

David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Director, City Planning
Commission
Janese Chapman
Director, Historic Designation
Advisory Board

John Alexander
Roland Amarteifio
Megha Bamola
LaKisha Barclift, Esq.
Paige Blessman
M. Rory Bolger, Ph.D., FAICP
Eric Fazzini, AICP
Willene Green
Christopher Gulock, AICP

City of Detroit
CITY COUNCIL
LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-4946 Fax: (313) 224-4336

Derrick Headd
Marcel Hurt, Esq.
Kimani Jeffrey
Phillip Keller, Esq.
Edward King
Kelsey Maas
Jamie Murphy
Analine Powers, Ph.D.
W. Akilah Redmond
Laurie Anne Sabatini
Rebecca Savage
Sabrina Shockley
Renee Short
Floyd Stanley
Thomas Stephens, Esq.
Timarie Szwed
Theresa Thomas
Ashley A. Wilson

TO: The Internal Operations Standing Committee
The Honorable Latisha Johnson, Chair

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: May 11, 2023

RE: Proposed 2023 Amendments to the Executive Organization Plan

The Mayor has submitted proposed amendments to the Executive Organization Plan (EOP), dated April 10, 2023, to “transfer Construction and Facilities Maintenance functions from the General Services Department to the Demolition Department”, “rename the Demolition Department to the Construction and Demolition Department, and “transfer the Animal Care functions of Chapter 6, *Animal Care, Control and Regulation.*, from the Detroit Health Department to the General Services Department.

Pursuant to section 7-102 of the 2012 City Charter, “the Mayor shall prepare an executive organization plan which, consistent with law and this Charter, sets forth all agencies of the executive branch and assigns authorized programs, services and activities to each agency.” Once the plan is proposed and made public, it is the City Council’s role to review the plan, conduct hearings on the Mayor’s proposed amendments, and where appropriate, request that the Mayor make modifications to the amendments. According to the Charter, “all amendments to the plan must originate with the Mayor.” (Charter section 7-102) The City council can only approve or disapprove the Mayor’s amendments; Council has no independent ability to modify what the Mayor proffers.

Disapproval by the City Council requires a two-thirds (2/3) majority vote of City Council, otherwise the amendments become effective after sixty (60) business days. (2012 Detroit City Charter Sec. 7-102).

The proposed amendment, dated April 10, 2023, was filed with the City Clerk on April 10, 2023, and effectively conveyed to City Council. Sixty (60) business days after the Mayor files the plan with City

Council, “it shall become effective, with such modification as are accepted by the Mayor, unless disapproved by a resolution adopted by a two-thirds (2/3) majority of City Council members serving.”

Deadline for City Council Action

Under the City Charter, the City Council must study and conduct hearings on the Mayor’s proposed amendment to the Executive Organization Plan. A vote on the Plan should be taken by July 6, 2023, which is sixty (60) business days from when the plan was filed with the City Clerk.

Applicable City Charter Limitations on Assignment and/or Combining of Authorized Functions

The Mayor’s proposed EOP, which “assigns authorized programs, services, and activities to each agency, is intended to increase transparency in governmental operations and provide a road map for the public to navigate through city government. See, Charter section 7-102. Although the Mayor has great latitude in organizing City government, the plan must comply with the requirements of the Charter and other potentially applicable laws. In that regard, Section 7-102 states:

The Mayor may not reassign or combine the functions of staff departments, but may, except as to department created under Chapters 3, 6, 7, 8, 12, and 13 of this Article¹, assign any of the functions of an operating department to a staff department, reassign the functions of one (1) operating department to another operating department or combine operating departments.

It should be noted in determining if a department’s function can be reassigned that the Charter has divided the departments into three categories. The first category is composed of “staff departments,” which, in general, provide services to other city departments that cannot be combined with other staff departments. The second category is composed of “operating departments,” which, in general, provide direct services to city residents that can be reassigned to either a staff department or another operating department. The third category is an operating department, whose functions cannot be reassigned. Thus, under Section 7-102, the mayor may only combine or transfer the functions of certain “operating departments” to other “operating departments” or “staff departments.”

Review of Proposed Amendments

- *Transfer of the General Services Department roles and responsibilities for Construction and Facilities Maintenance to the Demolition Department; and*
- *Renaming of the Demolition Department to the Construction and Demolition Department to reflect the consolidation of Construction and Facilities Maintenance with the residential and commercial demolition activities of the City of Detroit;*

According to the Administration, the Demolition Department was created for the residential and commercial demolition activities of the City of Detroit. It was established to centralize operations to maximize coordination, process efficiencies, and provide a more streamlined and efficient operation of demolition functions with additional oversight.

¹ The Mayor may therefore reassign or combine the functions of any Article 7 departments except for Arts (Ch. 3), Historical (Ch. 6), Human Rights (Ch 7), Police (Ch. 8), Water (Ch. 12), and Zoo (Ch. 13)

The description of departmental activities includes the following:

- Work with all relevant City departments, agencies, and stakeholders to identify and strategically prioritize demolition targets.
- Work with the City Office of Contracting and Procurement on the solicitation for and selection of contractors to perform all necessary services.
- Coordinate/Manage/Oversee all necessary pre-demolition due diligence, including but not limited to the survey and inspection of properties for hazardous or regulated materials.
- Coordinate/Manage/Oversee all demolition activities, including but not limited to the abatement of hazardous/regulated materials and backfill and grading of properties.
- Respond to internal and external inquiries related to departmental activities.
- Work with all relevant City departments to recover costs associated with the demolition of structures on privately-owned property.

In addition to demolishing one hundred structures per month, on average, through the fiscal year, agency goals also include coordinating with all relevant city departments and agencies to create the most efficient strategy for identification of demolition targets.

As previously stated, the Mayor has great latitude in determining the organization of City governmental operations and services, provided it abides by the Charter. The Charter does not appear to prohibit the transfer of the roles and responsibilities for Construction and Facilities Maintenance from the General Services Department to the Demolition Department, nor the renaming of the department.

However, before the EOP is approved and the Demolition Department is authorized to take on additional duties, it might be helpful for the Council to examine information relative to the department's performance thus far. With the introduction of the Demolition Department, there were specific goals and expectations associated with issues involving city-wide blight remediation measures and increasing opportunities for Detroit based companies. The Council should inquire as to the current status of the overall department, specifically its operations and administration. Additionally, it would be helpful to know exactly how departmental operations will be affected and what efficiencies will be accomplished through the transfer of roles and responsibilities for Construction and Facilities Maintenance to the Demolition Department.

For Council's edification, Attachment I represents some rationale for the transfer of the Facility Maintenance Division of the General Services to the Demolition Department, and for the renaming of the Demolition Department to the Construction and Demolition Department, based on responses from the Construction and Demolition Department and General Services Department to questions regarding these departments' proposed FY 2024 budgets raised by the Legislative Policy Division (LPD).

- *Transfer of the animal care functions of Chapter 6, Animal Care, Control and Regulation, from the Detroit Health Department to the General Services Department, Planning and Operations Division to consolidate all animal care and control functions under the General Services Department*

The transfer of the Health Department roles and responsibilities for enforcement of Chapter 6, Animal Care, Control, and Regulation, to the General Services Department took place in 2020. Therefore, if this proposed amendment is authorized to transfer the animal care functions, both the animal care functions, and enforcement role will now be in the General Services Department. This is a straightforward reassignment of operating functions from one operating department to another operating department. It is the type of EOP amendment specifically contemplated by Section 7-102 of the Charter.

For Council's edification, Attachment II provides information on animal care functions currently provided by the Health Department that would be provided by the General Services Department per this proposed EOP amendment if approved by City Council based on a response from the General Services Department to a question regarding the department's proposed FY 2024 budgets raised by LPD.

In conclusion, the EOP as presented, therefore, appears to be within the guidelines delineated by the City Charter in section 7-102. If the City Council does not act to disapprove the proposed amendment, it will become effective after sixty (60) business days, that is, after July 6, 2023. The Council may wish to schedule one or more discussions and/or hearings regarding this issue prior to the sixty (60) day deadline.

Should the Council have further questions, LPD will respond.

Attachments

cc: Auditor General's Office
Jay Rising, CFO
Tanya Stoudemire, Chief Deputy CFO-Policy & Administration Director
Steven Watson, Deputy CFO/Budget Director
LaJuan Counts, Director-Detroit Construction and Demolition Department
Crystal Perkins, Director-General Services Department
Conrad Mallett, Corporation Counsel-Law Department
Julianne Pastula, Assistant Corporation Counsel-Law Department
Brad Dick, Group Executive/Chief Operating Officer
Steven Morris, Agency CFO-Detroit Construction and Demolition Department
James George, Agency CFO for Governmental Operation Departments-Law Department
Angela Taylor, Agency CFO-General Services Department
Malik Washington, Mayor's Office

Attachment I

The following represent questions raised by LPD regarding the Construction and Demolition Department's proposed FY 2024 budget and responses from the department that provide some rationale for the transfer of the Facility Maintenance Division of the General Services to the Demolition Department, and for the renaming of the Demolition Department to the Construction and Demolition Department:

LPD's FY 2024 budget question: Please explain the rationale for transferring the Facilities Management Division from the General Services Department to the Construction & Demolition Department in FY 2024.

Response from the Construction and Demolition Department: Director Counts previously oversaw the Facilities Maintenance Division within the General Services Department for over 7 years. She retains a great deal of institutional knowledge and experience managing facilities maintenance across the City of Detroit. Transferring to the Facilities Management Division will allow Director Counts to continue to apply her experience and expertise supervising maintenance activities across the city.

LPD's FY 2024 budget question: Please explain why the department's name was changed to "Detroit Construction and Demolition Department" in FY 2024.

Response from the Construction and Demolition Department: Beginning in FY24, the Facilities Maintenance and Capital Planning Divisions of the General Services Department are formally transitioning to the Detroit Construction & Demolition Department. The Detroit Demolition Department changed its name to better represent the full scope of services it will provide.

LPD's FY 2024 budget question: The FY 2023 current year budget for the Facilities Management Division is \$10,423,744 with 48 FTEs associated with it. B16-10: This division has been renamed to "Construction & Facilities Management" division in FY 2024 at a budget of \$8,166,633, also, with 48 FTEs associated with it (B16-12). Please explain the \$2.25 million reduction in this program while the level of FTEs remains at 48. Please explain the impact of the funding reduction on the facilities management division program in FY 2024.

Response from the Construction and Demolition Department: This reduction is due to vacancy savings applied to personnel costs, as well as some savings in Professional & Contractual Services. There is no anticipated impact on service levels for FY 2024.

LPD's FY 2024 budget question: Please provide the proposed organization chart for the Construction & Demolition Department for FY 2024.

Response from the Construction and Demolition Department: See attached organization chart for the Construction & Demolition Department.

The following represent questions raised by LPD regarding the General Services Department's proposed FY 2024 budget that provide some rationale for the transfer of the Facility Maintenance Division of the General Services to the Demolition Department:

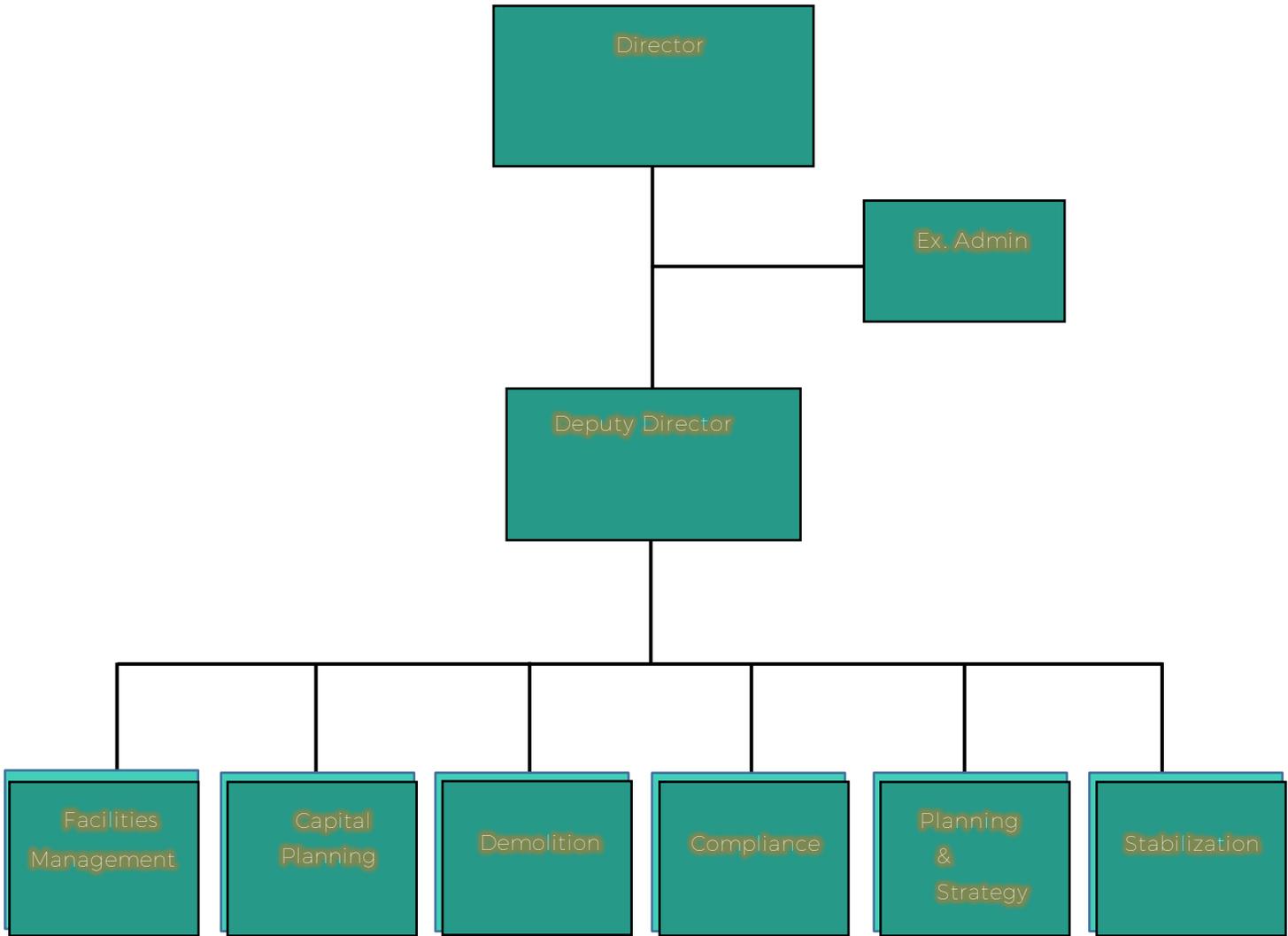
LPD's FY 2024 budget question: Please explain the services that was transferred to the Construction and Demolition Department; how will this restructuring of services improve GSD operations in FY 2024.

Response from the General Services Department: Services transferred to the Construction and Demolition Department include facility operation support services such as plumbing, roof repair, as-needed

general contracting, A&E, and HVAC. This will improve facilities operations given the extensive experience of Director LaJuan Counts who previously oversaw the Facilities Maintenance Division within the General Services Department for over 7 years. She retains a great deal of institutional knowledge and experience managing facilities maintenance and capital projects across the City of Detroit.



Construction and Demolition Department



3/24/23

Attachment II

The following provides information on animal care functions currently provided by the Health Department that would be provided by the General Services Department per this proposed EOP amendment if approved by City Council based on a response from the General Services Department to a question regarding the department's proposed FY 2024 budget raised by LPD:

LPD's FY 2024 budget question: Please explain the services provided by General Services for Animal Control compared to the Health Department Animal Control operations.

Response from the General Services Department: The services provided by General Services for animal control include:

- Enforce the provisions listed in the City Code.
- Enforce all applicable animal control laws of the State of Michigan.
- Respond to all dog bites and citizen complaints.
- Impound all dogs caught at large and provide for field return as appropriate in accordance to City Code.
- Investigate and follow up on dangerous animal complaints.
- Investigate dog-person incidents at City or other approved off-leash dog areas including dog parks, beaches, public parks, etc.
- Issue citations to any person whose animal is in violation of any city ordinance.

The services provided by the Health Department for animal control include:

- To promote and protect the health, safety, and welfare of the residents and visitors from animal bites, zoonotic disease, or traffic hazards
- To maintain the highest standards of humane animal sheltering
- To promote the placement of animals into homes
- To encourage responsible pet ownership through education, enforcement, and community partnership
- Lost dog identification
- Dog licensing

The administration will be submit a transfer of the Animal Care functions to GSD as part of the Errata letter and will include these changes in the EOP.