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OPEN MEETINGS LAW - MICHIGAN

Citizens United Against Corrupt Government v. Troy City Council

Court of Appeals of Michigan - December 4, 2014 - Not Reported in N.W.2d - 2014 WL 6852960

The Troy City Council held a closed session meeting for the stated purpose of reviewing applications for the position of City Manager and selecting finalists who would then be interviewed at a subsequent open meeting. Following the closed meeting, five finalist candidates were announced. The City Council then held an open meeting and, after public interviews, selected a new City Manager.

Plaintiff requested a copy of the minutes from the closed session, but defendant denied the request on the basis that the Open Meetings Act (OMA) did not warrant disclosure. Plaintiff then filed suit seeking injunctive relief and a declaratory judgment that defendant violated the OMA by holding the closed session and that the minutes from that session should be disclosed.

The Court of Appeals held that plaintiff did not establish an actual controversy pursuant to MCR 2.605. Even though the Council's closed session may have violated plaintiff's rights, declaratory judgment in this circumstance would not guide plaintiff's future conduct in order to preserve plaintiff's legal rights. The alleged injuries—the improper holding of a closed session and the improper withholding of the minutes of that session—have already occurred.

Plaintiff did not seek to prevent further injury, only to see the minutes from the closed session and a declaration that the session was improperly held. Any future injury plaintiff would seek to prevent is merely hypothetical, especially given plaintiff's very specific request for relief, which only related to the closed session. Thus, the court was unconvinced that a declaratory judgment would guide plaintiff's conduct in order to preserve plaintiff's legal rights.