



# Detroit Water and Sewerage Department

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

## Legislation Text

---

**File #:** 19-00240, **Version:** 1

---

**Approval of a meeting 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 August 21, 2019  
Item No. 19-00240  
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

### 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 is a formal arbitration hearing set for August 26, 2019, regarding a dispute between the Great Lakes Water Authority and Detroit Water and Sewerage Department. GLWA intends to execute a budget mechanism whereby it creates an “internal” wholesale customer class for GLWA facilities thereby preventing DWSD from billing retail rates for water used at GLWA facilities. DWSD contends the Regional Water System Lease and Water and Sewer Services Agreement do not allow such action. 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