STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

SENATE JOURNAL
AUG 5 2020 AM11:44

No. 2020-163

Black Leadership Advisory Council

Department of Labor and Economic Opportunity

From Sojourner Truth to Ralph Bunche to Joe Louis to Berry Gordy Jr. to Rosa Parks, the history of Black Michiganders reflects a diverse and unique blend of cultural, social, and economic leadership that have uplifted this state and had a profound impact on its history. Michigan was an active participant in the Underground Railroad even before it gained statehood, and Black workers were the backbone of the arsenal of democracy during World War II. In the mid-twentieth century, the desegregation of the auto industry made Southeast Michigan home to the nation's most affluent Black population.

Yet Black people in this state have consistently encountered obstacles that perpetuate wealth inequity and lack of access to economic opportunity. As just one example, Black voices were largely missing from conversations about urban renewal in the mid-twentieth century, as decisions that would reshape how Black people lived and worked were made across this state. The election of William Patrick to the Detroit Common Council in 1957 made him the first Black councilmember since the 1800s. The consequences of the lack of Black voices in decision-making were severe: Black businesses were lost; Black families dislocated; and investment in Black communities lagged.

Now, with the unequal effects of COVID-19 – including staggering differences in both the infection and death rates – and incidents of police violence rippling through Black communities across America, we must ensure that the voices of Black Americans are heard at all levels of government, including the governor's office.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the Black Leadership Advisory Council

(a) The Black Leadership Advisory Council ("Council") is created as an advisory body within the Department of Labor and Economic Opportunity ("Department").

(b) The Council must consist of the following voting members:

(1) The director of the Department, or the director's designee from within the Department.

(2) 16 individuals appointed by the governor representing Black leadership in various fields, such as economics, law, public policy, education, health and wellness, technology, the environment (including environmental justice) and agriculture, community safety and preparedness, arts and culture, and media and communications. At least one member of the Council must be an immigrant or individual with expertise in immigration policy, and at least one member must be between the ages of 18-35.

(c) Of the members initially appointed by the governor, six must be appointed for a term expiring on December 31, 2023, five must be appointed for a term expiring on December 31, 2022, and five must be appointed for a term expiring on December 31, 2021. After the initial appointments, members must be appointed for a term of three years. A member may continue to serve until a successor is appointed. A vacancy occurring before the expiration of a term will be filled in the same manner as the original appointment for the remainder of the term.

(d) A vacancy on the Council must be filled in the same manner as the original appointment.

2. Charge to the Council

(a) The Council shall act in an advisory capacity to the governor and shall do the following:

(1) Develop, review, and recommend to the governor policies and actions designed to eradicate and prevent discrimination and racial inequity in this state, including in the areas of health care, housing, education, employment, economic opportunity, public accommodations, and procurement.

(2) Identify state laws, or gaps in state law, that create or perpetuate inequities, with the goal of promoting economic growth and wealth equity for the Black community.

(3) Collaborate with the governor's office and the Black community to promote legislation and regulation that ensures equitable treatment of all

Michiganders, and seeks to remedy structural inequities in this state.

(4) Serve as a resource for community groups on issues, programs, sources of funding, and compliance requirements within state government to benefit and advance the interests of the Black community.

(5) Promote the cultural arts within the Black community through coordinated efforts, advocacy, and collaboration with state government.

(6) Provide other information or advice or take other actions as requested by the governor.

(b) The Council shall prepare an annual report for the governor on its activities and recommendations.

3. Operations of the Council

(a) The Department must assist the Council in the performance of its duties and provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council will be performed under the direction and supervision of the director of the Department.

(b) The Council must adopt procedures, consistent with this order and applicable law, governing its organization and operations.

(c) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

(d) The governor must designate the chairperson of the Council.

(e) The Council may select from among its members a vice chairperson.

(f) The Council must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Council.

(g) A majority of the voting members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its voting members serving.

(h) The Council may establish advisory workgroups composed of individuals or entities participating in Council activities or other members of the public as deemed necessary by the Council to assist it in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

(i) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts to perform its duties, including experts in the

private sector, organized labor, government agencies, and at institutions of higher education.

(j) The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the director of the Department deems advisable and necessary, consistent with this order and applicable law, rules and procedures, subject to available funding.

(k) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

(l) Members of the Council must not receive additional compensation for participation on the Council. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

(m) Members of the Council must refer all legal, legislative, and media contacts to the Department.

4. Implementation

(a) All departments, agencies, committees, commissioners, or officers of this state must give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.

(b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.

(d) The 2020 United States Census Complete Count Committee ("Committee") must complete its work and submit a final report to the governor by November 13, 2020. This report shall summarize the efforts of the Committee and its conclusions, and shall suggest improvements for the Complete Count Committee for Census 2030. The Committee is dissolved on December 13, 2020. This subsection supersedes subsection (b) of section 2 of Executive Order 2019-15.

(e) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.

This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan.

Date: August 5, 2020

Time: 10:06 am

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE