

## Open Meetings Act Now Requires Additional Notice for Special Meetings

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January 18, 2013

On December 27, 2012, Governor Snyder signed into law HB 5459, which amends the Michigan Open Meetings Act to add several new notice requirements for public bodies holding rescheduled or special meetings. The new law, Public Act 528 of 2012, was given immediate effect.

Under the new law, public notice of a rescheduled or special meeting must be posted in a “prominent and conspicuous place” both at the public body’s principal office *and* on the public body’s website if the public body maintains a website and that website includes monthly or more frequent updates of public meeting agendas or minutes. The law requires the public notice on the website to be included on the homepage or to be accessible via a prominent and conspicuous link on the homepage.

In addition, the new law requires that public notice postings be accessible to the public for the duration required by the act. In other words, to meet the 18-hour posting requirement for a rescheduled or special meeting, the public body must post the notice in a prominent and conspicuous place which is accessible to the public for at least 18-hours prior to the meeting. This change effectively modifies a 2011 court of appeals decision and is consistent with special meeting notice practices which had been established by a 1980 Attorney General’s opinion.

Further notice requirements were also added for public bodies holding emergency meetings on less than 18-hour notice.

Public entities should take care to adhere to the new notice requirements. Miller Canfield lawyers would be happy to discuss the new requirements with you. Contact your Miller Canfield attorney for more information.

**Steven D. Mann**  
**+1.313.496.7509**

Michael P. McGee  
+1.313.496.7599

Amanda Van Dusen  
+1.313.496.7512

Patrick F. McGow  
+1.313.496.7684

Thomas D. Colis  
+1.313.496.7677