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**TO:** The Honorable Detroit City Council

**FROM:** David Whitaker, Director   
Legislative Policy Division Staff

**DATE:** October 21, 2024

**RE:** **COMMUNITY ADVISORY COUNCIL MEETING**

Council Member Latisha Johnson has requested that the Legislative Policy Division (LPD) provide answers to questions regarding Community Advisory Council (CAC) meetings required under the Section 9-103 of the 2012 Detroit City Charter.

Section 9-103 of the Charter lists the various duties of the CACs, which includes “[m]eeting 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.” With regard to this Charter provision, Council Member Johnson has asked the following questions:

1. Does there need to be a quorum present for the annual City Council meeting?
2. Are the annual meetings subject to the Open Meetings Act?

To the first question, Section 9-103 does not specify that the annual meeting with City Council must take place at a Committee of the Whole with a quorum of the entire City Council.

The plain language of the Charter requires the CACs to meet with City Council, which could either be the Committee of the Whole or a Standing Committee at the Council's discretion. If the meeting were to take place at the Committee of the Whole, a quorum of the full Council would be required. If the meeting were to take place at a Standing Committee, which would likely be the Internal Operations Committee, only a quorum of the Standing Committee would be required. Obviously, that Standing Committee should be expanded to include the Council Member who represents the CAC's district (if that Council Member is not already on the Standing Committee) and proper advanced notice should be given to the public that a quorum of the Committee of the Whole will be in attendance.

It would be ideal for the CACs to meet with City Council at one of their Evening Community Meetings required under Section 4-102 of the Charter, particularly where the meeting will take place within the CAC's district. The CAC meeting should be placed on the agenda as a line item and the CAC should be provided with sufficient time to address the Council. The Council's rules regarding persons wishing to address City Council may have to be adjusted to accommodate this if necessary. The public notice must reflect that both the City Council and the CAC will be present at the meeting to satisfy the Open Meetings Act (OMA) requirements for both bodies.

Section 9-103 also requires the CACs to meet annually with the Mayor, however neither the Charter nor the CAC ordinance provide a procedure for the meetings. The CAC could meet with the Mayor in a similar fashion to the City Council as, under Section 5-110 of the Charter, the Mayor is required to "hold at least one community meeting in each of the non at-large districts. A city-wide meeting shall be held not later than September 30 of each calendar year..." Section 5-110 requires that these meetings be in compliance with the OMA. When the Mayor's community meeting takes place in a district with a CAC, the Charter-mandated discussion between the Mayor and the CAC should be placed on the agenda as a line item in the same manner as the Council's Evening Meetings, and the public notice for the meeting should reflect that the CAC meeting will take place. If the Council feels that the CAC ordinance should reflect this procedure, it could propose amendment to the ordinance. If the Council chose to do so, the ordinance amendment would have to articulate that it is prospective and not retroactive for this year considering that the Mayor has already completed all of his Charter-mandated community meetings for 2024.

To the second question, these annual meetings are subject to the OMA. Section 9-103 of the Charter establishes that CACs are contemplated as public bodies subject to the OMA. Chapter 12, Article II of the 2019 Detroit City Code contains the ordinance establishing the policies and procedures for the CACs. Section 12-2-49 also provides that "[a]ll meetings of the Community Advisory Council and hearings shall be open to the public, and noticed and conducted in compliance with the Michigan Open Meetings Act..." Therefore, the CAC is treated as a public body subject to the OMA and the Act applies during all meetings where a quorum is present. Even if this requirement was not explicitly specified in the City Code, these

meetings should still be held in compliance with the OMA. This is because these meetings will invariably contain discussions and deliberation of district issues between the CAC and the City Council, and the OMA requires that all deliberations must take place at a public meeting.<sup>1</sup>

Please contact our office if you require any further assistance.

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<sup>1</sup> MCL 15.263(2).