



STATE BAR OF MICHIGAN
GOVERNMENT LAW SECTION
MEETING MINUTES

May 1, 2021

Monthly Meeting by Zoom

CALL TO ORDER: A Zoom conference meeting of the Government Law Section was called to order by Chair, Catherine Mullhaupt on May 1, 2021 at 10:00 am.

1. Attendance and Excused Absences:

Present: Bluhm, Fales, Fisher, Forbush, Forsyth, Joppich, Kolb, McGee, Mills, Mithani, Mullhaupt, Nettleton, Rosati, Sluggett, Stremers, Tamm, Walling, Watza, Williams, Zeits

Absent: So

Motion to Excuse Absences: Rosati **Support:** Fisher
Council approved by unanimous vote.

2. Approval of Agenda:

Motion to Approve Agenda: Walling **Support:** Fales
Council approved by unanimous vote.

3. Approval of April 3, 2021 Minutes:

Motion to Approve Minutes: Watza **Support:** Stremers
Council approved by unanimous vote.

4. Treasurer's Report:

The March 2021 SBM Financials were circulated with the meeting packet. Forbush reported that we have a strong fund balance of \$52,000 with de minimis expenses.

5. Seminars and Meetings:

a. **MAMA/GLS Summer Educational Conference.**

i. **2021 MAMA/GLS Summer Educational Conference (June 18-19, 2021)**

Mills reported that she has been tracking people who have reserved rooms for the Grand and is concerned that not many MAMA/GLS members will be participating in our strategic planning session in person during the weekend of June 18-19, 2021. Several people acknowledged that they had not received the link to register for rooms. Mills noted that the link was distributed to MAMA members and included in the last issue of Briefly. Mullhaupt will circulate the link to all Council members. Assuming we have a critical mass of GLS Council members participating in the strategic planning session in person, Mills will move forward and work with other Council members to develop a strategic planning process and expects we will be able to accommodate participation in the process via Zoom by those who cannot attend in person.

Mills also reported that Professor Chen has agreed to provide the GLS membership with a SCOTUS update on either July 9, 2021 or July 16, 2021. Council agreed to hold the update on July 9, 2021.

ii. **2022 MAMA/GLS Summer Educational Conference (June 24-25, 2022)**

No discussion.

6. **New Business:**

- a. Request from SBM to email GLS membership to promote SBM workshop, “Am I Certifiable? Considerations Regarding Certified Questions from Federal to State Court,” Thursday, May 13, Noon to 1:15 pm

Mullhaupt reported that the State Bar will be promoting its workshop to GLS membership at no cost to the section.

- b. Request from Scenic Michigan to send email to GLS membership to promote *Scenic Michigan* Online Seminar at MSU: Michigan Sign Regulation Guidebook Training, Instructor Gerald Fisher, May 12 & May 24, 2021

Scenic Michigan is hosting a seminar tied to its Michigan Sign Regulation Guidebook. Several GLS Council members serve (or have served) on the advisory board for the Guidebook. Fisher is participating as a seminar speaker. Council agreed that Mullhaupt could circulate a no-cost email to GLS members informing them about the upcoming seminar.

- c. Request to sponsor Young Lawyers Section 13th Annual Young Lawyers Summit offered by ICLE, September 11, 2021

Council discussed whether to sponsor the upcoming YLS summit. Council reviewed the various benefits offered in connection with sponsorship and decided that it would be worthwhile to sponsor the event at the lowest sponsorship level available.

Motion to Approve \$250 Level “Silver Section” Sponsorship of Young Lawyers Summit: Rosati.

Support: Williams.

Ayes: Bluhm, Fales, Fisher, Forbush, Forsyth, Joppich, Kolb, McGee, Mills, Mithani, Mullhaupt, Nettleton, Rosati, Sluggett, Stremers, Tamm, Walling, Watza, Williams, Zeits

Nays: N/A

Votes Not Cast: So

Abstentions: N/A

Council Approved by Vote of 20-0.

7. **Old Business:**

Mullhaupt updated Council on the request from the Michigan Marijuana Regulatory Agency (MMRA) to provide guidance regarding local ordinances addressing social equity in connection with the adult-use marijuana industry. The MMRA’s request for assistance is still relatively vague. Thus, Mullhaupt requested that the Agency provide a detailed description of the assistance it would like from GLS. Mullhaupt informed Council that MTA is not likely to participate in this effort. If MMRA provides Mullhaupt with more information regarding its request, then she will update Council accordingly.

8. Committees:

a. Amicus Committee:

Stremers inquired whether any Council members are involved in *Petersen Financial v. City of Kentwood*, COA Case No. 350208, in which the Michigan Court of Appeals addressed the validity of special assessments established via voluntary agreement and whether such assessments are extinguished by or survive foreclosure. Sluggett informed Council of his involvement on behalf of one of the defendants. Council discussed the practical consequences of the Court's ruling in *Petersen* and a similar case, *Damghani v. City of Kentwood*, COA Case No. 341213. Council agreed that the Amicus Committee should review this matter if the defendants decide to appeal and seek amicus support. Sluggett will update Council at the next meeting and if his client decides to appeal, he will submit a request to the Amicus Committee if his client agrees.

b. Briefly Committee:

No discussion.

c. Social Media Committee:

No discussion.

d. Membership Committee:

No discussion.

9. Correspondence:

None.

10. Council comments:

Kolb reported that the appeal in *F.P. Development, LLC v Charter Township of Canton* (holding that application of Canton's Tree Ordinance resulted in an unlawful taking) is scheduled for oral argument before the United States Court of Appeals for the Sixth Circuit on June 10, 2021. Amici curiae Kato Institute (for the plaintiff) and MAP (for Canton) will be participating in argument along with the parties. Bluhm reported that the federal district court dismissed *International Outdoor, Inc. v. City of Troy, Michigan* (First Amendment challenge to sign ordinance). Watza reminded Council that the federal government is distributing funds to local governments for a variety of uses including funds to support internet/broadband access. Watza also raised the issue of cable/internet providers infringing on rights of way and side-stepping legal requirements to seek franchises. Finally, Forsyth inquired about proposed FCC rules that address the diversion of 911 surcharge/system fees to non-911 purposes.

Council adjourned the meeting at 11:06 am.

Minutes taken by Mithani