

**PUBLIC CORPORATION SECTION
STATE BAR OF MICHIGAN**

Minutes of October 6, 2007, Regular Meeting

Call to Order

The regular meeting of the Public Corporation Law Section of the State Bar of Michigan was held on Saturday, October 6, 2007, at the offices of the State Bar of Michigan, 306 Townsend Street, Lansing, Michigan.

Attendance and Excused Absences

Present: W. Beach, M. Howes, D. Matson, C. McKone, C. Mish, K. Schloff, D. Schmidt, J. Sluggett, K. So, and J. Tamm.

Excused: J. Beras, L. Bluhm, M. Fales, G. Fisher, C. Rosati, D. Walling, E. Williams, M. Nettleton, M. Watza, J. Branson and P. Erickson.

Approval of Agenda

W. Beach approved to approve the agenda. J. Tamm seconded. Motion approved. Approval of the Minutes of the September 8, 2007, regular meeting. McKone moved to approve the minutes as presented. W. Beach seconded the motion. Motion approved.

Treasurer's Report

The Treasurer's Report was submitted reflecting an ending fund balance of \$23,718.93. D. Schmidt noted that the current balance reflected last year's Public Corporation Section dues. Typically new dues are credited in October or November. Section dues represent a significant portion of the section's budget for the year. D. Schmidt moved to accept the report. Seconded by C. McKone. Motion approved.

Winter Seminar

Discussion took place regarding the location of the winter seminar on February 8, 2008. Alternate locations discussed during the September meeting included the Dearborn Inn and Rock Financial Show Place in Novi. K. Schloff inquired as to whether anyone had attended a meeting at the Rock Financial Show Place. J. Tamm noted that he had only attended a large commercial presentation such as boat shows but had never attended any meetings. D. Schmidt questioned whether the facility was too large. M. Howe suggested that the St. John Conference Center in Plymouth as an alternate location. Other State Bar functions have been held at St. John as well as ICLE seminars. It was recently used for a bench and bar conference. Another benefit for St. John is that it has a hotel. Some concern was expressed regarding the price. Other alternative sites included the Hall of Justice. M. Howe agreed to obtain information regarding St. John Conference

Center, its price and availability. There was discussion to vote on the venue for the Winter Seminar because neither the Co-Chairs, P. Erickson or M. Watzka, were present. Ultimately, it was moved by W. Beach and seconded by K. Schloff to approve the St. John Conference Center as the venue. D. Schmidt raised concern about how the price would compare. The motion was ultimately amended to authorize the committee to commit to reserving St. John Conference Center provided that the place was competitive. Motion carried.

Discussion Regarding HB 4643

This is a Bill regarding allocation of litigation expenses for a drainage district. Discussion was deferred until the November meeting for a presentation by P. Erickson.

List Serve

Access to the Section List Serve was discussed. It had been suggested that access to the List Serve should be limited to section members. M. Howe noted that the Appellate Practice Section has a similar policy. J. Sluggett suggested that there has not been a problem regarding advertising. No one has been advertising using the List Serve. From time to time, requests are made from organizations presenting seminars including DRI for access to the List Serve for the purpose of advertising seminars of interest to PCLS members. The consensus was that this is not a problem. A problem arises if private entities are seeking to use the List Serve for solicitation purposes. The default position is that the Section will not release the List Serve to private entities. It was suggested we would “know it when we see it” when it comes to solicitation which is inappropriate. W. Beach moved to reaffirm current policy. M. Howe seconded. Motion carried.

PCLS Website

M. Howe noted that the council needs to provide information to the State Bar in order to keep the section website updated. M. Howe will provide Chair Sluggett with the name of the contact person at the State Bar to provide information. Minutes of regular meetings will be placed on line. The Section newsletter will also be maintained on the website. C. McKone volunteered to be the website coordinator and serve as the liaison for the section.

Other Topics

Chair Sluggett received correspondence from Peter Letzmann regarding the Summer 2008 MAMA/PCLS Conference at Drummond Island. Mr. Letzmann is proposing different seminar topics. It was the consensus to wait until after the winter seminar is finalized before addressing topics for the summer conference.

Land Use Tribunal

Several section members have been involved in discussion regarding the creation of a Land Use Tribunal to address zoning cases. Chair Sluggett recently received information from Andy Schor from the Michigan Municipal League regarding revised legislation proposed by Representative Stakoe regarding the proposed tribunal. J. Tamm was one of the section members, along with L. Bluhm, C. Rosati and G. Fisher who had previous input regarding the proposed legislation. He had not received any information regarding the most recent proposal. The issue will be discussed at the November meeting.

Recent Cases

K. So noted that the Michigan Supreme Court recently issued an opinion regarding the Lansing Board of Light concerning at-will employees. C. Mish indicated that the Supreme Court may consider revising its position regarding the motor vehicle exception. An issue was raised regarding whether loss of consortium claims are compensable under the motor vehicle exception. The court may retreat from its position taken in *Chandler v Muskegon*.

Adjournment

Motion to adjourn by J. Sluggett. Seconded by J. Tamm. Motion carried.