



Legislation Text

File #: 2017-388, **Version:** 1

Closed Session Pending Litigation - City of Highland Park V City of Detroit; et al.

Agenda of: September 13, 2017

Item No.: **2017- 388**

Amount: N/A

TO: The Honorable
Board of Directors
Great Lakes Water Authority

FROM: William M. Wolfson, Chief Administrative and Compliance Officer/
General Counsel
Great Lakes Water Authority

DATE: September 13, 2017

RE: **Closed Session Request - Pending Litigation - CITY OF HIGHLAND
PARK v CITY OF DETROIT, et al.**
USDC Case No. 2:167cv-12993-MFL-EAS

MOTION

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

- 1) Agrees to meet with legal counsel, in closed session, pursuant to Section 8(e) and (h) of the Michigan Open Meetings Act to discuss pending litigation in the matter of City of Highland Park v City of Detroit; et al., USDC Case No. 2:167cv-12993-MFL-EAS; 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 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(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." It is my opinion of GLWA counsel that a public discussion of this pending litigation would have a detrimental financial effect on the litigating or settlement position of the GLWA. Pursuant to this provision of the Open Meetings Act quoted above and this opinion, General Counsel requests an opportunity to meet with you in closed session.

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.