

OPEN MEETINGS ACT

The Open Meetings Act, 1976 PA 267; MCLA 15.261 et. seq. requires all meetings of a public body to be open.

A public body is one exercising governmental or proprietary functions. The definition includes committees and subcommittees, but does not include the governor's office, judiciary, workers' compensation appeal board, employment security appeals board, teachers' tenure commission, an arbitration panel of the employment relations commission, public service commission, a medical malpractice arbitration panel or boards of public universities (except when selecting a president). Every person may attend a public meeting and may address the meeting pursuant to record, videotape or broadcast live the proceedings of a public meeting.

Exceptions to the open deliberations requirement are partisan caucuses of the state legislature and deliberations to discuss: (1) evaluation, dismissal or discipline of a public officer or employee, or dismissal or discipline of a student when the person involved requests it; (2) collective bargaining; (3) purchase or lease of realty;

(4) legal strategy with an attorney on pending litigation; (5) review of applications for employment or appointment when the applicant so requests (however, interviews for employment or appointment must be held in an open meeting); (6) material exempt from public disclosure by law. However, all decisions must be made at a meeting open to the public.

Minutes must be kept and minutes of open meetings must be available for public inspection. Proposed minutes must be available within eight business days after a meeting; approved minutes must be available five days after approval. Minutes of properly convened closed sessions may be released only by court order.

Notices of meetings must be posted. In addition, a public body must mail notices to a person who requests such notices on an annual basis upon payment of a reasonable cost. Media are entitled to mailed notices without charge.

Violations of the Act may be challenged by the Attorney General, prosecuting attorney or any other person. Lawsuits to challenge the validity of an action must

be brought within 60 days after the minutes are made available. For certain business transactions, the suit must be filed in 30 days. A suit may also be brought to enjoin violation of the Act. In addition, a civil or criminal action may be brought against an official who violates the Act. Where a civil action is brought and the plaintiff obtains an injunction, actual attorney fees and court costs shall be awarded.

PUBLIC RECORDS

The Freedom of Information Act, 1976 PA 442; MCLA 15.231 et. seq. gives citizens access to public records.

Under the Act, a person may inspect or receive copies of public documents maintained by a public body unless specifically exempted from disclosure by law. However, prisoners may not use the Act to obtain information. A public body may charge a fee for providing copies of records.

Requests for records must be made in writing and a response must be given within five business days unless there are circumstances that make it difficult to obtain

the record. In those circumstances, an additional 10 business days are allowed. The public body must respond to the request by either granting it or issuing a written notice explaining the reasons for denial.

There are more than 20 specific exemptions which may be summarized into four groups: (1) records of a personal nature, the release of which would constitute a clearly unwarranted invasion of an individual's privacy; (2) records, the release of which would impair the safety or security of a public institution or the safe and efficient operation of a police or military authority; (3) records exempt on the basis of public policy; (4) records exempted by other statutes. The public body must separate exempt and non-exempt material and must furnish the non-exempt material upon request.

Civil actions to compel disclosure of records may only be brought by the requester. Reasonable attorney fees will be awarded to a prevailing plaintiff who sues to obtain documents.

*Mike Cox
Attorney General*

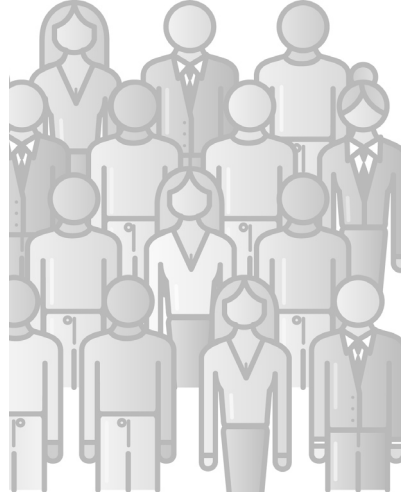


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Michigan Citizens' Rights

*A quick-reference guide
to understanding:*

- *Public Meetings*
- *Public Records*