

Public Hearings

Introduction

A public hearing is that portion of a meeting designed specifically to receive input from the public. A public hearing offers citizens an opportunity to be heard and should be viewed as a serious effort on the part of elected officials to secure as much information as possible about a topic before a final decision is made. The hearing may be scheduled before, during, or after a regular meeting of a council or committee or may be the subject of a special meeting called specifically for that purpose. A public hearing may be required by ordinance, charter, or statute. Local charters may include specific provisions for public hearings, such as requiring a public hearing for the consideration of a proposed ordinance. Even if not required by law (state or local), a public hearing can be a useful tool to help municipal officials understand their constituents' viewpoints and the basis for them.

Requirements

There are two primary areas of municipal governance with statutes regulating public hearings—the Uniform Budgeting and Accounting Act (a public hearing is required to adopt the budget), and the Municipal Planning Act (a public hearing is required to amend a zoning ordinance and to adopt a master plan). In addition, some grants may have public hearing requirements imposed by the granting agency or body.

Public Hearings During Regular Council Meetings

A public hearing should be treated as a meeting, which will have certain requirements under the Open Meetings Act (1976 PA 276, MCL 15.261 et seq.).

- Minutes should be taken. The minimum requirements for minutes of meetings under the Open Meetings Act (OMA) are
 - a recording of the date, time, and place of the meeting;
 - members present and absent; and
 - any actions taken;
- The public has a right to address the public body, and, consequently, the public body can enact rules regarding public participation.

Council rules of procedure should be continued into the public hearing. A public hearing should be called to order and adjourned when concluded; and citizens should address the board through the chair.

Additional Posting Requirements for Public Hearings Held as Special Meetings

A stand-alone public hearing is considered a special meeting and must be posted as such under the Open Meetings Act (1976 PA 276, MCL 15.261 et seq.). There are additional posting requirements under the Open Meetings Act (OMA) for special meetings:

- a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at both the public body's principal office; and if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled public meetings.