



REGULAR MEETING MINUTES

GOVERNMENT LAW SECTION

January 7, 2023 – 10:00 AM

A meeting of the Government Law Section was called to order by Chair Mithani at 10:00 a.m.

Call to Order

1. Attendance and Excused Absences

Present: Bluhm, Brown, Fisher, Forbush, James, Joppich, King, Kolb, McGee, Mithani, Nettleton, So, Steele, Tamm, Thomas, Watza, Williams,

Absent: Bluhm, Mills, Thomas, Zeits

Motion to excuse absences: Fisher **Second:** Sluggett
Council approved by unanimous vote.

2. Approval of Agenda

Motion to approve as presented: Williams **Second:** Nettleton
Council approved by unanimous vote.

3. Minutes of December 3, 2022 Regular Meeting

Motion to approve minutes as presented: Tamm **Second:** Fisher

4. Treasurer's Report

a. 2021-2022 Audited Financials

Treasurer-Secretary Forsyth reported that the Section ended \$77,495, an increase of \$5,000 from the prior year.

b. November 2022 Financials

Treasurer Secretary Forsyth reported that Section dues were generally consistent with the previous year, up slightly to \$25,585.

5. Amicus Committee

a. Amicus Request in Technical Professional and Officeworkers Association of Michigan v. Renner, SC Case No. 162601

Williams shared that the committee met to discuss the invitation to submit an amicus brief, and decided that, as with the invitation from the Court of Appeals, decided that the case did not present a relevant issue for the Section.

Fisher proposed writing a letter as before. Joppich asked whether anyone had spoken to a MAMA representative. William answered that he had the last time, but noticed MAMA was not on the invite list from the Supreme Court. Joppich suggested reaching out the MSC and asking if there was a specific reason the Section was invited to submit a brief.

Motion to decline to participate and to send a letter to that effect: Fisher

Second: McGee

Council approved by unanimous vote.

**b. Amicus Request in Scio Township Clerk v. Scio Township Board, COA
Case No. 363454**

Chair Mithani reported that no formal request for amicus participation had been received yet, but Mills was copies on a request to the MTA.

No action is required at this time.

6. Publications Committee

a. *Briefly* Update

Chair Mithani shared that Kevin McQuillen of Kerr Russell had volunteered to act as the editor of *Briefly*; however, he would be going out on paternity leave and would be unavailable until April; his co-editor was also tied up with other work. She indicated she would still like to get an issue out in March, but it did not seem possible. She indicated she definitely wanted to get an issue out in April in order to promote the summer conference.

7. Old Business

a. 2023 Winter Conference - (February 17, 2023 – Canton Township) – Update

Chair Mithani reported that the agenda and speakers for the Winter Conference are set. The venue and catering contract were set.

Discussion was had on where to hold the meeting following the conference. It was decided to hold it at Antonio's again. Kolb will make the reservation.

Motion to approve the agenda for the 2/17/2023 Winter Conference: Forsyth

Second: Nettleton

Council approved by unanimous vote.

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

Vice-Chair Forsyth shared that a meeting was held in December with the MML representatives. Topics were discussed and focused on land use issues: short-term rentals, single-family zoning, but also community policing and homelessness and homeless encampments. They also discussed the trending attacks on governmental immunity, public duty doctrine, qualified immunity.

There was also discussion about a lunchtime speaker. Fisher proposed new Chief Justice of the Michigan Supreme Court, and offered to extend an invitation.

Watza commented that a new court and a new legislature could change attitudes about immunity.

Discussion was had about social events at the summer conference. Forbush shared that there was discussion about a cocktail hour only on Friday, with a formal dinner on Saturday. She also shared the idea of a “dine around” where attendees who attend without families could sign up to attend a dinner with other single attendees.

8. New Business

a. Public Policy Committee Referral of ADM File No. 2022-37

Chair Mithani reported this referred to a Vendor Neutral Citation System. There was a deadline to provide comments.

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

Chair Mithani shared that she had been contacted by several members on this issue. The proposed change to the court rule would remove the automatic right to appeal on a denial of governmental immunity. She proposed creating an ad hoc committee to look into what other groups were doing and to assist the Section in forming a response.

James asked for an explanation of the proposed change. Tamm explained the change to the Court Rules and its possible impact on local governments. It is his recommendation the Section oppose the change.

Forbush shared that the MML will be opposing the change. Chair Mithani suggested a joint response. Watza asked if the MMRMA was taking a position? Joppich responded he was not sure, but the change would definitely impact that group. Chair Mithani questions whether the state would be opposing? Forsyth indicated the sheriffs' and police associations' could be impacted.

Brown stated it would be important to get local governmental themselves to oppose the change. Vice-Chair Forbush proposed a brief discussion at the Winter Conference to

hopefully drum up more opposition. Fisher suggested to bring up early in the day, when attendance was highest. Chair Mithani proposed adding a discussion as an agenda item.

Motion to amend the Winter Conference agenda to add this item: Forsyth

Second: Forbush

Council approved by unanimous vote.

Motion to create an ad hoc committee re: ADM File No. 2021-35: Williams

Second: Tamm

Council approved by unanimous vote.

Forbush and Joppich volunteered to work with Brown on the committee.

c. SBM Public Policy Acknowledgment

Chair Mithani shared that the Section was required to sign an acknowledgment regarding the SBM rules regarding positions on public policy matters.

Williams shared that he didn't like the wording.

Chair Mithani indicated it would be discussed at another meeting.

d. Public Policy Notice.

Chair Mithani indicated the SBM was going to be considering a variety of public policy issues at their January 20, 2023 meeting as outlined in the attachment.

9. Council Comments

Kolb shared Bluhm's congratulations to Williams, who had recently retired as Big Rapids City attorney.

Forsyth mentioned the recent actions of the Ottawa County Board of Commissioners, including firing the county attorney and dissolving the DEI Department. He indicating the AG would be investigating the Commissioners actions.

Adjournment

The meeting was adjourned at 11:40 a.m.

Minutes taken by Kolb