

**MINUTES OF THE
AUDIT COMMITTEE**

THURSDAY, JULY 28, 2011

At a meeting of the **Audit Committee**, held Thursday, July 28, 2011, in the Board Room, on the 9th Floor of the Administration Building, Mount Clemens, the following members were present:

Fraschetti-Chair, Brown, DiMaria, Flynn, Gralewski, Mocerri, Sabatini and Tocco.

Absent and excused was Sauger.

Other Commissioners Also Present:

Carabelli, Miller and Smith.

There being a quorum of the committee present, Chair Frascchetti called the meeting to order at 4:32 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

AGENDA

MOTION

A motion was made by Mocerri, supported by Gralewski, to adopt the agenda, as presented. **The Motion Carried.**

MINUTES

MOTION

A motion was made by Mocerri, supported by Flynn, to approve the February 15, 2011 minutes of this committee, as written. **The Motion Carried.**

REVIEW CORRESPONDENCE FROM CLARK HILL DATED JULY 12, 2011 REGARDING OPEN MEETINGS ACT COMPLIANCE

A three-page memorandum dated July 12, 2011 from Andrew Richner of Clark Hill, along with a copy of the Macomb County Water Resource Advisory Council (MCWRAC) to the County Executive outlined agenda for June 29, 2011 was provided in committee packets. The memorandum addressed two questions from the Board: (i) Is the MCWRAC subject to the Open Meetings Act, Public Act No. 267 of 1976, as amended (the "OMA")? and (ii) If the OMA does apply to MCWRAC, is notice required of its meetings?

A cover letter dated July 27, 2011 from County Executive Mark Hackel to Board Chair Vosburg and members of the Board of Commissioners, along with a two-page memorandum dated July 25, 2011 from George Brumbaugh to County Executive Mark Hackel was distributed.

Chair Frascchetti noted that both legal opinions differ. He further noted that Andrew Richner was not available to attend this meeting.

Commissioner Brown asked George Brumbaugh to provide a summary of his written opinion.

George Brumbaugh overviewed his two-page written legal opinion.

Commissioner Brown asked if the County Executive, being a single person, is exempt from the OMA for anything he does. George Brumbaugh replied, yes. Commissioner Brown made an inquiry -- even if it relates to policy matters, the County Executive is exempt and can create any body he wants and they are exempt from the OMA. George Brumbaugh replied, as an advisory body to the County Executive, yes.

Chair Frascchetti informed commissioners that Chair Vosburg was able to make contact with Representative Andrea LaFontaine who is willing to submit the two legal opinions to the Attorney General to render an official opinion.

Commissioner Mocerri suggested forwarding a copy of the two opinions to all members of the Macomb County delegation to keep them informed.

After discussion, the following motion was placed on the floor:

COMMITTEE RECOMMENDATION – MOTION

A MOTION WAS MADE BY GRALEWSKI, SUPPORTED BY DiMARIA, TO RECOMMEND THAT THE BOARD OF COMMISSIONERS FORWARD THE TWO OPINIONS REGARDING THE OPEN MEETINGS ACT (ONE FROM CLARK HILL DATED JULY 12, 2011 AND THE OTHER FROM GEORGE BRUMBAUGH DATED JULY 25, 2011) TO REPRESENTATIVE ANDREA LaFONTAINE AND REQUEST THAT SHE FORWARD IT TO THE ATTORNEY GENERAL TO RENDER AN OFFICIAL OPINION. FURTHER, A COPY OF THE TWO OPINIONS WILL BE FORWARDED TO ALL MEMBERS OF THE MACOMB COUNTY DELEGATION IN LANSING. FURTHER, A COPY OF THIS BOARD OF COMMISSIONERS' ACTION IS DIRECTED TO BE DELIVERED FORTHWITH TO THE OFFICE OF THE COUNTY EXECUTIVE. **THE MOTION CARRIED.**

APPROVE OR REJECT SENDING A LETTER TO COUNTY EXECUTIVE MARK HACKEL REQUIRING COMPLIANCE OF SECTION 12.1 OF THE COUNTY CHARTER

Chair Frascchetti noted that this agenda item is no longer necessary, since the Board will be asking for an official opinion from the Attorney General through Representative Andrea LaFontaine.

NEW BUSINESS

Commissioner Flynn requested an item be placed on an upcoming Board Operations Committee meeting agenda to create a policy on waiving attorney/client privilege from independent counsel.

ADJOURNMENT

MOTION

A motion was made by Mocerri, supported by Gralowski, to adjourn the meeting at 4:48 p.m. **The Motion Carried.**

**Denise M. Jacks
Committee Reporter**