



# Detroit Water and Sewerage Department

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## Legislation Text

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**File #:** 20-0060, **Version:** 1

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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