



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: March 18, 2009
SUBJECT: Public Comment Statements About Assessor

In light of the severity of comments made at the March 2, 2009 City Council meeting, I met with Mr. Paul Beck on March 9, 2009 to further review his statements at the City Council meeting. Mr. Beck alleged at the meeting that our City Assessor kept two sets of books. Unfortunately, since the statements were made during the public comment portion of the agenda, the City Assessor was not present. There was no opportunity to either review the documents referenced or to identify the required record keeping procedures, as mandated by state statutes and regulations as administered by the Assessor's Office.

Through conversation with Mr. Beck on March 9, 2009, I was able to ascertain that he was comparing documents received through a Freedom of Information (FOIA) request against the electronic property sales records posted on the City Assessor's web site. I explained to Mr. Beck that these documents, although both coming from the Assessing Department, were not comparable. The FOIA documents contained all sales of property in Troy in 2008, including the sales that were less than arms length transactions, such as forfeitures, bankruptcies, etc. The Assessor's web site document includes only those property sales that are considered as comparables. As required by the State of Michigan, these comparables only include true market sales (willing seller/willing buyer property sales). The non-market property sales are excluded from the list, which is provided as an on-line convenience. Details of these sales can be accessed through City records or at the Oakland County Register of Deeds.

Our City Assessor conveyed to me great concern with the negative impact that these statements could potentially have on his professional reputation, especially since the statements were made in a public meeting which was broadcast on a number of occasions. He indicated that he may explore the possibility of filing a civil lawsuit.

Mr. Beck may wish to address City Council at the March 23, 2009 meeting to clarify his statements at the March 2, 2009 meeting. However, in light of the potentially harmful impact that inaccurate written and/or verbal statements may cause when made in a public meeting, Council may wish to direct City Administration to prepare disclaimer language, warning of the potential for civil and/or criminal liability for false, misleading or even mistaken comments. This language, as well as recommendations for placement of such disclaimer language on the Council Agenda and/or Kiosk, could be brought back for Council consideration.

I am available should you require any additional information or clarification.