

COUNCIL OF THE PUBLIC CORPORATION LAW SECTION OF THE STATE BAR OF MICHIGAN

Minutes of the September 10, 2005 Meeting

A regular meeting of the Council of the Public Corporation Law Section of the State Bar of Michigan was held on Saturday, September 10, 2005 at the offices of Dickinson Wright, PLLC, Suite 200, Lansing, Michigan. The meeting started at approximately 10:00 AM.

Members participating included: C. Rosati, J. Sluggett, L. Bluhm, A. Seuryneck, D. Matson, C. Robinson, W. Beach, M. Howe (telephone), D. Schmidt, K. So, M. Fales, S. Morgan, E. Williams, M. Watzka, J. Beras and J. Tamm (telephone). Absent members included: C. McKone, K. Schloff, G. Fisher, D. Walling. Williams moved, and Bluhm supported, a motion to excuse absent members. Motion passed unanimously.

FEMA assistance discussion: Fales reviewed current FEMA and related guidelines for those communities desiring to send personnel to assist in the Katrina recovery.

Approval of Agenda

Brief costs: Bluhm notified the Council of a request from the MML to increase the Section's support for amicus brief filings. She requested that this topic be added to the agenda.

There was a motion by Robinson, supported by Rosati, to approve the amended agenda for the September 10, 2005 meeting. Motion passed unanimously.

Approval of Minutes of the June 24, 2005 Council Meeting and Review of Minutes of the June 24, 2005 Section Meeting

There was a motion by Beach, supported by Beras, to approve the minutes of the June 24, 2005 Council meeting. Motion passed unanimously.

Ratify and Confirm Election of Officers (Section 4.1 of Bylaws)

There was a motion by Fales, supported by Bluhm, to approve the following slate of officers for the 2005-2006 year: K. So – Chairperson; L. Bluhm – Vice-Chairperson; J. Sluggett – Secretary/Treasurer. Motion passed unanimously.

Treasurer's Report (June and July, 2005)

Sluggett discussed the June and July, 2005 financial reports. Bluhm led a discussion relaying a request from the MML that the Section increase its funding commitment for two amicus briefs in the cable television class action litigation (*St. Clair Shores and Ann Arbor*) that are currently on appeal. The Council had formerly committed, in total, to

spending up to approximately \$4,800. The current request is to increase this commitment to, in total, \$5,000. There was a motion by Williams, supported by Robinson, to spend up to \$5,000, in total, towards the two briefs. Motion passed unanimously (Watza, Schmidt, Beach, Bluhm and Fales abstaining).

There was a motion by Rosati, supported by Schmidt, to approve the June and July, 2005 financial reports. Motion passed unanimously.

Summer Seminar Review

Rosati asked about the number of attendees at this year's seminar and was told the numbers were down by approximately 15. A discussion ensued concerning the reason(s) for the decline in attendees. Possible factors identified included the expense associated with the Grand Hotel, general economics impacting municipalities and Mackinac Island's location. Other potential locations were discussed and Schmidt and Robinson agreed to prepare a survey to be circulated amongst the membership. They will forward the survey to So. The expenses for the 2005 seminar are also anticipated to be lower than 2004, in part, because Miller, Canfield and Kitch Drutchas paid for the two receptions.

Report on By-Laws and Posting

Matson reported that he had reviewed the State Bar's version of the Section's bylaws and compared those with the Council's version. He indicated that the State Bar had all current amendments, but that the bylaws on the Council's website was not current. He has requested that the State Bar correct this discrepancy.

Co-Sponsorship of the ICLE Seminar in February, 2006/Winter Seminar.

So advised the Council that the Section has been approached by ICLE inquiring whether the Section would like to co-sponsor a seminar ICLE will be presenting on February 16, 2006 entitled "Hot Topics in Municipal Law." Rosati and Blum indicated they had both agreed to speak at the seminar. Identified topics included Religious Land Use, FOIA, OMA, eminent domain and qualified immunity. A lengthy discussion followed regarding whether the Section should proceed with its traditional Winter Seminar or whether ICLE's request should be considered in lieu of the Section's Winter Seminar. It was generally agreed that further discussions with ICLE were necessary before any decision could be made. Among those matters to be discussed with ICLE were control over topics selected, sharing of revenues, ability of attendees to get continuing legal education credits and maintaining the Section's visibility and identity. It was agreed that Rosati and Bluhm will contact ICLE regarding these matters and will report back to the Council.

Remaining Meetings Schedule

The following meeting schedule for 2005-2006 was established:

October 8, 2005 @ Miller Canfield (Lansing)
November 5, 2005 @ Kitch Drutchas (Okemos)

December 4, 2005 by teleconference
January 7, 2006 by teleconference
February ____, 2006 (during Winter Seminar)
March 4, 2006 @ MSU Law School (to be arranged by M. Watza)
April 15, 2006 @ State Bar Building

Communications and ListServe

So led a discussion regarding whether the Council should consider discontinuing the Council's listserv address, which would save the Section approximately \$10/month.

There was a motion by Fales, supported by Rosati to discontinue the Council's listserv address, maintain the existing address and add a new address listserv for all Section members. Motion passed unanimously.

Adjournment

So adjourned the meeting at approximately 12:00 PM.

Respectfully submitted,

Jeff Sluggett, Secretary/Treasurer