

## MEMORANDUM

**TO:** State Bar of Michigan

**FROM:** Carol A. Rosati, Chairperson  
Public Corporation Law Section

**DATE:** April 25, 2005

**RE:** Annual Report

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Please consider this the Annual Report of the Public Corporation Law Section of the State Bar of Michigan.

Under the By-Laws, the Public Corporation Law Section Council is to meet nine times a year. Meetings took place on June 25, 2004, September 11, 2004, October 9, 2004, November 6, 2004, December 1, 2004, January 8, 2005, February 11, 2005, March 5, 2005, and April 16, 2005.

The year began with the Public Corporation Law Section's Annual Meeting, which took place on Friday, June 25, 2004. The meeting was held in conjunction with the summer seminar held at the Grand Hotel on Mackinac Island. For the past six years, the Public Corporation Law Section has held the summer seminar jointly with the Michigan Association of Municipal Attorneys (MAMA). Attendees of the conference enjoyed a wonderful weekend on the Island, which included seminar sessions on Friday afternoon and Saturday morning covering a wide range of topics of importance to municipalities such as a review of the most recent United States Supreme Court cases which impact governmental entities, a session on Intergovernmental Agreements, tips on the purchase of real property by government, an update on liability for sewer back-ups, and the memorable session discussing the separation of church and state. There was plenty of time for group activities which were planned for the families, and networking sessions among the lawyers. The joint summer conference is scheduled for this year from June 24, 2005 through June 25, 2005, again at the Grand Hotel on Mackinac Island. The program has been set, and it is sure to be a good one.

On October 14, 2004, the Public Corporation Law Section was a co-sponsor of the ICLE Land Use Seminar which took place in Troy, Michigan. Members of the Section were speakers, and the conference covered an array of land use topics, including an update on recent cases and legislation, and tips on making effective presentations to the Planning Commission, the nuts and bolts to drafting Development Agreements, and issues related to the First Amendment and land uses. The Public Corporation Law Section will also be co-sponsor of this year's ICLE Land Use seminar, which will take place on September 16, 2005.

The Public Corporation Law Section Winter Seminar took place on Friday, February 11, 2005 at the Look Out at Henry Ford Museum in Dearborn, Michigan. The program included the following:

- (1) "Dealing With Out-of-Control Licensee" - This was a section presented by Assistant Attorney Generals of the State of Michigan presenting information regarding liquor licensees and enforcement measures which may be taken by governmental entities

for those licensees who do not comply with the law.

- (2) "Location, Location, Location - Controlling the Adult Business Use Through Ordinance" - This section included a panel who covered a wide range of adult business uses which may attempt to come into municipalities, and helpful hints as to ordinance provisions which may be found to be valid by the court. Constitutional problems in dealing with adult uses was also discussed.
- (3) "Condemnation Battlegrounds After the Demise of Poletown" - This panel discussions covered the recent decision from the Michigan Supreme Court in Wayne County v Hathcock, 471 Mich 445, 684 NW2d 760 (2004), which reversed the famous eminent domain case of Poletown Neighborhood Council v Detroit, 410 Mich 616, 304 NW2d 455 (1981).
- (4) "Signs of the Times" - This session updated the attendees to as to recent cases regarding the validity of sign regulations.

The Public Corporation Law Section participated in three (3) *amicus curiae* briefs this year. Two were cable cases in which it was alleged that the franchise fees charged by municipalities were illegal because they were really taxes. See, Van Baak v City of St. Clair Shores, Court of Appeals Docket No. 255388; Dobson v City of Ann Arbor, Court of Appeals Docket No. 257634. And, an *amicus* brief was filed in the case of County of Wayne v Hathcock, 471 Mich 445 (2004) covering the issue of the extent of municipal power to condemn land. The Supreme Court in Hathcock ultimately overturned Poletown Neighboring Council v Detroit, 410 Mich 616 (1981).

It is the goal of the Council of the Public Corporation Law Section to use the fees which are collected each year to advance the interests of the Public Corporation Law Section through seminars and participation in *amicus* briefs on important issues. The Council charges a minimum amount for registration fees for the conferences, as a result of which the seminars do not typically generate any revenue. We believe that the dues are collected to serve our members, and attempt to use them wisely throughout the year to accomplish this. The Public Corporation Law Section has not increased its section dues since the 1980's. Due to the increased costs associated with the seminars and *amicus* briefs, the Council passed a Motion this year increasing the annual dues of the Section from \$20 to \$30 per year, effective for the 2006 renewal.

CAR/sps