

Over open meetings act

Bibeau embroiled in legal spat

By JUDITH BERNE

A resident's complaint has prompted West Bloomfield Township government to come up with a broader interpretation of the state Open Meetings Act. Copies of proposed minutes from meetings of township public bodies will be available to residents under the new policy.

Previously, minutes were available for inspection at township offices, but township officials refused to make copies available until the minutes were approved by trustees, according to past practice.

The new ruling is the result of a legal complaint sworn out June 15 against the West Bloomfield Parks and Recreation Commission by Donald Eby.

Eby charged he was repeatedly turned down in attempts to obtain copies of minutes of the commission's May 24 meeting, which he said is in violation of Section 9, paragraph three of the Open Meetings Act.

Paragraph three states: "Proposed minutes shall be available for public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 business days after the meeting at which the minutes are approved by the public body."

Further, paragraph two of Section 9 states that "Copies of minutes shall be

available to the public at a reasonable estimated cost for printing and copying." It does not distinguish between approved and proposed minutes.

The West Bloomfield Parks and Recreation Commission meets twice a month, but is empowered to approve minutes only on a monthly basis.

Eby said he was representing the West Bloomfield Homeowners Association, which wanted to review minutes of a parks commission public hearing and business meeting at which the proposed transfer of Bloomer Park from state to township hands was reviewed.

The homeowners' group, which calls itself the official representative of West Bloomfield residents, has taken a stand against township acquisition of the park.

WEST BLOOMFIELD Parks and Recreation Director Michael Teichman and his administrative aide, Sally Pierce, initially refused to allow copies of the proposed minutes out of the parks department's Drake House headquarters.

Ms. Pierce said they were acting according to past practice. A fact sheet put out by township attorney Paul Bibeau shortly after the Open Meetings Act was signed by Gov. William Milliken on Oct. 5, 1976 did not address the question of proposed minutes, according to Teichman.

Past practice made proposed minutes available for inspection, but could not be taken out of the office. Township Supervisor John Doherty initially confirmed that position, according to Ms. Pierce.

"I never thought minutes were minutes until we approved them," Doherty said. He added that he thought minutes "were the mere jottings of a clerk until they are approved."

"Sometimes there are substantive changes (between approved and proposed minutes) like the difference between a yes or a no vote," Doherty said.

A further check with Bibeau led to the new ruling that copies of proposed minutes may be released upon request as long as they are plainly marked "proposed."

Ms. Pierce said that Eby received a copy of the minutes with "unapproved" written in red across it. Eby also received a letter of apology from Parks Commission Chairman Dick Richards.

Richards assumed responsibility for the chain of events, telling Eby that Teichman and Ms. Pierce had acted in terms of the commission's understand-

ing of this section of the Open Meetings Act.

"Since the act was passed there has never been an occasion where the practice has been challenged," Richards said.

"Since your complaint, the township attorney agrees practice of both bodies has been incorrect," he added. Bibeau is also attorney for Farmington Hills.

"I GUESS I stirred up a hornet's nest," said Eby, who has challenged Doherty twice for the township supervisor's post.

In view of the turnaround, Eby and his homeowners group plan no further action on the complaint "based on the fact it doesn't happen again."

He attacked Bibeau for allowing the past practice "which was not in accordance with the law. They (the governmental units) were led down the wrong path," Eby added.

"It is not the intention to upset any units of government," Eby said. "If anything was accomplished, the units of government are more aware of the Open Meetings Act."

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U.S. Solicitor General will speak June 27

Judge Wade McCree Jr., solicitor general of the United States, and one of Michigan's most distinguished jurists, will address a group of attorneys, accountants and life underwriters at 8 p.m. Wednesday, June 27.

Judge McCree will appear at a meeting under the auspices of Bnai Brith International at Congregation Adat Shalom, 29501 Middlebelt in Farmington Hills.

McCree's career has included service on the Michigan Circuit Court from 1954-1961, the U. S. District Court from 1961-1965, and the U. S. Court of Appeals. He held the latter position from 1966 until his appointment as solicitor general in 1977.

He will speak on a topic of current interest to the legal profession.

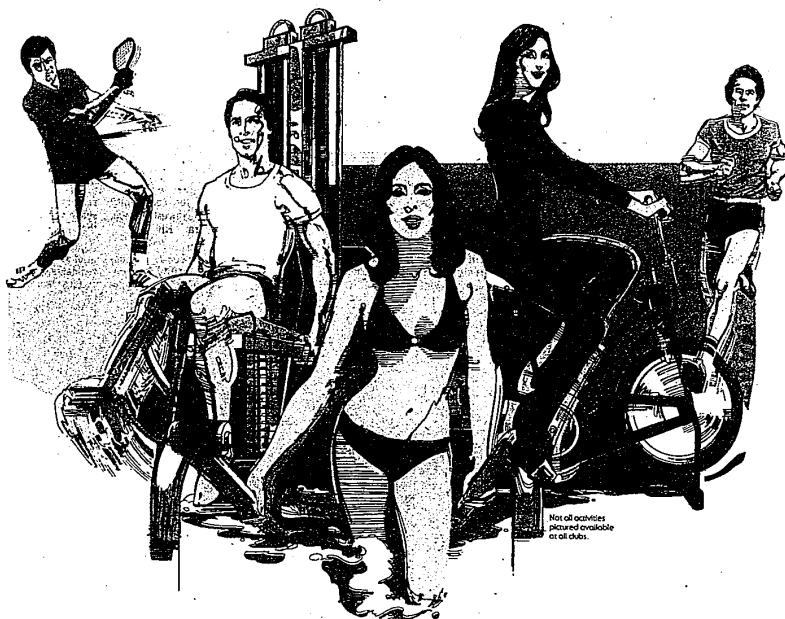
The program will also focus on the growth of Bnai Brith's legacy development and endowment program.

Malcolm Fromberg, prominent attorney and international Bnai Brith leader from Miami, will chair the discussion, which will include tax law and estate planning.

A professional panel will respond to questions from the floor. Ernest Shaw and Jeffrey Kravitz are co-chairmen of the Legacy Development Program. Louis Weber is chairman of the Bnai Brith Foundation Committee, and Ralph Miller is president of the Bnai Brith Council.

Anyone interested in attending the meeting must respond by Monday, June 25, to the Bnai Brith Foundation, 21711 10 Mile in Southfield or call 354-6100.

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