

# We promise not to violate Open Meetings Act

**By Pat Murphy**  
staff writer

Like reluctant teenagers agreeing to clean their room, Oakland County commissioners today are expected to approve an agreement that says they will not violate Michigan's Open Meetings Act.

But just as teenagers might say their room didn't need cleaning, some commissioners claim they didn't violate the law in the first place.

Commissioners are scheduled to vote during their regular semi-monthly meeting on an agreement reached by their chairman, Roy Rewald, and Oakland County prosecutor Richard Thompson.

It says a meeting on March 17 in Washington, D.C., during a convention of the National Association of Counties "may have constituted an unintentional violation of the Michigan Open Meetings Act."

It further requires commissioners to give proper notice of future meetings, hold them within Oakland County, open them to the public and keep accurate notes, as stipulated by the Open Meetings Act.

agreement may seem. "Some commissioners don't like it," said Rewald, the board chairman who called the meeting. "But I expect it to be approved."

Rewald, an Oakland Township Republican, said some commissioners oppose the agreement on principle, while others seem to think it might haunt them during the next election.

Commissioner Donald W. Jensen, R-Birmingham, seemed to summarize the feelings of some colleagues when he said, "I didn't do anything wrong (by attending the meeting). I don't think we should sign something that says we did."

But commissioner David L. Moffitt, R-Farmington Hills, says the agreement doesn't necessarily acknowledge misconduct. "It says the meeting may have constituted an unintentional violation of the open

**'Some commissioners don't like it. But I expect it to be approved.'**  
— board chairman Roy Rewald

meeting act.

"That's not an admission," said Moffitt, a lawyer. "Flips may have wings, too. Basically, I'm satisfied with the agreement."

Another lawyer, commissioner Thomas A. Law, R-West Bloomfield, said he interprets the agreement as an admission of wrongdoing — and will not approve it. "I didn't do anything wrong."

The meeting was called by Rewald, who said he had consulted with county attorney William P. Hampton, and understood that com-

missioners would not be covered by the Michigan Open Meetings Act because they were outside the state.

"I CERTAINLY DIDN'T intend to violate any law," he said. "And I thought we were acting properly."

Hampton was scheduled to meet with commissioners prior to today's meeting to explain the agreement, its implications and any options.

At a press conference last month,

Thompson said his office looked into the meeting after receiving a complaint from the Spinal Column, a weekly newspaper. After investigators interviewed all or most of the 19 commissioners involved, he was ready to go to court with his findings to seek a consent judgement.

Then the board's attorney asked for an out-of-court settlement.

"It's the logical way to go," Thompson told reporters. The out-of-court agreement does not waste resources, while likely producing the same results.

"I can always go back to court if commissioners don't approve the agreement," he said, "or if there's another violation of the Open Meetings Act."

Commissioner Lawrence R. Pernick, D-Southfield, said he feels Thompson mishandled the episode. "He didn't have to file that suit. He could have accomplished the same end by writing a letter."

Pernick speculated the prosecutor obtained the agreement — and held a press conference on it — to get favorable publicity at the expense of county commissioners.

"I don't intend to vote for that agreement," he said. "But I'm no lawyer, and I want to hear what Mr. Hampton says."

**AS BASIC AS** the three-page . . . **When to ask is not to order**

Commissioner John G. Pappageorge, R-Troy, did not violate the Michigan Open Meetings Act by asking a spectator to stop using a tape recorder during a discussion of the county's proposed solid waste plan, according to Oakland County prosecutor Richard Thompson.

Pappageorge did not order the spectator to stop using the recorder, the prosecutor said. "He merely asked that she discontinue using it."

Thompson said his office looked into the matter after receiving a letter from Marilynne Burton-Ristau, who complained about a March 12 caucus of Republican county commissioners.

AT THAT meeting Pappageorge, caucus chairman, asked spectators not to use tape recorders because they might inhibit the free exchange of ideas. He made his request at least twice — once to the small audience as a general comment before the meeting began and again, specifically to Burton-Ristau, after seeing that she was recording some of the commissioners' comments.

Burton-Ristau is chairman of RAIL (Residents Against Incineration and Landfills), and she was recording comments about the solid waste program that includes a controversial incinerator in Auburn Hills.

Burton-Ristau of Orion Township said she was intimidated by Pappageorge — especially when he stopped the proceedings and spoke directly to her.

Pappageorge subsequently apologized, although he insisted his comments were indeed a request, not an order.

"I know the difference," said Pappageorge, a West Point graduate who, presumably, has issued — and obeyed — many orders during his 20 years in the Army.

## Mutt March aids Michigan Humane Society

The Michigan Humane Society will present its third annual Fall Mutt March on Saturday, Sept. 14, at the Nankin Mills Station, Ed. Hines Drive and Ann Arbor Trail.

Walkers, with or without a pet, can walk a five-mile course along Hines Drive and benefit the animals at MHS by collecting pledges per mile from friends and neighbors. If your pet will be walking with you, you must show proof of current inoculations at the time of registration.

Dogs must be leashed at all times. Breaks are allowed and refreshments will be provided for both two and four legged walkers.

Official walk T-shirts will be awarded to all walkers who collect more than \$100 in pledges. Prizes will also be awarded to those who raise \$200, \$300, and \$400 in pledges. The walker who brings in the most total pledges will receive a 25-inch color TV. Walkers with fur covering will receive a special neckerchief that says "I walked 5 miles for the Michigan Humane Society."

Pledge forms can be obtained by calling 878-3400.

The Michigan Humane Society is a non-profit organization, serving animals since 1877, with full service centers in Rochester Hills in Oakland County and in Westland and Detroit in Wayne County.

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