

Open Meetings Act—Calling Closed Meetings

Introduction

The Michigan Open Meetings Act (OMA) provides that all meetings of a public body shall be open to the public and be held in a place available to the general public. (MCL 15.261 et seq.) The OMA also provides, however, for those situations in which a public body may meet in closed or executive session. (MCL 15.268) The circumstances under which a public body may go into a closed session are specifically spelled out in the Act, as is the procedure for going into a closed session.

How do we call a closed session?

From an open meeting, a two-thirds roll call vote is required, except for closed sessions permitted under MCL 15.268(a) (discipline, personnel evaluation, etc. of official/employee) or MCL 15.268(c) (collective bargaining) which require a majority vote. A roll call vote and the purpose for calling a closed session shall be entered into minutes of the open meeting.

When may closed sessions be held?

- To consider dismissal, suspension or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer or employee if requested by the named person. [majority vote]
- For strategy and negotiation sessions connected with negotiation of collective bargaining agreement if requested by either negotiating party. [majority vote]
- To consider purchase or lease of real property up to the time an option to purchase or lease of that property is obtained. [two-thirds roll call vote]
- To consult with an attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on municipality's litigating or settlement position. [two-thirds roll call vote]
- To review and consider contents of application for employment or appointment to public office if candidate requests that application remain confidential. [two-thirds roll call vote] Interviews by public body for employment or appointment to public office must be held in an open meeting. (The Act does contain an exception to this requirement for the selection of college/university presidents under certain conditions.)
- To consider material exempt from discussion or disclosure by state or federal statute. [two-thirds roll call vote]

NOTE: Each of the purposes which allow a closed session begins with "to consider," "to consult," or "to review." Any action must be taken in open session.

How do we end a closed session?

A member of the public body moves to return to open session. The public body performs any action required as a result of the closed session in open session. The meeting then proceeds with other matters or adjourns in the normal fashion.