



GOVERNMENT LAW SECTION

REGULAR MONTHLY MEETING AGENDA

March 4, 2023 – 10:00 AM

A meeting of the Government Law Section was called to order by Chair Mithani at 10:01 a.m.

Call to Order

1. **Attendance and Excused Absences**

Present: Brown, Fisher, Forbush, Forsyth, James, King, Kolb, McGee, Mills, Mithani, Sluggett, So, Steele, Thomas, Williams, Zeits

Absent: Bluhm, Joppich, Nettleton, Tamm, Watza

Motion to excuse absences: Thomas **Second:** Fisher

Council approved by unanimous vote.

2. **Approval of Agenda**

Motion to approve as presented: Steele **Second:** Williams

Council approved by unanimous vote.

3. **Minutes of February 17, 2023 Regular Meeting**

Thomas requested the minutes be revised to reflect he was present.

Motion to approved minutes as amended: Forsyth **Second:** Williams

Abstain: Kolb

Council approved by unanimous vote.

4. **Treasurer's Report**

Treasurer Forsyth had nothing to report. It was noted that an invoice had not been received from The Summit for the Winter Conference. Kolb will follow up on this.

5. **Amicus Committee**

As no requests had been received, there was nothing to report.

6. **Publications Committee**

Chair Mithani shared that McGee was standing in for the new editor to assist the co-editor to get an upcoming edition of *Briefly* out. Co-Editor Erika Auh is currently collecting copy. McGee solicited contributions.

7. **Old Business**

a. 2023 Summer Conference (June 23-24, 2023 - Crystal Mountain) - Update

Forbush shared that she and Forsyth participated in a planning meeting for the Summer Conference, and the topics have been clarified. The first day will start an hour later due to a MML meeting. The first day topics will include homelessness, the economic development. There will be a cocktail hour to close out the day's events. They are hoping to secure a Michigan Supreme Court justice to speak. The second day will focus on PFAS. They are working on a speaker recommended by Bluhm. There will also be a US Supreme Court legal update. There will be a group BBQ dinner in the evening. Chair Mithani reminded the group of the 3-month deadline for the State Bar of Michigan, which was coming up.

Forbush shared that a sponsorship email would be going out soon seeking financial support for the event.

b. Michigan Supreme Court Order ADM File No. 2021-35

Chair Mithani updated the Council on the efforts underway to oppose this proposed change. Brown shared that a draft position of the Council had been circulated for review, and he would appreciate any comments within the week, as they April 1 deadline was coming up. Brown stated he had tried to address all the bullets from the Michigan Supreme Court. Chair Mithani indicated a hope that they would hear from more in-house counsel.

Discussion was had about recent applications of governmental immunity to lawsuits, including the Oxford School District, and with respect to the 2021 flooding lawsuits. Both the AG's office and the MML would be providing a response to the proposed change.

Brown shared that the committee was trying to survey cases on the COA website regarding the application of governmental immunity.

Steele commented the draft looked great. Chair Mithani proposed adding a preamble, and commented that the biggest impact if this change is approved would be to the taxpayers. Williams thanked the committee for their work. Forbush shared that the MML should have a draft response done soon.

8. New Business

There was no new businesses.

9. Council Comments

Steele shared an issue raised by an unsuccessful candidate for public office regarding the need to hold a primary. She additionally shared a discussion with Mike Brady at the State. Discussion was had on the language of the charter and applicable statute.

10. Adjournment

Motion to adjourn the meeting at 10:46 am: Mills Second: Sluggett

Council approved by unanimous vote.

DRAFT

Minutes taken by Kolb