



Legislation Details (With Text)

File #: 2019-326 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 9/8/2019 **In control:** Board of Directors
On agenda: 9/11/2019 **Final action:** 9/11/2019
Title: Closed Session Request - Security Measures
Sponsors: Randal Brown, W. Barnett Jones, Jeffrey Small
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
9/11/2019	1	Board of Directors Workshop Meeting	Approved	Pass

Closed Session Request - Security Measures

Agenda of: September 11, 2019
Item No.: **2019-326**
Amount: N/A

TO: The Honorable
Board of Directors
Great Lakes Water Authority

FROM: Randal M. Brown, General Counsel
Great Lakes Water Authority

DATE: September 8, 2019

RE: **Closed Session Request - Security Measures**

MOTION

Upon recommendation of Randal M. Brown, General Counsel, The Board of Directors (Board) of the Great Lakes Water Authority (GLWA) agrees to meet in closed session, pursuant to Section 8, (h) of the Michigan Open Meetings Act which permits a Public Body to meet in Closed Session "to consider material exempt from discussion or disclosure by state or federal statute." Under Section 13 of Michigan's Freedom of Information Act, GLWA's Security Measures are exempt pursuant to the following subsections:

(1)(b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:

* * *

(v) Disclose law enforcement investigative techniques or procedures.

And:

(1)(n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.

And:

(1)(u) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.

And:

(1)(y) Records or information of measures designed to protect the security or safety of persons or property, or the confidentiality, integrity, or availability of information systems, whether public or private, including, but not limited to, building, public works, and public water supply designs to the extent that those designs relate to the ongoing security measures of a public body, capabilities and plans for responding to a violation of the Michigan anti-terrorism act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, emergency response plans, risk planning documents, threat assessments, domestic preparedness strategies, and cybersecurity plans, assessments, or vulnerabilities, unless disclosure would not impair a public body's ability to protect the security or safety of persons or property or unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance; and

2) 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

3) Authorizes the CEO 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)(b),(n), (u) and (y) of the Michigan Freedom of Information Act, MCL 15.243(1)(b), (n), (u) and (y) exempt from disclosure various records related to law enforcement and security matters. It is my opinion that a discussion in closed session of these materials is appropriate.

BUDGET IMPACT

The proposed Closed Session does not impact the budget.

COMMITTEE REVIEW

This matter is being presented directly to the GLWA Board of Directors.