

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) This discussion is limited to the minutes taken during a closed session and assumes that the public body met in a properly closed session.

Are minutes required to be taken?

Yes. The OMA requires that a separate set of minutes shall be taken at the closed session. According to an opinion of the Michigan attorney general, the minutes must reflect the date, time, place, members present and absent, and purpose of the closed session. (OAG No. 6817)

Who may take the minutes?

The clerk or designated secretary of the public body.

Are the minutes available to the public?

No. The minutes may only be disclosed if required by court order in a civil action filed in accordance with MCL 15.270, 15.271 or 15.273. OAG No. 6353 provides that disclosure may not be made even if the person requesting the closed session subsequently waives or withdraws the request and consents to disclosure.

Who approves the minutes? When?

The public body. The public body may meet in closed session to approve the minutes of a closed session if that decision is made in an open session of the public body.

May the minutes be destroyed?

The minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

Are the minutes subject to the Michigan freedom of information act?

The minutes of a closed session are exempt from disclosure under the Michigan freedom of information act unless required by court order in accordance with the open meetings act.