

Staff Review and Recommendations for District Governance and Assignment to Boards, Commissions and Committees

City of Detroit Charter Revision Commission

For Discussion with GOS and GDS Recommendations

Prepared by Commission Staff – For Discussion Only, Not For Publication

One of the many critical decisions before the Charter Revision Commission relates to the concept and potential implementation of voter districts within the corporate limits of Detroit. The Charter Commission requested that staff provide approaches for the Commission to consider regarding the efficacy of districts as an alternative form of governance for Detroit. The overarching assumption in this short review is that the Charter Commission will continue to support the concept of multiple voting districts within Detroit.

GOS 230 (City Planning Commission) provides the first in a series of recommendations to implement an enhanced district governance structure in Detroit's charter.

Generalized Approaches to Implementing Districts within Detroit

Public policy research suggests several approaches in developing district-based governance within cities. The range of options include strong districts with emphasis on direct management at the district level, and other designs that encourage greater citizen access to public policy development and to service delivery systems.

Strong districts with an emphasis on direct management at the district level is rare and considered by many public policy analysts to be the most problematic. The direct management model assumes multi-clusters or pockets of managerial controls distributed throughout separate physical districts and potentially across various branches of government. These strong multi-cluster models oftentimes inhibit cities from delivering coordinated services across districts and reduce the municipality's ability to take advantage of economies of scale that ultimately can reduce costs. Additionally, these types of district structures, when implemented with mixed components of executive and legislative power, promotes confusion and reduces accountability in government.

The second type of district structures typically provides for increased legislative representation, including district elections juxtaposed with a series of cooperative or “balance of power” type of structures or interactions with traditional executive operations. The objective of this district structure is to firmly place the tools and advantages associated with increased community access within the legislative side of government as a means to focus oversight and accountability on the executive branch of government.

Hereto, is a range of options available to public policy makers in accomplishing the goals of open, effective government, and increased accountability. There are two delivery models for the latter type of district. The first is a district system with a goal to place the district representative, in Detroit’s case a city councilmember elected within a given district, at the locus of power wherein they act as a “little-mayor” by allowing for contractual and other service decisions to rest solely within their district. Powers to act as the “executive manager” in selecting district level contractors, appointing staff traditionally associated with the executive branch and the like are the logical responsibilities associated with this approach. Alternately, a more conventional approach is to centralize the power of the legislative branch into a coordinated body of the whole and impose district requirements in the selections of boards, commissions and committees that are designed to create closer ties and a strong sounding-board reflective of the will and needs of the citizenry. This approach is based on the view that voices closer to the people facilitate greater structures of accountability and responsiveness.

Based upon the above descriptions of district implementation models, the Charter Commission has a decision point to determine the manner and type of power that it will attach to the city’s future district structure. The recommendation of staff is to select a structure incorporating the centralized legislative power with district requirements imposed onto boards, commissions and committees designed to facilitate citizen involvement, responsibility and accountability. If the Commission accepts this recommendation it also will be important to clarify the rationale for assigning the roles and responsibilities to the many boards, commissions and committees within local government. The focus of this review is to identify critical boards, commissions and committees for enhanced citizen participation. The rule utilized in assigning roles and responsibilities to boards, commissions and committees is to target structures to improve service delivery, facilitate legislative oversight or enhance management opportunities to reflect the will of the citizenry.

**Table #1 Matrix of Recommended Assignments of Selected Boards, Commissions and Committees within the Charter Staff
Recommendations – Not for Publication, For Discussion Only!**

Board, Commission or Committee	Rationale	Proposed General Structure	Worksheet / Action
<p>City Planning Commission</p> <p>A nine (9) member city planning commission shall be appointed by and serve at the pleasure of the city council. The commission shall advise the city council on development matters as defined in section 6-204, and perform other functions as directed by the city council. Any resolution adopted by the commission will be advisory in nature and shall not be binding until adoption by the city council. (ed., Charter).</p>	<p>The City Planning Commission provides city-wide advocacy, recommendations and input to development issues and can help to facilitate city-wide and district concerns and issues for policy development. Physical development ranges from one area to the next; a representative voice can help develop reasonable public policy.</p>	<p>A Planning Commission member should be appointed to represent each district, as well as perform the current duties of the Planning Commission.</p>	
<p>Executive Planning Council Sec. 6-206. The executive planning council is composed of the planning department director; the director of each department of the executive branch or a person from the department designated by the director with responsibility in the following areas: Housing, Commercial or Industrial Development, Transportation, Recreation and Parks, Environmental Protection, Human Resources Development or Public Health, Capital Agenda and Capital Budget, and Enforcement of Codes.</p> <p>“Other persons whom the mayor may appoint include, where possible, the persons responsible for the development activities of other governmental and private organizations operating in the city.”</p>	<p>The Executive Planning Council can be utilized as a powerful asset for the City. Many citizens complain that current city planning functions have moved into the hands of private and not-for-profit organizations. The complaint also suggests the work and subsequent reports of these bodies are not accessible to the public. Several financial contributions to our local economy involve federal, state and regional cooperation initiatives that plan and recommend financial strategies around large infrastructure projects. Increased citizen and stakeholder involvement can help the city regain its direct role in planning the future of the city.</p>	<p>Add a requirement that the Mayor’s Executive Planning Council include a representative of the district structure. Residency requirement should be relaxed to encourage regional cooperation.</p>	

<p>Board of Zoning Appeals Sec. 7-403. Except as otherwise provided by ordinance, one (1) appeals board member with the powers and duties that may be provided by ordinance shall be established by the city council in accordance with state law to review any decision made by the department under section 7-402 where any law, ordinance or regulation requires review by an appeals board. All applications for permits, grants, variances, waivers or exceptions of any kind under zoning laws, ordinances and regulations shall be made to the department.</p>	<p>The Board of Zoning Appeal provides city-wide review and compliance on zoning issues. The Board's advocacy, recommendations and input to development issues that impact the Master Plan for the City requires balance and careful consideration. Their decisions can help to facilitate city-wide and district concerns that will determine the physical look and feel of the city. The voice of a geographic representative can help develop reasonable public policy.</p>	<p>A Zoning Board member should be appointed to represent each district, as well as perform the current duties of the Board of Zoning Appeals.</p>	
<p>Board of Review If residents are not satisfied with the City Assessors Review decision, they can appeal to the Board of Review. The Board also can hear appeals requesting tax exemptions on the basis of poverty. The Board of review is advisory to the Detroit City Council.</p>	<p>The Board of Review provides city-wide advocacy, recommendations and input to assessment and tax policy for the City. The voice of a geographic representative can help develop reasonable public policy.</p>	<p>The Board of Review is conceptualized as a cross-section of the community and is composed of nine (9) residents of the city, appointed by a majority of the city council members serving on the basis of their knowledge of and familiarity with real estate property values, assessment practices and taxation. A Board of Review member should be appointed to represent each district, as well as perform the current duties of the Board of Review.</p>	
<p>Board of Ethics No recommendation; awaiting Commission consideration at February 22, 2011 meeting.</p>	<p>No recommendation; awaiting Commission consideration at February 22, 2011 meeting.</p>	<p>No recommendation; awaiting Commission consideration at February 22, 2011 meeting.</p>	

<p>Civil Service Commission. Sec. 6-505. The human resources department is headed by a six (6) member civil service commission. The mayor shall appoint two (2) members to two (2) year terms beginning February fifteenth (15th) of each even numbered year and the city council shall appoint three (3) members to two (2) year terms beginning February fifteenth (15th) of each odd numbered year. A member may be removed only for cause by the appointing authority. A vacancy on the commission shall be filled for the unexpired term, if any, by the authority making the original appointment. The human resources director shall serve ex-officio on the commission. A member must be a citizen of the United States and a resident of the city. The members of the commission may hold no other public office or public employment except that of notary public. The commission shall be representative of the total community and shall meet at least once each month.</p>	<p>No recommendation; internal operational board limited to policy decision in employment practices.</p>	<p>No recommendation; internal operational board limited to policy decision in employment practices.</p>	
<p>Historic /Museums Commission The historical department is headed by a nine (9) member commission. The members of the commission shall be appointed by and serve at the pleasure of the mayor. The term of membership on the commission is four (4) years, and not more than three (3) members' terms expire each year. The commission shall appoint, with the approval of the mayor, a museums director and a deputy museums director. The director and the deputy director serve at the pleasure of the Boards.</p>	<p>Little information is publically known about the operation of this body or programs that are sponsored by the institutions influenced by this body. To stimulate more interest in the arts and historical matters the recommendation is to add appointment powers by the City Council, based on district.</p>	<p>Recommend that the body increase to eleven (11) members. The increased size creates an opportunity to add members of the philanthropic community and culturally marginalized groups that can result in a better demonstration of the historical diversity of Detroit's community.</p>	

<p>Historic Designation Board The Historic Designation Advisory Board provides city-wide review and compliance function related to historic districts. The nine (9) member Board, appointed by City Council, reviews requests from approximately 120 districts and sites with historic designation. The Board's advocacy, recommendations and input to development issues and repair of designated neighborhoods is critical to enhance the living space of the community.</p>	<p>The functions of the Historic Designation Advisory Board are limited to historic districts which do not share a common pattern across the city. Therefore no recommendation is made to impact changes in the appointments to this body.</p>	<p>No recommendation.</p>	
<p>Public Lighting Commission A five (5) member public lighting commission shall be appointed by and serve at the pleasure of the mayor. A member must be a resident of the city. The term of membership is five (5) years. One (1) term expires each year. The commission shall advise in the operation of the public lighting department.</p>	<p>The Public Light Commission provides city-wide services to public space and institutional customers. To better facilitate the mission of public lighting, the Commission should have at least one representative from each district within the city.</p>	<p>A Commission member should be appointed to represent each district, as well as perform the current duties of the Public Lighting Commission.</p>	
<p>Police Commission The police department is headed by a five (5) member board of police commissioners. The members of the board shall be appointed by the mayor, subject to the approval of the city council. However, if the city council does not disapprove an appointment within thirty (30) days, an appointment is confirmed. The term of membership on the board is five (5) years and not more than one (1) member's term expires each year. The mayor may remove members of the board without cause. All members of the board must be residents of the city.</p>	<p>The City Police Commission provides city-wide services to citizens and stakeholders particularly in hearing and responding to citizen complaints around the function of the police department. The city currently is operating under two court orders reflective of the city's difficulty to meet the needs of the public. This Commission is one of the most visible Commissions within the city and may benefit from greater representation through the district structure.</p>	<p>A Commission member should be appointed to represent each district, as well as perform the current duties of the Police Commission. Appointment of the Commissioners should remain a mayoral function, include district responsibilities, and receive the advice and consent of the Council. The 30 day confirmation rule should remain intact.</p>	
<p>Transportation Advisory Board An advisory commission for transportation, composed of at least five (5) members,</p>	<p>The TAB impacts city-wide transportation services to citizens and stakeholders especially in their ability to</p>	<p>A Board member should be appointed to represent each district, as well as perform the current duties</p>	

<p>shall be created under section 7-103.</p>	<p>seek and retain employment, enjoy recreational activities and other pursuits that require mobility. The Board can receive and address citizen complaints around the function of the DDOT. Many of the city's marginalized citizens depend on DDOT. This Board can be one of the most visible Boards within the city and may benefit from greater representation through the district structure.</p>	<p>of the Transportation Advisory Board. Members of the Board should receive joint appointment by the Mayor and City Council with a requirement for district participation.</p>	
<p>Health Advisory Board The city is responsible for providing an adequate level of health services, both physical and mental, to all its residents. An advisory commission for health, composed of at least five (5) members, shall be created under section 7-103.</p>	<p>The Health Advisory Board impacts health related issues and delivery services city-wide to citizens and stakeholders. This Board has a responsibility to advocate for the wellness of the community. Many of the city's marginalized citizens depend on city health services. This Board can be one of the most visible Boards within the city and may benefit from greater representation through the district structure.</p>	<p>A Board member should be appointed to represent each district, as well as perform the current duties of the Health Advisory Board. Members of the Board should receive joint appointment by the Mayor and City Council with a requirement for district participation.</p>	
<p>Recreation Advisory Board An advisory commission for recreation, comprised of one (1) representative from each of not fewer than eight (8) districts, shall be created under section 7-103.</p>	<p>The Recreation Advisory Board impacts physical health and other related issues. The Recreation Department delivers services city-wide to citizens and stakeholders. This Board has a responsibility to advocate for the wellness of youth and senior citizens. Many of the city's marginalized citizens depend on evening recreational programs and summer projects. This Board can be one of the most visible Boards within the city and may benefit from greater representation through the district structure.</p>	<p>A Board member should be appointed to represent each district, as well as perform the current duties of the Recreation Advisory Board. The Board should retain its current representation from recreation department service delivery districts. The combined representation between recreational districts and voting districts should enhance citizen participation in this department. Powers of appointment of the Board within recreational district boundaries should remain at the direction of the Mayor. City Council district representatives should be appointed by the City Council based on the</p>	

<p>Board of Water & Sewerage Commissioners Sec. 7-1501. The water and sewerage department is headed by a seven (7) member board known as the board of water commissioners. The members of the board shall be appointed by and serve at the pleasure of the mayor. The term of membership on the board is four (4) years and not more than two (2) members' terms expire each year. A member must be a citizen of the United States and a resident of Michigan. At least four (4) members of the board must be residents of Detroit. The board shall appoint, with the approval of the mayor, a director and a deputy director for the department. The director and deputy director serve at the pleasure of the board. Sec. 7-1502. Powers. Under the direction of the board, the department shall supply water, drainage and sewerage services within and outside of the city. The board shall periodically establish equitable rates to be paid:</p>	<p>The Water & Sewerage Department has a long reputation in the region. Many of the suburban customers have blamed Detroit for high water & sewerage rates. Studies dating back for 25 years have demonstrated that much of the water and sewerage rates are as the result of suburban municipalities' markups. In most of these instances Detroit does not receive any added revenues. Additionally, the Department has been under federal court order for clean water infractions for better than 25 years. Much of the operation of the Department has been placed in the hands of special masters, private business advisory boards and the court. Within the last year federal indictments have been handed down for bribery in some of the Department's contracts. The State of Michigan has attempted on several occasions to take control of the Department through initiatives to create water authorities and alike. There are several pending bills in the state legislature file by suburban interests and court motions (federal) designed to take control over the Department. The Department is the largest provider of water and sewerage treatment services in Michigan.</p>	<p>Council voting district structure. At the time of this report, the press has announced a proposal advanced by Mayor Bing to structurally place three suburban members of the Water Board. The Commission has not received any proposals from the Mayor in connection with these press statements.</p>	
<p>Human Rights Commission An eleven (11) member human rights commission shall be appointed by the mayor, with the approval of the city council. A member must be a resident of the city. The commission shall be representative of the total community. Duties. Subject to policies established by</p>	<p>At the time of this report I have not been able to verify if in fact a Commission under this department is operational. Based on the information at the Department's website the overall focus of the Department has under gone substantial transformation and appear to support business delivery and</p>	<p>Recommend the Commission redefine the mission of the Commission and establish a working Commission.</p>	

<p>the commission, the department shall:</p> <ol style="list-style-type: none"> 1. Investigate complaints of unlawful discrimination against any person because of race, color, creed, national origin, age, handicap, sex, or sexual orientation in violation of any ordinance or any law within the city's jurisdiction to enforce, and secure equal protection of civil rights without discrimination. The city shall implement this section by ordinance. The human rights department may cooperate with other civil rights agencies in the resolution of complaints where jurisdiction is concurrent; 2. Secure the rights of citizens to service from city government without discrimination; and 3. Endeavor to increase mutual understanding among residents of the community, to promote good will, and to work cooperatively with other agencies of government, community groups and organizations, and other persons to eliminate discrimination and the results of past discrimination. 	<p>certification services as opposed to traditional issues of complaint investigation related to discrimination and "Endeavor to increase mutual understanding among residents of the community, to promote good will..."</p>		
<p>Fire Advisory Commission Sec. 7-805. Advisory Commission. A four (4) member advisory commission may be appointed by the mayor to advise the mayor and the fire commissioner on matters relating to the fire department.</p>	<p>The Fire Advisory Board provides through the Fire Department city-wide services to citizens and stakeholders particularly in hearing and responding to citizen complaints around the function of the Fire department. This Commission can be one of the most visible Commissions within the city and can address issues of Emergency Medical Services (EMS) and may benefit from greater representation through the district structure.</p>	<p>A Commission member should be appointed to represent each district, as well as perform the current duties of the Fire Advisory Commission. Appointment of the Commissioners should remain a mayoral function, include district responsibilities, and receive the advice and consent of the Council. The 30 day confirmation rule should remain intact.</p>	

Each Board and Commission should be expressly required to operate under the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA), requiring sound record keeping, access by the community and an opportunity for citizens to observe the operations of the respective department. Boards and Commissions should also endeavor to have meetings at a time and in a manner to encourage public participation including utilizing city facilities located across the city's district configuration.