



Detroit Water and Sewerage Department Meeting Agenda - Final

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Board of Water Commissioners

Wednesday, April 4, 2018

3:00 PM

5th Floor Board Room, Water Board Building

BOWC Special Meeting No. 4 - Closed Session

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES

Special Meeting No. 3 - BOWC Retreat

5. PUBLIC COMMENTS (2 minutes per speaker)

Anyone from the public who wishes to address any item on the Agenda or make a comment. (2 Minute Limitation)

6. ITEMS FROM THE COMMISSIONERS

7. UNFINISHED BUSINESS

None

8. NEW BUSINESS

CLOSED SESSION REQUEST

- A. [18-0073](#) The Board of Water Commissioners for the City of Detroit Water and Sewerage Department authorizes **Approval of a meeting with legal counsel in closed session pursuant to Sections 8(e) and (h) of the Michigan Open Meetings Act to discuss settlement strategy in pending litigation regarding Bifurcation Agreements between Great Lakes Water Authority and DWSD.**

Sponsors: Pospiech

- B. [18-0074](#) The Board of Water Commissioners for the City of Detroit Water and Sewerage Department authorizes **Approval of a meeting with legal counsel in closed session pursuant to Section 8(h) of the Michigan Open Meetings Act and Section 13(1)(g) of the Freedom of Information Act to consider material exempt from discussion or disclosure by state or federal statute, specifically a confidential attorney client communication.**

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NEW BUSINESS (CON'T)

- C. [18-0084](#) Upon recommendation and opinion of Chief Financial Officer (CFO), Thomas Naughton, and General Counsel, Debra N. Pospiech, Esq., the Detroit Board of Water Commissioners (Board) authorizes the following actions:
- 1.) **DWSD's Director, CFO and General Counsel shall finalize, and the Director execute on behalf of the DWSD, the attached Term Sheet for a Memorandum of Understanding (MOU) between DWSD and GLWA (the Term Sheet);**
 - 2.) **Following execution of the Term Sheet by all parties, the Director, CFO and General Counsel shall prepare, finalize and execute a MOU consistent with the provisions of the Term Sheet and shall, on at least a monthly basis, keep the Board advised of the progress of finalizing the MOU, including any material changes to the Term Sheet or MOU affecting DWSD;**
 - 3.) **If the Director determines that terms of the MOU have materially changed in a manner that is adverse to the DWSD, the Director or General Counsel shall advise the Board of such change and the Board terminates the authorization provided in paragraph 1 of this Resolution; and**
 - 4.) **DWSD's Director, CFO and General Counsel shall take such other action as may be necessary to accomplish the intent of this vote.**

Sponsors: Pospiech

- D. [18-0085](#) The Detroit Board of Water Commissioners for the City of Detroit Water and Sewerage Department authorizes **Approval of a Separation Agreement and Mutual Release with Brian Vella and also authorizes the Director and General Counsel to take such other action as may be necessary to accomplish the intent of this vote.**

Sponsors: Pospiech

- 9. DIRECTOR'S COMMENTS
- 10. COMMENTS BY COMMISSIONERS
- 11. COMMENTS BY THE CHAIR
- 12. OTHER MATTERS
- 13. ADJOURNMENT