



Detroit Water and Sewerage Department

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Legislation Details (With Text)

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In control: Board of Water Commissioners

On agenda: 4/4/2018 **Final action:** 4/4/2018

Title: The Board of Water Commissioners for the City of Detroit Water and Sewerage Department authorizes Approval of 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 regarding Bifurcation Agreements between Great Lakes Water Authority and DWSD.

Indexes: Board of Water Commissioners

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/4/2018	1	Board of Water Commissioners	approved	Pass

The Board of Water Commissioners for the City of Detroit Water and Sewerage Department authorizes **Approval of 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 regarding Bifurcation Agreements between Great Lakes Water Authority and DWSD.**

Agenda of April 4, 2018

Item No. 18-0073

Closed Session Request

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

FROM: Debra N. Pospiech, Esq., Chief General Counsel, Detroit Water & Sewerage Dept.

RE: **Bifurcation Agreements between Great Lakes Water Authority and Detroit Water and Sewerage Department and settlement strategy for pending litigation**

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 (DWSD), 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 for pending litigation regarding Bifurcation Agreements between Great Lakes Water Authority and DWSD; and (2) Authorize the Director and General Counsel 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 allows 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