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DINNER & DIALOGUE

THE REVISION OF THE DETROIT CHARTER

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AGENDA
JULY 25TH, 2019

- Welcome
- Charter Revision Presentation
- Remarks from Charter Commissioners
- Mission: Commission Board Game

OUR PARTNERS



LEAGUE OF WOMEN VOTERS

The League of Women Voters of Detroit is a nonpartisan political organization that encourages informed and active participation in government. The League does not endorse candidates or political parties. It influences public policy through education and advocacy. We invite you to join us as we make democracy work in our communities.

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THE 2018 CHARTER REVISION PROCESS

Detroit's 1918 Home Rule Charter was revised in 1974, 1997, and most recently in 2012. The 1997 charter required that a charter revision question be on the ballot in 2018 and on every fourth gubernatorial primary election thereafter - or every 16 years. When the 2012 charter was adopted, the timetable was not reset, and therefore we had another charter revision question on the ballot just six years after the last revision. The City Council chose not to put the question on the primary election ballot, so the City's Election Commission did so.

Since Detroit voted to revise the charter, a 9-member Charter Revision Commission was elected in the 2018 general election, and a budget allocation was made to fund the revision process. According to City budget documents, the last Charter Revision Commission spent \$1,105,000 from 2009 to 2012. The Commission will have three years to oversee the revision of the City Charter, submit a draft charter to the Governor's Office for approval, and then submit that draft to Detroit voters to adopt or reject.

TIMELINE OF 2018 VOTE & RESULTS

August 7, 2018 - Primary

Proposal R: General Revision of the 2012 Detroit City Charter

Proposal R Results

	Total Votes	Percent
Yes	33,272	50.14%
No	33,088	49.86%
Total Votes	66,360	

Of everyone who voted in the August Primary, a small percentage voted on the charter revision issue. The revision of the charter passed by a very slim margin with a difference of only 184 votes.

November 6, 2018 - General

City of Detroit Charter Commission Candidates - 3-Year Term (9) Positions

Who Was Elected?

In alphabetical order by last name

Karissa Holmes	Richard Mack	Joanna Underwood
Laura Hughes	Tracy Peters	Carol Weaver
Quincy Jones	Nicole Small	Barbara Anne Wynder

HISTORY OF THE DETROIT CITY CHARTER

A city charter is a document that defines how your municipality is organized and how it functions--you can think of it like the city's constitution. In 1802, the state legislature approved Detroit's first charter, which was revised only two times in that century - in 1815 and 1957. With demand for more local control over the operation of local governments, the people amended the Michigan Constitution in 1908 to allow for what we now call "**home rule.**" "Home Rule" was the principle of local self governance, and the amendment to the state's constitution directed that "home rule" be implemented through legislation. The following year, the Home Rule City Act of 1909 was enacted and to this day, this state law controls the process by which local units of government engage in self-governance.



The state of Michigan also abides by **Dillon's Rule**. This rule states that ultimately, local governments exist to perform the tasks of the state at the local level. Local government is strictly limited to what the state delegates. If local government oversteps the authority given by the state, the state has the power to modify or revoke its powers.

Citizens of Detroit voted on their first home rule charter in 1911; however, it was defeated. In 1918, Detroiters adopted their first home rule charter, which guided the city through half a century of history and expansion. In 1969, Mayor Jerome Cavanagh appointed the Charter Study Commission to recommend whether a comprehensive revision to the 1918 charter was necessary. This led to the 1970-1973 Charter Revision Commission, which produced a charter that was put into effect July 1, 1974.

The 1974 charter required that voters be asked in 1993 and every sixteen years thereafter whether there should be additional charter revisions. As a result, the 1993 municipal general election produced the second Charter Revision Commission, which was in effect from 1993-1996. In November of 2009, Detroit's third Charter Revision Commission was elected to make revisions to the 1997 charter, which resulted in the 2012 charter. 2018 was the fourth time in Detroit's history that citizens elected a commission to propose revisions to the charter of the City of Detroit.

ELEMENTS OF PAST CHARTERS

- 1918 charter eliminated a 42-person, partisan ward-based legislative body
- 1997 charter reduced wording from 145,000 words to 25,000 words
- 2012 charter eliminated the need to use costly special elections to fill vacancies in elective office, dictating that they coincide with general elections
- 2012 charter changed City Council representation to seven districts and two at-large seats

WHAT IS A CITY CHARTER?

Michigan's 1909 Home Rule City Act allows a city to provide for its own government by adopting a city charter, approved by the Governor. Detroit's charter defines how our city government is structured and what its powers and responsibilities are, and it operates within the framework already established by the U.S. Constitution and the Michigan Constitution.

3 ESSENTIAL PURPOSES OF A CITY CHARTER

Outline the election process for city government

Create the structure and powers for providing city services

Provide enough structure to ensure efficiency in city operations but not too much as to limit the ability of elected officials to respond to changing times

Many local charters and state constitutions begin as concise, economical documents that reflect the basics of governmental structure and authority. The charter can be amended or revised over time.

CHANGING A CHARTER

Adapted from the National Civic League's "Guide for Charter Commissions"

Not every local government issue is a charter issue and may be better handled in other ways.

Before voting on whether to revise the charter, consider:

- Can this problem be addressed by the passage of an ordinance or a change in policy?
- Should a solution to this problem be sought by putting new officials in office?
- Might state legislation address this problem more effectively?
- Can the change be made by a charter amendment as opposed to a charter revision?

If the answer to any of these questions is "yes," that issue is probably not suited for a three-year comprehensive charter revision process. Furthermore, many local government services and regulations are mandated by state or federal law and cannot be altered or eliminated by changes to the charter.

BALLOT LANGUAGE MATTERS!

The revision question was approved by voters by a slim margin in 2018. However, the ballot language asks voters if there "shall be" a revision, meaning that the revision process must be facilitated by the commission over the three-year service period. Going through the process does not necessarily mean the charter will be changed; proposals will be accepted and reviewed, but there's no penalty if the commission fails to revise within its three years.

CHANGING A CHARTER

APPROACHES TO CHANGING A CHARTER

Maximalist View - “More is More”

Create a detailed document including not only government structure, but also special programs and procedures. View charter as an opportunity to protect specific departments, governmental entities, or positions by their inclusion in the charter.

Minimalist View - “Less is More”

Create a concise framework establishing the structure and authority of government. Intentionally allow for flexibility so that elected officials can reorganize departments and streamline government as needed.

WAYS TO CHANGE A CHARTER

Changes to a charter can be made by revision or amendment. Each can be proposed by City Council with a three-fifths majority vote or by initiatory petition from residents. They both require Governor approval and a vote of the people to pass.

Revision

Re-examining the entire document and making fundamental changes to the charter, such as changing the form of government.

Amendment

Modifications that provide clarifying details and maintain the general structure of the existing charter, but don't change the structure of government.

WHAT CHANGING A CHARTER CAN AND CAN'T DO

So what can charter change do? And, perhaps more importantly, what can it not do?

✓ Charter Change Can

- Change the form of government (city manager, strong mayor, etc.)
- Alter electoral representation (i.e., district and/or at-large representation of City offices)
- Clarify ambiguity or confusion caused by existing charter language
- Redistribute powers among City-level elected officials, appointed officials, and governing bodies as well as between City officials and citizens

✗ Charter Change Can't

- Automatically increase the quality of governmental products and services
- Eliminate political in-fighting and make elected officials achieve consensus
- Stop a controversial public project
- Change or eliminate state or federally-mandated activities

THE 2012 CHARTER REVISION

SOME MAJOR CHANGES IN THE 2012 CHARTER INCLUDE

- Changed City Council from nine at-large members to seven district-based and two at-large members
- Changed appointed Board of Police Commissioners to seven elected by district and four appointed
- Reorganized certain departments and offices to be "independent," including Corporation Counsel and the Law Department, Inspector General, Auditor General, and Ombudsperson
- Shifted the balance of power between the executive and legislative branches to strengthen City Council (e.g., expanded City Council approval of specific Mayoral appointments)

THE 2012 REVISION PROPOSALS WERE GROUPED INTO SEVEN MAIN CATEGORIES

The 2012 Charter Revision Commission grouped proposals into seven main categories that are often seen in charter revision processes.



GOVERNOR/ATTORNEY GENERAL OBJECTIONS

The Home Rule City Act requires that all municipalities in Michigan submit their proposed charters to the governor and to the attorney general for review before allowing voters to approve or reject the draft charter.

On August 8, 2011, Governor Rick Snyder submitted an official review of the proposed 61-page charter submitted by the Detroit Charter Revision Commission on May 31, 2011. As part of the review, Assistant Attorney Generals George Elworth and Shenique Moss rendered an opinion on 15 substantive objections of proposed charter provisions. The Charter Commission then revised their draft before submitting the charter to the voters.

Reasons a governor or attorney general would object to a section of a draft charter

- A violation of state law
- A violation of the Michigan or U.S. Constitutions

Detroit's Departments

Detroit's current charter has more departments than the average Michigan city charter. As a result, it can constrain the ability of the Mayor and City Council to react to changing service and financial needs due to the mandated provisions of these departments in the charter.

Note: The elimination of a department from the charter does not mean that the department would cease to exist, only that its special charter protection would be removed. This creates latitude for elected officials to make changes if deemed necessary.

2018 DETROIT CHARTER REVISION COMMISSION

RESPONSIBILITIES

- Assigns powers and duties to city officials and the branches of government
- Outlines the functions of city operations and the types of services to be provided
- Determines how citizens interact with their government

The Detroit Charter Revision Commission is elected by the citizens of Detroit to construct and revise a document that not only addresses present needs and challenges, but communicates a blueprint for responsible governance, sets citizen-based governmental priorities, and articulates a practical vision for a better city as proposed by its residents.

The Commission is responsible for inviting and accepting public participation at every phase of the revision process. Charter revisions are informed by public input with a process that allows the public to submit proposals for charter revisions in a variety of areas.

THE CHARTER REVISION COMMISSION MAY REVIEW AND ASSESS

- Evaluations and revisions to the current charter
- The type of government - strong mayor/city manager/hybrid
- Size and manner of electing City Council
- Relative powers of executive/legislative branches
- Key departments within city government
- Basic city services
- Accountability to electorate

CHARTER ROLES AND RESPONSIBILITIES



The Chairperson

The chairperson of the commission has an extremely vital role to play in maintaining order, keeping the commission progressing, and making sure the revision process follows proper procedure. The chair ultimately assists the group in reaching a consensus on the issues that must be addressed. Role includes:

- Call and lead meetings
- Coordinate with hired personnel on matters requiring the attention of the commission or the public
- Serve as a focal point of communication with the individual members of the commission and hired personnel



Vice Chair

Serves as a substitute for the chairperson as needed.



Treasurer

Keeps track of the budget. Reports on funding.



Secretary

Ensures meetings are effectively organized and minutes are accurately transcribed. Maintains records and administration.



Parliamentarian

Ensures that proper parliamentary procedures are followed at all times (i.e., Robert's Rules of Order).



Resource Person/Organization

Due to the scope and intensity of a charter revision, there is an increased opportunity for communication breakdowns and gridlock to. For this reason, it is valuable to have a substantive resource person, consultant, expert, or organization to sit alongside the commission and serve as a "go-to" when a complex or substantive question arises. A good resource should be well versed in public affairs, political science, public administration or had past experience in charter writing. They are not a member of the commission and do not have a vote. Nevertheless, an outside resource is an extremely useful addition to the commission as a source of technical guidance, suggestions, and advice.



Legal Counsel

Every charter commission should have access to sound legal counsel to help the commission avoid potential conflicts with state or federal law. City or county attorneys in particular have more familiarity with the existing charter, potential legal problems, and the applicable state laws.



Executive Director

The executive director is responsible for overall leadership, operations, and management. He or she is expected to create a positive, educational atmosphere for city residents and businesses. The executive director is also responsible for maintaining a prompt schedule throughout the entire process of revising the charter.

CURRENT CHARTER REVISION COMMISSIONERS



Carol Weaver, Chair

Weaver has said that she supports “no changes without having input from the citizens of Detroit.” (Detroit Free Press 2018)



Nicole Small, Vice Chair

Has mentioned various goals aimed at “building equity” for residents focusing on developments, resident participation, oversight, and elections. (Detroit Free Press 2018)



Richard Mack, Secretary

Focus on resident and worker voice. Top concern was reportedly, “The confusion of the process of having the Charter opened. I am open to discussing other alternatives.” (Detroit Free Press 2018, InformDetroit 2018).



Tracy Peters, Treasurer

Is cautious about revising the charter. Open to reviewing balance of power between the Mayor and City Council and service provider oversight. (Detroit Free Press 2018, InformDetroit 2018)



JoAnna Underwood, Parliamentarian

Interested in protecting power of City Council, and reviewing relationships between city and private authorities. (Detroit Free Press 2018, Detroit Charter Commission Meeting 2.23.19)



Barbara Wynder, Vice Parliamentarian

Generally supports the current version of the charter, but would review details on the police commission and the charter revision frequency. (Detroit Free Press 2018, InformDetroit 2018)



Karissa Holmes

Priorities include oversight, sustainability, and government structure that considers future challenges (such as climate change). (Building Movement Detroit Youtube, Detroit Environmental)



Laura Hughes

Primarily concerned with the process of electing commissioners and the use of city resources to support residents. (Detroit Free Press 2018)



Quincy Jones

Prioritizes a review of financial procedures, specifically those on collection of property taxes. (Detroit Free Press 2018).

WHAT COMMITTEES DO THE COMMISSIONERS SERVE ON?

STANDING COMMITTEES

Budget and Finance Committee

- Chair - Commissioner Peters
- Members - Commissioners Mack and Wynder

Personnel Committee

- Chair - Commissioner Mack
- Members - Commissioners Hughes and Wynder

Rules Committee

- Co-Chairs - Commissioners Holmes and Hughes
- Members - Commissioners Small and Wynder

Public Agencies and Safety Committee

- Chair - Commissioner Hughes
- Members - Commissioners Jones and Underwood

Internal/External Operations and Government Accountability Committee

- Chair - Commissioner Holmes
- Members - Commissioners Jones and Underwood

Economic Growth and Development Committee

- Chair - Commissioner Underwood
- Members - Commissioners Mack and Wynder

Neighborhoods and Community Services Committee

- Chair - Commissioner Jones
- Members - Commissioners Hughes, Peters, Small, and Underwood

Privatization, Labor, and Workers' Rights Committee

- Chair - Commissioner Mack
- Members - Commissioner Small

SPECIAL COMMITTEES

Bylaws Committee

- Chair - Commissioner Mack
- Members - Commissioners Holmes, Peters, Underwood, and Wynder

Communications Committee

- Chair - Commissioner Holmes
- Members - Commissioners Small and Underwood



WHAT'S BEEN HAPPENING WITH THE COMMISSION

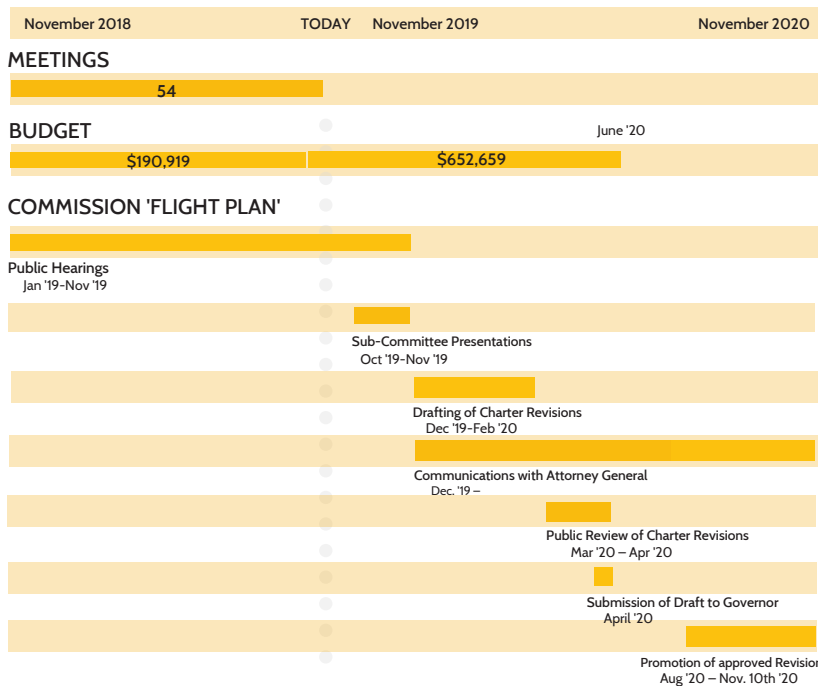
On November 20, 2018 the Detroit Charter Revision Commission took its oath of office and conducted its first meeting in the Erma L. Henderson Auditorium of the Coleman A. Young Municipal Center. Conflict around the election of officers and schedule of meetings consumed the first seating of the commission, and procedural disputes have continued on issues such as the vote to hire staff or use of Robert's Rules of Order. A passionate and raucous environment has regularly formed at the meetings, and a professional mediator - Ms. Jessica Taylor - was brought in on May 14th to help settle some differences.* Most recently on July 9th, the Chair in her report claimed, "the process for revising the charter has grinded to a halt" and that in the twelve meetings in eight months, "we have argued over issues unrelated to the charter."

***CORRECTION:** The workbook issued July 25, 2019 at CitizenDetroit's "The Revision of the Detroit Charter" Dinner and Dialogue incorrectly stated that Vice Chair Nicole Small was charged with assault and battery based on events at the June 22, 2019, Charter Commission meeting. Vice Chair Small was never charged with a crime. We apologize for this misstatement. It was not intentional.

Notwithstanding the general disorder, some progress has been made:

- Election of Officers (i.e., Chair, Vice Chair, etc.)
- Adoption of a "Flight Plan" as an operational guide for the Commission moving forward. This includes ten citizen focus groups.
- Approval of a budget
- Creation of the website with historical documents, recent minutes, and schedule of meetings
- Hiring of an Executive Director and Legal Counsel

2018 CHARTER REVISION COMMISSION



The 2012 Charter Revision Commission met 34 times over its three-year service period, reviewed 571 proposals, and spent \$1,105,000.

According to the Home Rule City Act, PA 279 of 1909, state law restricts commissions to 90 paid meetings of service per commissioner. The 2018 Commission has met a total of 54 times (14 meetings of the full commission and 40 sub-committee meetings), though each commissioner's attendance varies. The 2009 Charter Revision Commission held a total of 34 meetings.

HOW TO GET INVOLVED



Submit Proposed Changes through the Commission's Charter Revision or Retention Request Form

Get Engaged!
Become a Documenter at Documenters.org

Share the Information!
Review Notes at Documenters.org

Share the Information! Watch Meetings on Channel 10 TV or Online

Attend Meetings and Public Comment

Share the Information!
Review Minutes at DetroitCharter2018.com

Submit Comments or Questions Ed@detroitcharter2018.com

GET YOUR OWN COPY OF THE DETROIT CHARTER

Copies of the 2012 Charter are available at your City Clerk's office.

Coleman A. Young Municipal Center
2 Woodward Ave. - Suite 200
Detroit, MI 48226
Office: (313) 224-3260
Fax: (313) 224-1466

SUBMIT YOUR PROPOSAL!

Detroit's Charter Revision Commission has a process for your "Charter Revision or Retention Request" through an online form or paper submission. Here you can propose changes or advocate for current Charter elements with supported reports and data. Both submissions methods can be found here: <https://detroitmi.gov/government/commissions/charter-revision-commission>.

Forms can be returned to the Butzel Family Center 7737 Kercheval, Detroit, MI 48214 or emailed to contact@detroitcharter2018.com.

THERE ARE TWO WEBSITES FOR CHARTER COMMISSION UPDATES!

www.DetroitCharter2018.com **and** www.detroitmi.gov/government/commissions/charter-revision-commission

GET INVOLVED

JOIN THE DOCUMENTERS!

Local government bodies hold thousands of public meetings but the vast majority get no attention. Documenters are helping to change that with information on these important boards, commissions, and authorities, like the Detroit Charter Revision Commission.

Documenters are citizens, civic actors, creators, and collaborators who represent a broad base of intergenerational diverse communities. We use technology to share meeting information and we document public meetings at **Documenters.org**. We also get paid!

Learn how you can document meetings with notes and/or Twitter by attending our upcoming training. Go to Documenters.org for more information.

DON'T LET POLITICAL BULLYING KEEP YOU FROM DEMOCRACY

Bullying is behavior that intentionally attacks--and often humiliates--others with the intent to harass or assert control. Bullying is a unique kind of aggressive behavior because it can be repetitive and hostile, while exhibiting an imbalance of power favoring the bully/bullies. An imbalance of power could be related to social position (i.e., age, professional status, etc.), physical power, and/or outnumbering.

Political bullying is a tactic used to dominate political discourse with particular opinions or control political spaces. Political bullies use intimidation and harassment as a method to silence those with different positions. The nature of politics and participation in groups (i.e., political parties, organizing groups, etc.) makes it common for political bullying to occur in a group setting. As a result, others, especially those who are alone, who want to participate can be discouraged from engaging in public political discourse in fear of being attacked or shamed.

Political bullying can happen between elected officials as well as between the public and elected officials. Elected officials repeatedly taunting one another or teaming up to control their convenings is political bullying. It is also political bullying when certain group's behavior silences the voices of others who want to participate. Finally, while it can seem counterintuitive, the public can bully elected officials. Members of the public have a right to have their voices heard, but consistently mocking, verbally attacking elected officials, or disrupting the business of the elected body with tactics that intentionally humiliate the officials is still political bullying.

Everyone has a right to participate. Democracy is about the opportunity for all voices to be heard. Charter Revision Commission meetings, and other public meetings of elected bodies are meetings open to the public, not meetings of the public. This means the meetings are meant for the body to conduct business, and there is a specific time for public input called "public comment." At that time, it is each individual's right to be heard uninterrupted by anyone else in the room. Do not be afraid to voice your opinion, hold the commissioners accountable, or call out any discrepancies in the procedural process in a respectful manner. If you feel uncomfortable, attend meetings with friends. Bullies are empowered by others accepting their behavior. The more people there are who are ready to participate in a productive manner, the more the environment of public meetings can be productive and democratic.

OTHER INFORMATION TO CHECK OUT

GOVERNMENT EFFICIENCY

Departments listed in the charter are required to be maintained by the government. When there is overlap between departments, duplicate departments serving the same function, and/or departments that unintentionally interfere with one another's roles and responsibilities, it reduces the efficiency of government offices. Additionally, while there are some departments that will always be critical to a city (such as the fire department), others may be a reflection of the time or a certain administration. The latter are departments that may not need to be protected by the charter. Some departments may need to be removed from the charter, others may need clarification. Consider:

- Where do the responsibilities and powers of the Ombudsman, the Office of Inspector General, and the Board of Ethics start and stop?
- Are there departments in the charter that aren't "timeless" in their requirement for the city to function?

NECESSARY UPDATES

State and federal law takes priority over the city's charter. Since laws are created and updated on an ongoing basis, a revision or amendment is sometimes needed to reduce confusion and align the charter with those laws.

The Charter Revision Commission can make updates to reflect recent changes in law. Such changes include:

Changes in State Law

- Michigan's Home Rule City Act says that any city with a population of more than 600,000 must: (1) have a Chief Financial Officer (CFO) who supervises all financial and budget activities of the city and (2) adopt a four-year financial plan. The City of Detroit's current CFO is David Massaron, and the City posts its four-year financial plans on its website at www.detroitmi.gov.
 - The current Detroit city charter conflicts with state law in both areas, (1) providing for a Budget Director and a Finance Director that serve the same functions as a CFO and (2) requiring only a one-year budget, which also acts as the financial plan. To be in line with state law, these provisions will need to be changed.

OTHER CHARTER INFORMATION TO CHECK OUT

Changes From the Bankruptcy

- As many may remember, the City's bankruptcy in July 2013 put the artwork at the Detroit Institute of Arts (DIA) at risk of being sold to meet creditor demands. To avoid this, the City's bankruptcy attorneys met with the DIA, the State of Michigan, and philanthropic foundations to create the "Grand Bargain," which protected DIA assets in exchange for a contribution of \$816 million to benefit the City's pensioners. In 2014, the City transferred all rights of DIA assets over to a charitable trust.
 - The current charter states that the Arts Department "maintains and operates" the DIA, which is out of date. The Charter Revision Commission has the opportunity to update the charter to reflect the changes made during the bankruptcy.
- Michigan's Home Rule City Act says that a municipal water or sewage system is required to hold a public hearing before a proposed rate increase if it serves more than 40 percent of the state's population. A governing body, which in Detroit's case would be City Council, would then vote to approve the proposed rate increase after the public hearing.
 - The Great Lakes Water Authority (GLWA) was created after the 2012 charter was implemented as a result of the City's bankruptcy. Based on GLWA's reported service area, it may not be required to hold public hearings.

However, the Charter Revision Commission has the opportunity to clarify the relationship between GLWA and the Detroit Water and Sewerage Department (DWSD), as well as create rate-setting requirements for DWSD.

Changes from Charter Amendments

- After the adoption of the current city charter, Detroit voters approved an amendment to the Gifts and Gratuities section in November 2012, allowing City Council to develop an ordinance that defined which type of gifts may be awarded to City employees without raising serious ethical concerns. However, City Council has not passed such an ordinance since. The Charter Revision Commission may address this issue in its revision.

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GROUND RULES FOR DISCUSSION

- Be respectful.
- Participate. Be open, honest, and forthcoming.
- Don't dominate the discussion. Invite other points of view.
- Listen and try to understand various perspectives.
- Stay on topic and limit side conversations.
- Turn cellphones off or to vibrate.
- Be mindful of time!

YOU ARE INVITED

DEMOCRATIC PRESIDENTIAL PRIMARY DEBATE

WATCH PARTY

JULY 30 & 31, 2019

@ McSHANE'S IRISH PUB

1460 MICHIGAN AVE., DETROIT

Heavy Appetizers at 7pm

Debate Starts at 8pm

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- ✓ Join the Documenters
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