

DETROIT CHARTER REVISION COMMISSION
PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 56

ISSUE CATEGORY: Government Operations & Structure

SOURCE: City Council,

RELATED CHARTER SECTIONS: §4-108 (Voting)

Letter dated December 2, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Allow Council members on excused absence to vote via live voice or video transmission, but don't count them toward a quorum.

Deleted:

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. A city council member on excused absence, as defined by city council's rules, shall be allowed to vote by live voice or video transmission but shall not be included for purposes of determining a quorum.

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 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 its journal.

RATIONALE: "This language adds a provision allowing participation/voting at a council meeting via telephonic or video conferencing where a member's absence is excused pursuant to council's rules and **a quorum is otherwise present**. This issue arose during one current council member's extended absence on medical leave, and has arisen in the past as well. The Open Meetings Act permits such participation by phone or video. See, *Goode v Michigan Dept of Social Services*, 143 Mich App 756 (1985), lv den 24 Mich 882 (1986); AG Opinion 6835 (2/13/95).

"The connection to the definition of "absence" in section 2-105 should be noted, as well as the need to define an "excused" absence in council's internal rules.

"It should also be noted that questions have arisen several times in the recent past about whether or not various council members should vote on particular matters, where they have personal financial ownership interests or family connections with a contractor. The Charter Revision Commission may wish to address such questions in the context of the existing requirement that "[e]very city council member present shall vote on all questions," etc. Absent definition of what constitutes "pecuniary interest", city council has relied upon the city's ethics ordinance for guidance. Application of the broad definition contained in the ordinance has resulted in a council member abstaining from voting where a family member was merely employed by a large corporation seeking a contract with the city."-*City Council's Rationale, Letter, dated December 13, 2010.*

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: