



Office of the Chief Executive

735 Randolph Street, Suite 1900
Detroit, Michigan 48226

September 27, 2017

The Honorable
Board of Directors
Great Lakes Water Authority

Dear Chairman Daddow and Directors:

Regarding: CEO's Report – September, 2017

On September 16, 2017, a small fire occurred at GLWA's Springwells Water Production Plant. A subcontractor of a GLWA vendor was working on the HVAC system and when he began to purge a line in a dehumidifier, gas ignited and a small fireball occurred. Although the subcontractor was able to walk out of the facility under his own power, he was burned and is currently receiving treatment for his injuries. Our hopes and wishes for continued progress in his recovery go out to this individual and his family. Despite this unfortunate occurrence, which is still under investigation, there are some positives to report; the fire was quickly extinguished and Springwells continued its operations with no loss in production throughout the incident. All GLWA and GLWA vendor personnel were quickly and safely evacuated from the plant. Dearborn Fire was called, quickly responded and addressed the fire. Within a few hours, the site was cleared and normal operations and access resumed. We are especially proud to tell you that before leaving the scene, Dearborn Fire complimented GLWA personnel on the quick and professional nature of their response to the incident.

We are well into discussions through the Customer Outreach process on GLWA's One Water Charge Methodology initiatives, particularly those that will impact the FY 19 charges. The GLWA strategy has laid out the various initiatives and timelines, and with this early start our objective is to work through issues that have the potential for creating volatility in charges in partnership with our customers to find the right balance of equity and stability.

On Thursday of this week (September 28th) we will meet with customers in our second One Water Partnering Session where we will advance the conversation about GLWA's first Partnering Agreement. This agreement provides the foundation for mutual understanding and commitment for strengthening and improving our long-term partnership, and outlines the responsibilities of all parties, GLWA and member communities and others alike. We are also at the threshold of what I believe is another first in the Country, and that is an established scorecard that will be the first effort of this nature with metrics that gauge the success of this partnership - established by the voice of our customers.

PLANNING SERVICES

Asset Management and CIP Group

Current and Ongoing Initiatives

The GLWA Asset Management Group recently completed the annual Wastewater Asset Management Plan for submittal to the MDEQ on October 1, 2017. The plan provides valuable information related to the asset management related activities that occurred within wastewater over the past year, as well as, a look into the future direction of wastewater asset management. In the past 12 months, we have refocused on the foundational aspects of asset management: developing the governance structure, configuring software systems to be useable for asset management and using old information to gain new insights. While potentially less attractive than some of the higher-level projects within asset management, this work will allow GLWA to be in the position to advance asset management in a systematic manner moving forward.

The Asset Management and Capital Improvement Plan Customer Outreach Work Group is scheduled to meet on September 26 where a majority of the meeting is intended to be spent on presenting and receiving feedback on the Wastewater Asset Management Plan. The next work group meeting will occur on October 24, 2017. The primary focus of October's meeting will be to present new project business case evaluations and major changes to the CIP projects for the fiscal year 2019 - 2023 Capital Improvement Plan.

Asset Management Planning Present and Future

The Group has also been busy assessing organization gaps in asset management and developing plans, concepts, and projects to begin to narrow these gaps and build the asset management bridge. In the past year, three (3) major concepts have been developed which will shape the development and future of asset management at GLWA, which are as follows:

1. The development of the Asset Management Strategic Organization (AMSO)

The former AM/WAM asset management structure is being replaced with the AMSO. The AMSO is a team of teams, each focused on more narrow bands of asset management initiatives with smaller teams to make it easier for decision making and forward progress.

2. The development of a Strategic Asset Management Plan

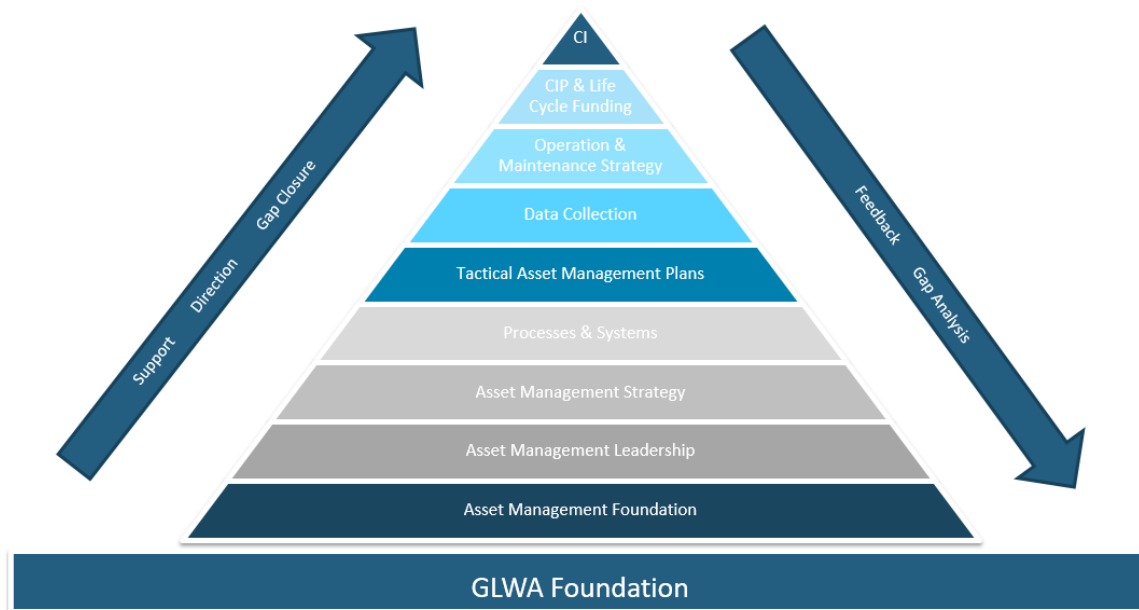
The Plan will lay out the projects that need to occur in a manner that will ensure the appropriate resources are allocated and that the needed pre-requisites have been accomplished. Proposals for the asset management planning services and the Plan project were received on September 20, 2017. We anticipate beginning the project in the next several months.



PLANNING SERVICES (continued)

3. The development of the Asset Management Pyramid

The Group has developed a concept which is utilized to prioritize asset management activities at GLWA. The Asset Management Pyramid is intended to highlight the importance of feedback, continuous improvement and a strong foundation. While most of the asset management activities that typical organizations will focus on, fall within the upper levels of this pyramid, the concepts in these upper levels would not be possible without the proper vision, planning, processes, and systems in place below them to allow them to advance. This framework for how asset management will be approached at GLWA will ensure that the key foundational building blocks are in place so that the overall asset management program will have the required support and tools to succeed.



Systems Planning Group

Improvements in communication continue with the development of a draft communication plan and process tables that detail communication channels for planned and emergency water events. These documents were presented for review at the Water Analytical Work Group Meeting held on September 19, 2017 in Lathrup Village.

A joint Water and Wastewater Charges work group meeting was held on August 31, 2017 where important topics were discussed, including the GLWA Cost Allocation Project and the potential for a uniform contract reopener. Details of the contract reopener effort were further explained at a September 12, 2017 meeting dedicated to this topic.

PLANNING SERVICES (continued)

Attendance at work groups in the month of August has been tabulated below:

August Work Group Meetings	
<u>WORK GROUP</u>	<u># ATTENDED</u>
WASTEATER ANALYTICS TASK FORCE	26
WASTEWATER BEST PRACTICES	26
WASTEWATER MASTER PLAN STEERING TEAM	32
WATER BEST PRACTICES	14
COMMUNICATIONS	12
JOINT WATER & WASTEWATER CHARGES	57

For some time now we have been working with Lyon Township on the prospect of the Township becoming a new GLWA water customer. After much deliberation, the Lyon Township Board of Trustees decided to improve their current water system rather than connect to our system. Although this opportunity did not come to fruition, we are committed to finding cost effective opportunities to add customers to the water system.

System Analytics and Meter Operations Group (SA&MO)

The SA&MO Group led a Wastewater Analytics Task Force (WATF) subcommittee meeting on D+ Metering Improvements at SEMCOG on August 31, 2017. This meeting initiated productive discussion around what exploration/studies are needed to improve the D+ flow analysis. Temporary and permanent metering improvements were brought forward to the customers for feedback. The subcommittee will be reviewing several past studies and evaluating their future use.

The “Units of Service for Non-Master Metered Customers and System Water Audit” project team held a key report-out meeting with the Analytics Work Group (AWG) on September 19, 2017. The three-hour workshop presented the progress of:

- Data Review and Data Validation
- Production Metering
- Wholesale Customers (WAMR)
- Non-Master Metered Customers
- Units of Service – Specific Variables

The report out validated the work remaining and planned for metering upgrades at the Water Treatment Facilities. Next efforts will focus on TAC oversight of the findings and effort as we approach use of the data for FY 18.

PLANNING SERVICES (continued)

The West Side Sewer Modeling and Monitoring Program is ongoing. There were two data review sessions in the past month. A workshop was held on September 26, 2017 to discuss recent data analyses. The information and analyses generated by this effort will be used to validate and update the combined sewer overflow outfall frequency and volume calculations. This program is planned to be ongoing for the next two to three years.

Under a new contract, the Professional and Technical Services for Sewer Meter Support project was kicked off and the contractor has nearly completed its first round of sewer meter calibrations. This project will ensure that the customer sewer meters are functioning accurately and calibrated on a regular basis. Results and issues will be reported out at WATF.

Group members participated in a two-day Storm Water Management Model (SWMM) training workshop. The training included several SWMM hydrology and hydraulics exercises. The information was valuable to the team members, and the knowledge will greatly assist those who manage model-based projects.

The Group has been working with Information Technology (IT) GIS group to geocode DWSD and GLWA datasets to improve system analysis. DWSD Retail account geocoding will assist in estimating amounts of flow in Detroit sewer districts including the West Side Modeling project.

Energy Management Group

In the June CEO report, it was noted that GLWA began a solar feasibility study with initial results indicating that both solar and wind are technically feasible sources for energy at a number of facilities. The report, which is currently undergoing final editing, discusses at a high level the numerous factors that will make any form of renewable energy production, including anaerobic digestion, economically challenging. After receiving the initial report, the Energy Management team asked for more details regarding the limiting factors. The three major factors are listed below:

- Many solar projects in the private market depend on the tax incentives provided by the government to help support the case of their initial investment, however GLWA's tax exempt status does not allow us to realize these discounts.
- The utility provider's rider for standby demand fees require GLWA to pay for their demand energy capacity that may never be used, which decreases the economic return.
- The utility provider sets the renewable production limit to the facility's load. The utility provider will only provide credits to the customer's account for the energy produced and will not pay for any energy supplied back into the grid.

Possible solutions to the aforementioned limitations are outlined in the report. Energy Management will explore the options, recognizing energy management and renewable energy are vital components for a sustainable energy future.

PLANNING SERVICES (continued)

Research and Innovation

Staff from Research and Innovation attended the Intensification of Resource Recovery Forum, August 10-12, 2017 sponsored by Leaders Innovation Forum for Technology (LIFT). LIFT is a multi-pronged initiative undertaken by the Water Environment Federation (WEF) and Water Environment & Reuse Foundation (WE&RF) to bring new water technology to the field quickly and efficiently. The forum focused on emerging solutions to the challenge of excess nutrients in the environment. The emerging solution will be driving wastewater utilities to recover more nutrients and create products that people need. For example, there is much work underway to create biosolids products which go beyond meeting the land application requirements of the 1990s to creating products that perform better and are nutrient balanced and enhanced.

NEFCO and GLWA's R&I staff are planning to present the history and benefits being realized from the biosolids dryer, including natural gas and greenhouse gas savings, and current study underway to generate energy from the biosolids to the Michigan Water Environments Association's Sustainable Energy Conference in October.

WASTEWATER OPERATING SERVICES

Wastewater Operations Group

The Water Resource Recovery Facility (WRRF) was in compliance with all National Pollutant Discharge Elimination System (NPDES) and Michigan Department of Environmental Quality (MDEQ) water quality permits in the month of August 2017.

Engineering & Maintenance Groups

Construction Engineering

WRRF Construction Engineering welcomed Mr. Philip Kora, P.E, PMP as the new Engineering Construction Manager. Mr. Kora has been a member of the WRRF's engineering team for many years. With his promotion to this important leadership role, he will be focused on guiding the WRRF project engineers and inspectors in administering CIP and small capital projects. The WRRF Construction Engineering Group also assists the Operations and Maintenance Groups with process improvements.

Rouge River Outfall Disinfection Project

The contractor has started the phase II construction work with a targeted construction completion date of April 1, 2019, as required by the NPDES permit. The 100% design documents were completed in September 2017. Current work efforts include excavation for the new disinfection building, diffusers, flow meters, and relocation of existing utilities.

WASTEWATER OPERATING SERVICES (continued)

Design Engineering

The Design Engineering group activities included updating the newly created 5-year capital improvements projects database, assisting the Operations Group in drafting a request for proposal for sludge removal at one of the combined sewer overflow facilities, providing engineering support for the repair of WRRF electrical components, and designing improvements to incinerator complex building heat systems. In addition, the group is actively working on budgeted capital improvement projects and assisting operations and maintenance staff with engineering related requests.

Maintenance

Preventative and corrective maintenance to wastewater process equipment continues to be the focus of the WRRF Maintenance Team. Additional activities include: pavement improvements, developing controls for nuisance birds, building customized grit samplers, and optimizing the use of permanent structures versus temporary facilities.

Industrial Waste Control (IWC)

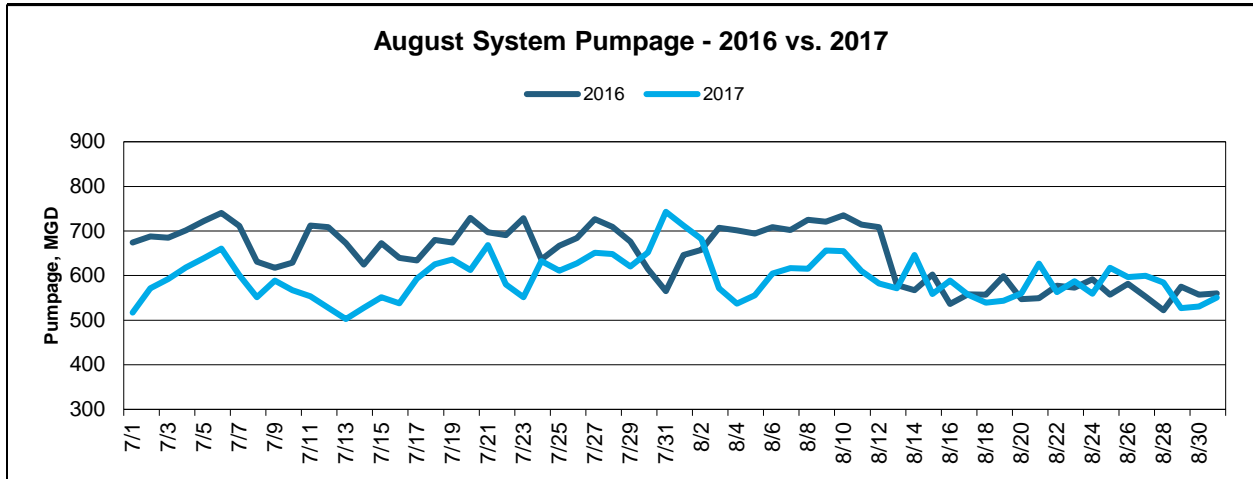
In the IWC Group, software upgrades continue to be an important initiative. The Pretreatment Information Management System (PIMS) software implementation continues to progress on schedule. An application package has been submitted to the USEPA and MDEQ for review pertaining to the use of our new PIMS system to electronically receive submitted reports and data submissions. Such electronic submissions are required to meet EPA's Cross Media Electronic Reporting Rule. Additionally implementation of our new Laboratory Information Management System (LIMS) is underway and in the requirements gathering phase which is a necessary precursor to software configuration.

Meetings and a variety of communication efforts related to the Industrial Pretreatment rules that were adopted in November 2016 continue to occur.

WATER OPERATIONS

Systems Control

August 2017 pumpage was 8% lower than 2016. Average pumpage for 2017 was 595 MGD.



GLWA Interceptor and Sewer Inspection Summary

GLWA CON-149 Sewer Rehabilitation contract inspected 115,855 LF of sewers in August 2017. As inspections identify defects, the contract immediately addresses these defects requiring immediate repair.

INFORMATION TECHNOLOGY

The IT Security & Risk Team along with the IT Service Delivery Team continues to refine the monthly workstation and server patching process. We have deployed security patches to 1320 devices during the month of August patching 97% of the Authority owned desktop computing devices.

To date in 2017, operating system vulnerabilities have decreased by over 90% on the GLWA network, and we continue to decommission systems that are out of support and can no longer be patched.

The IT Group continues to improve technical solutions, platforms and methods to enhance and maintain a stable, secure, and reliable infrastructure. Some of the ongoing activities include:

- Updating Incident Response planning
- Migrations to new supported storage continue with the goal of shutting down both the old SAN and the Celerra storage array by October 31, 2017.
- Coordinating a comprehensive Infrastructure Assessment
- Actively recruiting additional staffing resources to expand infrastructure team

INFORMATION TECHNOLOGY (continued)

- Implementing improved backup strategies and installing newly procured expanded storage devices to expand capacity for system backups

The IT Business Applications Delivery Team upgraded BS&A on August 24, 2017. The upgrade was performed through an automated push of the software to all users and completed successfully with no major issues.

The IT Business Applications Delivery Team conducted a cleanup of open hydrant work orders in WAM that were completed but not closed. This cleanup effort ensured more accurate hydrant operability metrics and eliminated erroneous work from being assigned to repair crews.

There have been three (3) planned water shutoffs at CSF in the past month (August 15, August 27, and September 10) related to water main repair and construction work. To avoid heat related hardware issues, the IT Infrastructure team in conjunction with Systems Control brought in portable AC units and maintained the data center temperature within normal parameters.

The IT Business Intelligence team has provided the Finance Area with the ability to view merged datasets between BS&A and Ceridian Dayforce. This will reduce the amount of time needed to analyze payroll data and prepare reports.

PUBLIC AFFAIRS GROUP

Public Affairs Specialist Stephanie Geiger attended the American Water Works Association Michigan Section (MI-AWWA) Annual Conference September 12 - 15. During the conference, Stephanie took photos of attendees, keynotes speakers and conference events for the MI-AWWA quarterly magazine [Water Works News](#). She also took photos and conducted interviews with several GLWA team members who attended the conference as presenters or award winners, for GLWA's bi-weekly employee newsletter, "One Water News." Team members included presenters Brian Dara and Eric Klun, Young Professional Committee Chair Jenna Karazim, Chair Elect Bill Fritz and MI-AWWA conference attendees Cheryl Porter, Tim Kuhn and Buddy Sasquash.

In response to several requests from community leaders, the PA Team has partnered with the Customer Outreach Team to make GLWA's bi-weekly newsletter, *One Water News*, available to all of our member communities.

The newsletter will now be posted on the Customer Outreach Portal and sent via email to our customers, in addition to being placed at GLWA's facilities and on the Public Affairs' SharePoint Page. The *One Water News* brings to life news, information and employee stories happening in and around GLWA.

As previously mentioned, GLWA has partnered with WaterXchange.org, a new national digital platform of industry information created by utilities, for utilities. As part of our partnership, the Public Affairs team, in collaboration with other Groups, will begin sharing useful information (public service messages, industry reports and educational videos) with the online exchange to benefit other utilities across the country.

PUBLIC AFFAIRS GROUP (continued)

The project is currently in the testing phase and GLWA is one of the few early members including the National Association of Clean Water Agencies and Water Research Foundation.

SECURITY AND INTEGRITY

During the month of August, the Security and Integrity Group continued planning for the 2017 Tabletop Exercise. The group also participated in a Table Top Exercise entitled: Notification Protocol on Water Alerts.

GLWA Security and Integrity is currently training several officers for Hazmat Training. In addition, the group is coordinating with the Hazmat Coordinator to formulate operational rules for its future Hazmat Team.

ORGANIZATIONAL DEVELOPMENT

Training

OD has provided 17 training classes this month as of September 17th with a 97% participation rate from Team members.

The Training Team is continuing to gain momentum with the Learning Management System (LMS) launch adding additional classes to the LMS system.

Apprenticeship Program

The first Cohort (12) Apprentices started on June 12, 2017 and have completed 14 weeks and an average of 420 hours.

The second Cohort (8) Apprentices began on August 21, 2017 and August 28, 2017 and have completed 3-4 weeks respectively.

All apprentices have completed or are enrolled in required Safety Training. They are in Week 4 of their first Henry Ford College (HFC) Course: TAEL-106: Electronics Theory (4 credits)

When GLWA's EICT-I Apprentices reach the milestone of either 500 hours or completion of their first HFC course, GLWA will receive the first installment of an ApprenticeshipUSA, Department of Labor-funded grant done in partnership with Automation Alley and the State of Michigan. The grant was created to help address the manufacturing and IT talent shortages across our state. Our registered EICT-I Apprenticeship Program meets the criteria.

Talent Management

GLWA has 40 job openings for several positions across the organization. The open positions are posted on our external website.

As of September 19th, our staff count is 906. New employee orientation continues on the third Friday of each month.

FINANCIAL SERVICES AREA



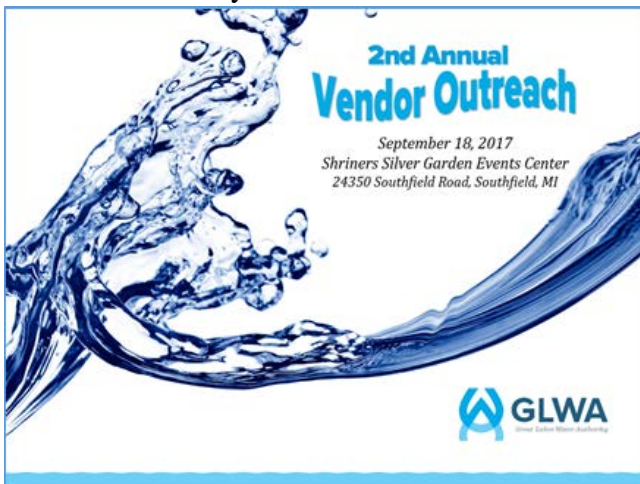
Congratulations to **Jackie Morgan, Treasury Management Professional**, who recently passed the **Certified Treasury Professional (CTP)** exam. This is an intensive four-hour exam that covers a wide range of treasury management topics.

After dedicating many long hours to studying as well as gaining practical knowledge from her GLWA colleagues, Jackie was among those who passed the exam on the first attempt! This is exceptional as the first time passing rate is believed to be 43 to 51%. We are very proud of you Jackie!

Vendor Outreach!

Last week, over 350 participants attended the Second Annual GLWA Vendor Outreach Event. This was a great opportunity to network with the vendor community. In addition to meeting with those who have been our partners for many years, the event attracted several companies that have not done business with GLWA previously.

After a general session with a Q&A session, tables were set up for one-on-one meetings with team members from Procurement and Accounts Payable. In addition, several vendors participated in one of the Voice of the Vendor sessions that provide valuable feedback as we strive to improve process and communications. All materials from the event will be posted on our website at <http://www.glwater.org/doing-business-with-glwa/>. A survey is also being distributed via email with results due in early October.



FINANCIAL SERVICES AREA (continued)

Financial Planning & Analysis

The inaugural 2017 Cost Allocation Project began in July. Background about the project approach and findings to date were presented at a customer outreach meeting on August 31, 2017.

The FY 2019 - 2024 five-year financial plan development is underway. Training on the BS&A budgeting features were provided to new team members and for those who wanted a refresher course. Now that everyone is entering detailed budget information into the system, they are building on and improving the prior year's information. Almost all cost centers have completed their first pass at the budget and related goals and objectives.

Financial Reporting and Accounting

Big news! The BS&A capital asset module will be live this week! This has clearly been one of the more complex implementations and an example of why it is important to plan for contingencies. In this instance, the amounts from the January 1, 2016 asset valuation were subject to adjustment based upon the final accounting for the bifurcation with final calculations in May 2017. The extent of this interdependency resulted in an adjustment to the asset values. Of course, the capital asset team was not idle – they were able to use that time to include other data enhancements into the upload file, such as asset cost pool information by asset provided by The Foster group. This will garner additional efficiencies that we otherwise would not have achieved.

A review of the FY 2017 General Ledger is currently underway which includes over 175 cost centers. The process will verify the accuracy of how expenses were coded with respect to the budget as well as contribute with the preparation of the year end paperwork required for the 2017 annual audit. The annual audit is expected to begin on October 16th.

The following numbers represent the Accounts Payable team activity for the month of August:

August 2017 - Accounts Payable Activity	
Checks Issued	1,862
Vendors Paid	397
Dollar Amount Paid	\$ 36,347,375.89
Average # of Invoices Processed Per Day	77

Transformation

The Transformation Team has a new leader, Debra Anderson. Her focus will be deploying a new, impactful, and innovative approaches to engaging team members throughout the entire GLWA.

FINANCIAL SERVICES AREA (continued)

Debra has a long track record of working with teams in several industries to drive excellence and deliver tangible cost benefits through effective Lean Six Sigma tools and methodologies. This team will encompass the Effective Utility Management (EUM) framework in their support of process improvement initiatives.

A specific focus of the Transformation Team will be on the front line. The team has partnered with key members of the Water Resources Recovery Facility to develop a culture of continuous improvement. Working with Mark Ragsdale, they will be kicking off a safety & 5S workplace organization project in Pump house #1 and in the primary area. 5S is the name of a workplace organization method that uses five words that begin with the letter “S” (Sort, Set, Shine, Standardize, Sustain). The list describes how to organize a work space for efficiency and effectiveness by identifying and storing the items used, maintaining the area and items, and sustaining the new order. The team especially appreciates the efforts of Melvin Murphy who recently began working with the Transformation Team on how to improve the work area.

Internal Audit & Data Analytics

The Internal Audit & Data Analytics team (IA&DA) has continued to provide their assistance on the Shared Services “True Up” project. Documentation of the Fiscal Year 2017 procedures continue to progress as the process evolves. A key request of our partners in IT is to evaluate project based time capture tools to improve the efficiency of the effort.

We are also in the process of updating procedure documentation through review of the June 30, 2017 year end activity. This includes updates that will be made to 16 of the existing procedures, the creation of three new procedures as well as the identification of updates to the internal control environment. Both the procedures and internal controls meet and exceed the Single Audit requirements and support the completion of an effective and timely audit.

Procurement

The following numbers represent the Construction & Contract Services activity through the month of August.

2017 YTD - Contracts Executed (in 000's)									
Category	January	February	March	April	May	June	July	August	YTD Total
Quantity									
Construction	1	-	2	1	7	2	2	6	21
Consultant	9	8	7	2	6	14	4	11	61
Design/Build	1	-	1	1	1	0	1	0	5
Legal Services	2	1	1	-	-	2	6	2	14
Grand Total	13	9	11	4	14	18	13	19	101
Value									
Construction	\$ 995.0	\$ -	\$ 654.4	\$ 1,636.7	\$ 37,651.8	\$ 10,092.8	\$ 7,173.3	\$ 6,691.0	\$ 64,895.0
Consultant	2,512.1	1,773.5	3,213.6	68.5	8,637.1	20,380.4	29,425	13,541	79,552
Design/Build	3,590.0	-	320.9	-	100.0	-	2,500	-	6,511
Legal Services	750.0	250.0	50.0	-	-	350.0	1,495	300	3,195
Grand Total	\$7,847.1	\$2,023.5	\$4,238.9	\$1,705.2	\$46,389.0	\$30,823.2	\$40,593.3	\$20,532.4	\$154,152.5

FINANCIAL SERVICES AREA (continued)

August 2017 - Contracts in Process (in 000's)	
<u>Quantity</u>	<u>Value</u>
27	\$ 83,191.79
27	40,932.64
3	40,700.63
2	78.00
4	600.00
63	\$ 165,503.07

WRAP Update

The Water Residential Assistance Program (“WRAP”) has completed its first year of providing assistance to water and sewer customers within the Great Lakes Water Authority service area. WRAP began accepting applications for residential customer assistance on March 2, 2016, with the first community to opt into WRAP being the City of Detroit. Subsequently, outreach meetings were held in Wayne, Oakland and Macomb Counties to educate GLWA customer communities on details on the WRAP and what was required to “opt-in” to the program. Since those meetings, Wayne Metro, along with the Community Action Alliance partners, have been working with individual communities to get them opted into the WRAP. As of August 31, 2017, 67 communities have opted into the program, an increase of five communities since June 30, 2017.

Below is a summary of committed and spent WRAP funds as well as home audits and home repairs performed through August 31, 2017 for the City of Detroit and Suburban participants. Please note that the uncommitted funds included in the table below now includes the budgeted WRAP funds for bill assistance, arrearage assistance, home audits and repairs of \$4.3 million for FY 2018.

FINANCIAL SERVICES AREA (continued)

WRAP Funding Status As of August 31, 2017

	Detroit	Suburban	Total
Scheduled Appointments	13,020	4,265	17,285
Completed Pre-Applications	12,433	4,072	16,505
Households Assisted	2,934	2,218	5,152
Shutoffs Avoided	1,291	520	1,811
Home Audits	1,193	305	1,498
Number of Home Repairs	778	152	930
Amount of Home Repairs	\$329,693	\$82,903	\$412,596
Average Cost of Home Repair	\$424	\$545	\$444
Total Bill Assistance Committed	837,988	\$660,824	1,498,812
Total Arrearage Assistance Committed	1,734,995	\$740,666	2,475,660
Total Assistance Committed	\$2,572,983	\$1,401,490	\$3,974,473
FY 2016, 2017 & 2018 WRAP Funds Uncommitted*	\$1,449,395	\$ 6,053,851	\$7,503,246
FY 2016 Uncommitted Funds Reallocated to Detroit	\$1,664,833	(\$1,664,833)	\$0
Net FY 2016, 2017 & 2018 Funds Uncommitted	\$3,114,228	\$4,389,018	\$7,503,246
Total Bill and Arrearage Assistance Paid to Date:	\$967,033	\$378,783	\$1,345,816

* Includes breakage amounts returned to funding allocation.

KUDOS AND STAFF ACCOLADES

2017 Edward Dunbar Rich Service Award Recipients

Kudos to Team Leader Annie Philip and Chemist Kendarp Trivedi, both of the Northeast Water Treatment Plant, on their recognition by the Michigan Department of Environmental Quality as recipients of the 2017 Edward Dunbar Rich Service Award presented at the Michigan Section American Water Works Association (MI-AWWA) Annual Conference on September 13. This award recognizes water utility personnel for completing 25 or more years of meritorious and faithful service in providing and maintaining a safe, dependable and adequate public water supply in recognition of their years of service to the water sector in Michigan.

LEGAL

General Counsel's September Report is an attachment to the Chief Executive Officer's Report.

Respectfully submitted,



Sue F. McCormick
Chief Executive Officer

SFM/dlr

General Counsel – September, 2017

Updates regarding New and Pending Cases

- ***City of Detroit v Highland Park:*** On September 12, 2017, the Michigan Supreme Court (“MSC”) denied Highland Park’s (“HP”) request for consideration of the circuit court’s ruling that HP must pay its outstanding water and sewerage charges to DWSD. The City of Detroit and GLWA will enforce the judgment.
- ***Highland Park v GLWA, DWSD and City of Detroit:*** On September 13, 2017, one day after the MSC denied consideration of HP’s appeal, HP filed a federal court action alleging, among other things, contempt of court and breach of contract. This action will be vigorously defended.
- ***Binns v DWSD and GLWA:*** This is a class-action lawsuit filed in the Michigan Court of Appeals (“COA”) challenging DWSD’s stormwater billing methodology. The Plaintiff seeks to default GLWA. GLWA filed a motion to strike or set aside the default. The COA then demanded that the parties brief the application of the Headlee Amendment and *Bolt v Lansing* to DWSD’s sewer charges. GLWA and the City of Detroit timely responded to the Court of Appeals requests. There is a question of propriety of service on GLWA. An earlier version of this Complaint was dismissed without service on GLWA. Because there is little-factual support for the allegations regarding GLWA, we requested dismissal and Plaintiffs’ counsel declined. This action will be vigorously defended.
- ***Abbott v DWSD:*** This is a legacy class action challenge to DWSD’s implementation of the requirement of a settlement entered in a 2006 challenge to DWSD’s Industrial Waste Control (IWC) charges. GLWA is defending this action as it is now responsible for this program. Discovery is currently underway. Plaintiffs’ counsel has agreed to dismiss all claims for damages, which allegedly occurred before the certification the City of Detroit’s plan of adjustment. This action continues to be vigorously defended.
- ***Beasley v Detroit, et al:*** The parties continue to work to resolve this basement flooding class action lawsuit from events July and August 2016, impacting Detroit’s Eastside. The parties had a private mediation and two settlement conferences in the month of September. This action continues to be vigorously defended.

Dismissals and Settlements

- ***Fabris v DWSD:*** The parties have agreed to a \$5,000.00 settlement for this legacy property loss claim. Outside counsel is preparing the settlement document.
- ***Burton v DWSD:*** On September 21, 2017, the Court granted the Defendants' Motion for Summary Disposition, dismissing the Plaintiff's intentional infliction of emotional distress and gross negligence claims.
- ***Michigan Warehousing Group LLC v GLWA:*** This is a legacy case involving a class-action Complaint against DWSD alleging various defects in the City's storm water billing methodology. Plaintiffs, DWSD and GLWA engaged in facilitation of this claim. A tentative resolution was reached which has been approved by the Board of Water Commissioners and the court. A companion case against GLWA will be dismissed if the settlement is finalized.
- ***Giles v City of Detroit:*** **This is a legacy case filed against DWSD.** Through a Court mandated settlement conference, the parties have agreed to settle this matter for \$19,000.00.

Additional Updates and Miscellaneous Matters

- ***Flint:*** All parties except for Flint have executed the Master Agreement including relevant exhibits. The State of Michigan filed suit against Flint related to Flint City Council's failure to approve the proposed GLWA services contract or an alternative plan for the City's future water needs. Non-binding facilitation is underway in that case, and GLWA is participating in that process. Recently, GLWA agreed to extend its emergency services agreement with Flint for another month, until October 31, 2017.
- ***Personnel Issues:*** Cheryl Yapo has accepted a position to be the Director of Strategic Workplace Relations, assisting the Offices of the General Counsel and Organizational Development with labor, employment, and workplace related issues. She starts on October 9, 2017.
- ***Office Matters:*** The Office will switch from using Westlaw to Lexis Nexis for online legal research. The Lexis Nexis Agreement is a MiDeal Agreement and will result in an immediate savings to the Office. In addition, the Office is evaluating document management and matter management software.
- ***NPDES Permit Renewal and ACO Dismissal:*** The Office continues to support this initiative and has retained an expert to assist in this endeavor. The Office prepared and submitted the renewal application for the Permit and materials on financial capability. A response from the State is expected in October. In addition, the Office is providing legal support to further GLWA's goal of having the ACO dismissed.
- ***Legislative Updates:*** The Office continues to support HB 4806 which contains amendments to the exception to governmental immunity, regarding liability for sewer backup claims.
- ***Gordie Howe International Bridge:*** Pursuant to the Uniform Relocation Act, MDOT has requested a meeting to discuss its requirement to offer advisory relocation services to GLWA, e.g. the benefits that GLWA is entitled to and the services MDOT can provide; to push MDOT's demand for a January 1, 2019 possession date, including whether this may require a double relocation; and to secure access to the site for testing. MDOT and GLWA are meeting on September 25, 2017 to discuss relocation services.

- **Transfer of Existing Legal Services Contracts to GLWA Form Contracts:** The Office has moved all contracted legal services to GLWA’s form contract.
- **Environmental and Workplace Safety Compliance:** The Office continues to work with the COO and team leaders from both the water and sewer systems to comply with regulations and to respond to any alleged violations.
- **Customer Outreach:** The Office continues to be an active participant in Customer Outreach sessions.
- **September 2017 Statistics:**

Contracts reviewed as to form:	15
Contracts drafted or revised:	10
Subpoenas/Information requests received:	5
Subpoenas/Information responded to:	2