



Detroit Water and Sewerage Department

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Legislation Details (With Text)

File #: 20-0060 **Version:** 1 **Name:**
Type: Resolution, Closed Session **Status:** Approved
In control: Office of the General Counsel
On agenda: 2/19/2020 **Final action:** 2/19/2020
Title: 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: meet with legal counsel in closed session pursuant to Section 8(e) of the Michigan Open Meetings Act and Section 13(1)(g) of the Freedom of Information Act to consider material exempt from discussion or disclosure by state or federal statute, specifically a consultation with General Counsel regarding pending litigation.
Indexes: Board of Water Commissioners

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/19/2020	1	Board of Water Commissioners	approved	Pass

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: **meet with legal counsel in closed session pursuant to Section 8(e) of the Michigan Open Meetings Act and Section 13(1)(g) of the Freedom of Information Act to consider material exempt from discussion or disclosure by state or federal statute, specifically a consultation with General Counsel regarding pending litigation.**

Agenda of February 19, 2020
Item No. 20-0060
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: **Confidential Consultation Regarding Pending Litigation - *DAART and Binns vs. 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 (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 Section 8(e) of the Michigan Open Meetings Act to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, 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

There have been recent developments in the class action cases entitled *DAART vs. City of Detroit* and *Binns vs. City of Detroit* and General Counsel would like to brief the Board on litigation strategy. Such action is permitted under the Open Meetings Act and Freedom of Information Act. Section 7 of the Open Meetings 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