

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



MIKE COX
ATTORNEY GENERAL

P.O. Box 30212
LANSING, MICHIGAN 48909

February 22, 2008

Mt. Pleasant, MI 48858

Thank you for your e-mail message questioning compliance by officials of the city in which you live with the Open Meetings Act and other statutory requirements. You ask for a review of your concerns by this office.

This office is responsible for providing legal advice to various state departments and officials. In the absence of express statutory authority, however, the law does not permit this office to act as an attorney for private individuals; therefore, this office is not able to provide advice regarding your concerns. For legal advice, you may wish to consult your own attorney who can advise you of your interests and the options that may be available to you.

Regarding the Open Meetings Act, which is a topic of an earlier letter from you to this office, I am enclosing with this letter a copy of my letter to you of September 18, 2007.

Local units of government in this state administer their affairs through an elected governing body and other locally elected and appointed officials under the authority of various Michigan statutes and local regulations. A unit's governing body may seek the advice of its municipal attorney regarding legal issues about which concerns have been raised. Under certain circumstances, the actions of the unit's governing body and its officials are subject to court review in civil cases. Accordingly, you may wish to express your concerns to the unit's elected officials, in addition to any officials of the unit with whom you may have already been in contact.

If you have evidence of a crime that has been committed, you may submit that evidence to the county sheriff of the county where you believe the criminal activity occurred, the county prosecuting attorney, or the Michigan Department of State Police.

I regret my inability to be of assistance to you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mike Cox".

Mike Cox
Attorney General

Enc.

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MIKE COX
ATTORNEY GENERAL

P.O. Box 30212
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September 18, 2007

Mt. Pleasant, MI 48858

I have received your e-mail concerning an Open Meetings Act (OMA) complaint that you filed with Isabella County Prosecuting Attorney, Larry J. Burdick. In your e-mail, you cite OAG, 1979-1980, No 5724, p 840 (June 20, 1980), and ask that I "[p]rovide clarification as to the manner in which a public body is required to post notice of a special meeting."

By statute, it is the duty of the Attorney General "to give his opinion upon all questions of law submitted to him by the legislature or either branch thereof, or by the governor. . . or any other state officer." MCL 14.32. Since private citizens are not mentioned in the statute as among those who may request an Attorney General opinion or legal advice, my office is not authorized to give the advice you have requested.

I can refer you, however, to OAG, No 5724, which provides, in pertinent part, that "the minimum 18-hour notice requirement for a special meeting of a public body is not fulfilled if the public is denied access to the notice for any part of the 18 hours. The requirement may be met by posting *at least* 18 hours in advance of the special meeting on the outside of the building which houses the principal office of the public body, at the main entrance." (Emphasis added.)

The opinion is consistent with the language of section 5(4) of the OMA, which provides that a public notice for a special meeting "shall be posted *at least* 18 hours before the meeting." (Emphasis added.)

Finally, under the OMA, a county prosecuting attorney is authorized to determine whether there is evidence of wrongdoing by the public body.

I hope this information is helpful to you.

Sincerely yours,

Mike Cox
Attorney General

c: Larry J. Burdick
Isabella County Prosecuting Attorney