



Detroit Water and Sewerage Department Meeting Minutes - Final Board of Water Commissioners

735 Randolph
Detroit, Michigan 48226
(313) 224-4704 Office
dwsd.legistar.com

Wednesday, August 17, 2022

2:00 PM

To attend by phone call one of these numbers:
+1 301 715 8592, +1 312 626 6799, +1 267 831 0333
Use Meeting ID: 815 7263 5118
Use Passcode: 482262021

To attend online: <https://cityofdetroit.zoom.us/j/81572635118>
Use Passcode: 482262021

BOWC Meeting

To attend In Person:
735 Randolph, Detroit, MI 48226, 5th Floor Boardroom

1. CALL TO ORDER

Chairperson Einheuser called the meeting to order.

2. ROLL CALL

Present: 5 - Chairperson Michael Einheuser, Vice Chairperson Mary Blackmon, Commissioner Lane Coleman, Commissioner John Henry Davis and Commissioner Jane Garcia
Excused: 1 - Commissioner Jonathan Kinloch
Absent: 1 - Commissioner Linda Forte

3. APPROVAL OF AGENDA

Chairperson Einheuser requested approval of the agenda.

A motion was made by Commissioner Lane Coleman, seconded by Vice Chairperson Mary Blackmon that the agenda be approved. The motion carried by a unanimous vote.

4. APPROVAL OF MINUTES

Chairperson Einheuser requested approval of the minutes of July 20, 2022.

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner Lane Coleman that the minutes be approved. The motion carried by a unanimous vote.

5. PUBLIC COMMENTS (3 minutes per speaker)

Commissioner Kinloch arrived at 2:05 p.m.

- a. Cecily McClellan with We the People of Detroit appreciated the department holding the community meetings regarding the Lifeline Plan. Some of her concerns were: how will residents with plumbing issues comply with the 6ccf's (centrum cubic feet) or 4500 gallon water usage per month?, how will Tier 3 be funded after the eighteen months?, the removal of arrearages is confusing and needs clarification, and who is the identified person in the ombudsman office that will oversee the plan?. Director Brown replied that he welcomed all the concerns and that the department is willing to discuss these concerns at a meeting.
- b. Demeeko Williams of Hydrate Detroit was appreciative of the Director's invite to the water advocates to discuss the Lifeline Plan. His concerns were: the Water Summit he suggested for mid-September, customers trying to make contact with the American Water Resources regarding the lateral insurance enrollment program, and the need for the Department to provide bottled water to residents impacted by the many water main breaks throughout the city.
- c. Sister Howard from Redeem Detroit stated that she does not have a clear understanding of the Lifeline Plan.
- d. Alarice Navarro came before the Board about a \$1900 drainage bill at properties on Ironwood Street and Woodward Street. Ms. Navarro was referred to the customer service division.
- e. Mr. Coach came before the Board about a damage claim. Mr. Coach was referred to the damage claim division.
- f. Norrel Hemphill with We the People of Detroit, continues to rally for transparency with the Lifeline Plan. She asked how would residents without computers access the plan?
- g. Libby Post, a We the People administrator, had concern with the Plan's average household size of three (3) for low-income families.
- h. Beulah Walker of Hydrate Detroit said she was happy with the plan and she would continue to advocate for the residents.
- i. Tiana Starks with We the People, stated she looks forward to the Lifeline Plan meeting to discuss: arrears, those who exceed 6ccf's (centrum cubic feet), and the shutoff moratorium.
- j. Brooke Bowers (13 year-old) with We the Youth of Detroit, came to advocate for residents about the average household size of three(3) and those who exceed the \$18 monthly bill.

6. COMMUNICATIONS

A. [22-0901](#) Receipt of Correspondence

Sponsors: Pospiech

Attachments: [FOIA REQUESTS - MONTHLY REPORT JULY 2022](#)

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner Jane Garcia that this Communication or Report be received and

filed. The motion carried by a unanimous vote.

B. [22-0906](#) Receipt of Correspondence

Sponsors: Brown

Attachments: [Denial Address Outside Jurisdiction](#)

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner Jane Garcia that this Communication or Report be received and filed. The motion carried by a unanimous vote.

7. ITEMS FROM THE COMMISSIONERS

Commissioner Blackmon asked the Director to address the unusual number of water main breaks. Director Brown reported that there was an electrical power surge at one of GLWA's pump stations. When the power was restored, there was a hammering affect in the system where water at a very high pressure is pushed through the system and with the aged pipes, it caused water main breaks. There were more than 30 water main breaks over a two-day period. This is in addition to the already daily breaks that are currently be repaired. There are contracts in place that will provide us the capacity to catch up. The Department will address the electrical surge and its impact on customers as well as the system.

8. UNFINISHED BUSINESS - TABLED ITEM

Amendment to the BOWC By-Laws for the City of Detroit Water and Sewerage Department

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner Lane Coleman to remove the item from TABLED, be approved. The motion carried by a unanimous vote.

A. [22-0812](#) Amendments to the By-Laws of the Board of Water Commissioners for the City of Detroit Water and Sewerage Department

Sponsors: Pospiech

Attachments: [BOWC proposed By law amendments - with redline and committee corrections](#)
[BOWC proposed By law amendments - clean with committee corrections](#)

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner Jane Garcia that this Resolution, BOWC be approved. The motion carried by a unanimous vote.

9. APPROVAL OF CONSENT AGENDA (Items 9A-E)

A motion was made by Commissioner Jonathan Kinloch, seconded by Vice Chairperson Mary Blackmon that the Consent Agenda be approved. The motion carried by a unanimous vote.

- A. [22-0851](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve **DWSD Contract 6004612 with Process Controls & Instrumentation, LLC for Local Sewer System Metering & Analysis Services, for a total contract amount not-to-exceed \$254,000 and a term of 2 years.** This also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.
- Sponsors:** Welch
- A motion was made by Commissioner Jonathan Kinloch, seconded by Vice Chairperson Mary Blackmon that this Contract be approved. The motion carried by a unanimous vote.**
- B. [22-0890](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve **DWSD Contract No. 6004686 with Image Printing, Inc. for printing services with a contract amount not-to-exceed \$180,320 and a term of three (3) years.** This also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.
- Sponsors:** Welch
- A motion was made by Commissioner Jonathan Kinloch, seconded by Vice Chairperson Mary Blackmon that this Contract be approved. The motion carried by a unanimous vote.**
- C. [22-0892](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve **DWSD Contract 6004687 with Underground Infrastructure Services for Hydro Excavation Services for a total contract amount not-to-exceed \$154,000 and a term of three (3) years.** This also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.
- Sponsors:** Welch
- A motion was made by Commissioner Jonathan Kinloch, seconded by Vice Chairperson Mary Blackmon that this Contract be approved. The motion carried by a unanimous vote.**
- D. [22-0893](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve **DWSD Contract No. 6004680 (CS-1973) with Tetra Tech of Michigan, P.C. for Drainage Charge Program Support Services with a contract amount not-to-exceed \$500,000 and a term of three (3) years.** This also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.
- Sponsors:** Welch
- A motion was made by Commissioner Jonathan Kinloch, seconded by Vice Chairperson Mary Blackmon that this Contract be approved. The motion carried by a unanimous vote.**

- E. [22-0889](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **approve Amendment No. 1 to Contract No. 6003173 with Bob Maxey, Inc. to provide OEM parts, repair, and maintenance services for DWSD owned Ford vehicles by adding \$60,000 in funds to the contract for a total amended contract amount not-to-exceed amount of \$460,000.** This also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Welch

A motion was made by Commissioner Jonathan Kinloch, seconded by Vice Chairperson Mary Blackmon that this Contract Amendment be approved. The motion carried by a unanimous vote.

10. NEW BUSINESS

- A. [22-0902](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **enter into an Easement Encroachment Permit DTE Energy**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Bahri and Pospiech

Attachments: [DTE Easement Encroachment](#)

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner Jonathan Kinloch that this Contract, Real Estate Easement be approved. The motion carried by a unanimous vote.

- B. [22-0907](#) The Board of Water Commissioners for the City of Detroit Water and Sewerage Department **authorizes the Director to enter into a Class Action Settlement Agreement between DWSD and a Class of Plaintiffs to be certified consisting of persons or entities who or which have paid or incurred the Private Fireline Charges between July 1, 2020 and June 30, 2022;** and authorizes the Director and General Counsel to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Pospiech

A motion was made by Commissioner Jonathan Kinloch, seconded by Vice Chairperson Mary Blackmon that this Case Settlement, Other be approved. The motion carried by a unanimous vote.

11. DIRECTOR'S METRICS

Director Brown reported that the next water fairs will be Tuesday, August 23, 2022 at the Latin Baptist Church at 20004 Scotten at 6:00 p.m, and Tuesday, August 20, 2022 at Detroit Association of Black Organization at 12048 Grand River from 10-12 pm and 6-8p.m.

- A [22-0909](#) **Director's Metrics**

Sponsors: Brown

Attachments: [Board Report - Metrics - 08172022](#)

This Communication or Report was received and filed

12. CLOSED SESSION

- A. [22-0908](#) Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the City of Detroit Board of Water Commissioners votes to **approve a meeting with General Counsel in closed session pursuant to Section 8(h) of the Michigan Open Meetings Act to discuss a memorandum subject to attorney-client privilege.**

Sponsors: Pospiech

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner John Henry Davis that this Request, Closed Session at 3:17 p.m. be approved. The motion carried by a unanimous vote.

- B. [22-0911](#) Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners votes to **approve a meeting with General Counsel in closed session pursuant to Sections 8(e) and (h) of the Michigan Open Meetings Act to discuss settlement strategy in pending litigation and a confidential attorney communication.**

Sponsors: Bahri and Pospiech

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner Lane Coleman to enter into this Request, Closed Session at 3:17 p.m. be approved. The motion carried by a unanimous vote.

ROLL CALL VOTE:

A motion was made that this be approved. The motion carried by the following vote:

Aye: 6 - Chairperson Einheuser, Vice Chairperson Blackmon, Commissioner Kinloch, Commissioner Coleman, Commissioner Davis and Commissioner Garcia

OPEN SESSION

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner Jonathan Kinloch to return from Closed Session, at 3:29 p.m., be approved. The motion carried by a unanimous vote.

13. NEW BUSINESS CONTINUED

- C. [22-0905](#) The Board of Water Commissioners for the City of Detroit Water and Sewerage

Department **authorizes the Director to enter into a Memorandum of Agreement with the State of Michigan Department of Transportation regarding drainage charge assessments on state trunkline highways** and authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Pospiech

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner Jane Garcia that this Contract be approved. The motion carried by a unanimous vote.

D. [22-0912](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department **authorizes the Director to approve the offer of settlement in *James Rembert Sr., and Juanita Rembert vs. City of Detroit, et al.* Wayne County Circuit Court Case No. 21-013669-CK AND 2)** also authorize the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Bahri and Pospiech

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner Lane Coleman that this Case Settlement, Other be approved. The motion carried by a unanimous vote.

14. COMMENTS BY COMMISSIONERS

There were none.

15. COMMENTS BY THE CHAIR

There were none.

16. OTHER MATTERS

There were none.

17. ADJOURNMENT

Chairperson Einheuser requested a motion to adjourn.

A motion was made by Vice Chairperson Mary Blackmon, seconded by Commissioner Jane Garcia that the meeting be adjourned. The motion carried by a unanimous vote.

There being no further business, the meeting adjourned at 3:33 p.m.

How to Make a Request for Public Comment

You may provide your public comment via Zoom link:

<http://cityofdetroit.zoom.us/j/81572635118>

During the public comment section for each committee meeting, raise your hand using the Zoom hand icon on your desktop or mobile device, or if calling into the meeting by phone, press *9 to raise your hand (press *6 to unmute when called upon)

We respectfully request that you maximize your three minutes by sharing all your comments/questions at one time. You will only be called upon once for public comment during the same committee meeting, full board meeting, or hearing.

Once the Chair closes public comment, there will be no other public comments accepted and all the attendees will remain muted for the duration of the meeting.