
OPEN MEETINGS - MICHIGAN

Exclusive Capital Partners LLC v. City of Royal Oak

Supreme Court of Michigan - July 23, 2026 - N.W.3d - 2026 WL 2130531

Unsuccessful applicants for marijuana retail licenses filed separate lawsuits against city, alleging that city's handling of the licensee-selection process violated the Open Meetings Act (OMA).

After one successful applicant intervened as a defendant and the cases were consolidated, the Circuit Court granted city's motions for summary disposition, and the Circuit Court subsequently denied reconsideration.

Unsuccessful applicants appealed. Appeals were consolidated and the Court of Appeals affirmed in part, reversed in part, and remanded with directions. City's application for leave to appeal was considered.
Holdings:

The Supreme Court held that:

- City manager was acting alone in official work capacity, rather than under delegation from city commission, when ranking license applicants, and
- City's marijuana ordinance did not itself qualify as delegation of authority subject to OMA.

City manager was acting alone in his official work capacity pursuant to independent grant of authority, rather than pursuant to delegation of authority from city commission, when he ranked applicants for municipal marijuana retail licenses, and thus manager did not qualify as delegated "public body" for purposes of the Open Meetings Act (OMA) when conducting such ranking; while city's marijuana ordinance stated that "the City shall decide among applications" and city's charter gave city commission "full power and authority … to exercise all the powers conferred upon the City," ordinance provided that only entity responsible for ranking applicants was manager, as well as that top-ranked applicants received license slots once manager completed such duty.

City's marijuana ordinance did not itself qualify as a delegation of authority from city commission to city manager that was subject to the Open Meetings Act (OMA), and thus city manager was not required to comply with OMA in conducting marijuana retail license selection process; city charter awarded numerous powers to city that city code then gave commission general authority to exercise, neither charter nor Michigan Regulation and Taxation of Marihuana Act (MRTMA) required that commission rank and select applications for licensure, there was no suggestion that ordinance's primary purpose was that commission evade OMA by giving decision-making authority to manager, and manager was not commission member but, rather, was charter-authorized administrative official separate from commission.

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