

**DETROIT CHARTER REVISION COMMISSION**  
**PROPOSAL/ISSUE REVIEW SUMMARY**

**ISSUE NUMBER:** GOS 48

**ISSUE CATEGORY:** Government Operations & Structure

**SOURCE:** City Council,

**RELATED CHARTER SECTIONS:** Sec. 2-105. (Definitions)

Letter dated December 2, 2010

**RELEVANT ORDINANCE SECTION:**

**RELEVANT LAW(S):**

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**ISSUE/PROPOSAL STATEMENT:** Added and defined "Absence" and "Domicile." Redefined "Vacancy" to exclude temporary succession and appointments. Limits (clarifies) the conditions upon which an elective or appointed position can become vacant. Renumbered defined terms accordingly.

Sec. 2-105. Definitions.

As used in this Charter:

1. Absence. An elective officer or appointee shall be deemed absent for purposes of voting or other discharge of official duties if he or she is temporarily not physically present at a public meeting, or at the office where his/her duties are ordinarily performed at any given time. A temporary absence does not create a vacancy.

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

3. 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.

Deleted: 2

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."

4. Domicile. The place where a person has his/her true, fixed, and permanent home.

Deleted: 3

5. 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.

6. 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.

Deleted: 4

7. 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."

Deleted: 5

- 8. 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. Deleted: 6
- 9. Serving and present. In calculating an ordinary or extraordinary majority of: Deleted: 7
  - 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.
- 10. 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. Deleted: 8
- 11. Vacancy. The position of any elective officer or appointee shall become vacant only upon death, resignation, permanent disability or dismissal from the position as authorized by law or this Charter. A position shall not be deemed vacant if the officer or appointee has temporarily succeeded to or been appointed to another office. A temporary absence due to succession does not create a vacancy. Deleted: 9  
Deleted: in any manner
- 12. 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. Deleted: 0
- 13. Retain (distinguishing legal representation other than the corporation counsel). The temporary hiring of outside legal counsel. Deleted: 1
- 14. District or ward. 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. Deleted: 2

**RATIONALE:** "Questions about the definition of absence arose during the previous City Council term in connection with the council president's succession to become interim mayor, as well as on other occasions when the council president was out of the country. "Absence" or "absent" is a word used in multiple places in the current Charter, but is nevertheless undefined.

"The proposed language is intended to clearly define and limit what constitutes an "absence", and to distinguish it from "vacancy", as defined below, because "absence" and "vacancy" have different consequences. The connection should be noted to section 4-108, regarding absent council members being able to participate and vote by telephone or video connection, and section 5-108, regarding the consequences for the deputy mayor acting as mayor in the mayor's absence. It may be necessary to either add a requirement that the mayor invoke the deputy mayor's authority by notice each time s/he assumes the duties of the mayor because the mayor is absent, or alternatively modify the definition of "absence" regarding the mayor only, because the mayor frequently performs duties outside his or her office.

"Domicile" has been defined to support the proposed *bona fide* residency requirement in section 2-101. "Vacancy" has been modified to more clearly distinguish it from "absence," by providing that "vacancy" does not result from temporary succession or appointment to another office." – City Council's Rationales, Letter dated December 13, 2010.

**ANALYSIS:**

**DISPOSITION/COMMISSION ACTION:**

**NOTES:**