

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 54

ISSUE CATEGORY: Government Operations & Structure

SOURCE: City Council,

RELATED CHARTER SECTIONS: §4-102 (Meetings)

Letter dated December 2, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S): Open Meetings Act, MCL 117.3(l);
Home Rule City Act, MCL 15.265(4).

ISSUE/PROPOSAL STATEMENT: Require Council to hold evening meetings in each district, removing 8-9 pm start times and number of meetings to be held (8), with Council deciding meeting times and dates. Require Mayor to request Special Meetings in writing. Require City Council members (4 or more) to call a Special Meeting through signing a notice. Reduces Special Meeting notice from 24 to 18 hours, in compliance with the Open Meetings Act. Removes language requiring their business meeting be public and in compliance with the Open Meetings Act.

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.

~~During each calendar year, the city council shall hold evening meetings in each of the districts of the City, with times and dates to be determined by the city council.~~

Special meetings may be held at the call of the mayor, through a written communication, or at the call of four (4) or more city council members, through the signing of a notice. In accordance with the Open Meetings Act, the communication or notice shall be posted at least eighteen (18) hours before the meeting.

RATIONALE: "The evening meeting requirement has been changed to conform to the district structure. The notice provision for calling a special meeting has been changed to comport with the Open Meetings Act." – City Council Recommendations, dated November 19, 2010

"The evening meeting requirement has been changed to reflect the council-by- districts structure, and as a housekeeping measure, meeting times (like the dates) are to be determined by city council. In addition, the notice provision for calling a special meeting has been changed to comport with the state's Open Meetings Act."-City Council's Rationale, Letter, dated December 13, 2010.

ANALYSIS: For special meetings the Open Meetings Act requires a minimum of 18 hours public notice which stating the date, time and location of the meeting. MCL 15.265(4). Also, a mandatory provision under the Home Rule City Act requires charter language "[t]hat the business of the legislative body shall be conducted at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275." MCL 117.3(l).

DISPOSITION/COMMISSION ACTION:

Deleted: Those meetings shall begin between the hours of seven (7) o'clock P.M. and eight (8) o'clock P.M.

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Deleted: and, whenever practicable, upon no less than twenty-four (24) hours notice to each member and to the public

Deleted: All business which the city council may perform shall be conducted at a public meeting held in compliance with the opening meetings act, 1976 P.A.267, MCL 15.261 et seq.; MSA 4.1800 et. seq.

NOTES: