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TO: Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: September 20, 2022

RE: Report on Citizen's District Councils/Community Advisory Councils

The Legislative Policy Division, (LPD) has been requested by Council Member Latisha Johnson to provide a report on the Citizens' District Council (CDC) and Community Advisory Councils (CAC). The response is to include information regarding the difference between CDC's and CAC's and the process to reestablish the CDCs in Detroit. LPD submits the following report.

CITIZENS' DISTRICT COUNCILS (CDC)

The background and rationale for the establishment of CDCs in Detroit was succinctly address in an article written by Robert Mark Silverman, Associate Professor, Department of Urban and Regional Planning, State University of New York, Buffalo¹:

Detroit's citizens' district councils have been shaped by the environment in which they are embedded. They were originally created to address inequities that grew out of the Urban Renewal process of the mid-1900s. Although the Urban Renewal and Model Cities eras technically ended by the mid-1970's, citizens' district councils continued to function as planning advisory boards since redevelopment

¹ <https://comm-org.wisc.edu/papers2003/silverman.htm#citizensdistricts>

continued in Detroit's old Urban Renewal areas. This was justified under state law and municipal ordinances that remained in place after the remnants of the Model Cities program were folded into the Housing and Community Development Act of 1974. The continuation of citizens' district councils was also justified by the persisting threat of displacement due to redevelopment efforts in the old Urban Renewal areas, and the socioeconomic distress that these areas faced.

The State of Michigan authorizes municipalities to create Citizens' District Councils ("CDC") pursuant to two Michigan public acts, i.e. the Blighted Area Rehabilitation Act, P.A. 344 of 1945, MCL 125.71 et seq (P.A. 344) and the Economic Development Corporations Act, P.A. 338 of 1974, MCL 125.1601 et seq (P.A. 338).²

CDCs established pursuant to P.A. 338 of 1974 are created to implement an economic development plan. A CDC is required in any district area where a plan to rehabilitate a blighted area exist as set forth in MCLA 125.74(5)(a) which provides:

Except as otherwise provided in this subdivision, for each district area, a citizens' district council of not less than 12 nor more than 25 members shall be selected in a manner that ensures that the citizens' district council is to the maximum extent possible representative of the residents of the area and of other persons with a demonstrable and substantial interest in the area. The majority of the citizens' district council shall be composed of citizens living in the development area.

The purpose of CDC's is to advise city departments and the City Council while the plans are being developed to address blighted areas in need of rehabilitation and to prevent the conditions of unemployment. The CDCs are designed to give those citizens who reside in and are materially impacted by rehabilitation and urban renewal, the ability to provide input into the outcome of their community.

Prior to the Emergency Manager Kevyn Orr taking control of governing of the City of Detroit pursuant to Public Act 436 of 2012, Local Financial Stability and Choice Act, the City provided for the establishment of CDCs under Chapter 14, Article VI, Citizen's District Councils. The Emergency Manager under EM Order 36, repealed in its entirety the ordinance covering Citizen District Councils. The Order states that the implementation of Article VI which required the establishment of CDCs in an Urban Renewal Zone or designated area development area "no longer align with the City's urban renewal strategy, and in some cases, present a barrier to the effective and efficient development of blighted area of the City". Prior to the repeal of the City's CDC ordinance, the membership of CDC's was appointed by City Council, consist of not less than 9 members and all members had to be at least 18 years of age. None of the members were elected.

The repeal of Article VI prevents the establishment of new CDCs under the ordinance. The authority of the City to create a CDC by ordinance was granted in Public Act 344 of 1945, Blighted Area Rehabilitation Act, MCLA 125.74(5)(d) which provides:

² LPD provided City Council two reports regarding CDCs and CAC dated March 20, 2014 and November 18, 2014 addressing the respective roles of both entities. Both reports are available to Council Members should any member wish to have a copy.

In a city of over 1,000,000, the local legislative body shall adopt an ordinance governing the composition and method of selecting the members of the citizens' district councils, with the limitation that such an ordinance shall provide for a majority of the citizens' district council to be composed of citizens living in a development area or areas.

As previously indicated, the City's ordinance has been repealed by the Emergency Manager's order. In addition, the statute that provided for this Honorable Body to adopt the ordinance was predicated on the City having a population of one million (1,000,000). Population having dropped well below the statutory threshold, the City can no longer rely on this provision to enact an ordinance and establish CDCs.³

The City must now look to the other subsections for establishing a CDC. One way in which the CDCs can be re-established is through the provisions of the Blighted Area Rehabilitation Act which provides under 125.74(5)(c):

Members of the council may be selected by direct election by the residents of the area and other persons with a demonstrable and substantial interest in the area, or may be appointed by the chief executive officer of the municipality after consultation with local community groups and residents of the area, or by a combination of appointment and election. The method of selection of the citizens' district council, and any appointments to the council by the chief executive officer, shall be determined with the approval of the local legislative body after a public hearing has been held, with public notice of such hearing distributed throughout the district area at least 20 days before the date of the hearing. Citizens' district councils shall be established within 45 days of any initial designation of a development area by any local planning agency or local legislative body.

As set forth under the Blighted Area Rehabilitation Act, the members of a CDC may be elected by the residents of the area and other persons with a demonstrable and substantial interest in the area, or may be appointed by the Mayor in the manner set forth under the statute.

The other manner CDCs can be re-established is through the Economic Development Corporations Act, MCLA 125.1601, *et seq.* The Act allows for the creation of "project citizen district councils" (PCDC) which are relative to specific projects derived under an established Economic Development Corporation (EDC). The statute provides under MCLA 125.1612:

(1) The governing body of the municipality for which the corporation is incorporated shall, by resolution, do the following:

(a) Establish the project district area boundaries.

³ LPD provided City Council with a Privileged and Confidential memorandum in May of 2016 which opined on the impact of the Emergency Manager's order repealing the Citizen's District Council ordinance and the State law regarding the establishment of CDCs. The City Council has not waived the privilege on the memorandum, however, LPD would provide any Council members of a copy at their request.

(b) Determine the necessity of establishing a project citizens district council.

(2) A project citizens district council may be established for a project district area promptly after the designation of the project area is approved by the governing body as provided in section 8(1). The project citizens district council shall be established by the governing body and shall consist of not less than 9 members. The members of the project citizens district council shall be appointed by the governing body. A member of a project citizens district council shall be at least 18 years of age.

(3) A project citizens district council shall be representative of the project area giving particular attention to those persons who reside, own real property, or maintain an establishment located in the project area.

(4) A majority of the members of a project citizens district council shall be persons residing in the project area, except if the persons of the age of majority in the project area number less than 20, or if, at the time a project citizens district council is established, the number of establishments located in the project area exceeds the number of occupied dwelling units in the project area.

Pursuant to Section 1, City Council, as the City's governing body can, by resolution, establish a project district and determine whether a PCDC is necessary. If a PCDC is deemed necessary for that district, it shall be appointed by City Council consisting of not less than 9 members and, is tasked with notifying City Council, in writing, of its findings and recommendations concerning the proposed project plan.

COMMUNITY ADVISORY COUNCILS (CAC)

The Community Advisory Councils (CAC) are created via the 2012 Detroit City Charter. They are also an advisory board to the City. The stated purpose of these councils is "to improve citizen access to City government." A CAC shall be created in each City Council district upon the receipt of a City Clerk approved petition from residents of a specific district. All members of these advisory bodies are to be residents of the City Council district in which the council is located. CACs are seven member bodies consisting of five (5) elected members, one (1) youth member and one (1) senior citizen member. The elected members and the senior citizen member serve for a four (4) year term. The youth member is appointed annually.

The CACs have a board spectrum of duties outlined in Section 9-103 of the Charter that include:

1. Communicating to City Council the concerns of groups, agencies, businesses and residents within its districts with respect to the delivery of programs and services.

2. Assisting groups, agencies, businesses and residents in community problem solving by meeting with groups to:

a. Clarify issues; and

- b. Demonstrate proper procedural approaches to accessing city government.
3. Disseminating information to groups, agencies, businesses and residents on social and physical plans for the districts areas.
4. Providing advice to community representatives and City Council on major issues within the council district which may include:
 - a. Housing development;
 - b. Commercial blight;
 - c. Safety and security;
 - d. Economic and community development;
 - e. Employment opportunities;
 - f. Code enforcement; and
 - g. Other concerns impacting social, economic, cultural and environmental conditions within the district.
5. Familiarizing themselves with the City Charter, with the objective of assisting the community in understanding the intent and relevance of Charter provisions.
6. Familiarizing themselves with the Master Plan for the City of Detroit in relationship to the City generally and the land area within their district generally.
7. Meeting annually with the Mayor and annually with City Council to discuss the challenges confronting the district and the resources required to advance the interest and support the viability of the district.

If we can be of further assistance, please call upon us.