

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

Minutes of Regular Monthly Meeting on March 4, 2017

Via Teleconference

1. **Call to Order**

The regular monthly meeting of the Public Corporation Law Section Council was called to order on March 4, 2017, at 10:06 a.m. by Chair Nettleton.

2. **Attendance and Excused Absences**

Present: Mark Nettleton, Mary Fales, Gerald Fisher, Steven Joppich, Michael McGee, Chuck McKone, Catherine Mish, Catherine Mullhaupt, Carol Rosati, Debra Walling, Mike Watz, and Eric Williams. A quorum was declared.

Absent: Lori Bluhm, Audrey Forbush, Butch Hollowell, Stephen Schultz, Jeffrey Sluggett, Kester So, Gregory Stremers, James Tamm and Karrie Zeits.

Motion to excuse absences by Fisher, support by Rosati. Motion carried unanimously.

3. **Approval of Agenda**

Chair Nettleton requested the addition of an item 7b regarding guidance to the Nominations Committee.

Motion to approve the Agenda with the addition of the proposed 7b by McGee, seconded by Fisher. Motion carried unanimously.

4. **Approval of Minutes**

Motion to approve the minutes of the February 10, 2017, Regular Meeting by Fales, seconded by McKone. Motion carried unanimously.

5. **Treasurer's Report**

Treasurer Joppich presented the monthly financial reports provided by the SBM. He also summarized the financial projections for amicus brief billings that have not yet been received or reflected on the February report. In the week leading up to this meeting he had received and requested payment of five substantial invoices amounting to approximately \$13,135.00 relating to the Winter Seminar and four amicus briefs. He indicated that his review of past Council minutes shows that the only remaining amicus brief expenditures involve the *Escanaba* supplemental amicus brief, possibly an

additional invoice related to the *Tittabawassee Township* amicus, and then the *Livonia* amicus brief that may be approved later on this agenda. Chair Nettleton declared the Treasurer Report received and filed.

6. **Old Business**

(a) Winter Seminar – Survey Results:

Chair Nettleton reported that the survey sheets provided largely positive feedback and good comment. The Council engaged in discussion regarding making presentation materials available on the Section's website. The Councilmembers generally agreed that if we were going to move forward with this, the seminar materials would be made available on the area of the Section's website that is restricted to members only, and only if the presenter did not request that their materials not be posted.

Councilmembers also generally agreed that a form letter should be developed and sent out to all presenters before each seminar setting some standards for seminar material submissions (e.g., character size, font types, background colors, number of slides per page, etc.). The letter could also disclose the availability/nonavailability of electronic equipment for the display of the presenter's materials. Lastly, it would disclose the Section's intent to post their seminar materials on the Section's website, unless the presenter indicated in writing that he/she did not want his/her seminar materials to be made available.

No motion was made in this regard, but Chair Nettleton will contact the SBM to see if the above posting concept is acceptable and can be arranged. He will also communicate with the presenters at the Winter Seminar regarding this matter. The general consensus was to bring the above collective thoughts back to Council for further consideration at its next meeting.

Councilmember Walling mentioned that the free valet service was only used by five people. We will need to do a better job of highlighting the free valet if we return to The Henry in the future.

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

Councilmember Fales discussed advertisement in the MML magazine, as well as registration/save-the-date e-blasts that will start in April. The general consensus of Council was that e-blasts are the best mechanism to communicate and spread the word to potential attendees, as opposed to "snail mail."

Councilmember Fales discussed speakers and topics briefly, explained that we were still waiting to receive a response from Justice Larsen, and sponsorships are progressing. She also discussed the sequence of events that were decided by the Joint Committee following last month's Council meeting.

(c) “Subcommittee” Reports:

No further developments reported.

(d) Change to Section Name:

The Council discussed and expressed gratitude for Councilmember So’s time and effort in putting together the list of names used by other state bar associations. Chair Nettleton discussed the survey results turned in at the Winter Seminar and noted the name receiving the most support was the “local government law section.” Council discussed the required notices for bylaws changes, and Chair Nettleton indicated that a draft notice had been prepared and is ready for future use. There was discussion regarding using less words in the new name. No one in attendance objected to the proposed name of “Government Law Section.” Chair Nettleton will prepare a motion and necessary support materials for formal action at next month’s meeting.

7. New Business

(a) Request for Participation in Amicus Brief in *NL Industries v City of Livonia*:

Council began with a general discussion of what the case is about and the specific issues that the Michigan Supreme Court has requested to be briefed.

Motion by McKone, supported by McGee to approve the Section’s participation with the MML/DLFA in and expense in an amount not to exceed \$5,000.00 toward the cost of the amicus brief in the case of *NL Industries v City of Livonia*.

Ayes: Fales, Fisher, Joppich, McGee, McKone, Mish, Mullhaupt, Nettleton, Rosati, Walling, and Watza.

Nays: None.

Votes Not Cast: Bluhm, Forbush, Hollowell, Ho, Sluggett, So, Stremers, Tamm and Zeits.

Abstain: Williams

(b) Discussion Regarding Guidance to Nominating Committee:

Chair Nettleton asked for some guidance regarding nominations for Council seats. Historically, there has been a representative from the City of Detroit law department on the Council. Current Detroit Corporation Counsel Melvin “Butch” Hollowell’s term on the Council expires this year. An email was sent to Mr. Hollowell, and all other Council members that have terms expiring, but there was no response from Mr. Hollowell to the email as to whether he would like to be reappointed to the Council. It was noted that all other holders of expiring seats on Council had responded to the inquiry. Councilmembers discussed a desire to

have an active and regularly participating representative from the Detroit law department on Council. It was noted that in the last three years there has only been participation at two Council meetings (Ellen Ha participating on behalf of Mr. Hollowell). It was acknowledged that if any member of the Detroit law department wants to become an active member of the Council, then they can approach the Chair or another member of Council at any time to express their desire and commitment to participate, regardless of a reserved seat.

Motion by Walling, supported by **Rosati** to recommend to the Nominations Committee that there is no requirement for a position on the Council to be reserved exclusively for the City of Detroit law department.

Ayes: Fales, Joppich, McGee, McKone, Mish, Mullhaupt, Nettleton, Rosati, and Walling.

Nays: Fisher, Watza and Williams.

8. Other Business:

Chair Nettleton reminded everyone that the next meeting is at Michigan State University Law School on April 1, 2017.

9. Council Comments

None.

10. Adjournment

The meeting was adjourned at exactly 11:46 a.m.