

Attachment A



GOVERNMENT LAW SECTION

MINUTES OF THE MARCH 8, 2025 REGULAR MONTHLY MEETING

Call to Order by Chair Forsyth at 10:04 a.m.

1. **Attendance and Excused Absences**

See attached attendance roll call sheet.

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

2. **Approval of Agenda**

Motion by Fisher/Mithani to approve; approved unanimously.

3. **Minutes of the February 21, 2025, Regular Meeting** (*Attachments A & B*)

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

4. **Treasurer's Report: None.**

Secretary-Treasurer King noted the following expenditures - total expenses Crank's Catering/Corporate Specialties \$8,534.69 and amicus in *Homebuilders* case \$7,493.63. There are no updated reports from SBM.

5. **Amicus Committee:**

a. Exclusive Capital Partners vs Royal Oak – tabled at the February 21st Meeting (*Attachment C*)

Update email from Committee Chair Williams. Chair Forsyth stated he was not in attendance at the previous committee meeting and invited Member Fisher to provide a summary. Member Fisher noted there was strong consensus to “get an oar in the water” and that it was important to clarify Court of Appeals opinion should not be interpreted to include day to day business. Recommendation from the committee is that GLS participate.

b. Quakenbush vs Brooks Township (*Attachment D*)

This case represents another judicial inroad limiting local control. In the case, a visiting circuit judge held that the local unit lacked the authority to zone for cemeteries.

Request made that this line item be addressed at the end of today's agenda to provide Committee Chair Williams an opportunity to provide comments. No formal action taken; no objections raised to move this line-item to the end of the agenda (after new business).

6. **Zoning Land Use and Local Control Committee:** (*Attachment D*)

Committee Chair Fisher announced that the next committee meeting will be held on March 12. He also reported that there is committee support for amending the current Zoning Enabling Act as it pertains to gravel mining. Lobbyists have been active during the last three lame-duck sessions, advocating for shifting approval authority to EGLE and eliminating all local land use restrictions. Committee Chair

Fisher suggested that GLS consider introducing a bill to amend the Zoning Enabling Act, noting that the Michigan Municipal League (MML), Michigan Townships Association (MTA), and private stakeholders are investing significant time and resources into this issue. A discussion followed; however, no formal action was taken.

7. Briefly: Update

Member Mithani provided update that Editor Kevin McQuillan is on auto pilot and has his team down! The goal is three issues per year and to release the next issue in advance of the June conference. A discussion followed, no formal action taken.

8. Old Business

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

i. Review of Attendee Survey Results Summary (*Attachment E*)

Members Pastula and Mills provided summary and discussion followed. Member Chubb noted wonderful turnout. Location in the state was discussed. Preference for larger room in Troy if we maintain that location. Generosity of Member Grigg Bluhm and the facility were appreciated. If new location was desired Member Mills suggested The Henry in Dearborn or a possibly location in Canton. Chair Forsyth stated easy drive from Traverse City, nice hotel. Member White-McDonnell observed that from West MI driving to Lansing or Detroit is basically the same. Member Fisher stated the event was unique in a positive way and in the number of people that attended and participated in the meeting after. Thanks were extended to Members Mills and Pastula for a great event.

ii. Final Invoice from Crank's Catering (*Attachment F*)

Member Pastula stated caterers adjusted their invoice cost down and the amount of the final payment made was \$974.

iii. Preliminary Ideas on the 2026 Winter Seminar

Potential date of Friday, February 20th was discussed and the following session ideas and comments were offered:

- Speaker to track legal updates. Top 5 changes. John LaMacchia II, Director State and Federal Affairs for MML or Judy Allen, Director Governmental Relations for MTA, county road association representative. Invite all of them and make it interactive.
- Shift networking breakouts to interactive sessions.
- Discussion of substantive/wellness topics and whether to continue the mix moving forward. Member Brady indicated he liked it and that it balanced the speakers and topics.
- Member Fisher liked the panel format and that one speaker was not talking for 30 minutes.
- Member Kim suggested regional breakouts (e.g., Detroit/West/North). Member Brady built upon the idea by offering that specific issues be identified (i.e., gravel not a huge issue in Wayne County but blight/code enforcement would be).

General agreement this idea should be explored and list of issues (general to state and unique to certain areas) be explored. OMA is general issue.

- Member Fisher suggested “Where does MI stand post-Prop 2” session and invite 1-3 clerks come in to discuss effect of Prop 2 of 2022 (Promote the Vote). Member Mithani built upon the idea and suggested included citizenship verification at state level (if it passes). It was noted that AZ has had it since 2004 and it has been a “disaster” to implement. KS has it briefly but repealed it. General Agreement this idea should be explored with potential panel composition of one local clerk, one county clerk, one MDOS rep and one advocacy group member (across political spectrum) suggested.
- Chair Forsyth shared he went to MME Winter Conference and liked Member Joppich’s “Meet you City Attorney” presentation. The Chair noted Member Grigg Bluhm included a similar session at an IMLA event and it was well received with very positive feedback.

Discussion held; no formal action taken.

b. 2025 Joint Summer Educational Conference (June 27-28th Grand Traverse Resort) – Update

Chair Forsyth provided update and will continue to work with Vice Chair Kolb. The following topics are being covered by GLS and were discussed by the Council:

- Cybersecurity incidents in MI. Chair is trying to get Sam Hammoud or Starr Kincaid, Director Claims and Legal Service at MI Municipal Risk Mgmt Authority (MMRMA). The Chair noted Detroit News article about White Lake Township proceeds stolen, Wexford County was victim of ransomware attack and their ROD was impacted for one month. Member Kim noted 2 weeks after he left Flint they had an attack. Member Chubb stated Genessee County 911 switched over to cloud. MMRMA came out and Mr. Hammoud said the first thing you do is call them. Member Watza shared that Wayne County has ransomware attack recently that was resolved quickly. Personal data release liability was also raised. Member McGee suggested a panel discussion with investment banker, lawyer, etc. and have a discussion across practice domains. Member Chubb built upon the idea by suggesting IT folks from a bigger firm be included as well.
- SCOTUS update. Member Grigg Bluhm indicated neither Amanda or Eric are available. She was thinking Con Law professor (Chen not available). Member Mithani suggested UM Law Professor Julian Mortenson.
- Chair Forsyth also noted that MEDC/Big Rapids battery plant is a GLS topic.

Discussion held; no formal action taken.

9. New Business

None.

Council returned to line-item 5 on the agenda:

a. Exclusive Capital Partners vs Royal Oak – tabled at the February 21st Meeting (*Attachment C*)

Motion by Chubb/Grigg Bluhm to authorize amicus participation in Exclusive Capital Partners vs Royal Oak jointly with MML and/or MTA based on proportionate share and that Chair Forsyth will reach out

to Chris Johnson. Motion adopted by 2/3 vote in compliance with the requirements of Article VII, Section 4 of the State Bar of Michigan Bylaws (9-0 with 2 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	Gibbs, Aimee 2025				x
8	Joppich, Steve 2027				x
9	Kim, William 202	x			
10	King, Dawn 2026 Secretary-Treasurer				x
11	Kolb, Kristin 2026 Vice Chair				x
12	McGee, Mike 2025			x (Def. is client)	
13	Mills, Lizzie 2026				x
14	Mithani, Soni 2025			x (Def. is client)	
15	Nettleton, Mark 2025				x
16	Pastula, Julianne 2027 Deputy Secretary-Treasurer	x			
17	Sluggett, Jeff 2027				x
18	Thomas, Aaron 2025				x
19	Watza, Mike 2026	x			
20	White-McDonnell, Elizabeth 2025	x			
21	Williams, Eric 2025				x

b. Quakenbush vs Brooks Township (*Attachment D*)

Member Fisher noted that GLS has not been formally invited to file an amicus brief; rather, a letter was directed to the MTA. However, GLS has sufficient time and expects to receive a formal invitation to participate. At this stage, the matter remains an introductory concept, and there is plenty of time for GLS to take formal action if needed. A discussion followed, with consensus that the item is informational only at this time; no formal action was taken.

10. Council Comments

- a. Member Mithani raised concerns about a potential loss of funding stemming from recent federal Executive Orders. Member Chubb noted that East Lansing is one of the few sanctuary cities in Michigan and affirmed that the city does not intend to change its position. Member White-McDonnell added that the Pontiac City Council had adopted a similar resolution, which was subsequently vetoed by the Mayor. While unsure of the accuracy, Member Mithani also mentioned hearing that Muskegon had been asked to post its DEI initiatives on its website. Member Brady shared that although federal funds represent a small portion of the Michigan Department of State (MDOS) budget, approximately 47% of the State of Michigan's overall budget consists of federal

pass-through funding. He also noted that the Governor intends to consult with the Attorney General. A brief discussion followed.

- b. Member Fisher asked if there was clarity on the compliance timeline for local governments under ESTA. Chair Forsyth and Member Kim confirmed that the requirement is 30 days, with an additional grace period applicable if collective bargaining agreements (CBAs) are in place.
- c. Member Brady reported ongoing discussions at both the state and federal levels regarding potential requirements for proof of citizenship when registering to vote. He noted that House Joint Resolution B of 2025 (the SAVE Act – Posthumous) currently does not appear to have sufficient support in the State House. As the resolution would amend the MI Constitution, it would ultimately need to be placed before voters for approval. Member Brady also provided an overview of Arizona's system, which has operated with a bifurcated voting process for the past 20 years—applying different standards for federal and state ballots. In Arizona, voters must provide proof of citizenship (such as a birth certificate) to vote in state elections, which has resulted in 30,000 to 50,000 individuals being eligible to vote in federal elections but not in state elections due to inability to prove citizenship “enough”. He noted that if the SAVE Act were enacted in Michigan, a similar bifurcated election system would likely result. Member Mithani asked whether proof of citizenship would be required for each election and agreed to follow up with Member Brady offline for further discussion.

Adjournment at 11:25 a.m.

Next Meeting: April 12, 2025, at 10:00 am via Zoom.