

Work Sessions—Use by Legislative Body

Introduction

Work sessions must be posted and fall under the definition of a meeting in the Open Meetings Act (1976 PA 276, MCL 15.261 et seq.). Also, they must be open to the public, except for those issues that by law are permitted to be addressed in closed session, and like all meetings defined under the OMA, minutes must be taken. Several common issues and questions are covered below and addressed not as “legal” issues but rather as policy or decision-making issues.

Scheduling

Work sessions can be scheduled at any time. If scheduled immediately prior to regular sessions, items on the agenda are also placed on the work session agenda. If there are any questions on issues, they can be addressed in the work session. If scheduled during the off week, work sessions mean more meetings, more staff preparation, and potentially greater public perception problems if work sessions are not well attended or televised. If the public isn’t aware of work sessions, it may appear that decisions have already been made by the time council acts in a regular meeting.

Purpose

Work sessions can be vehicles for addressing major issues more effectively. They can also provide opportunities for members to focus on long-term decisions rather than the day-to-day management issues that confront the municipality. Presumably, they also make regular sessions more productive and shorter. Work sessions can also help members relate better to one another because of the greater informality of such sessions.

Agenda

An alternative approach to duplicating regular meeting agendas is to reserve work sessions for “blue sky” issues or major projects only. Goal setting, budget review, or major development proposals are examples. If every issue is on both the work and regular session agenda, it may become repetitive.

Public Participation

Work sessions are intended to provide opportunities for councilmembers to study difficult issues, gather and analyze information, and clarify problems. However, whenever a governing body holds a meeting, it must be posted, there must be minutes taken, and people must have an opportunity to address the governing body under the Open Meetings Act (MCL 15.263). Those in attendance should be made aware of the purpose of the meeting—to study issues, not to take action.

Public Perception

Citizens often aren’t aware of, or understand, the difference between work sessions and regular sessions. This can give rise to the perception that the decision process in the regular meeting is rigged beforehand. There are no easy answers to this problem. The best that can be done is to communicate, as much as possible, the process by which council makes decisions. Make it clear that council holds work sessions on difficult issues, that these sessions are open to the public, and that no decision is made except in a regular session.

Adapted from an article by Dr. Joe Ohren, ICARD/Eastern Michigan University