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BY E-MAIL AND REGULAR MAIL

Kelly G. Keenan, Esq.
Legal Counsel to the Governor
111 S. Capitol Ave,
Lansing, MI 48909

**Re: Petition and Charges against the
Honorable Kwame M. Kilpatrick**

Dear Mr. Keenan:

In Ms. McPhail's ongoing effort to engage in litigation by letter, she correctly reports today that Judge Ziolkowski has ruled that the Detroit City Council does not have authority under the Detroit City Charter to conduct forfeiture proceedings against Mayor Kilpatrick. While Council strongly disagrees with the ruling, in essence, Judge

Ziolkowski held that *Section 2-107* of the Charter only permits forfeiture for violation of charter provisions “punishable by forfeiture” and that since there are no provisions in the Charter as currently written, that explicitly state that their violation is “punishable by forfeiture,” Council does not have the authority to move forward in a forfeiture proceeding.

To claim that this ruling by the Wayne County Circuit Court is applicable to this removal proceeding or that MCL 168.327 “contains the same language,” must assume illiteracy on the part of any sane reader of the text, including the Governor. There is no doubt or even serious challenge to the Governor’s authority, under both the Constitution and MCL 168.327, to undertake removal for the reasons set forth in the statute, i.e. for official misconduct. Indeed, Judge Ziolkowski, quoting from the Commentary to the Detroit City Charter, noted that removal by the Governor was a valid way to proceed in such an undertaking. (It is also noteworthy that Judge Ziolkowski ruled that a simple majority vote for forfeiture by the Council is a valid vote – an argument also raised by the Respondent in *this* proceeding.)

In the meantime we continue to request that counsel raise issues in a professional manner – motion and brief, allowing time for reflection and response – and avoid this constant ambush by correspondence.

Respectfully,

/S/

William Goodman
Special Counsel, Detroit City Council

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cc: David Whitaker, Esq., Sharon McPhail, Esq.; James Thomas, Esq.