

**Open Session**  
**3/3/2016**

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WAYNE COUNTY  
BUILDING AUTHORITY  
SPECIAL MEETING  
(Open Session)

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Taken at 500 Griswold,  
Detroit, Michigan,  
Commencing at 1:01 p.m.,  
Thursday, March 3, 2016,  
Before Laurel A. Frogner, RMR, CRR, CSR-2495

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2 APPEARANCES:

3 Eileen DeHart, Chairperson

4 Fred Hoffman, Member

5 Sam Hussein, Member

6 James Saros, Member

7 Frank Vaslo, Member

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10 OTHERS PRESENT:

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12 Zenna Elhasan, Wayne County

13 Corporation Counsel

14 Felicia Johnson, Wayne County

15 Commission Counsel

16 Mary Anna Daskas, Wayne County

17 Finance and Administration

18 Audricka Grandison, Wayne County

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1 Detroit, Michigan

2 Thursday, March 3, 2016

3 About 1:01 p.m.

4 CHAIRPERSON DeHART: It's 1:01. We'll call  
5 the meeting to order of the Wayne County Building  
6 Authority, the Special Meeting.

7 Roll call, please.

8 MS. GRANDISON: Eileen DeHart?

9 CHAIRPERSON DeHART: Here.

10 MS. GRANDISON: Frederick Hoffman?

11 MR. HOFFMAN: Here.

12 MS. GRANDISON: Frank Vaslo?

13 MR. VASLO: Here.

14 MS. GRANDISON: Sam Hussein?

15 MR. HUSSEIN: Here.

16 MS. GRANDISON: And Mr. Saros is not here  
17 right now.

18 CHAIRMAN DeHART: Okay. Once he comes in, the  
19 record will reflect what time he arrived.

20 Is there a motion to approve the agenda?

21 MR. VASLO: So move.

22 MR. HOFFMAN: Support.

23 CHAIRPERSON DeHART: Any questions?

24 (No response.)

25 CHAIRPERSON DeHART: Hearing none, all those

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1 in favor?

2 (In unison): Aye.

3 CHAIRPERSON DeHART: Opposed?

4 (No response.)

5 CHAIRPERSON DeHART: Motion carries.

6 Hearing no Old Business, we'll go to New  
7 Business.

8 Action Items. I'll call a Closed Session  
9 during this meeting to update on the Jail Project  
10 litigation.

11 Is there a motion to go into Closed Session?

12 MR. HOFFMAN: So move pursuant to the request  
13 by the --

14 MS. ELHASAN: Yeah, can we put the reason on  
15 the record before we go into Closed Session?

16 MR. HOFFMAN: Pursuant to the request by the  
17 Administration and the Corporation Counsel, I move to go  
18 into Closed Session for an update on the Jail Project  
19 litigation.

20 MS. ELHASAN: And --

21 MR. HOFFMAN: And the second amendment to the  
22 Interim Agreement.

23 MS. ELHASAN: And the Oldcastle pending  
24 litigation discussion.

25 MR. HOFFMAN: And the Oldcastle.

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1 MS. ELHASAN: Yeah, I don't want you to go in  
2 and out.

3 CHAIRPERSON DeHART: Is there support?

4 MR. VASLO: Support.

5 CHAIRPERSON DeHART: Let's take a roll call,  
6 please.

7 MS. GRANDISON: Eileen DeHart?

8 CHAIRPERSON DeHART: Yes.

9 MS. GRANDISON: Frederick Hoffman?

10 MR. HOFFMAN: Yes.

11 MS. GRANDISON: Frank Vaslo?

12 MR. VASLO: Yes.

13 MS. GRANDISON: Sam Hussein?

14 MR. HUSSEIN: Yes.

15 CHAIRPERSON DeHART: Just for the record, to  
16 go into Closed Session, it's a mandatory roll call. At  
17 this point we're in Closed Session, so we will close the  
18 door.

19 And then once we adjourn the Closed Session,  
20 there must be a motion to reconvene.

21 (Closed Session Meeting held.)

22 CHAIRPERSON DeHART: Is there a motion to  
23 reconvene the Special Meeting?

24 MR. SAROS: I will make that motion.

25 MR. VASLO: Support.

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1 CHAIRPERSON DeHART: All those in favor?

2 (In unison): Aye.

3 CHAIRPERSON DeHART: Opposed?

4 (No response.)

5 CHAIRPERSON DeHART: We have reconvened at  
6 1:47, and with that, the next action item is approval of  
7 the second amendment to the Interim Agreement. Is there  
8 a motion?

9 MR. SAROS: I make a motion to approve.

10 CHAIRPERSON DeHART: Is there support?

11 MR. HOFFMAN: Support.

12 CHAIRPERSON DeHART: There's a proper motion  
13 and support. All those in favor?

14 (In unison): Aye.

15 CHAIRPERSON DeHART: Opposed?

16 (No response.)

17 CHAIRPERSON DeHART: Motion carries. Thank  
18 you.

19 Informational Items. Discussion of Articles  
20 of Incorporation.

21 MS. ELHASAN: I have on the agenda Discussion  
22 of the Articles of Incorporation. I'm just going to  
23 sort of frame my issues very broadly, and then I'd like  
24 to talk to Commission Counsel a little bit further about  
25 that in a couple weeks to come because, frankly, I have

1 to get to a 2:00 meeting.

2 So the last time I appeared before you we  
3 talked about the Commission reaching out to me and  
4 indicating, Commission Counsel saying, oh, well, there's  
5 Articles of Incorporation that we have that are  
6 different than the ones that are posted. And I directed  
7 this Board to acknowledge that, and I further indicated  
8 that I didn't have a final or signed copy of the  
9 articles.

10 I came to learn over the course of the last  
11 couple weeks that there was quite the conversation  
12 between Commission Counsel, our office, and the  
13 Administrative Office at the time indicating that  
14 procedurally this Board doesn't adopt resolutions of the  
15 Commission, and the Commission doesn't unilaterally make  
16 decisions to amend the Articles of Incorporation and  
17 then enforce them on this Board to accept or pass a  
18 resolution that would, in fact, accept those articles.

19 We referred to a step-by-step process about  
20 how we can effectuate changes and amend the Articles of  
21 Incorporation.

22 I know that there was some disagreement. I  
23 can see Felicia moving around in her chair. There was  
24 obviously -- and, again, I'm not going to get into an  
25 argument on the record right now and go back and forth,

1 I'd much rather deal with that in a side bar  
2 conversation. Certainly there was disagreement about  
3 how to procedurally effectuate those changes. It was  
4 not acknowledged or accepted by Commission at the time,  
5 and so I'd like to look further into those issues before  
6 I ask this body to accept those articles.

7           They have not been filed by the State for the  
8 reasons that I just noted. We don't believe it was  
9 properly -- that it properly went through the process  
10 that this body, which is a separate entity, gets to  
11 proceed on amending those articles. Again, I'm not  
12 against the amendment, I'm against the process that was  
13 attempted to be effectuated to change the Articles of  
14 Incorporation, and I don't think anybody disagrees that  
15 the articles can be changed, but those articles have to  
16 be signed by the secretary, and they have to be filed by  
17 the secretary of this body. And so that's why they were  
18 never finalized, that's why they were never approved,  
19 and that's why they were never filed. So I think we  
20 have to go through whatever that process is to make  
21 those changes. And, like I indicated, I'm not going to  
22 go through a back-and-forth right now simply because I  
23 don't have time, but I'm happy to talk to Commission  
24 Counsel to see how we can amicably resolve this issue.

25           CHAIRPERSON DeHART: And, quite honestly, I

1 don't think this Board is interested in seeing the  
2 discourse between you and Commission Counsel.

3 MS. ELHASAN: And there's no discourse.

4 MS. JOHNSON: But if I could add some history,  
5 at the time that the articles were adopted in, I believe  
6 it was 2012, there was a disagreement regarding adding  
7 the auditor in the audit function, so we actually had a  
8 substantive disagreement at that time. It wasn't about  
9 procedure at that time, it was a substantive  
10 disagreement that we had, and we wanted -- the  
11 Commission desired to have some procurement language in  
12 there, and we couldn't substantively agree, so it was  
13 never a procedural issue, and I have no issues having  
14 that procedural discussion, but I'm looking at the  
15 statute, and it says that the Articles -- amendments may  
16 be made to the Articles of Incorporation if adopted by  
17 the legislative body of each incorporating unit.

18 MS. ELHASAN: I agree.

19 MS. JOHNSON: So --

20 MS. ELHASAN: If adopted, not amended by the  
21 governing body, this body -- okay -- but let me address  
22 that on the record -- so this body makes the amendment,  
23 proposes the amendment, passes a resolution to amend the  
24 articles, and submits that resolution to the Commission  
25 to approve. I agree with the statute.

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1                   MS. JOHNSON: As long as we find that language  
2 in this statute, we'll agree. If we don't, I'll tell  
3 you the Commissioners were prepared to amend the  
4 articles again and then make sure they're filed  
5 themselves because that was again a function of the  
6 Administration, but we'll have that discussion, I just  
7 never read that procedure in the actual statute.

8                   MS. ELHASAN: Yeah, but what you just read is  
9 exactly what I just said, and, actually, they cannot be  
10 filed by the Commission because the secretary of this  
11 body would have to sign off on it and, actually, you  
12 would have to file it. The State of Michigan would not  
13 allow the filing of the articles because this body is a  
14 separate entity. But, again, we are not against that,  
15 we are not against the amendment, but you may recall the  
16 last time I was here I said we're not against the  
17 Auditor General looking at -- that is already available,  
18 you don't have to include it in the articles to impose  
19 those sort of requirements on this body, but we at least  
20 recognize that. But, again, we'll have that  
21 conversation.

22                   CHAIRPERSON DeHART: Okay. Thank you both for  
23 the information, and that is simply an informational  
24 item, so there's no action to be taken by this body  
25 question.

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1 Question?

2 MR. VASLO: Are we still under that Judge

3 Kenny --

4 CHAIRPERSON DeHART: Directive?

5 MR. VASLO: -- directive or is that done?

6 CHAIRPERSON DeHART: That is done because --

7 MS. ELHASAN: If Felicia knows, I know.

8 CHAIRPERSON DeHART: Auditor General's report  
9 has been released.

10 MS. ELHASAN: Well, the report has been  
11 released, but discussions have not been -- you know, I  
12 don't think his order that released those records  
13 applies so broadly to have candid discussions and  
14 conversations about the actual proceedings. So I would  
15 err on the side of caution and not have those  
16 discussions.

17 CHAIRPERSON DeHART: Okay.

18 MR. VASLO: I don't like that, you know, we're  
19 government, we should be able to have any kind of  
20 discussion we want.

21 MS. ELHASAN: I know, but we're also bound by  
22 Judge's orders.

23 MR. VASLO: How long do you think that's going  
24 to go on?

25 MS. ELHASAN: I have no idea.

1 MS. JOHNSON: Probably forever. I mean at  
2 this point there have been several FOIA requests that  
3 the County's had to respond to, we've had litigation.  
4 The Judge has amended the order, as you know, to allow  
5 at least the release of the report. He's indicated he's  
6 not going back to revisit it. We have some concerns  
7 because he only addressed portions and not other items,  
8 but if he's not going to go back to address it, I don't  
9 know how you then will ever be allowed to have  
10 discussions or look at every document that's out there.

11 MS. ELHASAN: Yeah, and, also, maybe at some  
12 point -- the one-man grand jury statute provides for a  
13 20-year, you know, reservation of the evidence or the  
14 documents or the information or the testimony that is  
15 utilized by the one-man grand juror to make decisions.  
16 But as it relates to having discussions, I presume, I  
17 can only presume, because one-man grand jury statue is  
18 very limited in its use in the State of Michigan and  
19 otherwise, but I would presume that when there's  
20 finality to and complete adjudication of the matter,  
21 then there could be a little bit more flexibility in  
22 discussion. But that does not mean that all documents  
23 and evidence would be released.

24 MR. VASLO: No, we were ordered to, you know,  
25 collect up all of our e-mails and, you know, all that is

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1     apparently still on, and it seems ridiculous.

2                   CHAIRPERSON DeHART:   Okay.   Hearing nothing  
3     else, is there any Public Discussion?

4                   MR. SAROS:   I would like to make a Public  
5     Comment.   You referred to something earlier, just for  
6     the record about Frank Vaslo.   He was vociferous in his  
7     desire to keep those cells from being destroyed and,  
8     also, have been receiving some nice compliments for  
9     that, but this whole body made I think some moves during  
10    that time that really has saved this county an awful lot  
11    of money by not allowing certain things to be destroyed,  
12    so I want to put that in the record.

13                  CHAIRPERSON DeHART:   Zenna, you want to  
14    collect these back, correct?

15                  MS. ELHASAN:   Yes, please.

16                  CHAIRPERSON DeHART:   Okay.   Is there a motion  
17    to adjourn?

18                  MR. HOFFMAN:   Madam Chair, don't we have a  
19    meeting --

20                  CHAIRPERSON DeHART:   Yes.   Seeing as there are  
21    currently no agenda items for our next regularly  
22    scheduled meeting, I'd like a motion to cancel that  
23    meeting, please.

24                  MR. VASLO:   That's March 16?

25                  CHAIRMAN DeHART:   March 16.

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1 MR. VASLO: Motion to cancel the March 16,  
2 2016 Wayne County Building Authority meeting.

3 CHAIRPERSON DeHART: Is there support?

4 MR. HOFFMAN: Support.

5 CHAIRPERSON DeHART: All those in favor?

6 (In unison): Aye.

7 CHAIRPERSON DeHART: Opposed?

8 (No response.)

9 CHAIRPERSON DeHART: Motion carries.

10 MR. VASLO: And we stand ready to serve --

11 CHAIRPERSON DeHART: At a special meeting,  
12 correct. Is there a motion to adjourn?

13 MR. HOFFMAN: Yes.

14 MR. HUSSEIN: Support.

15 CHAIRPERSON DeHART: I have motion and  
16 support.

17 All those in favor?

18 (In unison): Aye.

19 CHAIRPERSON DeHART: Opposed?

20 (No response.)

21 CHAIRPERSON DeHART: Motion carries. Thank  
22 you.

23 (The meeting was adjourned at 2:00 p.m.)  
24  
25

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CERTIFICATE OF NOTARY

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF OAKLAND )

I, Laurel A. Frogner, Certified Shorthand Reporter,  
a Notary Public in and for the above county and state,  
do hereby certify that the above meeting was taken  
before me at the time and place hereinbefore set forth;  
that the foregoing was duly recorded by me  
stenographically and reduced to computer transcription;  
that this is a true, full and correct transcript of my  
stenographic notes so taken; and that I am not related  
to, nor of counsel to either party nor interested in the  
event of this cause.

*Laurel Frogner*



Laurel A. Frogner, CSR-2495, RMR, CRR  
Notary Public,  
Oakland County, Michigan  
My Commission expires: 4-22-2022

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