Legislation Text

File #: 2020-052, **Version:** 1

Closed Session Pending Litigation - DWSD v HIGHLAND PARK, WCCC No. 14-001974-CK; CITY OF HIGHLAND PARK v UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA); *et al*, USDC Case No. 2:16-cv-13840-SJM-DRG; CITY OF HIGHLAND PARK v CITY OF DETROIT, et al, USDC Case No. 2:167cv-12993-MFL-EAS

Agenda of: February 12, 2020
Item No.: **2020-052**
Amount: N/A

TO: The Honorable
Board of Directors
Great Lakes Water Authority

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

DATE: February 10, 2020

RE: Closed Session Request - Pending Litigation - DWSD v HIGHLAND PARK, WCCC No. 14-001974-CK; CITY OF HIGHLAND PARK v UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA); et al, USDC Case No. 2:16-cv-13840-SJM-DRG; 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 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) and (h) of the Michigan Open Meetings Act to discuss pending litigation in the matters of:
DWSD v Highland Park, WCCC No. 14-001974-CK,
City of Highland Park V United States Environmental Protection Agency (USEPA); *et al*, USDC Case No. 2:16-cv-13840-SJM-DRG,
City of Highland Park V City of Detroit, *et al*, USDC Case No. 2:167cv-12993-MFL-EAS, and
City of Highland Park v United States Environmental Protection Agency (USEPA); et al., USDC Case No. 2:16-cv-13840-SJM-DRG ; 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 as 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.

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