Date: September 08, 2008

To: Phillip Nelson, City Manager
Lori Bluhm, City Attorney
Brian P. Murphy, Assistant City Manager/Economic Development Services

From: Mark F. Miller, Planning Director

Subject: Brownfield Redevelopment Authority, Victor Lenivov's Correspondence

City Staff is in receipt of Mr. Lenivov's correspondence dated August 4, 2008. Contained in the letter, Mr. Lenivov states the purpose of the memo:

> *"The purpose of this memo is to ask you, the Troy City Council, to direct the city attorney to investigate whether the Final meeting minutes for the TBRA special meetings of March 20, 2008 and March 31, 2008 and the regular meeting of April 15, 2008 factually represent what occurred at those meetings."*

The TBRA approved minutes for the March 20, 2008, March 31, 2008 and April 15, 2008 meetings in compliance with the Open Meetings Act. It appears that Mr. Lenivov disagrees with the TBRA and their adoption of the final minutes for the dates in question. The minutes are representation of what occurred at these public meetings. City Staff is responsible to record and produce minutes in the most accurate representation as possible. The TBRA legally adopted these final minutes in question. Therefore, the minutes are approved and final.

The circumstances regarding the BRA were very unusual adding to the overall confusion. Mr. Campbell was sworn into office and attended the March 31, 2008. All parties were under the impression that Mr. Campbell was a member of the BRA. However, since he was replacing Ms. Lee, Mr. Campell's term did not start until May 1, 2008. Therefore, the resolution seconded by Mr. Campbell, at the March 31, 2008 meeting was not valid. Hence, the BRA met on April 15, 2008, and a resolution recommending approval of Brownfield Plan # 5 was approved. Thus the BRA minutes as approved are accurate and appropriate.

It is clear that minutes brought into question were legally approved by the TBRA. If one member of a board or commission disagrees with the draft minutes, they are then obligated to state their case prior to the vote to approve the minutes in question. If the board or commission disagrees with the minority position, and legally approves the minutes, the minutes are duly approved.

The audio recording of public meetings could potentially assist City Staff in the preparation of the meeting minutes. In fact it is a common tool used in Troy for City Council and Planning Commission minute preparation. Staff will explore the possibility of audio recording of the BRA meetings.