



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

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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

Chairman Einheuser called the meeting to order at 4:11 p.m.

2. ROLL CALL

Present: 6 - Commissioner Linda Forte, Commissioner John Henry Davis, Commissioner Michael Einheuser, Commissioner Mary Blackmon, Jane Garcia and Jonathan Kinloch

Absent: 1 - Commissioner Lane Coleman

3. APPROVAL OF AGENDA

Agenda Item No. 4 - Minutes of Special Meeting No. 3 BOWC Retreat was removed from the agenda.

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner John Henry Davis that the agenda be approved as amended. The motion carried by a unanimous vote.

4. APPROVAL OF MINUTES

Special meeting minutes of March 27, 2018, BOWC Retreat were not available.

5. PUBLIC COMMENTS (2 minutes per speaker)

There was none.

6. ITEMS FROM THE COMMISSIONERS

There was none.

7. UNFINISHED BUSINESS

There was none.

8. NEW BUSINESS

CLOSED SESSION REQUEST

[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

A motion was made by Commissioner Linda Forte, seconded by Commissioner Jonathan Kinloch to enter into Request, Closed Session at 4:16 p.m. be approved. The motion carried by a unanimous vote.

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.**

Sponsors: Pospiech

A motion was made by Commissioner Linda Forte, seconded by Commissioner Jonathan Kinloch to enter into this Request, Closed Session at 4:16 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 - Commissioner Forte, Commissioner Davis , Commissioner Einheuser, Commissioner Blackmon, Garcia and Kinloch

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner John Henry Davis that this return from Closed Session at 4:48 p.m.be approved . The motion carried by a unanimous vote.

The only matters discussed were pending litigation and confidential attorney client communication.

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

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

9. DIRECTOR'S COMMENTS

There was none

10. COMMENTS BY COMMISSIONERS

There was none.

11. COMMENTS BY THE CHAIR

There was none.

12. OTHER MATTERS

There was none.

13. ADJOURNMENT

Chairman Einheuser requested approval to adjourn.

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

There being no further business, the meeting adjourned at 4:50 p.m.