

**STATE BAR OF MICHIGAN
ENVIRONMENTAL LAW SECTION COUNCIL
Warner Norcross and Judd - Southfield, Michigan**

JANUARY 12, 2016 - MEETING MINUTES

Officers and Council Members Present: Kurt Brauer (ex officio), Paul Collins (by phone), Dennis J. Donohue, Christopher Dunsky, James Enright (by phone), Ross Hammersley (by phone), Kurt Kissling, Steven Kohl, Anna Maiuri (ex officio), Kelly Martorano (by phone), Doug McClure (by phone), Susan Sadler (by phone), AnnMarie Sanford, Todd Schebor, William Schikora, Scott Sinkwitts (by phone), Scott Steiner (by phone), Brad Sysol (by phone) and Grant Trigger (ex officio)(by phone).

Officers and Council Members Absent: Rebecca Cassell, George Curran, Ken Gold, Jeff Haynes, Tammy Helminski, Dustin Ordway (ex officio), Robert Reichel, Nick Schroeck, Jamie Scripps and Scott Watson.

Others Present: Brian Figot (ELS Administrator), and Shenique Moss, State Bar Board of Commissioners Liaison (by phone).

Mr. Schikora called the meeting to order at 5:35 p.m.

1. **Consent Agenda**

October 8, 2015 Minutes. A Motion to approve the Minutes was made and seconded. Approved by voice vote.

Written Committee Reports. Bill Schikora stated that he received written reports from the Air Committee, Great Lakes and Inland Waters Committee, Hazardous Substances and Brownfields Committee, Michigan Environmental Law Journal Committee, Membership Committee, Program Committee and Deskbook Committee. A Motion to accept the reports was made and seconded. Accepted by voice vote.

2. **Chair's Report.** Bill Schikora stated that the Section needs to continue providing content for webinars and Section events coming for 2016. It appeared that these opportunities tailed off at the end of 2015. He would like to see more webinars and other events being lined up in the early part of this year. He will contact Committee Chairs and ask them what is being considered for at least one program in 2016. Mr. Schikora also discussed co-sponsorship opportunities with other bar associations. He indicated that the American Bar Association Section of Environment, Energy and Resources had contacted him with regard to co-sponsoring events. He also indicated that the Federal Bar Association for the Eastern District of Michigan has indicated the same interest. Brian Figot will make contact with both of these organizations to discuss co-sponsorship

opportunities in the future. There was some additional discussion about establishing a legal milestone with respect to the *Rapanos* case and possibly involving the ABA SEER or the Federal Bar Association for the Eastern District of Michigan in that project.

3. **Secretary/Treasurer's Report.** Scott Steiner reported that the end of fiscal year 2015 ending balance was \$35,071.38. This shows that we had a net income of \$3,651.42 for the year. He indicated this was a positive result since we had net losses for the prior two years. However, the 2015 net income number included \$3,615.00 from the November 2013 joint program with the AWMA. As a result, the actual 2015 net gain was marginal and it indicates that the losses for 2014 were not as substantial as previously indicated. For the current year to date (two months of reports from the State Bar), we have substantial net income from dues being paid and very little incurred in expenses as yet.

There was discussion about the two-year budget adopted by the Council and whether one year's Council can bind another year's Council to a budget. As a result, there was a motion to approve the budget for fiscal year 2015-2016 as previously established. The motion was amended to add \$3,000.00 to account for the expense of the annual State Bar meeting as that expense will be incurred twice during the fiscal year due to the timing of the conference. The motion with amendment was seconded and approved by voice vote.

4. **Administrator's Report.** Brian Figot reminded Council members that the State Bar of Michigan Connect was available on its website to serve as a tool for the Section and its membership. He described the benefits of using the Connect webpage versus the old ELS website which is now discontinued. He also reiterated the need for webinars in the coming months. He also raised the issue of whether it would be more beneficial for the Section to purchase its own projector to use at Section programs as opposed to paying rental fees when using a projector at different facilities. He will look into the cost and other pros and cons of purchasing a projector.

5. **Standing Committee Reports.**

Program Committee. Todd Schebor reported that the summer conference will again be held in the Lansing area with details to follow. The most likely date is June 24 and the most likely location would be the Bengal Center again. He will send notice for an open call for event planning purposes.

Environmental Law Journal. Chris Dunsky reported that there are a couple articles submitted for the spring issue.

6. **Subject Matter Committee Reports.**

Air. Paul Collins reported that the next event will be the joint program with the Michigan Manufacturers Association on April 14, 2016. He also indicated that the Committee is looking for an alternative venue for the November event.

Environmental Litigation and Administration Practice. Doug McClure reported that the Committee needs to find a new vice chair.

Hazardous Substances and Brownfields. Jim Enright indicated that the Committee is working to put together some new webinars.

Natural Resources, Energy and Sustainability. Susan Sadler reported that the Committee is working on two possible webinars at this time. One program would involve the Endangered Species Act (April 6, 2016) and the other would involve Wolverine Energy's wind program in the thumb area.

Great Lakes and Inland Waters. Ross Hammersley reported that they will hold a conference call soon to discuss ideas for future webinars or programs.

7. **Strategic Planning.** Bill Schikora reported that there will be a planning committee conference call next week.

8. **Liaison Reports.**

State Bar of Michigan Board of Commissioners. Shenique Moss introduced herself as the new liaison and stated that she looked forward to working with the Section.

Meeting adjourned at 6:29 p.m.

The next meeting will be April 14, 2016 at the Michigan Manufacturers Association offices in Lansing following the joint MMA and Air Committee program.