



Detroit Water and Sewerage Department

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Legislation Details (With Text)

File #: 18-0034 **Version:** 1 **Name:**
Type: Request, Closed Session **Status:** Approved
In control: Office of the General Counsel
On agenda: 3/7/2018 **Final action:** 3/7/2018
Title: The Board of Water Commissioners vote to: 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 Jonathan Kenniburg v. City of Detroit and Darryl Shavers v. City of Detroit, and 2) Authorize the Director to take such other action as may be necessary to accomplish the intent of this vote.

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/7/2018	1	Finance Committee	approved	Pass
2/21/2018	1	Board of Water Commissioners	approved	Pass

The Board of Water Commissioners vote to: 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 *Jonathan Kenniburg v. City of Detroit and Darryl Shavers v. City of Detroit*, and 2) Authorize the Director to take such other action as may be necessary to accomplish the intent of this vote.**

Agenda of March 7, 2018

Item No. 18-0034

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: *Jonathan Kenniburg v. City of Detroit and Darryl Shavers v. City of Detroit*

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 *Jonathan Kenniburg v. City of Detroit and Darryl Shavers v. City of Detroit*, 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 & Sewerage Department