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Pinebrook Warren, LLC v. City of Warren

Supreme Court of Michigan - July 31, 2024 - N.W.3d - 2024 WL 3610190

Unsuccessful applicants for medical marijuana dispensary licenses brought action against city, alleging violations of Open Meetings Act (OMA) during the applicant selection process by city's medical marijuana review committee.

License recipients intervened.

The Circuit Court granted applicants' motion for partial summary disposition, denied city's cross-motion for summary disposition, and denied recipients' motion for reconsideration. All parties appealed. The Court of Appeals affirmed in part, reversed in part, and remanded. Applicants sought leave to appeal, which was granted.

The Supreme Court held that medical marijuana review committee was a "public body" subject to OMA requirements.

City's medical marijuana review committee satisfied the definition of "public body" under the Open Meetings Act (OMA), and thus committee was required to comply with OMA when considering applications for medical marijuana dispensary licenses, even though city's marijuana ordinance stated that committee had only the power to make recommendations, where ordinance empowered committee to exercise the governmental function of scoring applications, committee's scoring of applications went to the essence of who would be selected for a license, and city council voted to approve applications that were the most highly ranked by committee without any independent consideration of the merits of applications.

Language in city's marijuana ordinance stating that license applications and plans for medical marijuana dispensaries were to be transmitted to city's medical marijuana review committee for approval did not mean, on its face, that the committee could approve applications for dispensary licenses; in context, the language meant that the committee was the body to whom applications were first submitted, and ordinance made clear that only city council could approve dispensary licenses.

City council delegated its job as a public body to city's medical marijuana review committee with respect to applications for medical marijuana dispensary licenses, and thus committee was subject to the requirements of the Open Meetings Act (OMA), where city's marijuana ordinance empowered committee to score license applications, committee scored applications, and city council voted to approve applications that were the most highly ranked by committee without any independent consideration of the merits of applications.