



# Detroit Water and Sewerage Department

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## Legislation Details (With Text)

**File #:** 17-0136      **Version:** 1      **Name:**

**Type:** Case Settlement, Other      **Status:** Agenda Ready

**In control:** Office of the General Counsel

**On agenda:** 8/16/2017      **Final action:** 8/16/2017

**Title:** 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.

**Indexes:** Board of Water Commissioners

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/16/2017	1	Board of Water Commissioners	approved	Pass

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.**

### Agenda of August 16, 2017

**Item No.:** 17-0136

**Amount:** N/A

**TO:** The Honorable  
Board of Water Commissioners  
City of Detroit

**FROM:** Gary A Brown, Director  
Detroit Water and Sewerage Department

**RE:** *Michigan Warehousing et al v City of Detroit et al*  
Case No. 15-010165-CB

### MOTION

Upon recommendation and opinion of Debra N. Pospiech, Esq., General Counsel and Sonal Hope Mithani, Esq.

of Miller Canfield, 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.**

#### **BACKGROUND AND JUSTIFICATION**

The Background and Justification for the Settlement Agreement are contained in a confidential, attorney-client privileged communication provided under separate cover and as discussed with the Board in Closed Session.

#### **BUDGET IMPACT**

To the extent there are expenses associated with this authorization, those expenses are within levels and programs authorized as a part of the DWSD's budget.

#### **BOARD REVIEW**

This matter was individually reviewed by each member of the Board.