and any payment so made illegal; the action shall be cause for removal of any officer who knowingly incurred the obligation or authorized or made the payment,

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and he or she shall also be liable to the city for any amount so paid and to any criminal sanctions imposed by law or ordinance.

Sec. 8-304. Obligations to be Met by Subsequent Appropriations.

As permitted by law, the city may by resolution of the city council:

1. Make contracts or make or authorize payments for capital improvements to be financed wholly or partly by the issuance of bonds; or
2. Make any contract or lease (including installment contracts, lease-purchase contracts, or other forms of deferred payment contracts for the acquisition of real property or capital equipment) providing for payments beyond the end of the fiscal year.

ARTICLE 8.

PLANNING and FINANCIAL PROCEDURES

CHAPTER 4. PROPERTY TAXATION

Sec. 8-401. Power.

The city is authorized to levy property taxes at the rate of two percent (2%) of assessed value of all real and personal property in the city or to such other maximum limit as may be permitted by law.

Included is the power to levy property taxes for public transportation and transit services to the maximum rate permitted by law.

The subjects of taxation for municipal purposes shall be in accordance with state law.

Sec. 8-402. Assessors' Duties.

1. The board of assessors shall certify the assessment roll to the board of review on or before the date provided by ordinance.
2. The assessors shall prepare the tax roll by spreading property taxes ratably on the assessment roll on or before the date provided by ordinance and shall deliver the tax roll to the treasurer in the manner provided by law.

Sec. 8-403. Collection of Property Taxes.

1. Except as otherwise provided by this Charter or ordinance, the rights, duties, powers, and immunities established by state law shall apply in the collection and enforcement of city property taxes.
2. City property taxes shall become a debt of the persons liable for them on the date provided by state law and shall become payable, and a lien upon the property, on the first (1st) day of the city's fiscal year or such other date as may be provided by ordinance.
3. Property taxes shall become delinquent if they remain unpaid on September 1. However, when any person shall pay one-half (1/2) of the city taxes on any property on or before the fifteenth (15th) day of August, the remaining one-half (1/2) shall not become delinquent until the sixteenth (16th) day of January. The city may, by ordinance, provide interest and penalties for delinquent city property taxes.
4. State, county and school taxes shall be collected and returned by the city treasurer in accordance with state law. However, except as otherwise provided by law or ordinance, city property taxes shall not be returned to the Wayne County treasurer under state law.

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5. Before the end of the city's fiscal year, the treasurer shall give reasonable notice to all persons who are liable for delinquent real property taxes that, on the last day of the fiscal year, the city's lien on real property for delinquent city real property taxes shall be deemed "sold" to the finance director. Thereafter, the finance director, with the concurrence of the planning and development director or any other department director designated by the mayor, may sell the lien in accordance with procedures provided for by ordinance adopted by the city council. Any such ordinance adopted shall provide for appropriate hardship protections. The ordinance may also provide for public notice of the sale of the lien to a third party. The council may at any time review and revise the procedures and protections established by any such ordinance adopted to determine their appropriateness and effectiveness. However, two (2) years following the enactment of any such ordinance, the city council shall review the procedures and protections established by that ordinance to determine their appropriateness and effectiveness.

6. Two (2) years after such a sale of the lien on any real property to the finance director, the city or other holder of the lien may bring a civil action to foreclose its lien.

If the city or other holder of the lien prevails in the action, the judgment, which may not be entered before one-hundred and twenty (120) days have expired from the filing of the complaint, shall provide that possession of the real property to which the lien attached shall be given to the city or other holder of the lien, unless the judgment, and all costs are paid within sixty (60) days. The judgement when final shall be conclusive evidence of the city's or other lienholder's title in fee simple, subject only to unextinguished interests or encumbrances.

7. In addition to the other remedies specified in this section, at the time unpaid city property taxes become delinquent or at any later time permitted by law, the city may maintain a personal action against the debtor for

collection of the unpaid property taxes and may use any means permitted by law for collection of the debt. The city of Detroit tax roll shall be prima facie evidence of the amount of the indebtedness to the city of Detroit. The preceding sections of 8-403 are not the exclusive remedies of the city of Detroit.

8. In addition to the procedures and remedies for the collection and enforcement of the property taxes set forth in the Charter, the city or other lienholder may use any procedure and remedy for the collection and enforcement of property taxes established by state law.

ARTICLE 8.

PLANNING and FINANCIAL PROCEDURES

CHAPTER 5. BORROWING

Sec. 8-501. General Power.

The city may borrow money for any purpose within the scope of its powers, may issue bonds or other evidence of indebtedness therefore and may, when permitted by law, pledge the full faith, credit, and resources of the city for the payment of those obligations.

Sec. 8-502. Limitations on Borrowing.

The net bonded indebtedness incurred annually by the city shall not exceed the limit permitted by law. No obligations shall be sold to obtain funds for any purpose or purposes other than that for which those obligations were specifically authorized.

Sec. 8-503. Specific Kinds of Borrowing.

Included within the city's general power are the following specific kinds of borrowing;

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1. Bonds to Finance Local Public Improvement.

The city may borrow money and issue bonds in anticipation of the payment of special assessments or any combination of special assessments levied under sections 8-601 and 8-602 of this Charter. Special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the city.

The city may also borrow money and issue bonds under section 8-501 for its share of the cost of any local public improvement or, where the cost of that improvement is to be defrayed in part from the payment of special assessments and in part from other city revenues, for the entire cost of that improvement.

All collections on each special assessment roll or combination of rolls to the extent that those collections are pledged for the payment of the principal and interest on any bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of the principal and interest and may be used for no other purpose.

2. Emergency Bonds.

In case of fire, flood, or other calamity, the city may, subject to law, authorize the issuance of emergency bonds which shall be general obligations of the city for the relief of residents of the city and for the preservation of city property.

3. Budget Bonds.

Any capital improvement items contained in the budget may be financed by the issuance of bonds as a part of the budget system. However, the amount of those bonds together with the city property taxes levied for the same year may not exceed the limit permitted by law.

4. Bonds to Finance Transit Facilities.

The city may borrow money for public transportation and rapid transit facilities and may incur obligations and issue bonds therefore to the maximum extent permitted by law.

5. Bonds to Finance Public Lighting Facilities.

The city may borrow money for public lighting facilities and may incur obligations and issue bonds therefore to the maximum extent permitted by law.

Sec. 8-504. Use of Borrowed Funds.

Each obligation shall contain on its face a statement of the purpose for which it is issued and no officer of the city may use the proceeds for any other purpose, except that, whenever all or any part of the proceeds of any issue remains unexpended and unencumbered for the purpose for which the issue was made, the city may use those unexpended and unencumbered funds in any manner permitted by law or for the retirement of the issue, or, if the issue shall have been fully retired or if any funds remain after retirement of the issue, then for the retirement of other obligations of the city.

Sec. 8-505. Execution of Obligation.

All obligations issued by the city shall be executed with the facsimile signature of the mayor and signed by the director of finance and shall bear the seal of the city. Interest coupons shall be executed with the facsimile signatures of the mayor and the director of finance.

Sec. 8-506. Tax Exempt.

All obligations issued by the city shall be exempt from all city taxation.

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ARTICLE 8. PLANNING and FINANCIAL PROCEDURES

CHAPTER 6. SPECIAL ASSESSMENTS

Sec. 8-601. Power To Assess.

The city may determine that the whole or any part of the expense of any local public improvement or repair shall be defrayed by special assessments upon the property specially benefited and so declare by resolution.

Special assessments may be levied before, during, or after the making of the improvement. However, where special assessments are not levied until after commencement of a local public improvement, the resolution levying those assessments shall not be effective unless approved by a two-thirds (2/3) majority of city council members serving after all interested parties have been given an opportunity to be heard on all relevant issues, including necessity.

Sec. 8-602. Special Assessments to Finance Transit Facilities.

Included within section 8-601 is the power to finance any local improvements or repair for public transportation or rapid transit facilities through special assessments to the maximum extent permitted by law.

Sec. 8-603. Procedure Ordinance.

The complete special assessment procedure to be used, including the preparing of plans and specifications; estimated costs; the preparation, hearing and correction of the special assessment roll; the collection of special assessments; the assessment of single lots of parcels; and any other matters concerning the making of improvements by the special assessment method, shall be provided by ordinance. The ordinance shall authorize additional assessments, if the prior assessments prove insufficient to pay for the improvement or is determined

to be invalid, in whole or in part, and shall also provide for the refund of excess assessments; however, if the excess is less than five percent (5%) of the total costs as defined by ordinance, it may be placed in the general fund of the city.

Sec. 8-604. Assessment Lien.

From the date of confirmation of any roll levying any special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the property subject thereto and that amount shall also be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent city property taxes.

Sec. 8-605. Contest of Assessments.

No action of any kind may be instituted for the purpose of contesting or enjoining the collection of any special assessment (a) unless, the special assessment is first protested at the hearing held for the purpose of confirming the special assessment roll; (b) within thirty (30) days after the confirmation of the special assessment roll, written notice is given to the city council indicating an intention to file such an action and stating the grounds on which it is claimed that the assessment is illegal; and (c) the action is commenced within thirty (30) days after the final decision, ruling, determination or order confirming the roll. If the corporation counsel submits a written opinion finding the roll illegal, in whole or in part, the city council may revoke its confirmation, correct the illegality, if possible, and reconfirm it, provided that no property shall be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

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ARTICLE 9. MISCELLANEOUS PROVISIONS

CHAPTER 1. COMMUNITY ADVISORY COUNCILS

Sec. 9-101. Definition and Purpose.

Community advisory councils as used in this chapter are advisory councils established by ordinance upon the petition of city residents. The purpose of these councils is to improve citizen access to city government. The city council shall create advisory council districts by ordinance that shall be either the same as districts from which council members are elected, or if all council members are elected city-wide, nine (9) compact, and contiguous districts that are nearly equal in population as is practicable. The ordinance shall be adopted within ninety (90) days after the effective date of this Charter.

Sec. 9-102. Creation and Composition of Advisory Councils.

City council shall by ordinance establish a community advisory council upon receipt of a petition from the residents of districts created under section 9-101. The petition shall be signed by a number of qualified registered voters who are residents of a district equal to not less than ten (10) percent of the number of persons voting at the last municipal general election in the district. Community advisory councils shall consist of eight (8) members elected from the district who shall be residents and qualified and registered voters of the district and one (1) member of the city council as provided in this section. After creation of a community council, members shall be elected at the next election occurring in the city, if permitted by law, and shall serve until January 1 of the year following the regular city municipal elections. Thereafter, community advisory council members

shall be elected to four (4) year terms at the regular city municipal elections. Notwithstanding election to an initial term of less than four (4) years, a member may not be elected to more than two (2) consecutive four (4) year terms. The city council member shall be the member of city council elected from that district, or if the city council is elected city-wide, a member chosen at random by city council who shall serve for a two (2) year period.

A member of city council serving on a community advisory council may not serve as chair of the advisory council and if elected city-wide shall not serve two (2) consecutive terms as a member of a council. All members shall serve without compensation.

Sec. 9-103. Powers, Duties and Limitations.

City council shall, by ordinance, prescribe uniform procedures, for the exercise of the powers and duties for all community advisory councils. Included in those powers and duties of community advisory councils shall be the provision that a community council may require that the city council representative receive prior consultation from the advisory council on all issues which relate exclusively to that district.

Community advisory councils shall receive no appropriations from city funds, but may accept donations or grants in accordance with state, federal or local law.

A particular community advisory council shall be dissolved only by a petition signed by the same number of qualified voters residing in the community advisory council district or area required above, and an ordinance adopted after public hearing by city council with public notice to the community advisory council district or area in question.

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Each community advisory council shall hold public meetings, after reasonable public notice within the district, not less than four (4) times each year. The meetings will be held within the respective districts and will be held in donated facilities with an attempt to provide as broad of a geographical distribution for the meetings as possible.

The powers and duties of each community advisory council shall include:

1. Communicating to city council the concerns of groups, agencies, businesses and residents within its districts with respect to the delivery of programs and services.

2. Assisting groups, agencies, businesses and residents in community problem solving by meeting with groups to:

A. Clarify issues; and

B. Demonstrate proper procedural approaches to accessing city government.

3. Disseminating information to groups, agencies, businesses and residents on social and physical plans for the districts areas.

4. Providing advice to community representatives and city council on major issues within the council district which include:

A. Housing development;

B. Commercial blight;

C. Safety and security;

D. Economic opportunity and employment;

5. Familiarizing themselves with the City Charter, with the objective of assisting the community in understanding the intent and relevance of charter provisions.

6. Meeting annually with the mayor and annually with city council to discuss problems and needs of the districts.

ARTICLE 9. MISCELLANEOUS PROVISIONS

CHAPTER 2. COUNCIL OF THE ARTS

Sec. 9-201. Council of the Arts.

The council of the arts, comprised of fifteen (15) members, shall be appointed by and serve at the pleasure of the mayor. Each member's term is four (4) years. Not more than four (4) terms expire each year.

The council shall act as an advisory body to the mayor and the city council and as advocate for the arts and aesthetics in all aspects of city life. It shall advise and support cultural institutions and groups interested in cultural activities. It shall encourage, develop and support a wide variety of programs which reflect the cultural needs and experiences of all citizens and shall encourage participation by all citizens in the cultural activities carried on in the city.

The council may, within appropriations appoint an executive director, exempt from article 6, chapter 5 of this Charter. The executive director serves at the pleasure of the council.

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ARTICLE 9. MISCELLANEOUS PROVISIONS

CHAPTER 3. REGULATORY POWER and REVIEW

Sec. 9-301. Regulatory Power.

The city may, in exercise of its police power:

1. Regulate;
2. Prohibit; or
3. Prohibit except as authorized by permit, license or franchise any trade, occupation, amusement, business or other activity within the city.

Sec. 9-302. Appellate Review.

The city shall provide, by ordinance, for the review of administrative decisions of city agencies which are not within the appellate jurisdiction created by other sections of this Charter.

This section shall not be construed to diminish the right of any party to direct any immediate legal or equitable remedies in any court or other tribunal.

Sec. 9-303. Limitations on a Franchise.

An irrevocable franchise and all renewals, amendments and extensions of it, may be granted only by ordinance.

The city council may approve such an ordinance only after a public hearing has been held on it and after the grantee named in it has filed with the city clerk its unconditional acceptance of all the terms of the franchise.

The ordinance may not take effect unless it has been approved by the voters of the city, where state law so requires, or, unless it has been approved by a two-thirds (2/3) majority of city council members serving, where approval of the voters is not required by state law.

When approval of the voters of the city is required, the ordinance as approved by the city council shall be published in a daily newspaper of general circulation in the city not less than thirty (30) days before the election at which it is submitted to the voters. The city council may not call a special election unless the expense (as determined by the city council) of holding the election has first been paid to the treasurer by the grantee.

A franchise for the use of the streets or other public places of the city or for the transaction of a local business may not be sold or transferred in any manner, nor may a party other than the grantee use the franchise, unless the city gives its consent by ordinance.

Sec. 9-304. Standard Provisions of a Public Utility Franchise.

Public utility franchises shall include provisions for fixing and periodically readjusting rates and charges at the direction of the city.

The city may, with respect to any public utility franchise granted by it, whether or not so provided in the granting ordinance:

1. Repeal the franchise for:
 - A. Violation of or failure to comply with any of its provisions,
 - B. Misuse or non-use, or

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C. Failure to comply with any regulation imposed under authority of this Charter;

2. Require proper and adequate extension and maintenance of plant facilities at the highest practicable standard of efficiency;

3. Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;

4. Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period of the franchise;

5. Impose other regulations determined by the city council to be conducive to the health, safety, welfare, and convenience of the public; or

6. Require the public utility to permit joint use of its property and equipment, located in the streets and public places of the city, by the city and other utilities, insofar as joint use may be reasonably practicable, and, in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions for joint use.

ARTICLE 9. MISCELLANEOUS PROVISIONS

CHAPTER 4. SPECIFIC RESPONSIBILITIES

Sec. 9-401. Board of Review.

The city council may, by ordinance, sit as a board of review or appoint a board of review to hear and determine appeals from property tax assessments. The board shall possess the duties and powers provided by law, which may be exercised by the whole board or by committees thereof.

Appeals for decisions of the board shall be taken in the manner provided by law.

Sec. 9-402. Hospitals.

The city shall provide, by ordinance, for the operation of any city hospital by a division of a public health agency, by a department of hospitals, or by a non-profit public corporation.

Notwithstanding section 5-103, the ordinance may provide for the administration of a hospital by a commission which may appoint a director and deputy director, exempt from article 6, chapter 5. Such an ordinance and any amendment to it shall originate with the mayor, except that an ordinance, providing for the operation of a city hospital by a non-profit public corporation, and any amendment thereto, may originate with either the mayor or the city council.

Sec. 9-403. Revision Question.

The question of whether there shall be a general revision of the City Charter shall be submitted to the voters of the city of Detroit at the gubernatorial primary of 2018, and at every fourth (4th) gubernatorial primary thereafter and may be submitted at other times in the manner provided by law. A primary election shall be held for the offices of Charter Revision Commissioners at the same election and shall be void if the proposition to revise is not adopted. If the proposition to revise is adopted, Charter Revision Commissioners shall be elected at the ensuing general election for governor.

Sec. 9-404. Schools.

Every resident of Detroit has a right to an education that will permit the full development of his or her potential. City government has a responsibility to cooperate with the school districts serving the people of Detroit

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in the achievement of this objective and to exercise such influence and to provide such ancillary or supplemental services to the people or to the school districts as may be necessary or helpful in the furtherance of this objective.

ARTICLE 9. MISCELLANEOUS PROVISIONS

CHAPTER 5. SPECIFIC POWERS

Sec. 9-501. Eminent Domain.

The city has the power of eminent domain and, to the extent permitted by law, may condemn private or public property, located within or outside the city, for any public purpose. This power may be exercised in accordance with any procedure authorized by law or ordinance.

Private property may not be taken without just compensation therefore being first paid or secured. Further, the city may, by ordinance, provide supplemental compensation for property taken. Where the conduct of the city constitutes a taking of property under the law, any party injured by such a taking may institute an inverse condemnation action in a court of appropriate jurisdiction.

Sec. 9-502. Enabling Legislation.

The city may enact any ordinance authorized by law or necessary to carry out the provisions of any section of this Charter.

Sec. 9-503. Historic Areas and Landmarks.

The preservation of historic areas and landmarks is declared to be a public purpose.

The city may provide, by ordinance, for the preservation of historic areas and landmarks within the city.

When an area is designated an historic district, the designation may not be withdrawn without the consent of a majority of the property owners within the district and the requirements of the district applicable to private property may be enforced upon the complaint of any property owner or association of property owners within the district.

Sec. 9-504. Library.

The city may make appropriations to, and exercise its power in aid of, the Detroit library commission for the operation of libraries within the city.

Sec. 9-505. Penalties.

The city shall by ordinance, provide punishment, up to the extent permitted by law, for the violation of this Charter or any ordinance.

All persons prosecuted for the violation of this Charter or any ordinance shall be afforded all rights of due process required by federal and state law.

Sec. 9-506. Rents, Tolls, Excises and Taxes.

The city may provide for the laying and collecting of rents, tolls, excises and taxes in accordance with section 4-114.

Sec. 9-507. Service Fees.

Any agency of the city may, with the approval of the city council, charge an admission or service or service fee to any facility operated, or for any service provided, by an agency.

Sec. 9-508. Utilities.

1. Acquiring and Financing of City-Owned Utilities.

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The city may acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain public utilities and borrow money, levy taxes, or make other arrangements for the financing of public utilities to the maximum extent permitted by law or this Charter. Included is authority to acquire and maintain or participate in the acquisition of maintenance of a bridge or tunnel across the Detroit River or to acquire, own and operate ferry boats on the Detroit River and surrounding water.

As used in the chapter, public utility means any business or service affected with the public interest as defined by general law.

2. Rates.

Except as provided by section 7-1502., the city shall, by ordinance, fix just and reasonable rates and such other charges as may be necessary for supplying city utility services to the residents of the city and others.

3. Enforcement.

The city shall provide, by ordinance, for the enforcement of city utility rates and charges.

Sec. 9-509. Parking Fines.

The city council shall, by ordinance, adopt a schedule of fines and penalties for parking violations.

Sec. 9-510. Incentives for City-Based Businesses.

The city shall provide by ordinance for incentives to business entities located within the corporate limits of the city of Detroit.

The city may adopt a purchasing ordinance with a system of incentives for Detroit-based businesses. The incentives may provide for businesses located in economic zones of the city, as defined by ordinance. Such ordinance may provide for defined areas which do not grow

in assessed value at the rate of inflation, according to the annual consumer price index.

The council may adopt a set aside or other race or gender neutral ordinance for purchases provided. The ordinance shall be drawn in accordance with the Constitution of the United States and the Constitution of the State of Michigan.

This ordinance shall be enacted one-hundred and eighty (180) days or less after adoption of this Charter.

ARTICLE 9. MISCELLANEOUS PROVISIONS

CHAPTER 6. RETIREES' REPRESENTATION

Sec. 9-601. Retirees' Representation.

Retired general city employees are entitled to be represented in the city legislative and budgetary proceedings on issues affecting their interest by persons elected by them.

ARTICLE 9. MISCELLANEOUS PROVISIONS

CHAPTER 7. RISK MANAGEMENT

Sec. 9-701. Risk Management Council.

The risk management council is comprised of:

1. The corporation counsel;
2. The chief of police;
3. The finance director;
4. The human resources director; and
5. The auditor general.

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Members may serve by deputy or a person designated from the department.

Sec. 9-702. Duties.

The risk management council shall make recommendations to the mayor concerning implementation of policies, programs and activities to minimize exposure or liability of the city to claims and damages. The council shall provide an annual evaluation of the effectiveness of risk management functions to the mayor and city council.

At least once every two (2) years the risk management council shall investigate the administration and effectiveness of risk management functions in each city agency and report findings and recommendations to the mayor and city council. The city shall make an annual appropriation for the operation of the risk management council.

ARTICLE 10. COURTS

Sec. 10-101. Courts.

The organization, powers, procedures and practices of the courts with jurisdiction for cases involving violations of this Charter or city penal ordinances shall be as provided by this Charter or ordinance, in accordance with state law.

The city may make appropriations for the operation of any court where it is in the city's interest to do so and shall dispose of revenues resulting from the collection of fines in accordance with law.

ARTICLE 11. RETIREMENT PLANS

Sec. 11-101. City's Duties.

1. The city shall provide, by ordinance, for the establishment and maintenance of retirement plan coverage for city employees.
2. Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and that funding shall not be used for financing unfunded accrued liabilities.
3. The accrued financial benefits of active and retired city employees, being contractual obligations of the city, shall in no event be diminished or impaired.

Sec. 11-102. Continuation of Existing Plans.

The retirement plans of the city existing when this Charter takes effect, including the existing governing bodies for administering those plans, the benefit schedules for those plans and the terms for accruing rights to and receiving benefits under those plans shall, in all respects, continue in existence exactly as before unless changed by this Charter or an ordinance adopted in accordance with this article.

Sec. 11-103. Principles Applicable In Administering Plans.

Not more than two (2) governing bodies for administering the city's retirement plans may be established.

1. The board of trustees of the general retirement system shall consist of:

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A. The mayor;

B. A city council member selected by that body;

C. The city treasurer;

D. Five (5) members of the retirement system, to be elected by the members of the retirement system under rules and regulations as may be adopted by the board; except that not more than one (1) trustee shall be elected from any department;

E. A citizen of the city who is neither an employee of the city nor eligible to receive benefits under the retirement system, appointed by the mayor, subject to approval of the Board;

F. One (1) retirant, receiving benefits under the retirement system and elected by retired city employees under procedures established by ordinance.

2. The board of trustees of the police and fire retirement system shall consist of:

A. The mayor or in the absence of the mayor, a designee;

B. A city council member selected by that body;

C. The city treasurer;

D. The chief of police;

E. The fire commissioner;

F. Three (3) firefighters who are members of the retirement system elected by the firefighter members under the rules and regulations as may be adopted by the board. Trustees shall be:

1. Two (2) to be elected by and from members holding the rank of lieutenant (or equivalent) and lower ranks;

2. One (1) to be elected by and from members holding a rank above lieutenant (or equivalent);

G. Three (3) police officers who are members of the retirement system elected by police officer members under the rules and regulations as may be adopted by the board. Trustees shall be:

1. Two (2) to be elected by and from members holding the rank of lieutenant (or equivalent) and lower ranks;

2. One (1) to be elected by and from members holding a rank above lieutenant (or equivalent); and

H. A retirant, receiving benefits under the retirement system who shall be a resident of the city and elected by retired firefighters and police officers under procedures established by ordinance.

Staff services required by a governing body shall be provided as determined by the finance director.

Sec. 11-104. Information Required Before Benefit Increase.

Before final action on any proposed change in future retirement benefits is taken, the city council shall obtain a report as to the immediate and long-term costs of the change from an independent actuary of its choosing and may not take final action until at least three (3) months after the report of the actuary is made public at a meeting of the city council.

Sec. 11-105. Audits.

The board of trustees for the city retirement plans shall contract for annual independent audits.

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ARTICLE 12. INITIATIVE and REFERENDUM

Sec. 12-101. Initiative and Referendum.

The voters of the city reserve the power to enact city ordinances, call the "initiative", and the power to nullify ordinances, enacted by the city, called the "referendum". However, these powers do not extend to the budget or any ordinance for the appropriation of money; the referendum power does not extend to any emergency ordinance.

The initiative and the referendum may be invoked by petition as provided in this chapter.

Sec. 12-102. Petitions.

Initiative and referendum petitions must be signed by voters of the city, not less in number than three percent (3%) of all votes cast for the office of mayor at the preceding regular city general election.

Petitions shall set forth in full, the measure to be initiated or referred, as well as a brief statement of its substance. If the measure is submitted to the voters, that brief statement shall appear on the official ballot.

Signers of the petitions shall be voters of the city. Each signer shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition paper shall contain a sworn affidavit of the circulator stating the number of signers on each petition paper; that each signature is, to the knowledge of the circulator, the genuine signature of the person whose name it purports to be; and that it was affixed in the presence of the circulator.

Sec. 12-103 Time of Filing.

An initiative petition must be filed with the city clerk not less than one-hundred and forty (140) days before the election at which it is to be voted on.

A referendum petition must be filed with the city clerk before the ordinance on which the referendum is sought, takes effect or, where the ordinance is given immediate effect, within thirty (30) days after its effective date.

Sec. 12-104 Duties of the City Clerk.

The petitions shall be filed with the city clerk. The clerk shall, within ten (10) days, canvass the signatures thereon to determine their sufficiency and make a report of the result to the city council. Any

signature on an initiative petition obtained more than six (6) months before the filing of the petition with the clerk shall not be counted.

Sec. 12-105. Insufficient Petitions.

If the clerk's canvass discloses that the number of signatures on petitions for any initiative or referendum is insufficient, additional petitions may be filed within fifteen (15) days after the clerk's determination. When this fifteen (15) day period has expired, the clerk shall again canvass the signatures on the petitions filed to determine their sufficiency and make a report of the result.

Sec. 12-106. Suspension of Ordinance.

Where a referendum on an ordinance has been invoked under section 12-103, the effect of the ordinance shall be delayed or suspended until the city clerk has made a final report that the referendum petitions are insufficient or, if the referendum petitions are sufficient, until the voters of the city have expressed their support for the ordinance in the referendum election.

Sec. 12-107. Procedure.

Upon the report of the clerk that the initiative or referendum petitions are sufficient, and filed within the time limits provided by this Charter, the city may within thirty (30) days:

1. In the case of an initiative petition, enact the ordinance proposed by the petition; or
2. In the case of a referendum petition, repeal the ordinance to which the petition refers.

If the city fails to enact or repeal the measure, the measure shall be submitted to the voters.

Sec. 12-108. Submission to Voters.

If a measure must be submitted to the voters, it shall be submitted:

1. In case of initiative, at the next election in the city, or, in the discretion of the city council, at a special election; and
2. In the case of referendum, at the next election in the city occurring not sooner than seventy (70) days after the city council's determination not to repeal the measure, or, in the discretion of the city council, at a special election.

Except as otherwise required by law, the result of any initiative or referendum election shall be determined by a majority of the voters voting on the question.

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ARTICLE 13. SCHEDULE

Sec. 12-109. Amendment, Repeal and Re-Enactment.

An ordinance adopted by the voters through initiative proceedings may not be amended or repealed by the city for a period of twelve (12) months after the date of the election at which it was adopted, and an ordinance nullified by the voters through referendum proceedings may not be re-enacted by the city for a period of twelve (12) months after the election at which it was defeated.

Sec. 12-110. Submission by Council.

The city council may, on its own motion, submit any proposed ordinance or any proposal for the repeal or amendment of any ordinance to the voters in the manner and with the effect provided in this chapter for submission of proposals initiated by petition.

Sec. 12-111. Similar or Conflicting Measures.

If two (2) or more initiative or referendum measures submitted to the voters of the city shall have conflicting provisions, or attempt to accomplish the same object, and more than one (1) of these measures is approved by the voters, the measure receiving the highest number of affirmative votes shall prevail to the extent of their inconsistency.

Sec. 12-112. Repeal or Amendment of Ordinance in Effect.

The voters of the city may invoke the initiative power to repeal or amend an existing ordinance.

Sec. 13-101. Effect on Existing City Legislation.

All ordinances and resolutions of the city and all orders, rules and regulations made by any officer or agency of the city which are not inconsistent with this Charter shall remain in effect, until changed by action taken under this Charter.

The corporation counsel shall, within six (6) months after the effective date of this Charter, recommend to the city council such changes as may be necessary to make the provisions of the 1974 Charter which have been continued in force as well as existing ordinances, resolutions, orders, rules, and regulations consistent with this Charter.

Sec. 13-102. Continuation of Public and Private Rights.

All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles and rights existing when this Charter takes effect shall continue unaffected except as modified in accordance with this Charter.

Sec. 13-103. Rights of Officers and Employees.

No provision of this Charter shall affect or impair the rights or privileges of city officers or employees

HOME RULE CHARTER

existing when this Charter takes effect with respect to appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, or the civil rights or privileges of city officers or employees.

Any person who, at the time this Charter takes effect, holds a position in city government from which he or she could have been removed only for cause or under the rules of the civil service commission, may not be removed under this Charter unless:

1. Cause for the removal is established in proceedings before the civil service commission;
2. The person is transferred to another position in city government and is assured of salary and benefits at least as favorable as would have been earned by service in the position from which transferred until mandatory retirement age is reached; or
3. A mutually agreeable settlement is made by the city with the person discharging all rights against the city which the person may assert.

Sec. 13-104. Effective Date.

Except as otherwise provided, this Charter shall become effective on January 1, 1997.

Sec. 13-105. Employees Benefit Plan.

The governing provisions of the city of Detroit employees benefit plan may be changed by ordinance. However, the benefits provided by the city of Detroit employees benefit plan may be amended by resolution of the Detroit city council.

The governing body of the employees benefit plan shall be the General Retirement System Board of Trustees, except the civilian member.

Sec. 13-106. Condemnation.

The procedures for the exercise of the city's power of eminent domain existing when this Charter takes effect shall remain in effect until changed by ordinance.

Sec. 13-107. Fire and Police Pension Committees.

The provisions of the 1974 Charter relating to the fire department pension committee and the police department pension committee, existing when this Charter takes effect, shall in all respects continue in existence exactly as before until changed by ordinance.

Sec. 13-108. Police Fund.

The police commissioner's power under 1974 Charter shall in all respects continue in existence exactly as before until changed by ordinance.

Sec. 13-109. Initial Appointments.

Notwithstanding any provision of this Charter, the first appointments after the effective date of this Charter to the vacant positions on any multi-member body may be for varying terms less than the length prescribed by this Charter in order that thereafter not more than the specified number of terms will expire in any year.

The term of a member serving a fixed term of office on any multi-member body when this Charter takes effect shall expire at the end of the fixed term. Appointments to vacancies arising on the multi-member bodies shall then be made in accordance with the provisions in this Charter.

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Sec. 13-110. General Provision.

If any question concerning transition from 1974 Charter to this Charter (for which this Charter has not provided) arises, the city may provide for a resolution of the question by ordinance.

OPTION 1: A total of nine (9) members of city council with all members elected at large.

OPTION 2: A total of eleven (11) members of city council with one (1) council member elected from each of nine (9) districts, and two (2) members elected at large, the president and president pro tempore.

Sec. 13-111. Submission of the Charter.

This Charter shall be submitted for adoption at the general election to be held August 6, 1996, in the manner and with the effect prescribed by state law as follows:

Proposal C - Proposal to Adopt a New City Charter.

Shall the city of Detroit Home Rule Charter proposed by the Detroit Charter Revision Commission, together with voter preference on Proposal D, be adopted?

Editor Note:

The voters approved the Revised Edition of the Detroit City Charter, November 5, 1996.

Option one (1) was approved by the voters, over Option two (2):

Option 1: 51,857

Option 2: 40,040

Yes _____

No _____

Proposal D - Method of Electing Members of the City Council

Vote for only one (1) option, either 1, or 2.

If the city of Detroit Home Rule Charter is adopted, shall it provide for:

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