

Robert Yager

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Sent: Wednesday, December 13, 2017 6:56 PM
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Subject: Subcommittees and Open Meetings Act

I think that in light of the following from Michigan Municipal Law Chapter 5, I suggest the Board review its Fire Subcommittee and other subcommittee practices for Open Meeting Act compliance.

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§5.8 In *Booth Newspapers, Inc v Wyoming City Council*, 168 Mich App 459, 425 NW2d 695 (1988), the court indicated that advisory committees of less than a quorum that do not collectively deliberate toward resolution of public business are not within the OMA's purview. However, this observation by the court did not create a safe harbor for subquorum committees. Subquorum committees of a public body having been delegated authority to make recommendations regarding public policy are also required to comply with the OMA's public meeting requirement. *Schmiedicke v Clare Sch Bd*, 228 Mich App 259, 577 NW2d 706 (1998). In *Schmiedicke*, the seven-member school board established a personnel and policy committee consisting of three of its members. The school board delegated to the committee the tasks of reviewing current methods of evaluating school administrators as well as the length of the administrator's employment contracts. Although the committee ultimately recommended no changes from the existing practices, its meetings were not open to the public. The court recognized that the primary purpose of the OMA is to ensure that public bodies conduct their decision-making activities in open meetings and not simply hold open meetings at which they rubber-stamp decisions previously made behind closed doors. *Id.* at 264. The court concluded that the school board's referral to the committee for a recommendation on the current practices was a delegation of authority and that the committee failed to openly deliberate the issues. *Id.*