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TO: Alicia J. Skillman, Esq. Director
Board of Ethics

FROM: David Whitaker, Director 
Legislative Policy Division

DATE: March 8, 2021

RE: 2021-2022 Budget Analysis

Attached is our budget analysis regarding your department's budget for the 2021-2022 Fiscal Year.

Please be prepared to respond to the issues/questions raised in our analysis during your scheduled hearing on **Thursday, March 11, 2021 at 1:00 p.m.** We would then appreciate a written response to the issues/questions at your earliest convenience subsequent to your budget hearing. Please forward a copy of your responses to the Council members and the City Clerk's Office.

Please contact us if you have any questions regarding our budget analysis.

Thank you for your cooperation in this matter.

Attachments:

Issues and Questions
Agency Plan: Mission, Goals and Activity Summary
Appropriation and Cost Center Expenditures
Position Detail
Board of Ethics 2019 Annual Report
cc: Councilmembers
Tanya Stoudemire, Chief Deputy CFO
Auditor General's Office
Steven Watson, Deputy CFO/Budget Director
James George, Agency CFO for Governmental Operation Departments
Avery Peoples, Mayor's Office

Board of Ethics
FY 2021-22 Budget Analysis by the Legislative Policy Division

Board of Ethics 2021-22 Budget

The Board of Ethics is an independent Charter created entity established by the 1997 City Charter. The Ethics Ordinance was enacted by the City Council in 2000 and amended in 2012. The Ordinance established disclosure requirements and standards of conduct applicable to all City of Detroit Public Servants. The Board is charged with the responsibility for the implementation and administration of the Ordinance, which includes receiving complaint alleging violations of the Ordinance and issuing Advisory Opinions.

The integrity of City government and public trust and confidence in public officers and employees require that public servants be independent, impartial and responsible to the People; that government decisions and policy be made within the proper channels of the governmental system; and that public servants be prohibited from participating in matters that affect their personal or financial interests. The purpose of the Ethics Ordinance is to establish guidelines for ethical standards of conduct for all City government officials and employees by defining those acts or actions that are incompatible with the best interests of the City and by mandating disclosure by public servants of private financial or other interests in matters affecting the City.

The Board of Ethics role is to investigate and resolve complaints regarding alleged violations of the Ethics Ordinance by public servants, and to issue advisory opinions regarding the meaning and application of provisions of the Charter, City Ordinances, other laws, or regulations establishing standards of conduct for public servants.

Advisory opinions are rendered upon written request by a public servant. Advisory opinions are published by the Board annually in a report to the Mayor and City Council. The Board is charged with monitoring and recommending improvements in the disclosure requirements, and in the standards of conduct under the Ethics Ordinance, in order "to promote an ethical environment within City government, and to ensure the ethical behavior of public servants."

All meetings of the Board are open to the public unless an individual involved in the matter to be addressed requests in writing that the meeting be closed or unless otherwise provided by Ordinance or by statute.

Issues and Questions

1. Please briefly explain the Board of Ethic's new expense initiatives, new capital funding requests, operational reform and savings proposals, and new revenue initiatives/proposals to be implemented in FY 2022.
2. What are the Board of Ethic's number of vacancies as of February 28, 2021? Also, please briefly explain the department's strategy to fill any vacant positions.
3. The Mayor's FY 2022 recommended total appropriations for the Board of Ethics is \$377,637 a \$106,073 decrease from the \$483,710 in FY 2021. The largest decrease is \$64,290 for the salaries account which totals \$239,878 for FY 2022. In addition, Office Supplies and Training were decreased \$12,000 and \$20,000 respectively.

4. One Executive Secretary III and one Investigator positions were deleted in FY 2022 budget and one City Council Legislative Policy Division Administration was added. Please explain why.
5. How many ethics investigations were conducted and completed through January 31, 2021 for FY 2021? How many complaints were received in FY 2021 (through January 31, 2021)?
6. The Board of Ethics 2019 Annual report included a memo dated December 2, 2019 addressed to the Charter Revision Commission. This memo was accompanied by set of charter revisions requested by the Board of Ethics; if approved, will these changes have budgetary impact on Board of Ethics annual budget?
7. Please provide a copy of the Board of Ethics 2020 Annual reports, if available.



Board of Ethics

*Detroit Board of Ethics
2019 ANNUAL REPORT*

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**City of Detroit
Board of Ethics**

**Atty. Kristin Lusn, Chairperson
Freda G. Sampson, Vice-Chairperson**

Atty. David W. Jones

Mario Morrow, Sr.

Byron Osbern

Robert Watt



<p>Contact us</p>	<p>Detroit Board of Ethics Butzel Family Center 7737 Kercheval Road Suite 213 Detroit, MI 48214 https://detroitmi.gov/government/boards/board-ethics ethics@detroitethics.org (313) 224-9521</p>
<p>Staff</p>	<p>Alicia J. Skillman, Executive Director Vanessa L. Johnson, Ethics Coordinator Dawn M. Widman, Ethics Investigator</p>

Letter to the Mayor and City Council

DATE: August 18, 2020

TO: Hon. Michael E. Duggan, Mayor

Hon. Brenda Jones, City Council President
Hon. Mary Sheffield, City Council President Pro Tempore
Hon. Janeé L. Ayers, City Council Member
Hon. James Tate, City Council Member
Hon. Roy McCalister, Jr. City Council Member
Hon. Scott Benson, City Council Member
Hon. Andre L. Spivey, City Council Member
Hon. Raquel Castañeda-Lopez, City Council Member
Hon. Gabe Leland, City Council Member

FROM: Detroit Board of Ethics

SUBJECT: Annual Report of the Board of Ethics

The Board of Ethics Annual Report includes Board activities beginning January 1, 2019, to December 31, 2019. In accordance with Section 2-5-108 of the Ethics Ordinance (the first “Ordinance”), this Report contains:

1. An analysis of Board activities, including Advisory Opinions, requested and issued; Complaints filed and their disposition; and Investigations opened and their disposition;
2. A compilation of Advisory Opinions issued; and,
3. Recommendations for improvement of the Disclosure Requirements, Standards of Conduct, and the administration and enforcement of the Ordinance.

Additionally, this Report includes updates on training activities.

cc: Honorable Janice M. Winfrey
Department and Agency Leaders

Statement of Purpose.

Detroit City Code 2019 Sec. 2-5-1.

The disclosure requirements and standards of conduct apply to public servants including the Mayor, City Council Members, the City Clerk, elected members of the Board of Police Commissioners, appointive officers, appointees, employees, and contractors as defined in [Section 2-5-3](#) of this Code.

The purpose of applying and enforcing these requirements and standards is to ensure that governmental decisions are made in the public's best interest by prohibiting public servants from participating in matters that affect their personal or financial interests.

(Code 1984, § 2-6-1; Ord. No. 22-00, § 1(2-6-1), eff. 8-11-2000; Ord. No. 18-12, § 1(2-6-1), eff. 8-31-2012)

Commentary— This article is adopted in compliance with the provisions of [Section 2-106.1](#) of the Charter, entitled "Ethical Standards of Conduct," that the City Council may enact an ordinance necessary to effectuate the operation of Sections [2-106.1](#) through 2.106.14 of the Charter. Furthermore, a review of the best practices of the federal, state and municipal governments reveal that most jurisdictions have enacted codes governing the standards of conduct for elected and appointed public officials as well as employees.

The integrity of City government and public trust and confidence in elective officers and employees require that public servants be independent, impartial and responsible to the People; that government decisions and policy be made within the proper channels of the governmental system; and that public servants be prohibited from participating in matters that affect their personal or financial interests. The purpose of this article is to establish guidelines for ethical standards of conduct for all City government officials and employees by defining those acts or actions that are incompatible with the best interests of the City and by mandating disclosure by public servants of private financial or other interests in matters affecting the City.

Although the article addresses the subject matters set forth in Sections 2-206.1 through [2-106.14](#) of the Charter, it cannot by its terms and provisions specifically address every conceivable circumstance, situation or question that may raise an ethical consideration in the course of City government. Of course, every situation or issue arising under the article must be evaluated based on its individual merits. However, the article is intended to declare integrity in governmental decision making, operations and processes as a fundamental value and policy of City government to which all public servants in City government should strive to adhere at all times. To underscore the paramount importance of this policy, the article should be liberally construed so as to fully protect the public interest, and to effectuate the provisions of Sections [2-106.1](#) through 2.106.14 of the Charter that the article shall prohibit actions by elective officers, appointive officers, appointees, employees, or contractors.



Requirements.

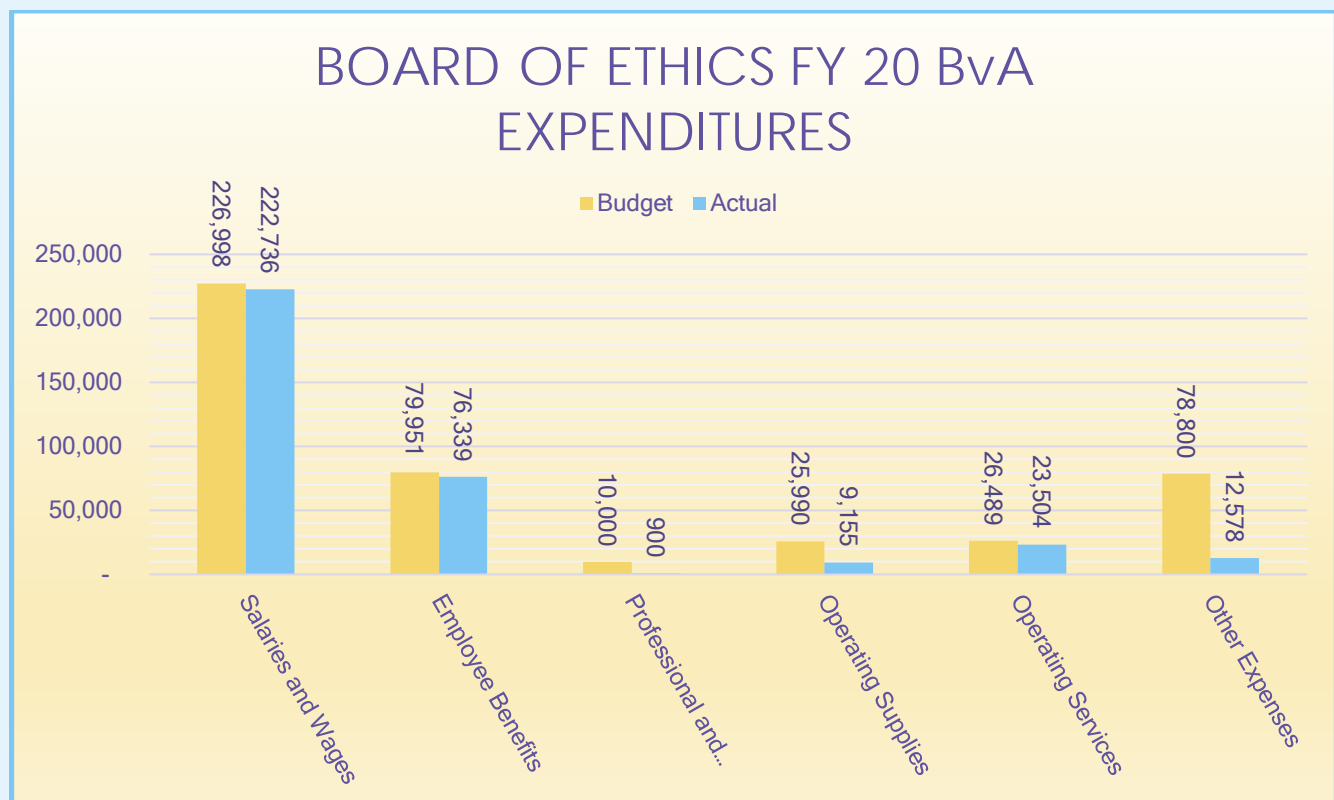
Sec. 2-5-108. - Annual report.

- (a) On or before April 1st of each year, the Board of Ethics shall issue simultaneously to the Mayor and to each member of the City Council a report that contains:
- (1) An analysis of all activities of the Board of Ethics, including the number of advisory opinions requested and the number issued, and the number of complaints filed and the disposition thereof during the preceding calendar year;
 - (2) A compilation of opinions that have been issued during the preceding calendar year; and
 - (3) The recommendations of the Board of Ethics, if any:
 - a. For improvement of the disclosure requirements that are found in Division 2 of this article, and of the standards of conduct that are found in Division 3 of this article; and
 - b. For improvement of the administration and enforcement thereof.
- (b) In addition, a copy of the annual report shall be submitted to the City Clerk, each department director, each agency head, and the Detroit Public Library Main Branch.
- (Code 1984, § 2-6-98; Ord. No. 43-06, § 1(2-6-98), eff. 12-15-2006)

Annual Budget

The 2019-20 Budget of the Board of Ethics was \$448,228.00. The bulk of the expenditures is for Salary and Wages and Employee Benefits. The category of Other Expenses is to develop a new website, a social media strategy, and other means to partner and connect with our customers including elected officials, employees, public servants, and the residents of Detroit. The Budget reflects the ongoing effects of COVID-19.

	Budget	Actual	% BvA
Salaries and Wages	226,998	222,736	98%
Employee Benefits	9,951	76,339	95%
Professional and Contractual Services	10,000	900	9%
Operating Supplies	25,990	9,155	35%
Operating Services	26,489	23,504	89%
Other Expenses	78,800	12,578	16%
Total Expenditures	448,228	345,211	77%



Complaints

Complaints can be filed by anyone and can only be filed against a public servant.

Complaint 2019-01. Dismissed due to no jurisdiction over the matter, there are other pending proceedings arising out of the same transaction or occurrence or the same transactions or occurrences including, but not limited to, local, state or federal law enforcement investigations or criminal cases which, and no violation of this article has occurred.

Complaint 2019-02. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

Complaint 2019-03. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

Complaint 2019-04. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

Complaint 2019-05. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

Complaint 2019-06. Dismissed because no violation has occurred.

Complaint 2019-07. Dismissed because the Board has no jurisdiction over this matter.

Complaint 2019-08. Dismissed because no violation of the article has occurred.

Complaint 2019-09. Dismissed because no violation of the article has occurred.

Complaint 2019-10. Dismissed because no violation of the article has occurred.

Complaint 2019-11. Dismissed because no violation of the article has occurred.

Complaint 2019-12. Dismissed because no violation of the article has occurred.

Complaint 2019-13. Dismissed because no violation of the article has occurred.

Complaint 2019-14. Dismissed because no violation of the article has occurred.

Complaint 2019-15. Dismissed because no violation of the article has occurred.

Complaint 2019-16. Dismissed because no violation of the article has occurred.

Complaint 2019-17. Dismissed because no violation of the article has occurred.

Complaint 2019-18. Dismissed because no violation of the article has occurred.

Complaint 2019-19. Dismissed because no action may be taken by the Board of Ethics on any complaint which is filed later than 182 days from the date that the complainant knew or should have known of the action that is alleged to be a violation of this article, and in no event shall the Board consider a complaint which has been filed more than two years after a violation of this article is alleged to have occurred.

Complaint 2019-20. Dismissed because no violation of the article has occurred.

Complaint 2019-21. Dismissed because no violation of the article has occurred and the Complaint does not contain facts sufficient to constitute a violation of the Ordinance.

Complaint 2019-22. Dismissed because no violation of the article has occurred.

Complaint 2019-23. Dismissed because the board has no jurisdiction over the matter and that it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

Complaint 2019-24. Dismissed because the board has no jurisdiction over the matter.

Complaint 2019-25. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance and the complaint is defective in a manner which results in the Board being unable to make any sound determination.

Complaint 2019-26. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

Complaint 2019-27. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

Complaint 2019-28. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

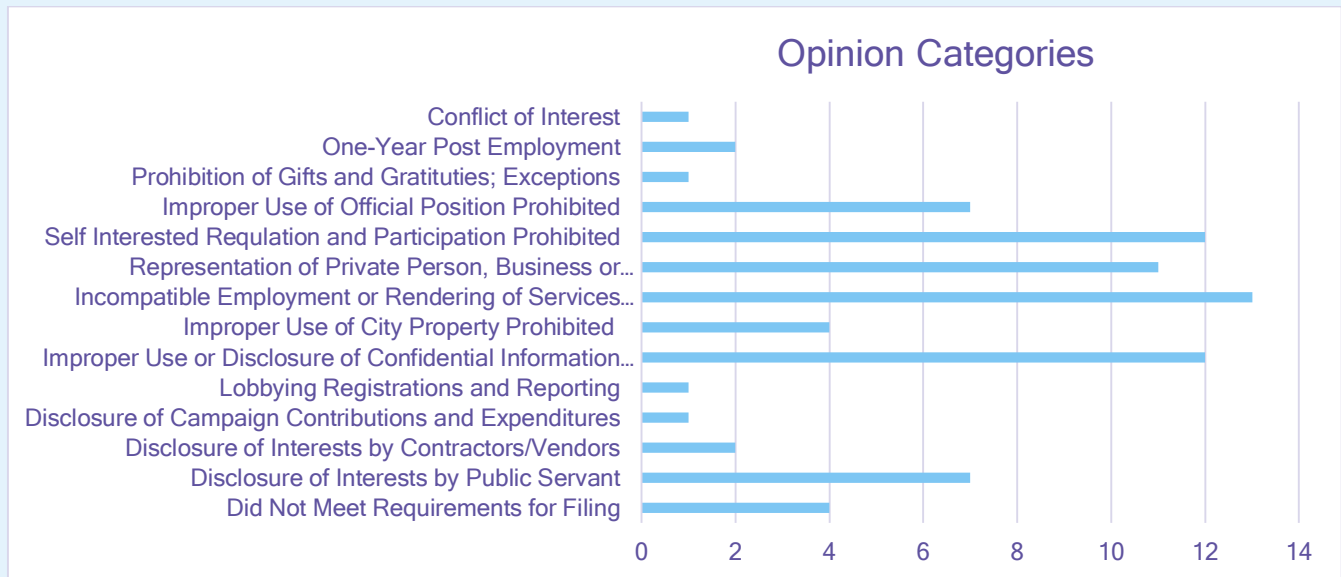
Complaint 2019-29. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

Complaint 2019-30. Dismissed because it does not allege facts sufficient to constitute a violation of the Ethics Ordinance.

Complaint 2019-31. Dismissed because no violation of the article has occurred.

Advisory Opinions

Requests for Advisory Opinions can only be filed by public servants about their own conduct. The following chart reflects the type of opinions from the Board of Ethics.



Advisory Opinion 2018-15. Filed: October 12, 2018. The Board of Ethics concludes the Request for Advisory Opinion 2018-15 in accordance with Sec. 2-6-104(b)(4) and issues this advisory opinion in response to the request. It is important to note that the City's executive leadership, not the Board of Ethics, has the authority to grant permission for the City Department to co-host a 2019 Conference. If such permission were granted, the Requestor would not be in violation of the 2012 Detroit City Charter or Ethics Ordinance should she elect to participate in the facilitation and co-hosting of the 2019 Conference on behalf of the City of Detroit inasmuch as they do not appear to presently conflict with the City Code provisions discussed in this memorandum. Requestor should exercise caution that her judgment and actions on behalf of the City remain independent. Further, the Requestor, as a public servant and the public servants in the Department, may accept the waiver of conference fees without violation of the gifts and gratuities provisions under Sec. 2-6-71 of the Ethics Ordinance as the exception contained in Section 2-6- 71(b)(4) is met and the outside entity is doing no business, seeking no contracts with the City of Detroit.

Advisory Opinion 2018-16. Filed: November 21, 2018. A Public Servant requested an advisory opinion on whether she could accept a stipend for performing election work in her department. The Board determined that the Requestor would be in violation should she accept the stipend. Additionally, the Board of Ethics recommends the City develop consistent parameters around Election Day opportunities for employees.

Advisory Opinion 2018-17. Filed: November 26, 2018. A public servant queried whether she may volunteer with any outside entity without violating the 2012 Detroit City Charter or 1984 Detroit City Code. The Requestor may participate in volunteer board duties as Secretary without violating the Ethics Ordinance. There is no overlap of duties with the nonprofit; Requestor receives no financial gain from serving as a volunteer; Requestor recuses herself from any discussion that include funding sought from

the City of Detroit; and Requestor is not representing the outside agency before any City agency. Requestor should exercise caution that her judgment and actions on behalf of the City remain independent and that her outside activities are not performed during City business hours or utilizing City resources.

Advisory Opinion 2018-18. Filed: November 26, 2018. A public servant queried whether she may volunteer with a nonprofit without violating the 2012 Detroit City Charter or 1984 Detroit City Code. The Requestor may participate in volunteer board duties without violating the Ethics Ordinance. There is no overlap of duties with the nonprofit; Requestor receives no financial gain from serving as a volunteer; Requestor recuses herself from any discussion that include funding sought from the City of Detroit; and Requestor is not representing the outside before any City agency. Requestor should exercise caution that her judgment and actions on behalf of the City remain independent and that her outside activities are not performed during City business hours or utilizing City resources.

Advisory Opinion 2018-19. Filed: December 6, 2018. A public servant questioned whether he can direct his employees to stop specific conduct. The Board of Ethics, in accordance with Sec. 2-6-104(b)(3), declined to issue an advisory opinion where the Board determines that the request concerns past or current conduct, which is more appropriately addressed by the filing of a complaint or by the contracting of an investigation.

Advisory Opinion 2019-01. Filed: January 4, 2019. A Public Servant requested an advisory opinion on whether the public servant can engage in consulting activities with pay after resigning from the City. The Board released an Opinion that the Public Servant must wait for one (1) year after employment with the City to lobby or appear before any city office or receive compensation for any services in connection with any matter in which the public servant was directly concerned, personally participated, actively considered or acquired knowledge while working for the City even if employment is through an LLC. Requestor may lobby or seek employment for City activities where the public servant was in no way involved in the award or management of contracts or employment would require sharing of confidential information.

Advisory Opinion 2019-02. Filed: January 10, 2019. A Public Servant requested an advisory opinion on the engagement of outside employment with a third party entity without violation of the 2012 Detroit City Charter or the 1984 Detroit City Code. The Board released an Opinion that the public servant can continue to perform outside employment during his personal time and should exercise caution that his/her judgment and actions on behalf of the City remain independent, are not conducted during City business hours, or utilize City resources.

Advisory Opinion 2019-03. Filed: January 11, 2019. A Public Servant requested an advisory opinion who requested an opinion on attending an event. The Board declined to release an opinion because the request did not merit review due to a lack of information as well as timeliness.

Advisory Opinion 2019-04. Filed: February 1, 2019. A Public Servant requested an advisory opinion on their spouse's appointment to a City office. The Board released an Opinion that the Requestor has no conflict of interest as a result of the spouse's appointment. However, the Requestor should exercise caution in using his/her judgment and actions to remain independent and handle confidential information accordingly.

Advisory Opinion 2019-05. Filed: February 1, 2019. Advised a public servant on dual roles on a board. The Board declined to release an opinion because the request did not merit review by the Board.

Advisory Opinion 2019-06. Filed: February 21, 2019. A Public Servant requested an advisory opinion on working within a department and providing third party services in the same field. The Board released an Opinion that the public servant committed no violation by making an application to become a City vendor after ending his City employment.

Advisory Opinion 2019-07. Filed: February 22, 2019. A Public Servant requested an advisory opinion on performing services on behalf of a community district as part of the public servant's employment with the City and be paid for both services. The Board released an Opinion that the Requestor's activities would violate Sec. 2-6-62, 2-6-63, 2-6-65, and Sec 2-6-66 of the Ordinance.

Advisory Opinion 2019-08. Filed: March 22, 2019. Advised a public servant, who volunteers for a local nonprofit, on accepting a donation for the nonprofit from a medical marijuana facility. The Board released an Opinion that the Requestor has no conflict of interest for volunteering with the organization; however, when the Requestor becomes aware of the intent for a donation to the nonprofit where he/her volunteers, she/he must disclose the donation.

Advisory Opinion 2019-09. Filed: April 2, 2019. A Public Servant requested an advisory opinion on the disclosure requirements of a personal relationship. The Board released an Opinion that gives the Requestor general guidance and that Requestor should exercise caution that her/his judgment and actions on behalf of the City remain independent, and refrain from sharing any confidential information with any outside entity.

Advisory Opinion 2019-10. Filed: April 25, 2019. A Public Servant requested an advisory opinion on whether he could hire an elected official from another city to perform work in his department/group/agency. The Board declined to release an opinion because it determined that the request concerns past or current conduct, which is more appropriately addressed by the filing of a complaint or by the contracting of an investigation.

Advisory Opinion 2019-11. Filed: April 25, 2019. A Public Servant requested an advisory opinion to accept a job offer from a business that the public servant had direct contact with on behalf of the City, and maintain her/his current position with the City. The Board concluded the Requestor would be in violation of the City Charter and Ordinance.

Advisory Opinion 2019-12. Filed: July 15, 2019. A Public Servant requested an advisory opinion on hosting an annual event for employees where vendors would provide meals to employees. The Board declined to release an opinion because it determined the request does not merit review due to a lack of information as well as timeliness.

Advisory Opinion 2019-14. Filed: September 24, 2019. A Public Servant requested an advisory opinion regarding the need to make a disclosure requirement with no specific question being proposed yet with attached information regarding a partnership between the City and a third party entity where the entity would provide free services and gifts thru an on-line raffle system to attendees of public City meeting. This matter is pending determination.

Advisory Opinion 2019-15. Filed: October 3, 2019. A Public Servant requested an advisory opinion regarding the ability of councilpersons to join partnerships to become concessionaires at the Wayne County Airport. This matter is pending determination.

Advisory Opinion 2019-16. Filed: October 17, 2019. A Public Servant requested an advisory opinion regarding their participation on a steering committee for a capital campaign. This matter is pending determination.

Advisory Opinion 2019-17. Filed: October 21, 2019. A Public Servant requested an advisory opinion for receiving tickets to a local University's homecoming game. This matter is pending determination.

Board Composition

From January 2019 to April 2019, the members of the Board of Ethics included:

Atty. Kristin A. Lusn, Chairperson
Freda G. Sampson, Vice-Chairperson
Rev. Dr. Charles C. Adams
Atty. David W. Jones
Hon. Alma G. Stallworth
Robert Watt

During this year, the term of Rev. Dr. Charles C. Adams expired in April 2019. Also, the Board accepted the resignation of Hon. Alma G. Stallworth, joint appointee, in April 2019.

The current members are:

Atty. Kristin A. Lusn, Chairperson
Freda G. Sampson, Vice-Chairperson
Atty. David W. Jones
Mario Morrow, Sr.
Byron Osbern
Robert Watt

There is one vacancy pending since April 2019 that requires a joint appointment.

Ethics Training

The Charter and the Ethics Ordinance provide mandates of ethics training for public servants. The Board of Ethics will begin providing on-line ethics learning in 2020 with a goal to reach 100% of all public servants within eighteen (18) months of the launch.

	2018	2019
Departments/Offices/Boards/Commissions		
All departments open training	0	4
BSEED	1	2
Board of Tax Review	1	1
Board of Water Commissioners		1
Building Authority		
Charter Revision Commission		1
City Clerk's Office		2
City Planning Commission		1
Councilman Leland's Office Staff		
Councilman McCalister's Office Staff		1
CRIO		
DDOT Executive Staff	1	
DDOT Staff		
Department of Neighborhoods		2
Department of Elections		1
Department of Hearings & Appeals	1	
DoIT	2	
DPSH		1
Entertainment Commission		1
GSD		1
Health Department		3
Historic Designation Advisory Board		1
Historic Preservation Committee		1
Homeland Security	1	
Housing & Revitalization		
Legislative Policy Division		1
Mayor's Cabinet		1
Mayor's Internship Program		1
Mayor's Office Staff		2
New Employee Orientations (Multiple Departments)	10	10
OCFO/Treasury		3
Office of Contracts & Procurement	1	
Supervisory Trainings		4
Water & Sewerage		
Public Presentations		
International Visitor Leadership Program - U.S. Department of State	2	1
Local Organizations	1	1
Total Trainings Per Year	21	48

Recommendations for Improvements to the Ethics Ordinance

The Board of Ethics submitted a memo to the Detroit Charter Revision Commission with proposed changes. The Appendix contains a copy of the proposed changes.

Additional Activities

The Board of Ethics has three (3) FTEs. Staff addressed one hundred and nine additional (109) inquiries by phone, email or at event informational tables. Also, Board Members and staff attended the 41st Annual Council on Government Ethics Laws (COGEL) in December 2019 in Chicago for training, networking, and strategy building.

Additionally, an ethics presentations was given to the Delegation from Albania through the partnership with Global Ties Detroit (sponsored by the US State Department). A group of Albanian professionals (district attorneys, journalists, government officials, etc.) toured the United States meeting with various entities (ethics boards, states attorney, and universities) to gain insight on ethical governance.

Appendix

Proposed Recommendations to the Detroit Charter Revision Commission



CITY OF DETROIT
BOARD OF ETHICS
ADMINISTRATION

7737 KERCHEVAL, SUITE #213
DETROIT, MICHIGAN 48214
(313) 224-9521 • TTY:711
WWW.DETROITMI.GOV

December 4, 2019

Dorian Tyus, Executive Director
Detroit Charter Revision Commission
7737 Kercheval, Suite 210
Detroit, MI 48214

Dear Atty. Tyus:

Please find attached a list of proposals from the Board of Ethics. The proposals include the following topics: public servant, training, disclosure requirements, and proportional funding method. A rationale follows each provision.

Please contact me for any questions you have regarding our submission. We thank you for the invitation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alicia J. Skillman'.

Alicia J. Skillman
Executive Director

Attachment: Proposals to the Detroit Charter Revision Commission



CITY OF DETROIT
BOARD OF ETHICS
ADMINISTRATION

7737 KERCHEVAL, SUITE #213
DETROIT, MICHIGAN 48214
(313) 224-9521 • TTY:711
WWW.DETROITMI.GOV

Date: December 2, 2019

To: Detroit Charter Revision Commission

From: Detroit Board of Ethics

Re: Proposals to the Detroit Charter Revision Commission

The Board of Ethics submits the following proposals to this honorable body with the hope that they are included in the final draft of the charter revision that will move forward to become law.

The format identifies of the current Charter provision language with a strikethrough and underline for any deletions/repeal. The new, proposed language is in italics and underlined. A rationale follows each provision.

Proposal 1- Definition of Public Servant

Amend the definition of elective officer and public servant.

Sec. 2-105. - Definitions and Rules of Construction.

A. As used in this Charter: ...

13. Elective officers means the Mayor, each member of the City Council, elected Board of Police Commissioners, ~~and~~ the City Clerk, and the Detroit Charter Revision Commission.

...

27. Public servant means ~~the Mayor, members of City Council, City Clerk,~~ elective officers, appointive officers, any member of a board, commission or other voting body established by either branch of City government or this Charter, and any appointee, employee or individual who provides services to the City within or outside of its offices or facilities pursuant to a personal services contract.

Rationale

The current definition of public servant names each office elected by Detroit voters. The proposed definition of public servant should include the Detroit Charter Revision Commission because it is a body elected by Detroit voters.

Proposal 2 – Disclosure Requirements

Amend the language of Disclosure requirements to add relatives.

In the Disclosure sections, we added the language “or a relative” after every place where immediate family is mentioned.

We added Item 4 to give the Board of Ethics authority to verify the disclosed information.

Sec. 2-106.2. - Disclosures.

1. Except as otherwise provided by applicable law, a public servant who exercises significant authority shall disclose:
 - a. Any financial interest, direct or indirect, that **he or she an immediate family member or a relative** has in any contract or matter pending before City Council.
 - b. Any financial interest, direct or indirect, that **he or she an immediate family member or a relative** has in any contract or matter pending before or within any office, department, or agency of the City.
 - c. Any interest that he or she **an immediate family member or a relative** has in real and personal property that is subject to a decision by the City regarding purchase, sale, lease, zoning, improvement, special designation tax assessment or abatement or a development agreement.
 - d. Campaign contributions and expenditures, in accordance with applicable laws.
 - e. The identity of **an immediate family member or relative** employed by the City or who is making application to the City.
2. In addition to compliance with Subsection (1) above, contractors and vendors shall disclose:
 - a. the identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before City Council.
 - b. The identity of all entities and persons with any financial interest, direct or indirect, in any contract or matter the vendor or contractor has pending before or within any office, department, or agency of the City.
3. The above disclosures shall be made in writing and be made by sworn, notarized affidavit, in accordance with City ordinance and applicable laws.
4. **NEW** [The Board of Ethics shall receive the above disclosure form, verify the accuracy of its contents, and shall forward a complete copy of the form to the applicable department director or agency head.] **New**

Rationale

The current Disclosure Requirements are at odds with the best practices of Human Resources Department. Currently, the Charter requires disclosure of immediate family members. However, Human Resources best practices addresses highlights “supervision by relatives.” When supervision by relative exist, it is cause for reassignment. Yet, in the Charter, there is no requirement to disclose relatives. This change would help public servants be compliant and support best practices of Human Resources.

The definition of immediate family is:

As used in this Charter:

20. *Immediate family member* means a public servant's spouse, domestic partner, individual who lives in the public servant's household or an individual claimed by a public servant or a public servant's spouse as a dependent under the United States Internal Revenue Code at 26 USC 1 *et seq.*

The definition of relative is:

Sec. 2-5-3

Relative means a person who is related to a public servant as spouse or as any of the following, whether by marriage, blood or adoption: parent, child, brother, sister, uncle, aunt, nephew, niece, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, brother-in-law, or sister-in-law.

Additionally, the Disclosure Requirement is a reporting action by the public servant. Currently, the Board performs no action except to receive the disclosure and forward it to a department. The Board should conduct minimal action to verify the accuracy of the reported information.

Proposal 3 – Ethics Training

Amend the language to quantify training requirements.

In Section 2-106.9.4 Powers and Duties, add “annual” and delete “the Mayor, City Council, Clerk, Board of Police Commissioners,” and add “elective officers.”

In Section 2-106.9.5 add “minimally biennial”.

Sec. 2-106.9. - Powers and Duties.

The Board of Ethics shall:

1. Issue ...
4. Provide mandatory annual training for ~~the Mayor, City Council, Clerk,~~ elective officers, appointive officers and appointees, and employees who exercise significant authority in the execution of his or her official duties.
5. Provide minimally biennial training for all other appointees and employees including those subject to Article 6, Chapter 4, of this Charter.
6. Issue penalties for violations of this section of the Charter, as consistent with state law.

Rationale

The current Charter language does not address how often training is required. However, municipalities across the country consider the best practice to be annual training. Additionally, as stated in Sec. 2-106.1. - Ethical Standards of Conduct, the purpose of applying and enforcing these standards is to ensure that governmental decisions are made in the public's best interest by prohibiting City officials and employees from participating in matters that affect their personal or financial interests. The mandatory duty to train public servants is a proactive tool that can help ensure proper governmental decision-making.

Proposal 4 – Proportional Funding (Advocacy)

The Board of Ethics advocates for the current language of Sec. 8-214 and supports City Council preparing and adopting a method.

Sec. 8-214. - Proportional Funding for Oversight Agencies. (Charter)

The City Council shall establish a proportional method to fund oversight agencies to insure the proper oversight of Executive and Legislative Branches of government. City Council shall arrive at an equitable proportional method to fund oversight agencies in local government. City Council shall prepare and adopt a proportional funding system within ninety (90) days of the effective date of this Charter.

The funding system shall include a formula to distribute funds to each of the agencies contained in this section and any other agencies added by ordinance. The internal cost allocation plan shall determine the amount of funds to be appropriated to each agency for oversight functions. The proportional funding system shall be enacted by ordinance. The ordinance shall contain this mandate to establish a proportional method of funding for oversight agencies, the list of agencies included in this section and other agencies determined by City Council.

The oversight agencies referred to in this section shall include the Office of the Inspector General, Auditor General, Ombudsperson, and **Board of Ethics**.