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March 23, 2010  
Comments to the City Council

On March 11, 2010 I submitted my application for appointment to the Grosse Pointe Shores City Council, with the express written reservation that any proposed appointment be accomplished in compliance with the statutory provisions of the laws of Michigan and the applicable provisions of the City Charter.

I am now informed and advised that James Cooper, one of the remaining three members of the City Council now slated for recall on May 4, has been actively engaged in behind the scenes oral discussions and private telephone interviews with potential appointees. I have declined to engage in those interviews, because, among other things, I believe they violate the express statutory provisions of the Michigan Open Meetings Act, [OMA] which require that ***“interviews by a public body for....appointment to a public body shall (are) held in an open meeting...”***, MCL 15.268(f).

Furthermore, Mr. Cooper, in his self-designation as a one man nominating committee, has in my view also run afoul of the Michigan Supreme Court ruling in *Booth, et al v University of Michigan* 444 Mich 211, 507 NW2nd 422 (1993), by conducting private meetings and acting as a one with "authority to narrow the field [and to] make a recommendation".

Rumors abound that Mr. Cooper is attempting to pack the council with his cronies just ahead of his own recall, rumors that were apparently supported by the recent comment by recently resigned recall target Fred Minturn that he was expecting to see "our two guys" appointed at the last meeting.

I am advising the City Council that I am withholding my application for appointment and I will not participate in back room interviews for a replacement council member since the process that has been followed to date is in my opinion illegal and in violation of the OMA. An "open meeting" of all council members which is properly conducted under MCL 15.268(f), in addition to following the law, and the City Charter, would give the residents confidence in the process and no member should object if they are truly acting in the best interest of the City and the residents.

Michigan Supreme Court Chief Justice Marilyn Kelly: "Open government is believed to serve as both a light and disinfectant in exposing potential abuse and misuse of power. The deliberation of public policy in the public forum is an important check and balance on self-government."

Alan H. Broad