



Legislation Details (With Text)

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**File created:** 3/23/2018      **In control:** Board of Directors Workshop Meeting

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**Title:** Closed Session Request- Attorney Client Communication and Settlement Strategy

**Sponsors:** Randal Brown

**Indexes:** General Counsel

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/14/2018	1	Board of Directors Workshop Meeting	Approved	Pass

**Closed Session Request- Attorney Client Communication and Settlement Strategy**

Agenda of: March 14, 2018  
Item No.: **2018-672**  
Amount: N/A

**TO:** The Honorable  
Board of Directors  
Great Lakes Water Authority

**FROM:** Randal M. Brown, General Counsel

**DATE:** March 14, 2018

**RE: Closed Session Request -Attorney Client Communication and Settlement Strategy**

MOTION

Upon recommendation and opinion of Randal M. Brown, General Counsel, the Board of Directors (Board) for the Great Lakes Water Authority (GLWA):

- 1) Agrees to meet with the General Counsel, in closed session, pursuant to Section 8(h) of the Michigan Open Meetings Act to discuss to consider material exempt from discussion or disclosure by state or federal statute;
- 2) Agrees to meet with legal counsel, in closed session, pursuant to Section 8(e) of the Michigan Open Meetings Act to discuss pending litigation in the matter of Michigan Warehousing v City of Detroit; Michigan

Warehousing v Great Lakes Water Authority; and Abbott, et al. v City of Detroit;

- 3) Notes that an affirmative roll call vote of 2/3 of the Board Members appointed and serving is required for approval of this Motion; and
- 4) Authorizes the Chief Executive Officer to take such other action as may be necessary to accomplish the intent of this vote.

#### **JUSTIFICATION**

A meeting in closed session is requested to discuss the above referenced matter. Section 8(h) of the Michigan Open Meetings Act, MCL 15.268(h), allows a public body to meet in closed session: "to consider material exempt from discussion or disclosure by state or federal statute." Section 13(1)(g) of the Michigan Freedom of Information Act (MCL 15.243(1)(g)) exempts from disclosure, "information or records subject to the attorney-client privilege." Further, Section 8(e) of the Michigan Open Meetings Act, MCL 15.268(e) allows a public body to meet in closed session: "To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body."

#### **BUDGET IMPACT**

This request for a Closed Session meeting does not impact the GLWA's budget.

#### **COMMITTEE REVIEW**

This matter is being presented directly to the Board.

#### **SHARED SERVICES IMPACT**

This request for a Closed Session meeting does not impact the Shared Services Agreement.