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To: [REDACTED]

Sent: Friday, October 28, 2011 3:35:55 PM

Subject: YES To Proposal C on Nov. 8th

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JENICE MITCHELL FORD CHARTER COMMISSIONER

Get On Board With Ford -- Newsletter

Volume Thirty Six

*NEW CHARTER ENDORSED BY
(partial listing)*

- Detroit NAACP
- Rev. Joseph R. Jordan
- Rev. Jim Holley

*NEWSLETTER
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- State Representative Thomas Stallworth III
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- Detroit Free Press

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I'm Voting YES on Proposal C on Nov. 8th! JOIN ME IN MOVING TOWARDS A BETTER DETROIT

Good Day All:

Many have asked, Jenice - do you support the new Charter? How are you voting? Should I support it?

I am under certain limitations when representing the Charter Commission. But in this forum, the forum you and I have shared dating back to June 2009, I can speak my mind. You've been on BOARD WITH FORD this long, no need for me to abandon our open dialogue at this crucial election time -- when the rubber is finally meeting the road.

I will be voting YES on Proposal C on Nov. 8th.

YES, because the new Charter speaks to Ethics, Vision & Better Government.

YES, because this city is ready to move on from the past and toward accountable leaders and better government.

YES, because the people won in this process as the Charter Commission held 80+ public meetings, reviewed the nearly 600 proposals received from the public and now proposes a new Charter -- all based on public input.

YES, because the new Charter is better than what we have now.

YES, because having worked on this Charter for two years -- I have an intimate knowledge of: (1) the proposed changes; (2) the rationale/data supporting such changes; and (3) how these changes can lead to real change if implemented by skilled, well intentioned elected officials.

And selfishly, YES, because I have given this process and the citizens my

best (as if I were working for a paying legal client) and I stand behind my work, energy and effort.

Is it a perfect document - No. Something like this can never be perfect because it is the result of balancing several interests and nobody can get everything they want. In my line of work, it is a sign of a good settlement when no party is 100% pleased.

One has to look at the entire document. Not whether your one issue is addressed, but if the document as a whole is best for the city.

In the end, the question is whether the new Charter is better than what we have. The answer to that question is YES.

Others say YES as well. Including endorsees like the Detroit NAACP, Detroit Free Press, local ministers, state representatives and YES even a few quiet City Council members.

Others like you who are a part of the 'silent majority' that does not attend meetings or call into talk radio shows -- but who quietly express their opinions by voting. BUT, now is not the time to stay silent.

If you are YES on Proposal C -- say so! Spread the word to your friends, neighbors and family. Feel free to forward this email. Lets go viral with this!

So in closing, let me be clear:

YES, I support Proposal C.

YES, I will be voting YES on Proposal C on Nov. 8th.

How will you vote?

For more information on Proposal C see the following media items:

- [Vote Proposal C on Nov. 8th Commercial](#)
- [Commissioner Ken Coleman WDET Craig Fahle Radio Interview](#)
- [Free Press Endorsement: New Charter A Giant Step In Right Direction](#)
- [Stephen Henderson Editorial: See Big Picture On New Charter](#)
- [Jeff Wattrick Article: Pugh Wrong On New Charter](#)
- WXYZ Channel 7 - "Spotlight on News" - Sun. Oct. 30th at 9:30am
- WDIV Channel 4 - "Flashpoint" - Sun. Oct. 30th at 10:00 am
- WKBD CW50 - "Street Beat" - Sun. Oct. 30th at 11:00am
- WMXD 92.3 - "Talk of Town" - Sun. Nov. 6th at 6:00pm

For a complete copy of the proposed Charter, visit www.2009dcrc.org or any Detroit Public Library, Police Station, Recreation Center or Neighborhood Access Center. Also, call (313) 628-2517 with

questions, volunteer for election day activities, request a lawn sign or arrange for a presentation to be made to your neighborhood or church group on the contents of the new Charter.

Remember to **GET ON BOARD WITH FORD** as together we travel to a better Detroit.

Thank you for your attention to this correspondence and I hope to connect with you soon.

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NOTE: Per Michigan Campaign Finance law, a public official cannot use public resources to advocate a position for or against a candidate or a ballot proposal. This law does not apply to this communication because the production and transmission of this newsletter since its inception in June 2009 has, and continues to be, personally funded and NOT funded by public resources. Nor was the distribution list amassed using public resources or as a result of my work as a public official.

*It's Time To Turn Page - And Move This City
Forward:
The 'Takeover Conspiracy' Does Not Apply Here!*

By JENICE MITCHELL FORD, ESQ.

On November 8th, Detroit voters will be asked a single question in Proposal C:

Shall the City of Detroit Home Rule Charter Proposed
By the City of Detroit Charter Revision Commission
Be Adopted? Yes _____ or No _____

Before you can answer this question, you should know for yourself what is actually in the proposed Charter because you read it, attended a credible presentation on its contents or reviewed a trustworthy summary. Please don't answer the question based on what someone told you with that person offering no support in the document and/or only relying on emotional theories of a takeover by outsiders.

The decision to support or oppose a new Charter is too important for us to get trapped by the same ole' argument of "them vs. us" that has held us back as a city and dare I say as a region and state. You know, like I know, that the easiest way to get Detroiters to oppose something is to mention a takeover of water and lighting.

That is why I am troubled that this argument is being raised in opposition to the proposed Charter - especially when the proposed Charter plainly includes the "vote of the people" language to protect water and lighting at Sections 7-1204 and 7-905, respectively. Again, if you read it - it is plain as day.

Thus, the real question is why are people so afraid of a new Charter that they would desperately resort to an argument that can be very easily disproven. Why? What is really going on?

Why are anti-Proposal C persons so desperate that they have now taken to airing my personal cell phone number at meetings and on television encouraging people to call me - people who have left threatening messages and now the police are involved.

Why are people so desperate to see Proposal C fail - a proposal that offers an opportunity for real change? What are we so afraid of?

Fear of CHANGE. Change is uncomfortable - but there can be no progression without it.

I know we've been through a lot as a city with recent scandals and with the current economic depression. I understand that now, more than ever, it is hard to place faith in government on the local, state and national levels. I get it - I really do. But isn't it time to turn the corner, to turn the page and start anew?

The proposed Charter includes provisions that would allow us to do just that. It focuses on ETHICS, VISION & BETTER GOVERNMENT.

I encourage you to equip yourself with the facts to answer the all important question of Proposal C on Tuesday, November 8th.

It's time to turn the page - and move Detroit forward!

Stationery faux pas aside, City Council President Charles Pugh is wrong on new Detroit Charter

By Jeff T. Wattrick / MLive.com

Much has been made about Detroit City Council President Charles Pugh's letter-on Council stationery-asking voters to reject the proposed new City Charter.

The issue that captured everyone's attention is whether or not Pugh violated campaign finance laws by using city resources to send the email.

Based on the letter of law, according to Charter Commission Chairman Jenice Mitchell-Ford, he did.

"As you may be aware, the Michigan Campaign Finance Act, MCL § 169.257 prohibits a public official from expending public resources to urge constituents to vote for or against a candidate or ballot question. See MCL 169.257 (the "Act")," Mitchell-Ford wrote in response to Pugh. "The Press Release violates the Act as it: (i) was issued by you, a public official, in the capacity of Council President, either on behalf of the City Council as a body or you as an individual City Council member; (ii) was issued on official City of Detroit letter head; (iii) advocates a "NO" vote on Proposal C; and (iv) directs persons to contact your staff member Kirsten Ussery - an apparent city employee - at a City of Detroit email address to discuss your 'Vote NO on Proposal C' position."

Boom.

Of course, for all intents and purposes, the Council President could have avoided this tempest in a teapot with the fig leaf of "Pugh & You" letterhead and a Gmail address for Kirsten Ussery, his media contact. However, the weight of City Council President Charles Pugh's opposition to the new Charter would remain the same.

And that's the real the issue here--whether or not Detroiters approve the Charter this November will have significant ramifications for the city's future.

The crux of Pugh's argument is the new Charter doesn't give City Council as much power as it would like over city departments. The Charter actually expands Council's responsibility-including confirmation powers over the Police Chief, Fire Commissioner, Corporation Counsel, Human Resources Director, and Planning & Development Director. Pugh believes Council should have a say on all Department heads.

"Without the power to confirm a department head, and then re-confirm that person at the end of each year, there is no way council members can be accountable to their districts," Pugh's letter read. "Council members will be sitting ducks with no real power to affect change."

He has a point about confirming department heads. At present, mayoral appointees aren't subject to any kind of official scrutiny, which means one really bad mayor (cough Kwame Kilpatrick cough) can infect city government with the cancer of cronyism and ineptitude.

At the same time there's something to be said for not making the good the enemy of the perfect. Council presently has no confirmation powers. Under this new Charter they can confirm or reject the city's five most powerful appointed officials. That's a step in the right direction.

Pugh is also wrong that, absent full confirmation powers, Council is powerless. If there was any lesson to be learned from this summer's budget battle, it's that Council's power of the purse makes them like the longshoreman's union the docks. Nothing gets moved without their say-so.

Council could and should make discretionary budget decisions based on departmental responsiveness. Is the Parks Department responding to complaints through Council about uncut grass or dangerous playground equipment? The answer determines the fate of their budget request.

Frankly, Council could even refuse to budget any funds for a department that doesn't make its leadership available to the 13th Floor on a regular basis. Just the threat would be enough to bring the city's bureaucracy to Council's heel in a flash.

There may be many fine and good reasons for rejecting the proposed Charter, but the lack of significant new powers for City Council just isn't one of them.

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How The Charter Will Impact Your Daily Life:

Why You Should Vote On Nov. 8th

Ethics, Vision For Future & Better Government

What You Will Find In Proposed Charter

The Proposed Charter strikes a balance between: (i) answering the citizen's call to institute corrective measures to fight waste, abuse, fraud and corruption; (ii) using vision to include provisions that create much needed opportunities for job and industry growth for the citizens of Detroit; and (iii) instituting measures that are designed to lead to efficient government operations.

I. ETHICS & CORRUPTION - WHAT DO WE BELIEVE

We answered the clarion call to fix the charter allowing the City to quickly remove corrupt officials.

- **Sec. 2.106. Ethical Standards of Conduct.**

Adopted aggressive ethics ordinance which includes clear rules and penalties for breaking those rules. If you break ethics rules - you can be disciplined or lose your job if an employee, be removed from office if elected or appointed and in both cases you may have to pay a fine and face jail time. See Sec. 2-106.11 - Violations and Penalties.

Require lobbyist to register and disclose their relationships with elected officials and require businesses to report any solicitation of funds by elected officials in exchange of political favors. See Section 2.106.3 - Lobbying Registration and Reporting).

- **Sec. 6.308. Debarment.**

A company can be barred (or prohibited) from doing business with the city if found to be involved in bribery and corruption. For example, if this were in place - the city would be able to cancel the Synagro contract and Synagro couldn't seek to do business again with us for 20 years.

- **Sec. 4-122. Approval of Contracts and Disclosure.**

Require that contractors report any political contributions and expenditures made to a city elected official within four (4) years as a condition in their contract. See Section 4-122.

- **Art. 7.5, Chapter 3. Office of Inspector General.**

Created the Office of the Inspector General, an office designed to identify and investigate, waste, abuse and fraud/corruption in city government.

Person appointed for 6 year term by City Council, can only serve one term and must have bachelors degree and 10 years of experience in one or combination of being: (1) law enforcement officer; (2) a judge; (3) experience in investigating fraud and conspiracy; and (4) ability to work with law enforcement agencies.

Must report illegal activity to prosecutor.

- **Sec. 2.107. Dismissal Proceedings.**

Clearly spells out 6 reasons why an official must be removed (mandatory forfeiture of office).

It also provides 4 reasons why an official may be removed (permissive forfeiture of office). Before one could only be removed if found guilty of a felony. Now, an official can be removed if they plead guilty to a felony.

II. VISION FOR FUTURE - GROWTH

You can only cut so far, and once you cut to the bone - you can't cut any more. You have to grow yourself out of a depressed economy.

Many of the proposed revisions are designed to chart a path of growth, specifically our work to focus the planning and economic development resources of the City. We set four targets to harness the limited resources of city government. A focus on new industries and markets, a targeted and aggressive approach to recruit business, support and assistance to current businesses and a strategy to take advantage of international trade. We also sought to increase the city's focus on neighborhood and community development within the context of overall city or regional development. As we approach a period of economic recovery, people in Detroit should share the benefits of that recovery. Encouraging a strategy for growth will position Detroit for a prosperous future.

- **Sec. 6-201. Planning and Development Department.**

As a means to stimulate job growth and development for city residents, identified duties of this department as focusing on:

1. Recruiting and supporting local business;
2. Recruiting and supporting emerging industries; and
3. Focusing on international trade as a means to stimulate job growth and development for city residents.

- **Sec. 6-509. Green Initiatives and Technologies.**

Calls for a "Green Initiatives and Sustainable Technologies Plan" or GIST Plan for the establishment, use and support of green initiatives, technologies and businesses, utilizing public and private partners.

What are green initiatives -- solar, wind, thermal and other forms of alternative and renewable energy production and uses, alternative fuels, or other sustainable technologies and endeavors.

- **Sec. 7-403. Recycling.**

Require city wide Recycling Plan that provides for the capture of the City's waste stream prior to disposal.

We now know there is money in sludge.

Did you know that recycling has economic benefits?

Jobs

Unlike the waste management industry, recycling adds value to materials, contributing to a growing labor force including: (1) Materials Sorters; (2) Dispatchers; (3) Truck Drivers; (4) Brokers; (5) Sales Representatives; (6) Process Engineers; and (7) Chemists.

These jobs also generally pay above the average national wage, and many are in inner city urban areas where job creation is vital.

Economic Development

The recycling and reuse industry consists of approximately 56,000 establishments that employ over 1.1 million people, generate an annual payroll of nearly \$37 billion and gross over \$236 billion in annual revenues.

Tax Revenues

The recycling and reuse industry generates billions in federal, state and local tax revenues (estimated at \$12.9 billion in 2001).

III. BETTER GOVERNMENT - EFFICIENT USE OF YOUR TAX DOLLARS

Changed The Rules On How Government Handles Its Finances

Sec. 8-213. Revenue Estimating Conference.

Often the Mayor and City Council argue at budget time about how much money the city has or doesn't have.

To avoid this type of argument, we are requiring conferences twice a year where the Executive and Legislative branches -- Mayor, City Council and Auditor General's staffs -- come together to discuss the city's revenue and collecting money owed to the city.

The persons who must attend this meeting include: (1) Director of Finance Department; (2) Director of Budget Department; (3) Auditor General; and (4) City Council Fiscal Analysis Division .

Revenues would include general fund, solid waste fund, risk management fund revenues and revenues from enterprise agencies that require a general fund subsidy.

They shall consider any delinquent receivables and recommend the most efficient means to collect such revenue which could include collection by Law Department.

The hope is to go after money owed to the city but more importantly, if everyone has the same figures as to revenue, the budget process could be less adversarial.

- **Sec. 8-212. Report of Budget Deficit.**

Directors must notify Mayor and Budget Director of a deficit.

Within 10 business days of notification, the Budget Director shall request a hearing with the City Council to apprise it of the deficit and outline actions to remedy same.

- **Sec. 7.5.105. Auditor General (Powers and Duties).**

Allow the Auditor General (AG) to determine which agencies require the most attention - those that present the highest risk to the city.

Focus on high risk agencies identified in audit plan versus requiring an annual audit of each department.

This change will allow the AG to focus on the departments that present the most risk and room for fiscal improvement (i.e., police department

with \$30 million plus budget) instead of having to each year look at every department even those departments that don't present that much risk (i.e., ombudsperson's office with \$1 million budget).

- **Sec. 9.405. Elimination of Redundancy in Government.**

To the extent you have departments doing the same things, we can no longer afford to have this type of repeat of action or redundancy.

The charter seeks to get rid of this by requiring the Mayor, City Council and Clerk to evaluate its programs noting which departments cover the same functions.

They have to report their findings and publish same for the Auditor General and public.

- **Sec. 9-701. Risk Management Council.**

This group has been expanded to include: (1) Corporation Counsel; (2) Chief of Police; (3) Finance Director, (4) Human Resources Director; (5) Inspector General; (6) Transportation Director; (7) City Council Designee; and (8) Chairperson appointed by Mayor.

It now has the power to implement measures to minimize risk presented by high risk departments which expose us to high cost lawsuits. Highest risk departments include Police, Transportation and Public Works.

Bring Government Closer To You - Democratization of Government

- Elected Police Commission (7 elected from districts; 4 appointees city wide).
- Re-instituted Citizens Advisory Councils

They will be in each non-at large district; all but 2 members would be elected within the district

The remaining members would be a high school aged student and a person focusing on senior citizen issues.

- Mayor and City Council required to hold evening Community meetings in each district.
- Required that certain Boards and Commissions have members selected from each city council non-at large district.

- Require elected officials to reside in City for one (1) year prior to running for office.
- Require City Council members, Community Advisory Council and Board of Police Commissioners running for district seats to reside in that district for 1 year.

IV. OTHER THINGS YOU WILL FIND IN CHARTER

- **Sec. 3-108. Geographical Basis for Electing Council Members.**
City Council elected by hybrid district/at-large system (7 districts; 2 at-large).
- Atlanta: 420,003 pop; 15 members; 12 districts, 3 at large; 35K to 1.
- Chicago: 2,896,016 pop; 50 alderman; 57,920.52 to 1
- Detroit: 714,000 pop; 9 members; 7 districts, 2 at large; 102,000 to 1
- Best practice is normally 60-70K - that would have required 11 council members (but no real appetite to increase).
- We've had 9 council persons since 1918.
- The number 9 has never been based on population.

1900: 285,704 (13th Largest City)	1960: 1,670,144 (5th Largest City)
1920: 993,078 (4th Largest City)	1980: 1,203,339 (6th Largest City)
1940: 1,623,452 (4th Largest City)	2010: 713,777 (18th Largest City)

- **Sec. 4-103. Selection of Council President and President Pro-Tempore.**
Council leadership to be selected by members, not elected by popular votes.
- Appointment of Fire Commissioner, Police Chief, Director of Planning and Economic Development, Director of Human Resources and Corporation Counsel shall be subject to City Council approval. However, if no disapproval within 30 days, the appointment is confirmed.

CHARTER REVISION FACTS:
Facts That Defeat The Fiction You May Hear