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## Excluding the Public

5 messages

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WiederT@aol.com <WiederT@aol.com>

Wed, Mar 9, 2011 at 5:53 PM

To: SRapundalo@a2gov.org

Cc: JHieftje@a2gov.org, ssmith@a2gov.org, Sbriere@a2gov.org, TDerezinski@a2gov.org, CTaylor@a2gov.org, SKunselman@a2gov.org, MHiggins@a2gov.org, MTeall@a2gov.org, CHohnke@a2gov.org, MAnclin@a2gov.org, stant1rj@gmail.com, dave.askins@annarborchronicle.com

Dear Councilman Rapundalo-

Regarding your refusal to permit public participation at yesterday's meeting of the Library Lot Advisory Committee: Apparently, you are unfamiliar with city policy, as set forth in City Council Resolution R-642-11-91. That resolution, shown below, requires meetings of all city committees to be held in accordance with the principles set forth in Section 3 of the Open Meetings Act (OMA). Subsection (5) of Section 3 of the OMA (see below) requires that persons "shall be permitted" to address the body under rules "established and recorded" by the body. Instead, you unilaterally prevented any public participation in the meeting.

Your suggestion that the public could "participate" in the Committee's process by calling, writing, emailing or otherwise communicating with Committee members is nothing short of absurd. Yesterday, the Committee voted to approve and recommend a Letter of Intent between the City and Valiant Partners. That Letter was not available to the public before the meeting. How, then, could the public communicate with the Committee about the Letter in the ways that you suggested? It is, of course, meaningless for the public to communicate with the Committee after it has already acted on the subject at hand. In fact, it appears that the Committee has completed its work and will not meet again. Your individual action precluded any public participation, whatsoever, in the process of evaluating the Letter of Intent.

This is the second meeting in a row of the Committee at which a lengthy and complex document was acted upon by the Committee without even allowing the members, let alone the public, to read and absorb the material before action was taken. In November, it was the 30-page Roxbury Group report that the three members present acted upon within one hour of receiving it for the first time. It is unlikely that any of you even read it first.

It is clear that the result of the Committee process was pre-ordained, with no interest on your part in a meaningful role for the public. Fortunately, if for no other reason than the OMA requires it, City Council consideration will be a different, and more appropriate, process.

Thomas F. Wieder

R-642-11-91

**RESOLUTION REGARDING OPEN MEETINGS FOR**

## CITY COMMITTEES, COMMISSIONS, BOARDS AND TASK FORCES

Whereas, The City Council desires that all meetings of City boards, task forces, commissions and committees conform to the spirit of the Open Meetings Act;

RESOLVED, That all City boards, task forces, commissions, committees and their subcommittees hold their meetings open to the public to the best of their abilities in the spirit of Section 3 of the Open Meetings Act; and

RESOLVED, That closed meetings of such bodies be held only under situations where a closed meeting would be authorized in the spirit of the Open Meetings Act.

Substitute Resolution , As Amended, November 4, 1991

### OPEN MEETINGS ACT (EXCERPT) Act 267 of 1976

**15.263 Meetings, decisions, and deliberations of public body; requirements; attending or addressing meeting of public body; tape-recording, videotaping, broadcasting, and telecasting proceedings; rules and regulations; exclusion from meeting; exemptions.**

Sec. 3. ...

(5) A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. ...

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