

**STATE BAR OF MICHIGAN  
GOVERNMENT LAW SECTION**

**REGULAR MONTHLY MEETING MINUTES**

**December 1, 2018**

Miller Canfield

120 N. Washington Square, Suite 900

One Michigan Avenue Building, Lansing, MI

**Call to Order:** A meeting of the Governmental Law Section was called to Order by Chair, Steven P. Joppich on at 11:05 a.m.

1. **Attendance and Excused Absences:**

**Present:** Chair Steven P. Joppich, Secretary/Treasurer Catherine Mullhaupt, Lori Grigg Bluhm, Mary J. Fales, Gerald A. Fisher, Audrey Forbush, Christopher Forsyth, Mike McGee, Lizzie Mills, Carol Rosati, Jeffrey V.H. Sluggett, Kester K. So, James E. Tamm, Debra W. Walling, Michael Watza,

**Absent:** Anita Hitchcock, Sonal Hope Mithani, Mark E. Nettleton, Vice-Chair Gregory T. Stremers, Eric Williams, Karrie A. Zeits.

**Motion to Excuse Absences:** Fisher **Support:** Walling  
**Council approved by unanimous vote.**

2. **Approval of Agenda:**

**Motion to Approve Agenda:** Fisher **Support:** Forsyth  
**Council approved by unanimous vote.**

3. **Approval of Minutes: November 3, 2018 Regular Meeting**

**Motion to Approve Minutes:** Bluhm **Support:** Mills  
**Council approved by unanimous vote.**

4. **Treasurer's Report:** Mullhaupt reported no new expenses; waiting on SBM end-of-year financial statements. Treasurer's report accepted.

5. **Amicus Committee Report:** Mullhaupt presented an updated PDF report of current briefs.

6. **GLS Briefly Report:** Mills reported on the current *Briefly* schedule and asked for suggestions of issue and article topics and authors. Fisher suggested loss of local control, based on rash of bills in "lame duck" removing local control. Joppich thanked Mills for developing a new

form/schedule for authors to submit interest and to assist her and future editors in scheduling articles and issues.

7. **Old Business:**

- a) **GLS Winter Seminar, The Henry, February 8, 2019:** Forsyth reported that all the topics and speakers had been confirmed, and he was working with Heather Anderson at SBM on the notice and mailings. Dr. Michele Glinn, former toxicologist with Michigan State Police crime lab, has agreed to speak, and has asked if the GLS would pay her airfare. She will be traveling over 500 miles, and it will be cheaper than paying for mileage. She will not need a hotel room.

**Motion to provide airfare and Uber/taxi cost reimbursement for Dr. Michele Glinn to speak the GLS Winter Seminar: Walling Support: McGee  
Council approved by unanimous vote.**

Joppich thanked Forsyth, Walling, Fales and other council members for organizing the winter seminar. Fales asked about speaker gifts and indicated that the SBM will do speaker gift items with a Bar logo including the section name, which could increase awareness of the new section name. Forsyth will follow up with Heather Anderson. Bluhm indicated \$50 gift cards were given to speakers last year.

**Motion to give Forsyth discretion to decide on reasonable gifts like gift cards for speakers at the GLS Winter Seminar: Fales Support: Bluhm  
Council approved by unanimous vote.**

Joppich reminded the council that there would be no lunch speaker to enable socializing and networking and to help keep the agenda on schedule.

- b) **GLS-MAMA Summer Conference, Bay Harbor Village Hotel, June 21-23, 2019:** Fales reported that, as of this week, Katie Jones is the new event coordinator at MML for MAMA. Fales and Forsyth will do a conference call with her on the winter conference, and later a larger conference call for the summer event. Joppich reported that Stremers has also been working with her regarding the summer conference. Fales reported that discussion of a potential Michigan Supreme Court speaker was delayed until after the election. Bluhm suggested newly elected Justice Megan Cavanagh, who has been involved in the MAMA conference in previous years.
- c) **SBM Social Media Offerings:** Joppich presented the concept of creating a committee of younger members/new attorneys to discuss ways to increase engagement in that demographic, especially using social media. He confirmed that other sections have done this and asked for recommendations of younger attorneys or members of firms to be invited to serve on the committee. Bluhm suggested Julie Dufrane at City of Troy, Rosati and Joppich recommended Michael Hanchett from their firm, McGee suggested Soni Mithani and Caroline Giordano at Miller Canfield. Mullhaupt recommended Seth Koches from Bauckham Sparks. Joppich asked council members to suggest any others via email. Walling suggested also asking at the winter seminar and putting a request in *Briefly*; Mills confirmed it could go in this issue. Fales indicated that SBM will provide staff support for such a committee including orientation.

- d) **2020 Bar Journal GLS issue:** Joppich has confirmed GLS participation to the Bar Journal committee and asked for deadlines, article length, etc. He will schedule more substantive discussion of articles/authors when we have that info. Fales reported that Williams and Bluhm are confirmed as issue co-editors, and the Bar Journal will assign an editor on their end, as well.

8. **New Business:**

- a) **Bylaw Amendment Regarding GLS Secretary/Treasurer position:** Joppich, Mullhaupt and Fales explained issues stemming from the SBM's October 1 fiscal year vs. the GLS Council's "year" starting in June, and how those offset terms made it difficult for new GLS officers to track financial information and report to the Bar staff, especially since the SBM training for section officers doesn't occur until the November following the election of GLS Council officers. Joppich suggested creating a new position of "deputy secretary/treasurer" basically a year ahead to enable a more seamless transition. Bluhm agreed that adding another person would make sense and supported amending the GLS bylaws. So suggested changing when the GLS Council elections take effect to September/October. Joppich suggested January, and Bluhm suggested at the winter meeting. Fales indicated that some sections do have deputies may include information on when their terms start in their bylaws. The Agricultural Law and Marijuana Law Sections are most recent to have bylaws approved by SBM, so the council could review. She added that bylaw changes need prior notice, section vote and SBM Board of Commissioners approval. Joppich will review SBM rules to ensure that this is allowed and bring draft bylaw amendments to the January meeting.
- b) **Real Estate Law Section Request for Shared Promotion:** The Real Estate Law Section has asked if they may do an e-blast to GLS members to promote their Homeward Bound Water Rights Program, Navigating the Rapids: Understanding Water Rights in Michigan, on Dec. 6. McGee suggested doing joint e-blasts on their meeting and the GLS winter seminar.

**Motion to give REL Section permission to promote program to GLS members and ask if they will reciprocate for the GLS winter seminar:** Fisher                      **Support:** Forsyth  
**Council approved by unanimous vote.**

- c) **Local Tree Regulation Preemption Bills and Court Case:** Rosati reported on the Canton Charter Township tree permit case and legislation. The company that initiated legislation to preempt local tree ordinances has avoided permits and violated ordinances in past. They clear cut the entire property, purportedly for cornfield, then Christmas tree farm. The township's corporate counsel, Kristin Kolb, is requesting amicus assistance. Bluhm reported that MML and MTA have been at legislative hearings. There isn't enough time in current "lame duck" to get approval from SBM to take a legislative position, but she urged council members to contact legislators individually. Bluhm is on the MML legislative committee and is willing to forward comments. Joppich asked, and Bluhm confirmed that MAP is also lobbying on it.
- d) **Amicus Request—*Shaw v Dearborn*:** This is a *Bolt* class action utility case in the Michigan Court of Appeals. Walling discussed her request to MML Legal Defense Fund, explaining that the city not settling, although other units have, because of its potential \$90 million loss and the

conviction that its fee is constitutional and distinguishable from *Bolt*. Dearborn did not impose a “rain tax” on all unimpervious surfaces. The city has a combined sewer/rainwater system and is in the process of separating them. Fisher asked whether the issue is how specifically you measure—do you have to have a separate charge for stormwater treatment instead of rolling into sewer/water rates? Walling confirmed and explained that parts of city’s systems were always separated and probably 40% are still combined due to infrastructure layout. The city is not making a profit, is not in violation of Headlee—it passed a separate millage question in early 2000s—providing good facts for case. MML will consider on Dec. 4. There is still time for an amicus brief, no author confirmed at present. Mithani recently won a good similar case for City of Detroit. If she is available, the city would likely support her authoring the brief. Joppich will call a special meeting to decide GLS participation as soon as MML decides.

9. **Council Comments:** Watza suggested the need to educate legislators on local control following the flurry of legislation seeking to limit or preempt local control in this session. SBM and MSU Public Policy Institute do programs to educate legislators, so it is important for GLS members to volunteer to assist with that. He will talk to SBM staff to see how GLS can help. Bluhm added that it would be great to have access to the legislative committee process, but she doesn’t know if that is likely to happen.

**Adjournment:** The Council by consensus adjourned the meeting at 12:31 p.m.

Minutes taken by Mullhaupt