



# Detroit Water and Sewerage Department

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## Legislation Details (With Text)

**File #:** 18-0042      **Version:** 1      **Name:**  
**Type:** Request, Closed Session      **Status:** Agenda Ready  
**In control:** Office of the General Counsel  
**On agenda:** 3/7/2018      **Final action:** 3/7/2018  
**Title:** 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 *James Abbott, et al 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.  
**Indexes:** Finance Committee

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/7/2018	1	Finance Committee	approved	

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 *James Abbott, et al 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.**

Agenda of March 7, 2018  
Item No. 18-0042  
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:** *James Abbott, et al v City of Detroit, et al*,  
United States District Court Case No. 2-17-cv-10761-BAF-RSW

### 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 *James Abbott, et al 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