# Opinion

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# Financing plan indeed prudent

IT'S virtually inseparable from controversy.

But given its proven economic worth when appropriately applied, tax increment financing seems the most prudent way for Farmington's Downtown Development Authority to pay for $1.2 million in public improvements.

The DDA cleared a major hurdle Oct. 28 when the Farmington Board of Education, in a split vote, chose not to sue the city over the DDA's planned creation of a Tax Increment Financing Authority (TIFA).

That vote was the opposite of what the school board chose to do Jan. 12. Then, it voted to sue Farmington Hills over a planned TIFA to pay for $9.5 million of a $16½-million road improvement project predominantly along 12 Mile Road west of Farmington Road.

Farmington plans to capture 100 percent of the dollars yielded by the TIFA district's increase in assessed value for up to seven years. Farmington Hills proposed capturing 50 percent of the increase for up to 12 years.

LAST WINTER, the school board voted to sue after Attorney General Frank Kelley branded Farmington Hills' planned use of tax increment financing illegal because property values along 12 Mile Road weren't already declining. The schools opposed the planned TIFA, not the need to improve the three-mile stretch of 12 Mile.

Not relishing a protracted court fight, the Farmington Hills City Council wisely rescinded establishment of a TIFA district.

No one is arguing that property values in downtown Farmington have declined *across the board*. But even a cursory look reveals individual sites vacant or in disrepair.

Farmington's TIFA-anchored downtown development plan should play a major role in helping reverse the trend of lagging commercial property values within the central business district.

Between 1980 and 1986, commercial property values in the central business district rose 40 percent. They rose 61 percent in the rest of Farmington, 135 percent in Farmington Hills and 58 percent in all of Oakland County — clear evidence of a *relative decline* in *commercial property values downtown*. Everyone stands to benefit from a downtown that's economically upbeat — merchants, residents, the city — even the schools, which represent the interests of many of the same taxpayers as the city.

Farmington's new Village Commons retail-office center alone won't bolster the central business district. It's the new kid on the block. The heart of downtown Farmington lies in the patience, perseverance and enterprise of the merchants occupying the storefronts near the crossroads of Grand River and Farmington Road.

City leaders are banking on DDA-prompted public improvements inspiring private investment — and continued rejuvenation — downtown. A key hope is for more attractive storefronts, playing upon a building's original architectural design.

The thought is that rehabilitating older buildings, through facade and sign renovation, landscaping and innovative show window displays — helps establish a downtown as a source of community pride and a symbol of community vigor.

STRIP AWAY school Trustee Janice Rolnick's philosophical argument against earmarking school district dollars for municipal improvements, and it's clear the most prudent way to raise $1.2 million is through a TIFA.

Credit Rolnick with eloquently sticking to her guns in defense of an educational principle. But using a TIFA — no stranger to courthouses — is not illegal.

If ever an area was ripe for the economic stimulation of a TIFA, it's downtown Farmington.

— Bob Sklar


# Judicial election criticized

Bob Wisler

Attorneys throughout the area are grousing about the election results which put an attorney one year out of law school and rated unqualified by a Detroit Bar Association rating committee on the Wayne County Circuit Court bench.

Cause of the concern is Kathleen Macdonald, who was one of three persons elected to vacancies on the circuit court.

Macdonald received her law degree one year ago, passed the bar examination and was admitted to practice less than a year ago and has been working as a clerk to Recorder's Court Judge John O'Brien since then.

Macdonald said she has had enough life experiences to make her a good judge. She is 40 and has been married to a well-known trial lawyer of 22 years experience, Larry Macdonald.

MORE THAN ONE influential bar figure thinks that the Macdonald ascendency to the bench will prompt lawyers to recommend that the Legislature demand more qualifications from prospective judges.

As it is now, any candidate for judge in a state court — district, circuit, appellate and supreme — needs to have no more than a law degree and Michigan residency.

Candidates for circuit court must get 5,000 signatures of registered voters to put themselves on the ballot and supreme court candidates need the sworn statement of only one person attesting that he or she thinks that Mr. X is a fine fellow (or woman) and, indeed, would make a fine judge.

The problem is, according to some attorneys, that lawyers themselves haven't insisted on any real qualifications, feeling, perhaps, that voters will in their wisdom select the most qualified candidates.

THE VOTERS have, however, have proven that theory wrong again and again and have elected to the bench many well-known hacks as well as qualified and even outstanding jurists.

It's obvious to any political watcher that voters are amazingly indifferent to learning anything about judicial candidates and tend to vote for names they think they have heard before in connection with something or other judicial.

That's why there are so many Brennans, Cavanaghs, Murphys, Rileys, Kaufmans, etc., either are on the bench or loooking to get on the bench.

In most cases, the would-be judges with the right Irish or Jewish names wait a few years between the attaining of a sheepskin and the declaration of candidacy, as, for example, did the son of longtime circuit judge Charles Kaufman when he successfully ran for the circuit bench. Son Richard had been a lawyer for several years when he was elected a judge at 28.

MY SUSPICION is that Macdonald ran with the knowledge that she had an Irish name and might well count on "the women's vote." Of the six candidates vying for the three seats to be filled she was the only woman.

Women, more and more have a tendency to vote for a woman candidate for office on the theory that "it's about time" women got some of the prestigious positions that men have held for eons.

But the latest field of six also included a 28-year-old lawyer with two years experience who had never tried a case in circuit court (another Kavanagh), and two lawyers with less than six years experience apiece.

Former state representative and Circuit Court Judge Marvin Stempien (brother of losing circuit court candidate Greg Stempien) has drafted a bill calling for a minimum of ten years experience for circuit judges.

The drafted bill is now in the hands of state Sen. William D. Faust, D-Westland, who has promised to introduce it.

The bar organizations ought to get behind this kind of legislation, some attorneys feel, since they have been remiss in not taking a stand for judges who have more than a law degree and a willingness to learn.

# Oakland bar survey is service to voters

Tim Richard

THE OAKLAND County Bar Association does the public a service when it polls its lawyer members on the quality of judicial candidates. It would be a shame if the Bar ceased the practice because of the late unpleasantness.

The "late unpleasantness" was the Cooper-Ternan Circuit Court race in which Judge-elect Jessica Cooper and her troops objected that the mail poll was "unscientific" and rigged by Ternanites.

Rigged? Hardly. Despite Southfield's bulk mail delay, the 1986 response was better than 1984s.

UNSCIENTIFIC? Now you know the Cooperites are blowing smoke.

Let's consult the acclaimed handbook for simple polls — "Precision Journalism: A Reporter's Introduction to Social Science Methods" by Philip Meyer of the Knight-Ridder Newspapers.

He says on page 116 that a "systematic" (that's the correct jargon) survey requires that:

"1. The population to be surveyed must be clearly defined in advance." The Oakland Bar poll was sent to all 3,000 members. It passes the test.

"2. Every member of the population must have a known probability of being included in the sample." Again, bulk mail delayed some forms, but hardly enough to taint the results.

"3. Every member of the sample should be asked the same questions and have his answers recorded in the same manner." Score 3-for-3 for the Oakland Bar.

Nearly 900 of the 3,000 members responded. A response of 341, according to Meyer (page 123) would give us a confidence level of 95 percent.

Clearly, the Oakland Bar poll was all right.

THE LONE cloud over the mailed poll is the fact that the members, not the pollsters, control the response rate.

A member is free to chuck the form in the basket. No one knocks at the door or nags on the phone for him or her to complete it.

It's widely assumed that those who fail to respond are in corporate work, don't know the courthouse lawyers, and don't feel knowledgeable enough to respond. It may be correct, but it's still an assumption. It would have been better if they had returned their forms and said "I don't know," as a handful did.

THE HEART of the matter isn't the poll technique, but that so many lawyers rated Judge Jessica Cooper so low.

In 1986, when she was a Circuit Court candidate, 18 percent found her "not qualified" vs. 2 percent for Larry Ternan. Ex-Judge James Clarkson, seeking a District Court seat in Southfield, was the only other judicial candidate in Oakland to receive an unfavorable rating in double figures — 28 percent.

In 1984, when Cooper was seeking reelection to the District Court in Southfield, she received a still-hefty 9 percent "not qualified" — after six years on the bench. Note: She was running against the above-mentioned Clarkson, who was rated even worse.

Rough as the numbers may be, they show a clear pattern. Cooper responded with a class-baiting of "good ol' boys." But as she ascends the Circuit Court bench, she must have a very uncomfortable feeling in the pit of her stomach.

# Pundit proposes populist plank

Rich Perlberg

OK. THE ELECTION IS over. The defenders of truth and justice have beaten back the forces of darkness and evil. The newly elected may now get down to the serious business of their august positions: getting re-elected.

As distasteful as it sounds, politicians do have to go before the voters now and then. Since drug abuse and the deficit are going to be wiped out by Valentine's Day, new issues are needed. If they wish to keep the populace happy, politicians should pay attention to these planks I am suggesting as the foundation for a winning platform:

- Public floggings should be advocated for those drivers who whip down lanes that have barricades and then rely on some namby-pamby driver to let them into the main traffic flow. Habitual offenders should be given minimum sentences on the Lodge with no early release for good behavior.
- It should be a misdemeanor to try to sneak through the express lane at the grocery store with more than the maximum number of items. Those arrested for this heinous crime should be made to stand next to Salvation Army bellringers from Thanksgiving to Christmas.
- The governor should issue an executive order that tells suburbanites to quit terrorizing Detroit.
- A resolution should be passed by the legislature forbidding the use of "rebuilding" and "Detroit Lions" in the same sentence. The Zilwaukee Bridge is being rebuilt. The Detroit Lions are perfecting mediocrity.
- A constitutional amendment should be passed to prevent any more banks from changing their names. How can you trust your money to an institution that doesn't even like its own name?
- Gum chewers, particularly those who face the public, should be forced to listen all day to Madonna records accompanied by fingernails screeching across a blackboard. Punishments should fit the nuisance value of the crime.
- In a First Amendment effort to save newsprint, L. Brooks Patterson should be quoted only when he agrees with a judge's decision and Frank Kelley should be quoted only when he agrees with a utility rate hike.
- Exit polls should be protected by law but pollers will no longer be able to ask voters which children of which candidates their children will likely vote for.
- It will be necessary to repeal the law of gravity. Leaves would then fall up.
- The following law must be passed: No candidate who sets new election spending records will be allowed to campaign on a pledge of fiscal responsibility.
- It should be a federal offense to say "the computer is down" when trying to explain a problem.
- It should be unlawful to say "uh, oh" if you are a mechanic looking under a car's hood, if you are a doctor looking at an X-ray, or if you are a broadcaster getting ready to read the stock report.
- A referendum is needed to outlaw all calories in chocolate eclairs, nutty doughnuts and ice cream sundaes. The calories shall be transferred to celery, lettuce and Brussels sprouts.
- Finally, a strong education effort should be mounted to teach baseball fans why they should never, ever get their hopes up about the Boston Red Sox.

There are no guarantees in life, but I think the candidate who adopts these positions should never again worry about facing the uncertainties of election night.