

CITY OF SOUTHGATE

14400 Dix-Toledo Highway
Southgate, Michigan 48195

OPEN MEETINGS ACT

The Open Meetings Act is governed at Michigan Compiled Laws Annotated (“MCLA”) Sections 15.261 through 15.273. The Act governs the meetings of members of public bodies of government and the requirements for proper notice of any meetings of a quorum of the members for the purpose of discussing the business of the public bodies.

MCLA 15.262 defines a public body as “any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, which is empowered by state constitution, statute, charter, ordinance, resolution or rule to exercise governmental or proprietary authority.” The Southgate City Council is a public body for the purposes of the Open Meetings Act.

A meeting is defined as the convening of a public body where a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy. MCLA 15.262. A meeting, for the purpose of the Act as it applies to the Southgate City Council, involves a convening of four or more members of the Council to discuss business of the City. It makes no difference where the meeting takes place.

All meetings of the Southgate City Council must be open to the general public. Additionally, all deliberations and discussions of City or Council business between four or more members of the Council must be at a place open to the public and proper notice must be given to the public. MCLA 15.263 The Open Meetings Act does not apply to a meeting which is a social or chance gathering or conference not designated to avoid the intentions of the act. MCLA 15.263(10).

Notice of any meetings of a quorum of the Southgate City Council members must be given to the general public. All notices must contain the Council’s name, its telephone number and the council’s address. The notice of a meeting of any of the Council members must always be posted in City Hall. MCLA 15.264. Notice of a special meeting of a quorum of City Council members, including the date, time and place of the meeting must be posted at least 18 hours before the meeting. MCLA 15.265(4). Meetings typically must take place in a place open to the public. Meetings may take place in a residence, though, only if a room in Southgate City Hall is not available. If a meeting is held in a residence, notice of the meeting must be published in a newspaper of general circulation in Southgate. The notice must be published at least two days

before the day on which the meeting is held and must state the date, time and place of the meeting MCLA 15.265(6).

The City Council may conduct meetings closed to the public for limited purposes. MCLA 15.268. The purposes include, among other reasons, consideration of the dismissal, suspension or disciplining of a public officer, employee, staff member or individual agent or to consult with the City Attorney regarding trial or a settlement strategy in connection with specific litigation. MCLA 15.268(a) and (e).

Any decisions of the Council are presumed to have been adopted in compliance with the requirements of the Open Meetings Act. A decision of the Council, not done in accordance with the Open Meetings Act, may be invalidated. MCLA 15.270.

Should the Council not comply with the provisions of the Open Meetings Act, any person of the general public may commence a civil action to compel compliance with the act or to stop the noncompliance with the act. MCLA 15.271. Any Southgate City Council member or members who intentionally violate the provisions of this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00. MCLA 15.272. A Council member who intentionally violates the Open Meetings Act will be personally liable in a civil action for actual and exemplary damages of up to \$500.00 and the actual costs and attorney fees of the person or persons bringing the civil action. MCLA 15.273.

Conclusion

Council members need to be aware that any meeting of four or more members of the Council, at any location, are considered a meeting for the purposes of the Open Meetings Act. It is imperative that no quorum of City Council members meet at any time to discuss matters relating to the City of Southgate unless proper notice is given to the general public pursuant to the Open Meetings Act. Without proper notice to the public, the actions of Council may be deemed invalid and the individual members of the Council may be liable for civil damages if they have been found to have intentionally violated the Open Meetings Act.