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September 27, 2004

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Mr. John Dalton, President
City Council
c/o Ms. Susan Galezka
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, Michigan 48309-3033

Re: *Older Persons Commission*

Dear Council President Dalton:

In furtherance of our discussion last week, I am enclosing several documents relating to a proposed amendment to the Amended and Restated Interlocal Agreement (copy enclosed) among Rochester Hills, Oakland Township and the City of Rochester establishing the Older Persons Commission. After the new OPC center was opened, City of Rochester representatives voiced opposition to participation of anyone younger than 60 in OPC programs. It was suggested that use of the new OPC facility or participation by persons under the age of 60 violated the Interlocal Agreement.

My office, through Larry Ternan, represented the OPC until earlier this year when Larry withdrew to avoid any appearance of conflict in view of the present controversy. It was Larry's opinion, which I concur in, that the Interlocal Agreement does not prohibit participation of persons under the age of 60 in OPC programs or facilities. I am enclosing a copy of Larry's October 29, 2003 opinion letter and his February 3, 2004 letter to the Oakland Township Attorney, as well. The City of Rochester, and possibly Oakland Township, disagree with this interpretation of the Interlocal Agreement, and the Rochester City Attorney has prepared the enclosed proposed Third Amendment to Amended & Restated Interlocal Agreement for the purpose of expressly stating that no person under 60 years of age may participate in any OPC program or use OPC facilities unless approved by the governing bodies of all three member communities on a program-by-program basis. If adopted, the proposed Third Amendment would prohibit participation by persons under 60 except with respect to OPC programs unless all three communities agree.

Ms. John Dalton, President
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It has been reported that those who favor the under 60 prohibition seek to prevent overcrowding and keep the new OPC center from becoming a general community center. I have also learned, in the last few days, that the Rochester City Council and the Oakland Township Board have already approved the proposed Third Amendment, which I have just recently received and reviewed a revised version of. I do not know whether input from OPC was sought prior to Rochester's and Oakland Township's approval of the proposed Third Amendment.

I am satisfied with the legal form of the document, but whether or not to adopt the proposed amendment is a policy decision for the City Council to make.

Very truly yours,

BEIER HOWLETT, P.C.



John D. Staran

JDS/lh
Enclosures

cc: Mayor Pat Somerville (w/encs)