



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

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Thursday, January 23, 2020

1:00 PM

5th Floor Board Room, Water Board Building

BOWC Special Meeting No. 11 - DWSD Policies and Procedures

1. CALL TO ORDER

Chairman Einheuser called the meeting to order at 1:00 P.M.

ROLL CALL

Present: 5 - Commissioner Jane Garcia, Commissioner John Henry Davis, Michael Einheuser, Lane Coleman and Mary Blackmon

Excused: 1 - Commissioner Jonathan Kinloch

Absent: 1 - Linda Forte

Also Present: Choi Portis, Nikkiyah Branch and Jacob Bahri, Associate General Counsel, Thomas Naughton, Chief Financial Officer and Samuel Nouhan, Financial Manager

3. APPROVAL OF AGENDA

Chairman Einheuser requested approval of the agenda.

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

Commissioner Kinloch arrived at 1:02 p.m.

4. APPROVAL OF MINUTES

Chairman Einheuser requested approval of the minutes of November 12 and November 19, 2019.

5. PUBLIC COMMENTS (3 minutes per speaker)

There were none.

6. ITEMS FROM THE COMMISSIONERS

There were none.

7. UNFINISHED BUSINESS

There was none.

8. NEW BUSINESS**A. [20-0024](#) DWSD Policy and Procedure Review**

Sponsors: Pospiech

Attachments: [Policy Presentation](#)

Presenter: Kyle O'Rourke, BakerTilly

This Communication or Report was received and filed.

B. [20-0016](#) The Board of Water Commissioners for the City of Detroit Water and Sewerage Department approves the following Human Resource policies: **1) Accident Reporting for Work Related Injuries and Illnesses, 2) Anti-Discrimination and Harassment-Free Workplace, 3) Departmental Leave/Personal Leave Days, 4) Family Medical Leave Act (FMLA), 5) Flexible Work Arrangement, 6) Performance Management, 7) Violence Free Workplace,** and authorizes the Director to take such action as may be necessary to effectuate the policies.

Sponsors: Pospiech

Attachments: [Accident Reporting for Work Related Injuries and Illness \(FINAL DRAFT\)](#)
[Anti-Discrimination and Harassment-Free Workplace Policy \(FINAL DRAFT\)](#)
[Departmental Leave Days \(FINAL DRAFT\)](#)
[Family Medical Leave Act \(FMLA\) \(FINAL DRAFT\)](#)
[Flexible Work Arrangement - \(FINAL DRAFT\)](#)
[Performance Management \(FINAL DRAFT\)](#)
[Violence-Free Workplace \(FINAL DRAFT\)](#)

A motion was made by Commissioner Jonathan Kinloch, seconded by Commissioner John Henry Davis that this Policy be adopted with the necessary amendments. The motion carried by a unanimous vote.

C. [20-0023](#) The Board of Water Commissioners for the City of Detroit Water and Sewerage Department **rescinds the Payout of Unused Paid Time Off Policy;** and authorizes the Director to take such action as may be necessary to effectuate rescission.

Sponsors: Pospiech

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

9. DIRECTOR'S COMMENTS

Director Brown briefed the Board about a possible data breach that may have affected about 15,000 employees, retirees, and customers. He said that as a precautionary measure, the City of Detroit will offer a one-year free credit monitoring service by Experian.

10. COMMENTS BY COMMISSIONERS

Commissioner Kinloch asked about a news article that spoke of an 83-year old resident whose water was allegedly shut off for non-payment. Director Brown replied that the department is investigating the matter.

Commissioner Blackmon asked the Director about an interview regarding the uranium spill by the Revere Dock. LLC into the Detroit River that referenced commercial properties given leniency over residential properties when it comes to shut-offs. Director Brown replied that the news media would lead you to believe that the company was not paying its bill. She also asked about a petition filed by the American Civil Liberties Union (ACLU) with the Michigan Department of Public Health (MDPH) declaring water shut-offs an imminent threat to public health. Attorney Pospiech replied that the petition was denied by both the MDPH and the governor.

There were none.

11. COMMENTS BY THE CHAIR

There were none.

12. OTHER MATTERS

There were none.

13. CLOSED SESSION

- A. [20-0017](#)** 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 for a pending claim during pre-litigation status and a confidential attorney communication.**

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner John Henry Davis to enter into Request, Closed Session at 2:22 p.m. be approved. The motion carried by a unanimous vote.

- B. [20-0018](#)** 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: Pospiech

A motion was made by Commissioner Lane Coleman, seconded by Commissioner Jane Garcia that this Request, Closed Session be approved. The motion carried by a unanimous vote.

C. [20-0019](#)

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: Pospiech

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

D. [20-0020](#)

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 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 Commissioner John Henry Davis, seconded by Commissioner Jane Garcia that this Request, Closed Session be approved. The motion carried by a unanimous vote.

E. [20-0021](#)

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 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 Commissioner Mary Blackmon, seconded by Commissioner Jane Garcia that this Request, Closed Session 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 Garcia, Commissioner Davis, Commissioner Kinloch, Einheuser, Coleman and Blackmon

OPEN SESSION

A motion was made by Commissioner Jane Garcia, seconded by Commissioner Mary Blackmon to return from Closed Session at 3:43 p.m. be approved. The motion carried by a unanimous vote.

The only items discussed were those matters listed in the closed session request.

14. ADJOURNMENT

Chairman Einheuser requested a motion to adjourn.

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner John Henry Davis that the meeting be adjourned. The motion carried by a unanimous vote.

There being no further business, the meeting adjourned at 3:48 p.m.