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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

JAMIE CLOVER ADAMS  
DIRECTOR

March 10, 2015

Dr. Wendy Powers  
Dr. Dale Roozeboom  
Dr. Janice Swanson  
Mr. Tim Harrigan  
Mr. Steve Miller  
Dr. Larry Olsen  
Dr. Eric Hanson  
Mr. Bob Tritten

Dear Chairs of the GAAMPs Review Committees:

I have been informed that you were recently contacted by a member of the public alleging that meetings of Review Committees for each of the Generally Accepted Agricultural Management Practices (GAAMPs) must be conducted in accordance with Michigan's Open Meetings Act (OMA), Public Act 267 of 1976, MCL 15.261 *et seq.*

The OMA requires that "certain meetings of certain public bodies [are] to be open to the public," and that "[all decisions and deliberations] of a public body shall be made at a meeting open to the public." See OMA preamble and section 3(2) and (3), MCL 15.263(2) and (3). As explained below, the GAAMPs Review Committees are not among those public bodies subject to the OMA.

The Michigan Right to Farm Act, Public Act 93 of 1981, MCL 286.471 *et seq.*, directs the Commission of Agriculture and Rural Development (Commission) to establish an advisory committee that provides the Commission with recommendations for the site selection and odor control set of GAAMPs, as well as to create other GAAMPs Review Committees as determined necessary. The Attorney General has opined that a committee which can only make recommendations to the whole body for final decision is not required to hold public meetings. OAG, 1977-1978, No 5183, p 21, 40 (March 8, 1977), OAG 1997-1998, No 6935, p 18 (April 2, 1997).

To qualify as an advisory committee, the committee must 1) have a membership of less than a quorum of the whole body; 2) limit its function to making recommendations to the whole body; and 3) submit all items considered by the committee to the whole body at a public meeting for final action. None of the GAAMPs Review Committees contain a quorum of members from the Commission. Each of the GAAMPs Review Committees make recommendations to the full Commission, and the Commission considers the recommendations and takes final action, including making changes to the proposed drafts, at a public meeting.

Thank you for your work chairing the GAAMPs Review Committees. If you have any questions, please do not hesitate to contact me at 517-284-5729.

Sincerely,

Bradley N. Deacon  
Director, Office of Legal Affairs

cc: Director Clover Adams  
Commission of Agriculture and Rural Development