



# Detroit Water and Sewerage Department

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## Legislation Text

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**File #:** 21-0408, **Version:** 1

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Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the City of Detroit Board of Water Commissioners votes to **approve a meeting with General Counsel in closed session pursuant to Section 8 (h) of the Michigan Open Meetings Act to discuss a memorandum subject to attorney-client privilege.**

Agenda of February 17, 2021  
Item No. 21-0408  
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:** **Michigan Supreme Court Order dated February 12, 2021**  
*DAART v. City of Detroit*

### **MOTION**

Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the City of Detroit Board of Water Commissioners, by an affirmative roll call vote of 2/3 of the Board Members appointed and serving, hereby resolves to **meet with General Counsel in closed session pursuant to Section 8(h) of the Michigan Open Meetings Act, MCL 15.261 et seq to discuss a memorandum subject to attorney-client privilege.**

### **BACKGROUND**

Section 8(h) of the Michigan Open Meetings Act (MCL 15.261 et. seq.) allows a public body to meet in closed session to consider material exempt from discussion or disclosure by state or federal statute. The Freedom of Information Act (MCL 251.231 et seq.) exempts from disclosure records subject to the attorney-client privilege. (MCL 15.243(g))

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. (MCL 15.267(1))

General Counsel provided a confidential memorandum to Commissioners regarding a Michigan Supreme Court Order dated February 21, 2021, in the matter of *DAART v. City of Detroit*. General Counsel respectfully requests a closed session to discuss the memorandum.

Respectfully Submitted,

**Debra N. Pospiech**

Debra N. Pospiech, Esq.

Chief General Counsel