

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GDS 15

ISSUE CATEGORY: Government Department & Services

SOURCE: City Council

RELATED CHARTER SECTIONS: §6-403 (Civil Litigation)

Letter dated December 2, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Council shall approve pre-litigation claims and Corporation Council must yearly submit each department their cost of claims and suggestions on avoidance of future claims.

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 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. Unless otherwise provided by ordinance, settlement of all pre-litigation claims shall be approved by city council.

The corporation counsel shall develop a procedure to annually issue memoranda to all city department heads summarizing claims that have been paid by the city and recommending possible ways to prevent claims from arising in the future.

RATIONALE: “In the past, issues have arisen involving settlement of large and sometimes controversial pre-litigation claims that were **not** presented to city council for approval. This proposed language would require city council to approve pre-litigation settlements. Additionally, it would require the corporation counsel to issue annual claims reports to the affected department heads in an effort to enhance risk management.”- *City Council Rationale, Letter, dated December 13, 2010.*

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: See Historical Charter Analysis entitled “Charter History and Summary of Corporation Counsel,” dated June 4, 2010.