

**State Bar of Michigan
Public Corporation Law Section**

Minutes of Regular Monthly Meeting on February 10, 2017

The Henry, 300 Town Center Drive, Dearborn, MI 48126

1. **Call to Order**

The regular monthly meeting of the Public Corporation Law Section Council was called to order on February 10, 2017, at 3:58 p.m. by Chair Mark Nettleton.

2. **Attendance and Excused Absences**

Present: Mark Nettleton, Lori Bluhm, Mary Fales, Gerald Fisher, Steven Joppich, Chuck McKone, Catherine Mish, Jeffrey Sluggett, Kester So, James Tamm, Debra Walling, Karrie Zeits and Ellen Ha. A quorum was declared.

Absent: Audrey Forbush, Michael McGee, Catherine Mullhaupt, Carol Rosati, Stephen Schultz, Gregory Stremers, Mike Watza and Eric Williams.

Motion to excuse absences by Chuck McKone, support by Gerald Fisher. Motion carried unanimously.

3. **Approval of Agenda**

Motion to approve Agenda by Gerald Fisher, seconded by Chuck McKone. Motion carried unanimously.

4. **Approval of Minutes**

Motion to approve minutes of January 7, 2017, Regular Meeting by Mary Fales, seconded by Debra Walling. Motion carried unanimously.

5. **Treasurer's Report**

Treasurer Joppich presented the SBM Unaudited Financials for December 2016, and reported that they appear to be in order. Councilmember Fales commented that revenues are up at this juncture, which is a positive development considering the heightened expenditures from last fiscal year due to the increase in amicus brief requests and participation. Treasurer Joppich also noted that increased revenues have been helped by the increase in dues. Chair Nettleton identified the SBM report on Section membership, and it was noted that there are certain types of members that are admitted on an annual basis without dues. Councilmember Fisher suggested that a letter from the Section be sent to these individuals at the expiration of their free membership expressing our appreciation

for their interest in the Section and our hope that they will decide to join as regular members. This suggestion was supported by a general consensus of the Section Council, and Chair Nettleton offered to take care of it at the appropriate time. The Treasurer's Report was acknowledged as being received and filed.

6. **Old Business**

- (a) Winter Seminar – February 10, 2017 – The Henry, Deaborn, MI – “Post-mortem”:

Councilmembers Tamm, Forbush and Walling were acknowledged and thanked for doing a great job on pulling all aspects of the seminar together, and everyone agreed that it was an extremely successful event. Attendance exceeded expectations with a final headcount of 94 participants. All agreed that The Henry did a topnotch job in all respects. Chair Nettleton indicated that he would send a thank you letter to The Henry.

- (b) Summer Seminar – June 23-25, 2017 – Grand Hotel, Mackinac Island, MI:

It was noted that there will be a meeting of the PCLS/MAMA Joint Committee following this meeting. Event Chair Zeits confirmed that the PCLS topics continue to include VRBOs, food trucks, MDEQ enforcement after Flint, medical marijuana, and the other topics are being coordinated by MAMA. She indicated that the arrangements for speakers are largely in place and should be wrapped-up shortly.

Chair Zeits went on to report that now that the nomination for the U.S. Supreme Court has been announced, she will pick-up where she left off with ascertaining whether Justice Larsen will be able to participate as a featured speaker. Council discussed possible alternatives, if Justice Larsen is unable to attend.

Council next engaged in a discussion about early advertisement/marketing for the conference and coordinating efforts in this regard. Councilmember Fales reported on the status of sponsorship funding.

- (c) “Subcommittee” Reports:

- (1) Subcommittee Re: Efforts to Increase Membership in Section:

Chair Nettleton reported that the written surveys from today's seminar are in his possession. He will compile the results and submit a summary to Councilmembers for discussion at the next meeting.

- (2) PCLS-Michigan Association of Planners Re: Guidance for Planners on “Unauthorized Practice of Law”:

Councilmember Walling reported that she has heard nothing further concerning this topic.

(3) eNewsletter:

Co-editor Joppich reported that they have an article submission regarding water supply contamination issues that is currently being edited, as well as submissions of summaries and other items that will be included in the next issue of *Briefly* in the coming weeks.

7. **New Business**

(a) Proposed amendment to MCR 9.108:

Councilmembers discussed the proposed amendment to the Michigan Court Rules. The general consensus of Council was that it did not concern matters within the purview of our Section, and that the information concerning this matter be received and filed.

(b) Request for participation in supplemental briefing in *Menard, Inc. v City of Escanaba*:

Chair Nettleton explained that the Supreme Court has requested supplemental briefing in this case and he was bringing the matter forward for Council's consideration of same. Councilmembers engaged in a discussion, agreeing upon the importance of this issue to cities, villages, and townships throughout the State of Michigan, especially considering the significant impact the decision will have on already dwindling local property tax revenues and fiscally strapped cities. Chair Nettleton indicated he expects that the MML, MTA and MAC will all agree to join with the PCLS in sharing the costs of the supplemental briefing. He further explained that the original amicus brief was assigned to and filed by Stephanie Morita of the Johnson, Rosati, Schultz & Joppich law firm, and that she would be assigned the task of preparing the supplemental brief as well.

Council discussed the amount that should be considered. Chair Nettleton indicated that the Council approved \$4,500 as its share for the original brief, but the cost of the brief was less than anticipated. Based on the billings received to date, it appears that \$1,350 of the originally approved expenditure remains unused. It was expected that the supplemental brief would involve roughly the same amount of effort as the original brief.

Motion by Fisher, supported by Walling to authorize the expenditure of an additional amount of \$2,500.00 for a total not to exceed amount of \$7,000.00 to

share in the cost of both the original brief that has been filed and the supplemental brief with the MML and others.

Ayes: Nettleton, Bluhm, Fales, Fisher, McKone, Mish, Kester, Tamm, Walling Zeits, and Ha.

Nays: None.

Votes Not Cast: Forbush, McGee, Mullhaupt, Rosati, Schultz, Stremers, Watza and Williams.

Abstain: Joppich.

8. **Council Comments**

None.

9. **Adjournment**

The meeting was adjourned at exactly 4:38 p.m.