



GOVERNMENT LAW SECTION

MINUTES OF THE JANUARY 11, 2025 REGULAR MONTHLY MEETING

Call to Order by Chair Forsyth at 10:05 am. Welcome to Member Aimee Gibbs.

1. Attendance and Excused Absences

See attached attendance roll call sheet.

Motion by Fisher/Sluggett to approve excused absences; approved unanimously.

2. Approval of Agenda

Motion by McGee/Chubb to approve; approved unanimously.

3. Minutes of the December 7, 2024, Regular Meeting (Attachments A and B)

Motion by Chubb/Fisher to approve minutes; approved unanimously.

4. Treasurer's Report: (Attachments C)

Secretary-Treasurer King noted that SBM is implementing updates, which may result in the financial reports appearing different and revenue account number changing. She has SBM Officer's Training scheduled for Tuesday.

5. Amicus Committee: Update

Committee Chair Williams is absent-excused and provided the following update to the Chair via email:

"There is no new news from the amicus committee, other than the Order granting leave to appeal to file an amicus curiae brief in *Michigan Association of Home Builders, and Associated Builders and Contractors of Michigan and Michigan Plumbing and Mechanical Contractors Association v City of Troy*, and the Supreme Court's Order in *Midwest Valve & Fitting Company v City of Detroit*, affirming the decision of the Court of Appeals."

6. Zoning Land Use and Local Control Committee: Update

Committee Chair Fisher provided updates regarding the following:

a. Invitation to Summer Conference MSC Speaker. Member Fisher contacted David Eberle, a GLS Section member who had clerked previously for Justice Viviano. David made contact with Nathan Inks, who had been the Justice's permanent clerk, who communicated our invitation to the Justice. Discussion on conference dates: is it June 20/21 or 27/28? After confirmation by Chair Forsyth and Vice Chair Kolb, Member Fisher will communicate the confirmed conference dates to the Justice. Members Mills/Pastula will update Winter Seminar materials if necessary.

b. Status of Committee efforts:

i. Bill motivated by Forsyth/Watza, concerns the use of highways by public utilities. GLS was in support, and Member Watza is pursuing it through PROTEC.

- ii. Proposed statutory revisions to the Michigan Zoning Enabling Act to address conditional rezoning. Based on the previous meeting, the Committee and GLS are satisfied with the bill. Committee Chair Fisher noted that certain aspects may be objectionable to the Real Property Section, so they have proactively sought feedback. The Committee is currently awaiting a response from the Real Property Section regarding conditional rezoning proposal.
- iii. Proposed amendment to MCR 7.203, which governs appeal as of right to the Court of Appeals. The amendment clarifies the ambiguity by explicitly permitting an appeal as of right. It addresses the uncertainty in the court rules regarding whether an appeal should be by right or by leave once the circuit court has issued its opinion. Chair Forsyth has been advocating with the SBM on this topic and GLS has received confirmation to proceed with its policy position on conditional rezoning. Awaiting feedback from the Real Property Section was again noted.
- iv. *City of Taylor vs DTE*. Member Watza queried whether local units that generate their own power are comfortable? Discussion among Council on the topic. Chair Forsyth noted he met with Brandie Ekren, Executive Director, Traverse City Light and Power. She requested draft and will provide feedback. Further discussion held; no formal action taken.

7. Briefly: Update

Member Mills provided an update. Kevin McQuillan has the materials needed to push out a draft soon. Discussion held; no formal action taken.

8. Old Business

a. 2025 Winter Seminar - (February 21, 2025 – City of Troy) – Update

Members Mills/Pastula provided updates and requests as follows:

- i. Volunteers for Check In table. Members Gibbs and Thomas volunteered.
- ii. Promotional Items (such as pens, notepads). Discussion held on types of promotional items and timing/cost.

Motion by Chubb/Thomas to authorize Members Mills and Pastula to move forward with procuring GLS promotional items in an amount not to exceed \$1,000.00 for stationery/other related items. Motion adopted by 2/3 vote in compliance with the requirements of Article VII, Section 4 of the State Bar of Michigan Bylaws (16-0 with 0 abstentions):

		<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
1	Bluhm, Lori 2027				x
2	Brady, Michael 2024	x			
3	Chubb, Anthony 2026	x			
4	Fisher, Jerry 2026	x			
5	Forbush, Audrey 2027				x
6	Forsyth, Chris 2027 Chair	x			
7	Joppich, Steve 2027				x
8	Kim, William 202	x			
9	King, Dawn 2026 Secretary-Treasurer	x			
10	Kolb, Kristin 2026 Vice Chair	x			

11	McGee, Mike 2025	x			
12	Mills, Lizzie 2026	x			
13	Mithani, Soni 2025				x
14	Nettleton, Mark 2025	x			
15	Pastula, Julianne 2027 Deputy Secretary-Treasurer	x			
16	Sluggett, Jeff 2027	x			
17	So, Kester 2025	x			
18	Thomas, Aaron 2025	x			
19	Watza, Mike 2026	x			
20	White-McDonnell, Elizabeth 2025	x			
21	Williams, Eric 2025				x

- iii. Law Student Sponsorships. Discussion held on ways to extend complimentary registrations to law students on first-come first-serve basis to increase awareness of GLS. Topics included Law Student Section of SBM and in-state law schools.

Motion by McGee/Watza to authorize Members Mills and Pastula to develop and implement inclusion of law students; approved unanimously.

- iv. Challenge to send info on seminar to someone not in your firm and continue to promote event in your networks.
- v. eBlast to Other Sections. Members Mills/Pastula identified: Administrative & Regulatory; Cannabis; Labor & Employment; Law Student; LGBTQ+; Litigation; Law Practice Mgmt; Real Property; Solo & Small Firm; Young Lawyers. Discussion held, no additional Sections identified; no formal action taken as authorization to promote via SBM previously granted to Members Mills/Pastula.
- vi. Member Mills noted that she may be unable to attend the seminar due to a scheduled trial at the NLRB.

- b. 2025 Joint Summer Educational Conference (June 27-28st Grand Traverse Resort) – Update Vice-Chair Kolb thanked Council for their expressions of sympathy and indicated she just returned to work this week. Vice-Chair Kolb will reach out to Vince Duckworth and confirm dates. Discussion held and Member Watza volunteered to assist in planning, working together with the Vice Chair. No formal action taken.

9. New Business

- a. Request for participation from the Michigan Association of Planning; Renewal Energy Project Siting Approval Process; Public Act 233 legal training (*Attachment D*). Chair Forsyth noted Amy Vansen & Amy Jordan contacted him before the holidays. They would like to raise awareness of the new public act and are requesting GLS assistance in creating as well as coordinating legal training. The follow up email is in the meeting packet for Council's convenience.

Vice Chair Kolb noted her firm is involved in a pending challenge but that it has not moved yet. Member Chubb noted East Lansing is very forward on it and offered his assistance. Member Mills offered to discuss with members of her firm to identify individuals that could also assist. Member Fisher cited 78-79 communities on the West side of the State are represented by Mike Homier at Foster Swift's Grand Rapids office. Member Watza stated that PROTEC aligning with MI-MAUI on

these issued before the MPSC.

Chair Forsyth to follow up with Amy Vansen & Amy Jordan; GLS to talk within firms to identify other individuals; Member Chubb will be assisting; no formal action taken.

- b. Notice of Public Policy Items to be Considered by the State Bar Board of Commissioners; Request for Comments (*Attachment E*).
No discussion or comments were offered; no formal action taken.

10. Council Comments

- a. Vice Chair Kolb expressed gratitude to the Council for the support she and her family received during their unexpected loss. She deeply appreciated the notes, calls, cards, and donations.
- b. Member Watza noted MI-MAUI doing electric rate and case work across Michigan. He is looking towards strengthening PROTEC's relationship with them as Michigan has some of the highest rates in the country and worst service.
- c. Member White-McDonnell reported that the Four Lakes Special Assessment District hearing took place this week. The hearing addressed a \$200 million special assessment for dam replacement in Gladwin and Midland counties, which had been challenged by property owners. Specifically, the Heron Cove Association's 2024 appeal contested the assessment, arguing that the assessment did not provide a special benefit and their properties were outside the benefit district. The MI Court of Appeals upheld the municipalities' authority to impose the SAD.
- d. Member Chubb raised ballot initiative concerns. Specifically, the impact of recent decisions on *Coalition for Safer Detroit v Detroit City Clerk*. In COA 367522, the court issued a published opinion holding that all challenges—whether substantive or facial—must be raised before the initiative is placed on the ballot. Member Chubb highlighted that the Oakland circuit held it had to be on the ballot before you can challenge. The COA decision directly contradicts *Coalition for Safer Detroit*. Judge Markey authored a scathing dissent, criticizing the majority's position. Member Chubb thinks a distinct decision on when to challenge is needed and will be filing leave to appeal to MSC in the next few weeks. Member McGee raised judicial economy concerns and Member Fisher noted it was rare to file early (i.e., before the procedural process). Discussion held and potential referral to the amicus committee in the future was noted; no formal action taken.

Adjournment at 11:18 am

Next Meeting: February 21, 2025, at City of Troy Community Center