

County board swallows Thompson's medicine

By Pat Murphy
staff writer

It was bitter medicine. But like an 11-year-old forced to take castor oil, the Oakland County Board of Commissioners grimaced, held its nose and swallowed. The medicine was a consent judgment forced on commissioners by county prosecutor Richard Thompson, who two months ago filed suit against the board for violating the Michigan Open Meetings Act. Commissioners ratified the judgment by a hasty vote Thursday at the board's semi-monthly meeting. Although some board members vilified the agreement in caucus, only commissioner Teresa Krause, D-Troy, voted against it. By approving the judgement — something commissioners refused to do two months earlier — the board avoided a costly and probably fruitless legal battle. It also concluded an embarrassing episode that started March 17 in Washington, D.C., when commissioners locked the doors in a hotel conference room and discussed the proposed solid waste program. "I didn't realize we were violating

the open meetings act," board chairman Roy Rewold, who called the meeting, said Thursday afternoon during a press conference with prosecutor Thompson. "I DIDN'T THINK that we (commissioners) would be bound by a Michigan law when we were in another state," he explained — a point that some lawyers believe is valid. One of them, William Hampton, who represented the board on this matter, said ambiguities in the 1976 act contributed to misunderstanding that spawned the ill-conceived meeting. For one thing, Hampton said, the act does not define "deliberation." Commissioners knew the act prohibits deliberations. But commissioners did not believe they were deliberating. No vote was taken, no minutes kept. "The state Legislature should take note of this case," Hampton said. "The original act did not define 'deliberation,' but we did." More irksome, for commissioners, was the thorny issue of whether or not the meeting itself was wrong. In September — when the prosecutor offered a similar agreement

and Rewold and Hampton recommended approval — commissioners balked at the prospect of acknowledging they might have violated the act, even unintentionally. For most it was a matter of principle, although some worried such an admission might be used against them in the next election. But the judgment — signed by Circuit Judge Hilda R. Gage — states the meeting in Washington, D.C., "may have constituted an unintentional violation of the Open Meetings Act."

WITH STINGING WORDS, the prosecutor summarized what he considers the impact of the agreement. "It gives commissioners clear direction of their responsibilities under the Open Meetings Act," said Thompson. It also stipulates: • The board can not convene a quorum outside the boundaries of Oakland County. • The board must give notice of upcoming meetings, open them to the public and keep minutes — all requirements of the open meetings act. "The agreement provides everything we would have gotten in court," said the prosecutor. "But we avoided costly litigation." Just how costly was indicated by Hampton said his bill for representing commissioners thus far was "about \$2,000." The bill would have been higher, he said, but he routinely reduces his legal fees to \$100 an

hour for Oakland County business, compared with \$200 an hour for other clients. Rewold, a Republican from Oakland Township, said he too is satisfied. "We never meant to violate the open meetings act and it will never happen again," he said. At the caucus, however, many commissioners voiced concern. "It grinds me to have to say I might have done something wrong," said commissioner John E. Olsen, R-Huntington Woods. Besides reaffirming the contention she had done nothing wrong, commissioner Krause suggested the prosecutor was toying with board members. "He (Thompson) says he won't plea bargain. But what's he doing here..."

Before Krause could finish, commissioner Thomas Law — answered with a chuckle, "plea bargaining." Law, an attorney from West Bloomfield, was one of the most vocal critics in September when Thompson proposed a similar settlement. He changed his mind, Law said, to save tax money. Two months ago, when the prosecutor first offered the consent judgement, commissioner David L. Moffitt, R-Farmington Hills, urged his colleagues to accept. "He (Thompson) might take us to court just to teach us a lesson," warned Moffitt, a lawyer. As Thursday's caucus drew to an end, Moffitt said with bittersweet satisfaction, "I hate to say I told you so..."

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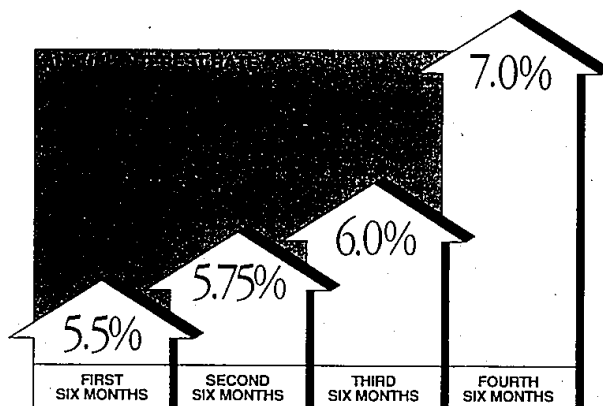
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