



GOVERNMENT LAW SECTION

REGULAR MONTHLY MEETING MINUTES

December 2, 2023 – 10:00 AM

Meeting called to order by Chair Forbush at 10:03 a.m. on December 2, 2023

Call to Order

I. Attendance and Excused Absences

Present: Brown; Chubb; Fisher; Forbush; Forsyth; Joppich; King; Kolb; McGee; Mills; Nettleton; Pastula; Sluggett; So; Steele; Tamm; Thomas; Watza; Williams

Absent: Bluhm; Mithani;

Motion to excuse absences: Sluggett **Second:** Watza

Council approved by unanimous vote.

2. Approval of Agenda

Motion to approve agenda : Watza **Second:** Steele

Council approved by unanimous vote.

3. Approval of Minutes of November 4, 2023, Regular Meeting (Attachment A and B) and October 7, 2023, Regular Meeting as revised (to be provided)

Motion to approve October 7 minutes : Williams **Second:** Kolb

Council approved by unanimous vote.

Motion to approve November 4 minutes: Fisher **Second:** Nettleton

Council approved by unanimous vote.

4. Treasurer's Report: Kolb – *no news from the State Bar, more to more after Winter conference; no further questions*

5. Amicus Committee : Jostock v Mayfield Twp., et al : Williams presented following information - Fisher & Williams writing brief, thus far; discussed GLS sharing expenses with MTA; *MML - LDF telephone conference with Williams; some uncertainty about filing brief since Township not participating. "What is role of the amicus?" Not necessarily endorsing Township;

Forsythe – recommends MLL and GLS do joint brief; more authors will possibly join; he will get back to GLS; draft will be provided to MML before filing- focus on the law and statute and not representing the township. Forbush: time frame question; order was dated 10/18/2023; costs & contributions : MTA = \$10,000; GLS – is usually \$15,000 for Supreme court briefs; Kolb – Property section will not be taking a position. Fisher : the approach is a clarification and not a broadening of of the Michigan Zoning Enabling Act, conditions not new uses; Mills: asked if the counties (MAC) had been invited. Williams : had not communicated with the counties., but will reach out to them; (Counties have zoning authority in Upper Peninsula) ; Steele & Forsythe : where townships do not have zoning authority, the counties have the authority; Nettleton – agreed with Fisher’s approach; Is MTA’s position consistent with GLS? Williams – absence of township from Court of Appeals and Supreme court makes it “messy” . Forbush – confirm with MTA to minimize conflict. Best to do brief with MML

Sakorafos v Charter Twp. of Lyon (Attachment C) - Kolb : firm (Rosati) currently handling matter; handled by previous insurance carrier; facts are incorrect, Incorrect standard for the standard for standing ; township is no longer party to the case; letting decision stand is of concern to municipalities; amicus support would help before the kennel files appeal; there is still lots of time; Williams: will discuss further with amicus committee; will take a deeper dive into reading and researching the case.

6. Briefly: Mills: looking for new authors and topics; December complete and January coming soon.

7. Old Business

8. New Business

a. 2024 Winter Conference – Confirmed 2/9/24

- Forbush : confirmed February 9 date; topics: red flag laws; surrender of firearms
- Chubb: FOIA- Presenters: East Lansing Clerk; Rozell – Oakland County; Carlito Young- Kolb and Joppich will follow up with Carlito Young
- Kolb – will take care of Zingermans and send email; and contracts to Forbush

b. 2024 Summer Conference

Forsythe: Summer Conference Discussion;

Discussion of Planning with M.A.M.A with Vince Duckworth; 12/8/2023 zoom meeting scheduled.

Theme of conference discussion – Law Enforcement (?)

Topics:

- Jails/lockups – sheriff & police operations; Collective Bargaining Agreements
- Labor Law;
- Elections;
- Telecommunications Watza - ITC, 115-mile path through the state; need proactive approach; Chubb – 5G and small cells; Forsythe – preemption.

Supreme Court speaker : Clement– Fisher: *Clement Could help or assist with preparation of amicus briefs ;*

Forbush - *agrees with Fisher*

Berstein invited last year but was unavailable.

9. **Council Comments** Fisher : *recreate a zoning and land use committee; Forbush – asked how to form the committee; Mills – need to establish a committee purpose Watza – also create a fix in response to telecommunications industries.*

Fisher – made motion to create committee – Zoning, Land Use and Local Control; purpose of the committee would be to review pending legislation and case laws to refer to amicus committee and maintain local control; Watza – also create a fix in response to telecommunications industries.

Second : Joppich *Joppich: asked if this would be a broader scope on zoning and land use*
Fisher – *answered yes; Mills – asked if composition of committee- just council or outside members of the section? Joppich : will it have non-lawyers, like Planners? Watza – planners have already been approached by telco. Industries, but would be good idea to invite them to committee; Fisher – answered, yes authority comes back to the GLS council. Joppich – county planners would be good, too Thomas – agreed with Joppich he is interested on being committee.*

Committee volunteers: King; Watza; Forsythe; Thomas; Fisher – will chair committee

Motion passes with unanimous approval

Kester : new OMA legislation - retirement boards energy agencies able to meet via electronic/remote meetings; he will share with group.

Fisher – asked if this will broaden use of electronic /remote meetings. Kester: answered no; there is not traction to advance electronic meetings for all entities. Mills – MAC had legal assistants working on that traction; she will follow up; Forbush – present at Winter conference

*Joppich – discussed local control and storm water management; Senate Bill 660 authorizes storm water utility; referred to committee and there is upcoming hearings; he will send to the group; Five to six communities have utility but no legislative support; Civil engineers’ report – Michigan is low with storm water management infrastructure(footnote -Bolt :cannot charge fees like most states)
McGee : *municipal friendly bill ; empowers municipalities to get policy results; Brown, Joppich and Mithani on related committees. It took bill a long time; storm water fee still viewed as a tax...**

Pastula: asked about term of the newly formed Zoning Land Use & Local Control committee; Fisher: answered that it would continue subject to non-productivity; original motion amended by Fisher to include this information; Second: Joppich . unanimous approval by council

Forsythe and Kester : there are new energy bills in Lansing impacting municipalities; purpose would be to educate legislature;

10. Adjournment

Meeting Adjourned at 11:12 a.m.

