

TORCH LAKE TOWNSHIP

(Approved 08/19/2014. 1 of 4 pages)

OPEN MEETINGS ACT (OMA) – POLICY

Torch Lake Township hereby establishes a policy and related procedures to assure compliance with legal requirements of the Open Meetings Act (OMA), Public Act 267 of 1976 (MCL 15.261, et seq.). All Township Personnel must fulfill their respective responsibilities in such ways as to assure compliance with these requirements. This policy is not intended to exempt the Township from fully complying with all provisions of OMA, the body of related case law and Michigan Attorney General Opinion's interpreting these statutes.

1. APPLICABILITY

It is recognized by the township board that all meetings where township business is conducted are, by definition, Public Meetings. Except as allowed under the closed session section of the law (MCL 15.268, Sec 8), all meetings of the Torch Lake Township Board, and of other Township Public Bodies, are to be open to the public according to Michigan's Open Meetings Act. All standing committees, commissions, authorities and boards that are required by law and are officially established by the township board will comply with the statutory requirements of the OMA. In addition, in Torch Lake Township, all *ad hoc* committees, sub-committees, working groups and/or advisory groups established by the township board, planning commission, zoning board of appeals will comply with the statutory requirements of the OMA; that is, minutes will be kept and approved, meetings will be noticed according to statute and agendas will include a place for public comment.

2. COMPLIANCE WITH OMA

In order to comply with the requirements of OMA, a Public Body must:

- Properly notice all public meetings according to statutory requirements.
- Keep minutes of each public meeting and make them available to the public.
- Provide opportunity for public comment.
- Conduct all business in open session.
- Go into closed session only for reasons permitted by the OMA.
- Vote only in open session.

3. PUBLIC PARTICIPATION

The public is allowed to participate, as follows, at public meetings:

- All meetings must be held in a place available to the general public.
- All decisions of a public body must be made at a meeting open to the public.
- All persons must be permitted to attend any meeting, except as otherwise provided by the OMA.
- A person attending an open meeting has the right to tape record, videotape or broadcast live the proceedings of the meeting.
- At least one opportunity for public comment must be included in each public meeting. The public body may reserve to answer any questions that are raised at this time at a future date.

4. TRAINING AND EDUCATING CURRENT AND FUTURE TOWNSHIP PERSONNEL

All current and future Township Personnel will be trained as to the requirements of this policy. This training will occur no less than every four (4) years in the year of Presidential elections, or as needed to update all departments on this policy including any changes in the laws and/or related policies. Training will include what is required in the OMA. Department heads will be asked to ensure that such training occurs as needed for personnel in their departments. The following persons are responsible for the training: Township Supervisor, Clerk and Treasurer; the chairpersons of the Planning Commission and Zoning Board of Appeals; the Fire Chief, and Emergency Medical Services (EMS) Director. In addition, all contracted consultants hired to investigate, study and/or to make recommendations that will affect township policy, will receive a copy of this policy and be offered the same training as Township Personnel and, as part of any contractual agreement with the township, will be required to sign a form that their work and services will comply with the requirements of this policy.

5. INJUNCTIVE RELIEF

The OMA provides for injunctive relief and penalties for noncompliance and intentional violation. However, the purpose of the Act is to ensure the decisions of a public body are made in public, thus the primary remedy for a violation of the Act is to re-enact the actions taken at the next properly noticed meeting.

DEFINITIONS AND INTENDED MEANINGS

1. ADVISORY COMMITTEE

Any official body established by the Township Board or other public body within the jurisdiction of the township can be assumed to be subject to OMA unless it is purely advisory; that is it makes no decisions, and it does not deliberate toward a decision. The fact that a Township Board designates a committee as “advisory” does not automatically release the committee from OMA compliance. A Township advisory committee will be subject to the OMA if its actions fall under the OMA’s definition of making a “decision” at a “meeting.”

2. TOWNSHIP PERSONNEL

Individuals who, as a regular part of their responsibilities, process Township business are included among those who are to comply with these policies and procedures. These include all elected and appointed officials; all personnel who are paid wages and stipends, or expenses for Township work; all outside consultants; representatives of outside agencies; attorneys; assessors; individuals providing contracted services to the Township; and, all members of ad hoc, advisory and sub-committees.

3. PUBLIC BODY

Any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority or council, that is empowered by the State Constitution, statute, charter, ordinance, resolution or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function. Any committee, subcommittee or other body that meets the definition of “public body” is subject to the OMA. Assume that any governmental body authorized or mandated by law must comply with the OMA (MCL 15.262(a)).

4. PUBLIC MEETING

The convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy (MCL 15.262(b)). Any time a quorum of the members of a public body gather to discuss the business of that public body (matters that will come before that body), they are considered to be officially participating in a "meeting," and must comply with the requirements of OMA.

5. PUBLIC POLICY DECISION

Determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy MCL 15.262(d).

APPROVED ON Aug 19, 2014

TOWNSHIP CLERK Kathy Subindiate

TOWNSHIP SUPERVISOR: Clay A Mantel