



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

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Wednesday, August 16, 2017

2:00 PM

5th Floor Board Room, Water Board Building

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## **Regular Meeting**

### **1. CALL TO ORDER**

Chairman Einheuser called the meeting to order at 2:03 p.m.

### **2. ROLL CALL**

**Present:** 6 - Commissioner Linda Forte, Commissioner John Henry Davis, Commissioner Michael Einheuser, Commissioner Lane Coleman, Commissioner Pamela Rodgers and Commissioner Jane Garcia

**Excused:** 1 - Commissioner Mary Blackmon

### **3. APPROVAL OF AGENDA**

Chairman Einheuser requested the approval of the agenda.

Placed items 17-0134 and 17-0137 back to back.

**A motion was made by Commissioner Jane Garcia, seconded by Commissioner Lane Coleman that this Agenda be approved as amended. The motion carried by an unanimous vote.**

### **4. APPROVAL OF MINUTES**

Chairman Einheuser requested approval of the minutes of July 19, 2017.

**A motion was made by Commissioner Pamela Rodgers, seconded by Commissioner Lane Coleman that the Minutes be approved. The motion carried by an unanimous vote.**

### **5. PUBLIC COMMENTS (3 minutes per speaker)**

Commissioner Blackmon arrived at 2:10 p.m.

1. Joyce Brooks, president of Bethume Community Council, 15409 Sorrento, shared a common complaint from members: why are my charges for water low and sewer so high?
2. Bernice Johnson, resident, senior on limited income argues bill is continuously climbing.
3. Larry Ladomer and Raymond Lozaro, 2835 Bagley Suite 895, regarding pending lease between Mexican Town Community Involvement and the Water Department.
4. Stanley Ruffin, 2810 Woodstock Dr, regarding an unresolved restoration issue of front lawn.
5. Lucille Powe, 19930 San Juan, disputing one-month water bill received for over \$1000; licensed plumber said there were no leaks in the home.
6. Fredia M Butler, Community Activist, 8286 Normile, questions the charges for water in the City of Detroit; argues department policies are contributing in negative ways to the future of the city.
7. Michelle George, National Action Network, appreciates the WRAP; raised concern about Hepatitis A epidemic and other matters.
8. Adam Chaczyk, citizen, complained the drainage charge credit workshop scheduled at SEMCOG was canceled without giving notice.

**6. ITEMS FROM THE COMMISSIONERS**

**Commissioner Blackmon - Customer Service Committee Update**

Adopted the customer service committee charter, reviewed billing and collections policies, recommended full approval to the Board; received status report drainage assessments, will be a closed session; had someone from Wayne County Treasurers office talk about water bill liens, drainage program and what we are trying to do in terms of Detroit representation; discussion items included moratorium on water shut, status of Homich contract in terms of positions that may be taken over by DWSD employees, report out on evening community meeting from last month and what we are going to do at future meetings, write up of ACLU communication, looking at working with WSU law school regarding consideration of legislative action for low income rates and the water cost for demolitions.

**Commissioner Forte - Finance Committee Update**

Finance committee charter; reviewed items that will be recommended for approval today.

**Attorney Pospiech, General Counsel:**

Committee charters will be reformatted so they all look the same.

**7. UNFINISHED BUSINESS**

There were none.

## 8. NEW BUSINESS

### [17-0133](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department (DWSD) authorizes the Director to **secure a contract with Arrow Office Supply for general office supplies for a total amount not to exceed \$129,496.84 for a duration of two (2) years**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

**Sponsors:** Hudson

**Attachments:** [Office Supply Supplier List - MITN](#)  
[OFFICE SUPPLY BID TAB - RFB 70001](#)  
[OFFICE SUPPLY BID TAB II - RFB 70001 \\_ 2](#)

A motion was made by Commissioner Linda Forte, seconded by Commissioner Mary Blackmon that this Contract be approved. The motion carried by an unanimous vote.

## 9. DIRECTOR'S METRICS

### [17-0138](#)

#### Director's Metrics

**Sponsors:** Brown

Next meeting, will report to the Board the number of people using kiosks.

This Communication or Report was received and filed.

## 10. COMMENTS BY COMMISSIONERS

**Commissioner Blackmon**

Yesterday at SEMCOG there was a water resource task force meeting. DWSD did not have anyone present to confront the issues or have a follow up to some of the comments.

**Commissioner Forte**

We did not get a chance to review the forecast, those numbers were not available to us.

**CFO Marcus Hudson**

The recovery folks are trying to open my files; I will let you know today, so far it looks promising.

**Commissioner Forte**

Thank you for your service (Marcus Hudson, CFO), we much appreciate the professionalism you brought to the department, the accuracy and contribution the finance team made under your leadership.

**11. COMMENTS BY THE CHAIR**

Our last meeting was the first one in the community - it went well; I did hear some concern about the adequacy of the notice; we talked about using our community meetings to put on a workshop or briefing; we've got three more - let's go ahead and plan them -set the dates and times; let's also give some thoughts to the themes and take some time to prepare for them.

Commissioners Blackmon, Coleman and I attended the retreat the Director put on with the department to set goals for the next fiscal year and align those goals with the Mayor; we were there simply to listen; got to see some of the challenges various departments face and see some innovative minds at work; as a Board we will be getting a report with the director's goals that came from the meeting and will be able to have input at that level; thanks for the opportunity to participate.

**12. OTHER MATTERS**

**1. Commissioner Blackmon**

The Mayor is having a community meeting tonight, 7 p.m. at CAYMC.

**2. Director Brown**

DWSD is going to have more representation at the meeting than any other department; we are going to be fully engaged; we will have equipment and software set up; concerns will be handled immediately and resolved.

**13. CLOSED SESSION**

A motion was made by Commissioner Blackmon, seconded by Commissioner Garcia that this Request, Closed Session at 3:05 p.m., be approved. The motion carried by the following vote:

**Aye:** 7 - Commissioner Forte, Commissioner Davis, Commissioner Einheuser, Commissioner Coleman, Commissioner Rodgers, Commissioner Garcia and Commissioner Blackmon

**17-0134**

Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners vote to: 1) **Approve 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; and 2) Authorize the Director to take such other action as may be necessary to accomplish the intent of the Board's vote.**

**Sponsors:** Pospiech

**17-0137**

Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners vote to: 1) **Approve a meeting with legal counsel in closed session pursuant to Sections 8(e) and (h) of the Michigan Open Meetings Act to discuss trial or settlement strategy in pending litigation; and 2) Authorize the Director to take such other action as may be necessary to accomplish the intent of the Board's vote.**

**Sponsors:** Pospiech

**RETURN FROM CLOSED SESSION**

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jane Garcia that this Request, Return from Closed Session at 3:42 p.m., be approved. The motion carried by an unanimous vote.

The only matters discussed were the Michigan Warehousing litigation and the Detroit Alliance Against Rain Tax; no action taken.

**14. NEW BUSINESS (Con't)**[17-0136](#)

The Detroit Board of Water Commissioners (Board) **authorizes the Director to enter into a Class Action Settlement Agreement between DWSD and a Class of Plaintiffs to be certified consisting of all owners and occupiers of non-residential, parcel-based real property who or which were billed and/or paid the Per-Acre Drainage Charges between July 18, 2013 and June 30, 2017. This Agreement is intended to settle all of the claims of all members who join the Class in the above captioned matter; 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 Mary Blackmon, seconded by Commissioner Jane Garcia that this Case Settlement, Other, be approved. The motion carried by an unanimous vote.**

**15. CLOSED SESSION**

**A motion was made by Commissioner Rodgers, seconded by Commissioner Blackmon that this Request, Closed Session at 3:44 p.m., be approved. The motion carried by the following vote:**

**Aye:** 7 - Commissioner Forte, Commissioner Davis , Commissioner Einheuser, Commissioner Coleman, Commissioner Rodgers, Commissioner Garcia and Commissioner Blackmon

[17-0135](#)

Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners vote to: 1) **Approve a meeting to consider a period personnel evaluation in closed session pursuant to Section 8(a) of the Michigan Open Meetings Act and upon request of the public officer/employee; and 2) Authorize the Director to take such other action as may be necessary to accomplish the intent of the Board's vote.**

**Sponsors:** Pospiech

An Adhoc Committee consisting of Commissioners Eniherser, Blackmon and Forte, will be formed to create guidelines.

**RETURN FROM CLOSED SESSION**

**A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jane Garcia that this Request, Return from Closed Session at 3:55 p.m., be approved. The motion carried by an unanimous vote.**

**The only matter discussed was personnel evaluation; no action taken.**

**Ayes:** 7 - Commissioner Linda Forte, Commissioner John Henry Davis, Commissioner Michael Einheuser, Commissioner Lane Coleman, Commissioner Pamela Rodgers, Commissioner Jane Garcia and Commissioner Mary Blackmon

**16. ADJOURNMENT**

Chairman Einheuser requested a motion to adjourn.

**A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jane Garcia that this Meeting be adjourned. The motion carried by an unanimous vote.**

**There being no further business, the meeting adjourned at 3:56 p.m.**