

(2) IF A WILFUL VIOLATION OF SECTION 40 12 IS ALLEGED, THE ACTION SUIT SHALL BE FILED WITHIN 30 45 DAYS AFTER THE PUBLIC MEETING FOR WHICH NOTICE WAS NOT PROPERLY GIVEN.

(C) IN ANY ACTION UNDER THIS SECTION, IT SHALL BE PRESUMED THAT THE PUBLIC BODY DID NOT WILFULLY VIOLATE SECTIONS 8(A) OR 10 OR 12, AND THE BURDEN OF PROVING A WILFUL VIOLATION IS ON THE COMPLAINANT.

(D) THE PROCEEDING MAY BE CONSOLIDATED WITH ANY OTHER APPEAL FROM THE ACTION OR DECISION OF THE PUBLIC BODY, BUT SHALL BE TRIED BY THE COURT WITHOUT A JURY.

~~(E) THE COURT MAY NOT DECLARE VOID THE ACTION OR DECISION OF THE PUBLIC BODY BY REASON OF A VIOLATION OF THIS SUBTITLE UNLESS IT FINDS THAT:~~

~~(1) THE COMPLAINANT HAS STANDING UNDER AND HAS ACTED FINELY IN ACCORDANCE WITH SUBSECTION (A);~~

~~(2) THE ACTION OR DECISION WAS TAKEN OR MADE IN WILFUL VIOLATION OF SECTION 8(A) OR 10; AND~~

~~(3) NO REMEDY OTHER THAN DECLARING VOID THE ACTION OR DECISION WOULD BE ADEQUATE UNDER THE CIRCUMSTANCES.~~

(E) (1) IN AN ACTION UNDER THIS SUBTITLE THE COURT IS AUTHORIZED TO ISSUE AN INJUNCTION, TO DETERMINE THE APPLICABILITY OF THIS SUBTITLE TO THE DISCUSSIONS OR DECISIONS OF PUBLIC BODIES, OR TO GRANT SUCH OTHER RELIEF AS MAY BE APPROPRIATE.

(2) IN AN ACTION UNDER THIS SUBTITLE, THE COURT MAY DECLARE VOID ANY FINAL ACTION TAKEN AT A MEETING HELD IN WILFUL VIOLATION OF SECTIONS 10 AND OR 12 OF THIS SUBTITLE IF THE COURT FINDS THAT NO OTHER REMEDY WOULD BE ADEQUATE UNDER THE CIRCUMSTANCES. HOWEVER, THE ACTION OF A PUBLIC BODY MAY NOT BE VOIDED BECAUSE OF THE VIOLATION OF THE SUBTITLE BY ANY OTHER PUBLIC BODY.

~~(F) SUBJECT TO THE PROVISIONS OF SUBSECTION (E), THE COURT MAY DECLARE VOID THE ACTION OR DECISION OF THE PUBLIC BODY THAT WILFULLY VIOLATED SECTION 8(A) OR 10, REMAND THE MATTER TO THE PUBLIC BODY, OR GRANT OTHER APPROPRIATE RELIEF WITHIN ITS POWER AND JURISDICTION. THE ACTION OF A PUBLIC BODY MAY NOT BE VOIDED BY THE VIOLATION OF THIS SUBTITLE BY ANY OTHER PUBLIC BODY. IF THE COURT FINDS THAT A PUBLIC BODY ACTED IN WILFUL VIOLATION OF SECTION 8(A) OR 10, IT MAY DETERMINE WHETHER ANY MEMBER OF THE PUBLIC BODY KNOWINGLY AND WILFULLY PARTICIPATED IN THAT VIOLATION.~~

~~(G) (F) THE COURT MAY, AS PART OF ITS JUDGMENT, ASSESS AGAINST ANY PARTY REASONABLE ATTORNEYS' FEES AND OTHER LITIGATION EXPENSES INCURRED BY ANY OTHER PARTY WHO PREVAILS IN THE ACTION. IF THE COURT DEEMS IT~~