

Legislation Text

File #: 2019-457, **Version:** 1

Closed Session Request- Trial and Settlement Strategy

Agenda of: December 19, 2019

Item No.: **2019-457**

Amount: N/A

TO: The Honorable
Board of Directors
Great Lakes Water Authority
Legal Committee

FROM: Randal M. Brown, General Counsel

DATE: December 16, 2019

RE: Closed Session Request -Trial 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 legal counsel, in closed session, pursuant to Section 8(e) of the Michigan Open Meetings Act to discuss pending litigation in the matters of:
 - a. *GLWA v Daniels-Karim Investments, LLC; Storage Operations LLC; David Lanciault and Wayne County Treasurer*
 - b. *GLWA v Storage Operations LLC; David Lanciault; Darling & Company; State of Michigan, Department of Natural Resources; Wayne County Treasurer; City of Detroit; DTE Electric Company; and United States Department of Treasury, Internal Revenue Service*
 - c. *GLWA v Reliable Resource Automotive LLC; Joseph Letourneau or his unknown heir, devisees, legatees and assigns*
 - d. *GLWA v Red Cap Distribution Center, Inc.; Red Cap Transportation, Inc. and C2 Transport, Inc.*
- 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." The General Counsel believes a discussion of these pending litigation matters would have a detrimental financial effect on GLWA's litigation and settlement position.

BUDGET IMPACT

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

COMMITTEE REVIEW

N/A

SHARED SERVICES IMPACT

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