



## Legislation Text

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**File #:** 2020-295, **Version:** 1

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### **Closed Session Request - Trial and Settlement Strategy**

**Agenda of:** August 26, 2020

**Item No.:** **2020-295**

**Amount:** N/A

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

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

**DATE:** August 21, 2020

**RE: Closed Session Request -Trial and Settlement Strategy**

### MOTION

Upon recommendation and opinion of Randal M. Brown, General Counsel, the Board of Directors' Legal Committee 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 *City of Detroit and DWSD (Plaintiffs/Counter-Defendants) v City of Highland Park (Defendant/Counter-Plaintiff/Third Party Plaintiff) v GLWA (Third Party Defendant)* 2014-001974-CK
- 3) Notes that an affirmative roll call vote of 2/3 of the Legal Committee 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(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 Legal Committee.

**SHARED SERVICES IMPACT**

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