

NOVEMBER 4, 2023 MEETING MINUTES

Held via Zoom

A meeting of the Government Law Section was called to order by Chair Forbush on November 4, 2023, at 10:03 a.m.

1. **ATTENDANCE and EXCUSED ABSENCES**

Present: Brown, Chubb, Fisher, Forbush, Forsyth, Joppich, Kolb, Mills, Mithani, Nettleton, Pastula, So, Steele, Thomas, Watza, Williams

Also Present: No one

Absent: Bluhm, King, McGee, Sluggett, Tamm

Motion to Excuse Absences: Mills **Support:** Nettleton
Council approved by unanimous vote

2. **APPROVAL OF AGENDA**

Motion to approve the agenda as proposed: Pastula **Support:** Chubb
Council approved by unanimous vote

3. **APPROVAL OF MINUTES**

Chair Forbush shared that the minutes were no in proper form to be approved, and determined to postpone action to approve until they can be revised.

4. **TREASURER'S REPORT**

Secretary-Treasurer Kolb reported that the 2022-2023 fiscal year had been closed out. The new fiscal year for the State Bar began on October 1, 2023. As Bar members pay their section dues, they will be credited to the Section.

5. **AMICUS COMMITTEE**

Member Williams shared that the GLS has been invited by the Supreme Court to submit a brief amicus curiae. The case is *Jostock v Mayfield Township and A2B Properties* and involves conditional rezoning. The amicus committee had met and recommends participation in a joint brief with MML and/or MTA, but there is a concern about how to position the brief. Member Williams had reached out to the Mayfield Township attorney, but the Township is not interested in spending the money to further appeal the decision. Member Williams stated he encouraged the Township attorney to reach out the MTA's regarding use of its defense fund.

Member Fisher volunteered to write the brief, and Member Williams offered to assist.

Council members shared the various issues they saw, and suggested options for positioning the brief. Member Mills suggested reaching out to the Michigan Association of Counties to see if they would like to participate.

6. BRIEFLY

Member Mithani indicated there are plans for another issue in December.

7. OLD BUSINESS

There was no old business.

8. NEW BUSINESS

A. 2024 Winter Conference

Chair Forbush is working with Anthony Chubb and Randal Brown to plan the conference. Summit on the Park in Canton is able to host the event again, with Zingerman's providing the food.

Discussion was had regarding moving the date up a week to February 9th due to the 16th being the Friday of the long President's Day holiday weekend.

Secretary/Treasurer Kolb will see if the Summit on the Park is available on 2/9.

Topics for the conference were discussed, including: FOIA/OMA, open carry, the new election laws, among others.

A suggestion was made to invite municipal clerks to the session on the new election laws. Discussion was had on whether they should be invited to attend free of charge. Member Fisher shared that municipal officials had been invited to Section conferences in the part, and they had been charged full price.

Chair Forbush indicated more information would be available next month.

B. 2024 Summer Conference

Vice Chair Forsyth indicated he would be reaching out to the MML to start planning for the 2023 Summer Conference, and asked for ideas for topics.

Member Mills suggested a session on the changes to public sector labor laws, and offered to speak on this topic.

Member Watza suggested various telecom industry issues: fight with Netflix, working with the FCC to reopen the dialogue on small cells, internet security, cell towers, pre-emption issues.

Secretary/Treasurer Kolb proposed additional discussion on the new election laws.

9. COUNCIL COMMENTS

Member Mills asked for experience on a matter involving liability for failure to properly retain and maintain public records. Member Pastula referenced case law involving municipal officials.

Member So referenced pending legislation that would give the public service commission sole jurisdiction over certain alternative energy sources, preempting local zoning. He also raised the issue of legislation requiring clean energy by 2040 from public utilities which would affect public electric utilities.

AJOURNMENT:

Chair Forbush declared the meeting adjourned at 11:12 a.m.

Minutes taken by Kolb

DRAFT