

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

**Minutes of Regular Monthly Meeting on November 12, 2016
at Johnson, Rosati, Schultz & Joppich, P.C., Farmington Hills, Michigan**

1. Call to Order

The regular monthly meeting of the Public Corporation Law Section Council was called to order on November 12, 2016, at approximately 10:00 a.m. by Chair Mark Nettleton.

2. Attendance and Excused Absences

Present: Mark Nettleton, Lori Bluhm, Mary Fales, Steve Joppich, Chuck McKone, Catherine Mish, Catherine Mullhaupt, Carol Rosati, Kester So, James Tamm, Debra Walling, and Mike Watz. A quorum was declared.

Absent: Gerald Fisher, Audrey Forbush, Michael McGee, Stephen Schultz, Jeffrey Sluggett, Eric Williams, and Karrie Zeits.

Guests: Lizzie Mills, Co-Editor of eNewsletter.

Motion to approve excused absences by Fales, seconded by Rosati. Motion carried unanimously.

3. Approval of Agenda

Motion to approve Agenda by Bluhm, seconded by Walling. Motion carried unanimously.

4. Approval of Minutes

Motion to approve minutes of October 1, 2016, Regular Meeting by Bluhn, seconded by McKone. Motion carried unanimously.

Motion to approve minutes of November 2, 2016, Special Meeting by Rosati, seconded by McKone. Motion carried unanimously.

5. Treasurer's Report

Treasurer Joppich presented the fiscal year-end report materials. Councilmembers engaged in a discussion of the fund balance, history of fund balances, and ways to increase revenue in the future. Discussion regarding inviting the Medical Marijuana Section membership to the Winter Seminar, including a possible speaker invitation to

join on the panel. It was agreed that this should be discussed under the Winter Seminar agenda item below.

6. Old Business

(a) Winter Seminar – February 10, 2017:

Event Co-Chair Tamm reported on the status of speakers. Justice Bernstein has not responded yet, but there will be further follow-up. Discussion resumed regarding inviting a Medical Marijuana Section member to join Mike Fisher on the panel, possibly Denise Pollicella. Councilmember Tamm will initiate contact.

Discussion undertaken regarding the FOIA and OMA topic, including the concept of adding a person to address body camera issues and FOIA updates. Rosati and Joppich to follow-up with Carlito Young in this regard. Steve Mann will be asked to focus on providing an OMA practice alert, with focus on the new Open Meetings Act decision.

(b) Summer Seminar – June 23-25, 2017:

Chair Nettleton summarized the report from Event Chair Zeits with an update on the topics and speakers. It was reported that the invitation to Justice Larsen had been issued, and Councilmember Fisher will be following-up with a personal contact. There is a speaker committed for the short-term rentals topic, and a representative from the MDEQ has been contacted regarding the water and sewer system topic. Other ideas were discussed, including utilities in rights-of-way and contractors, and/or discussion of pipeline expansion in Michigan.

(c) Unauthorized Practice of Law:

In follow-up to the presentation and discussion at the last meeting, Councilmembers discussed whether and to what extent the Section desired to become involved and participate with MAP in response to the unauthorized practice of law issues that have arisen in the planning field. Councilmember Walling volunteered to serve as a point person to communicate with MAP and possibly the SBM in follow-up to this issue.

(d) Report of Subcommittee to Increase Membership:

Chair Nettleton reviewed the report of subcommittee and its findings. It was reported that the information from the SBM actually revealed some growth in the number of younger members in the Section. Chair Nettleton expressed that perhaps the charge of the subcommittee should be something broader.

Councilmember Bluhm pointed out that the name of our Section sometimes confuses potential members, and questioned whether people really know what our

subsection is. Councilmembers discussed the concept of changing the name of the PCLS to something that more accurately describes our area of practice. Councilmembers Bluhm and Mullhaupt volunteered to look into the process of changing the name of the Section and report back so that the Council can have a more thorough discussion of the topic. Postponed by general consensus.

Councilmember Fales discussed ideas regarding outreach efforts to increase attendance at seminars and related that a good way to do this is within the firms themselves.

(e) eNewsletter Update:

Co-Editor Joppich provided an update on the status of the new eNewsletter, including recent meetings and coordination with Susan Oudsema and Sandra Barger from the SBM. It was announced that the first edition of the eNewsletter was ready to go into production, and may be issued to the membership as soon as the next few weeks depending on the final edits and SBM programming efforts. Councilmember Joppich introduced Co-Editor Lizzie Mills, who provided the Council with a description of the first issue of the eNewsletter, which will include an introductory/welcome letter by our illustrious Chairperson, the famous municipal lawyer poem authored by our own Dan Matson, as well as a lead-off article regarding election finance issues and Attorney General Opinion summaries prepared by George Elworth. The first issue will also include announcements and links to upcoming Section events.

Councilmember Joppich identified the question of how to name the new eNewsletter and asked for Council's input and direction in this regard. Multiple ideas were discussed, and the general consensus reached was to name it "*Briefly*."

7. **New Business**

(a) Appointment of PCLS/MAMA Joint Planning Committee Representatives:

Motion by Bluhm, seconded by Rosati to appoint and designate the PCLS Secretary as a standing representative on the PCLS/MAMA Joint Planning Committee. Motion carried unanimously.

(b) PCLS Master Calendar:

Chair Nettleton reviewed a master calendar of annual events, meetings, and activities relevant to the Section Council and membership. There was general consensus that such a master calendar was a good idea and would be beneficial to pass along to future officers and Councilmembers with updates on a year-to-year basis by the Chair.

(c) Discussion Regarding PCLS Participation in Amicus Briefs:

Chair Nettleton identified an increase in the amount of participation in amicus briefs last year and its impact on the Section's fund balance. It was acknowledged that the Council needs to keep an eye on this issue from a financial standpoint, but it was noted that each of the amicus briefs last year were significant to our practice area. Councilmembers discussed the concept of establishing a policy or objective of maintaining a minimum \$10,000.00 fund balance as a means of controlling the number of amicus briefs. The consensus was to postpone this concept for further discussion in order to receive feedback from members of the Council that are not present at this time. Postponed by general consensus.

(d) December Meeting:

Chair Nettleton explained that the meeting is scheduled for Saturday, December 3, 2016, at 10:00 as a teleconference, but he is unable to attend. He proposed the idea of moving the meeting to December 10. He will send out an email to the entire Council membership to gauge availability before changing the date.

8. **Council Comments**

Councilmember McKone provided an update on a challenge to Detroit's land bank.

9. **Adjournment.**

At exactly 12:11 p.m.