



# Detroit Water and Sewerage Department

735 Randolph Street  
Detroit, Michigan 48226  
(313) 224-4704 Office  
dwsd.legistar.com

## Legislation Details (With Text)

**File #:** 17-0192      **Version:** 1      **Name:**

**Type:** Request, Closed Session      **Status:** Approved

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

**On agenda:** 12/6/2017      **Final action:** 12/6/2017

**Title:** 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.

**Indexes:** Board of Water Commissioners

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/6/2017	1	Board of Water Commissioners	approved	Pass

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.**

### Agenda of December 6, 2017

#### Item No. 17-0192

#### Closed Session Request

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

**FROM:** Debra N. Pospiech, Esq., Chief General Counsel, Detroit Water and Sewerage Department

**RE:** *Michigan Warehousing, LLC v. City of Detroit, et al*

### MOTION

Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners for the City of Detroit Water and Sewerage Department, by an affirmative roll call vote of 2/3 of the Board Members appointed and serving, hereby resolves to: 1) **Meet with legal counsel in closed session pursuant to Sections 8(e) and (h) of the Michigan Open Meetings Act to discuss settlement strategy in *Michigan Warehousing, LLC v. City of Detroit, et al*, and 2) Authorize the Director to take such other action as may be necessary to accomplish the intent of this vote.**

### BACKGROUND

Section 8(e) of the Michigan Open Meetings Act allow a public body to meet in closed session: "To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if

an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.” Section 8(h) allows a public body to meet in closed session: “To consider material exempt from discussion or disclosure by state or federal statute.” Section 7 of the Act requires an affirmative roll call vote of 2/3 of the Board Members appointed and serving to approve a closed session.

Respectfully Submitted,

**Debra N. Pospiech**

Debra N. Pospiech, Esq.

Chief General Counsel

Detroit Water and Sewerage Department