

DETROIT CITY COUNCIL: VOTE ON WARD SYSTEM

House Bill 6114 (Substitute H-2) First Analysis (5-29-02)

Sponsor: Rep. Ken Daniels
Committee: Civil Law and the Judiciary

THE APPARENT PROBLEM:

The 1997 Home Rule Charter of the City of Detroit was adopted by the voters at the general election in August, 1996, and became effective January 1, 1997. The 1997 charter, which replaced the 1974 Home Rule Charter that was approved by the voters in 1973, contains a uniform system of capitalization, a section analysis, and some grammatical changes. Otherwise, it is the same as the charter adopted by the people in 1974. The charter specifies that the current nine-member council, which was elected in 2001 and will serve until 2005, is 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 the basic city services while controlling city taxes.

The city council has been elected in an at-large system since 1918. However, in recent years, although the city has taken major steps to redevelop its downtown and revitalize the economy, there have been periods where the poor quality of basic city services, such as garbage and street cleaning, have led many Detroit residents to complain that its city government is not doing the job it was elected to do. Further, it is said that Detroit lacks a system of accountability for city services. Critics of the current system believe that, under the 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. Instead, they propose that Detroit voters be given the option of replacing the at-large city council with council members elected from single-member election districts.

THE CONTENT OF THE BILL:

House Bill 6114 would add a new section to the Home Rule City Act (MCL 117.3a) to place before Detroit voters, on the 2002 August primary election ballot, the question of replacing the present at-large city council with nine single-member election districts, as follows:

Ballot Question. The bill would require that a city with a population of not less than 750,000, as determined by the most recent federal decennial census, and a city council comprised of nine at-large members, would have to place a question in substantially the following form on the ballot at the primary election, held on August 6, 2002:

"Shall the existing nine-member at-large city council be abolished, shall the city be reapportioned into nine single-member election districts, and shall district residency requirements be imposed on candidates for the city council?"

YES (___)

NO (___)"

The bill would also specify that the local board of canvassers would canvas the result of the vote according to the provisions of the Michigan election law (MCL 168.1 to 168.992)

City Council. The bill would specify that, if the voters approved the ballot question, then, on January 1, 2006, the nine-member at-large city council would be replaced by one consisting of nine members elected from single-member election districts. Members would be elected at regular municipal elections, beginning with the municipal primary election in the year immediately succeeding the year in which the ballot question was approved. Any charter provision to the contrary notwithstanding, the president of the city council would be determined by a majority vote of the city council members elected and serving from single-member election districts.

City Apportionment Commission. The bill would also require that the City Redistricting Commission meet within 30 days after the question presented to the voters was approved. It would meet as the Apportionment Commission to adopt an apportionment plan. It would consist of three members, two of whom would be appointed by the

mayor, and one of whom would be appointed by the city council. The City Redistricting Commission would thereafter meet within 30 days after the publication of the latest official figures of the federal decennial census to reapportion the city. To the extent consistent with the act, the procedural aspects of the apportionment process would be governed by the same statutory procedures as those provided for a county charter commission apportionment under the provisions of the Charter Counties Act (MCL 45.505). One of the two members appointed by the mayor under these provisions would convene the City Redistricting Commission sitting as the Apportionment Commission. As that commission, the City Redistricting Commission would adopt its own rules of procedure. Two members would constitute a quorum and all actions would require a majority vote.

The bill would require that the City Redistricting Commission provide for equal representation for each single-member election district, and each single-member election would have to be as nearly equal in population and compact as was practicable, based on the latest federal decennial census. 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. Moreover, in subsequent reapportionment, the City Redistricting Commission apportionment plan could only make incremental changes to the single-member election district boundaries that were necessary to accommodate changes in population. Each single-member election district would have to be designated by name and number.

City Council Candidates. Each candidate for city council would have to be a resident of the single-member district he or she sought to represent. If the member moved outside the district, the office would be vacated. Also, the bill would require that the city clerk promulgate necessary election rules and procedures consistent with other provisions of the city charter in order to comply with and implement these provisions. The city council could also amend the charter to comply with the intent and findings of the bill, in the same manner as required by law and charter to adopt an ordinance. However, the bill would specify that any charter amendment to comply with the intent and findings of the provisions of the bill could 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 was located. The bill would also specify that

sections 21 to 25 of the act, pertaining to amendments, publication, filing, elections, and other provisions relating to charters, would not apply to the provisions of the bill.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Under the provisions of the bill, the City of Detroit would be reapportioned into nine single-member election districts or wards. Some people maintain that Detroit's economic renaissance is contingent on dramatic improvement to the quality of life in its neighborhoods. However, the city continues to face serious problems, such as abandoned houses, garbage-strewn alleys, broken streetlights, and other deficiencies in basic city services. Critics of the current at-large system of representation believe these problems illustrate the failures of the current city council and the need for a more effective and responsible city government. They maintain that this would be better accomplished by changing to a district-type city council. The district system, they believe, would give city council members a stake in a particular section of the city, thereby creating a more effective and responsive legislative body.

Proponents of the bill point to other problems that occur as a result of a city that has problems providing basic services: neighborhoods deteriorate, property values fall, residents flee the city for the surrounding suburbs, and the declining population affect a city's opportunity for attracting federal funds. Also, they say, deteriorating neighborhoods are less likely to attract investments from bankers or developers. Other large cities in the U.S., they point out, became revitalized and attracted investment by changing to systems that elect members from districts. In fact, of the 20 largest cities in this country in 1993, only Detroit, San Francisco, and Columbus, Ohio elected city councils at-large.

Against:

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. In 1996,

despite at least two council members' public support for election by districts, the citizens of Detroit voted to retain at-large city council member elections. Detroit citizens are rightfully resentful of the many actions taken by the legislature in recent years to strip away local control. They cite the state takeover of the elected school board, the abolition of Detroit Recorder's Court, the abolition of residency requirements for police officers, and other issues. In the same vein, the bill represents another instance of Lansing policymakers interfering with Detroit citizens' perogatives.

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, 2002.

Against:

Detroit has elected its city council under an at-large election system since 1918. For many years prior to that change, city council members were elected from wards. The change, according to a May 24, 2002 *Detroit News* article, "was part of a reform movement that tried to root out corruption, cronyism and special-interest politics that plagued ward elections." Others have argued that wards served only to promote economic, racial, and sometimes ethnic segregation, and that going back to a district, or ward, system would bring back the same type of corruption.

Response:

In the above-mentioned article, the *Detroit News* also points out that switching to a district system was one of the recommendations of experts in the newspaper's "Broken Detroit" series published in 2001. According to the *News'* experts, the system proposed under the bill would create more accountability for Detroiters because each would have one council member to got to with problems, rather than nine.

POSITIONS:

The Michigan Municipal League opposes the bill. (5-28-02)

Several members of the Detroit City Council testified in opposition of the bill. (5-28-02)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.