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SFA**BILL ANALYSIS**

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Senate Bill 726 (Substitute S-3 as passed by the Senate)
Sponsor: Senator Burton Leland
Committee: Local, Urban and State Affairs

Date Completed: 11-5-99

RATIONALE

The Detroit City Council has been elected in an at-large system since the 1900s. The current nine-member council was elected in 1997 and will serve until 2001. Its mission is "to promote the economic, cultural and physical welfare of Detroit's citizens through Charter mandated legislative functions". The members are responsible for addressing such issues as the establishment of a regional transportation system, the management of the Detroit Institute of Arts, and how to improve basic city services while controlling city taxes.

In recent years, although the City of Detroit has taken major steps to redevelop its downtown and revitalize the economy, some people believe that the city's economic renaissance is contingent on dramatic improvement to the quality of life in the neighborhoods. The city continues to face serious problems, such as abandoned houses, garbage-strewn alleys, broken street lights, and other deficiencies in basic city services. According to some people, these factors illustrate the failures of the current city council and the need for a more effective and responsive city government.

Some people believe that, under the current at-large system of representation, no single member of the Detroit City Council is accountable for the actions of the city, particularly in a local neighborhood. Therefore, they feel that Detroit voters should have the option of replacing the at-large city council with council members elected from single-member election districts.

CONTENT

The bill would amend the Home Rule City Act to require a city with a population of at least 750,000 as determined by the most recent Federal decennial census and a city council comprised of nine at-large council members, to place on the ballot a question of abolishing the existing nine-member at-large city council, reapportioning the city into nine single-member election districts, and imposing residency requirements on candidates for the city council.

Ballot Question

The question would have to be placed on the ballot at the general primary election held on the Tuesday after the first Monday in August 2000, and every four years thereafter. The ballot question would have to be submitted in substantially the form described in the bill. The vote result would have to be canvassed by the local board of canvassers under the Michigan Election Law.

Abolition of Current City Council

If the ballot question were approved, the existing nine-member at-large city council would have to be abolished on the January 1 two years after the question was approved. The at-large council would be replaced by a nine-member council elected from single-member election districts at regular municipal elections, beginning with the municipal primary election in the year immediately after the approval. The president of the city council would have to be determined by a majority vote of the city council members elected and serving from single-member election districts.

Apportionment Commission

Within 30 days after the ballot question was approved, the city redistricting commission would have to meet as the apportionment commission and adopt an apportionment plan. The commission would consist of the mayor, city clerk, and president of the city council. The commission would have to meet, again, within 30 days after the publication of the latest official figures of the Federal decennial census to reapportion the city. The procedural aspects of the apportionment process would have to be governed by the same statutory procedures as those provided for a county charter commission apportionment under Public Act 293 of 1966.

The city clerk would have to convene the city redistricting commission, sitting as the apportionment commission. As the apportionment commission, the redistricting commission would have to adopt its own

rules of procedure. Two members would constitute a quorum, and all actions would have to be by majority vote.

Apportionment Plan

The city redistricting commission would have to provide for equal representation for each single-member election district. Each district would have to be as nearly equal in population and compact as was practicable based on the latest Federal decennial census figures. In developing an apportionment plan, the city redistricting commission would have to follow the lines used for planning sectors and subcommittees as provided by the city master plan and charter. In subsequent reapportionments, the apportionment plan could make only incremental changes to the single-member election district boundaries that were necessary to accommodate population change requirements. Each single-member election district would have to be designated by name and number.

City Council

Membership. Each candidate for city council would have to be a resident of the single-member election district he or she sought to represent. If the member moved his or her residence outside of the single-member election district that the member represented, the office would be vacated.

Rules and Procedures. The city clerk would have to promulgate necessary election rules and procedures consistent with other provisions of the city charter to comply with and implement the bill. The council could amend the city charter to comply with the bill as provided by law and charter for the adoption of an ordinance. Any charter amendment that complied with the bill's intent and findings would have to take effect immediately upon adoption by the council. The city clerk would be required to file a copy of any charter amendment with the Secretary of State and the county clerk of the county in which the city is located.

Proposed MCL 117.3a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Since each Detroit City Council member currently represents the entire city, individual communities have no voice in government. The bill would give [A9900\5726a](#)

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Detroit citizens an opportunity to vote on an important reform of local government in order to create direct accountability, achieve better representation, and improve communications between elected officials and the communities that they serve. The district system of electing the city council would give council members a stake in a particular section of the city, thereby creating an effective and responsive legislative body.

Opposing Argument

The bill would violate a basic principle of the Home Rule City Act: that citizens should have the right to govern and manage their local issues within their own communities according to their unique needs. Currently, a charter amendment may appear on the city ballot by petition from only five percent of the registered voters in the community, a vote by the city council, or enabling State legislation. According to a resolution submitted by the Detroit City Council, despite at least two present council members' public support for election by districts, the citizens of Detroit voted in 1996 to retain at-large city council member elections. The bill suggests that Detroit's citizens are unable to elect their own representatives. Kenneth Cockrel, Jr., a Detroit city councilman, wrote an editorial in the *Detroit News* (10-7-99), in which he stated, "Taking up the issue of how our city council should be elected in the state capital puts a critically important local issue in the hands of state legislators... Detroiters should be furious about the efforts of some Lansing legislators to undermine our ability to govern ourselves as we see fit."

Response: The bill would vest the final decision-making authority in the citizens of Detroit, who would have the opportunity to vote on the issue in August 2000 and every four years thereafter.

Opposing Argument

The bill would severely undermine Detroit's historical gains on this issue. For many years, Detroit City Council members were elected from wards. Wards served only to promote economic, racial, and sometimes ethnic segregation. A council elected from districts would be more susceptible to corruption and turf battles. The current at-large system of election creates city-wide accountability.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: R. Ross