

# Closed meeting bill passed by state Senate, 26-5

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School boards, college boards and city councils would be able to evaluate top appointees behind closed doors under a bill which passed the Michigan Senate last week.

By a 26-5 vote, the Senate passed Senate Bill 790, amending the Open Meetings Act to allow more closed meetings.

Among those opposing the bill were Donald Bishop, R-Rochester; R. Robert Geake, R-Northville; and Doug Ross, D-Southfield.

Supporters included William Faust, D-Westland; and Dana Wilson, D-Hazel Park.

The bill now goes to the House Com-

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— state Sen. Doug Ross

mittee on Towns and Counties, chaired by Rep. Thomas Brown, D-Westland, where it faces an uncertain fate. Brown's committee drafted the original act in 1975.

Gov. William Milliken vetoed a similar measure in 1980, charging closed meetings would infringe on the public's right to see governing boards conduct

public business. That bill had passed the Senate 34-0.

THE BILL, sponsored by Sen. David Plawecki, D-Deerborn Heights, would reverse two Court of Appeals decisions. First, it would allow school superintendents, college presidents, city managers and the like to ask that their annual performance reviews be conducted behind closed doors, the same as with serious charges of misconduct in office. Last year, the Court of Appeals ruled the Dearborn Board of Education must evaluate the school superintendent and president of Henry Ford Community College in public. The school board argued a performance evaluation was the same as a complaint or charge and sought to hold a closed meeting.

But the court said, "Words should not be stretched out; of their ordinary

meaning. A closed meeting is not permissible . . . in this case," and required an open meeting.

Second, the bill would allow parents of students who have been expelled or suspended by school boards to demand the students' names be deleted from the board minutes.

Earlier this year, the Court of Appeals ruled River Valley Board of Education, in Berrien County, could not delete the names of several students suspended for drug abuse from the minutes. It held that a board acts through its minutes and therefore could not withhold the record.

"IF YOU BELIEVE in the Open Meetings law, then there's no reason to further restrict it," Bishop said.

"Evaluations should be part of the public record. There are always attempts to have exclusions in a bill because public bodies don't want the public to see the light," said Bishop, whose district includes Birmingham-Bloomfield, West Bloomfield and part of Troy.

Geake said he strongly opposed both of the bill's major provisions, saying that there shouldn't be closed public meetings for evaluations and disciplined student's names shouldn't be shielded.

"The public has the right to know how employees are evaluated," said Geake, whose district includes Livonia, Redford and Plymouth.

"There was active lobbying by the MEA (Michigan Education Association). They wanted to protect students, but not superintendents. I was not contacted by any one other than the education people," Geake said.

ROSS ECHOED their statements.

"If you're talking about evaluating a job of a public employee working for the taxpayer, then the meeting should be open to the taxpayer," he said.

Ross, whose district includes Farmington, added that he received no calls from any public official outlining problems with the bill.

Ross opposed the bill when it was reported out of the Senate State and Veterans Affairs Committee on a 3-1 vote.

## Federal boat fees resisted by state

State and boating industry leaders are teaming up to fight a federal plan to impose user fees on recreational boaters to help pay U.S. Coast Guard expenses.

"Michigan would be especially hard hit if the proposed fee is adopted by Congress," said Gov. William Milliken.

And Ray Underwood, executive director of the Michigan Boating Industries Association, told a congressional committee such a tax would deal "a devastating blow" to Michigan's boating industry.

Underwood spoke before the U.S. House Subcommittee on Coast Guard and Navigation, chaired by Rep. Gerry Studds, D-Mass.

The user fee would be in addition to current federal fuel taxes, Milliken

said. Fees would range from \$25 a year for a 20-foot boat to \$200 for a 65-foot boat.

Milliken won approval in Toronto of a Great Lakes Commission resolution opposing federal fees. Eight states are members.

"Michigan has more recreation boats registered than any other state — 668,864," the governor said.

In his congressional testimony, Underwood said:

"It appears that the present administration is attempting a last-ditch effort to offset the national deficit by trying to generate new funds from a sector of the public that already contributes a great deal of money in the form of motorboat fuel taxes," Underwood said.

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