

DETROIT CHARTER REVISION COMMISSION

PROPOSAL/ISSUE REVIEW SUMMARY

ISSUE NUMBER: GOS 216

ISSUE CATEGORY: Government Operations & Structure

SOURCE: Mayor Bing Administration

RELATED CHARTER SECTIONS: §5-103 (Mayoral Appointments)

Letter, Rec'd December 21, 2010

RELEVANT ORDINANCE SECTION:

RELEVANT LAW(S):

ISSUE/PROPOSAL STATEMENT: Allow Mayor to appoint more than one secretary and clarify that Mayor has the authority to make appointments to all board, commissions or other multi-member bodies that implement programs, services or activities, subject to state law and City Council approval. Remove definition of "Director."

Sec. 5-103. Mayoral appointments.

The Mayor may appoint ~~a secretary and other~~ necessary secretaries and assistants to serve in his or her office.

Except as otherwise provided ~~for by law or~~ this Charter, the Mayor shall appoint a director for each department ~~of the executive branch a director~~ who serves at the pleasure of the Mayor as head of the department. ~~As used in this chapter, "director" means the administrative head of each department regardless of the title of a particular director.~~

Except as provided for by state law and subject to the approval of the City Council, the Mayor shall make all appointments to boards, commissions, or other multi-member bodies, which are implementing any program, services, or activity.

RATIONALE: *"Under Sections 5-103 of the 1997 Detroit City Charter, the Mayor is authorized to appoint his staff and a director for each department who serves at his pleasure. Except as provided for in Section 6-401 regarding the Corporation Counsel, the City Council does not have authority to approve or disapprove any department director. Section 5-102 of the 1997 Detroit City Charter, The Executive Branch, provides that: "Except as otherwise provided by law or this Charter, executive and administrative authority for the implementation of programs, services and activities of City government is vested exclusively in the Executive Branch."*

"Despite the exclusive authority vested in the Mayor to implement programs, services and activities, since July 1, 1974, when the 1974 Detroit City Charter became effective, and continuing after the adoption of the 1997 Detroit City Charter, disputes have arisen between each Mayor and each City Council concerning appointment authority. In order to ameliorate this problem, it is recommended that Section 5-103 be changed. The recommended changes will assist in clarifying ambiguities that have arisen over the past 36 years and in dissipating conflicts between the Mayor and the City Council regarding appointment authority." -Mayor Bing Administration, Letter, Rec'd December 21, 2010.

ANALYSIS:

DISPOSITION/COMMISSION ACTION:

NOTES: