

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 173

ISSUE CATEGORY: Government Operations & Structure

SOURCE: Richard Mack
Letter, December 26, 2010

RELATED CHARTER SECTIONS:§4-308 ([Ombudsperson] Powers of
Investigation)

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: In addition to city agencies, require city departments, employees, officials, agents, persons or entities with a contractual relationship with the city, or persons acting as agent on behalf of city, to provide necessary assistance and information to the Ombudsperson. Ombudsperson should have authority to compel depositions and production of documents by way of subpoena.

Sec. 4-308. - Powers of investigation.

The ombudsperson may request and shall be given necessary assistance and information by City department, agency, employee, official, agent, persons or entities which have a contractual relationship with the City, or those persons who are acting as agent or on behalf of the City. 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. The Ombudsman has the ability to require appearance by a person for a sworn deposition and to produce documents, via subpoena. 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.

RATIONALE:

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: See "Charter History of Ombudsperson", dated May 8, 2010.