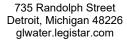
## **Great Lakes Water Authority**





### **Legislation Text**

File #: 2023-146, Version: 1

# Closed Session Request - Pending Litigation - <u>General Mill Supply Co v GLWA and City of Detroit</u>, WCCC 18-0011569-CZ

Agenda of: April 26, 2023 Item No.: **2023-146** Amount: N/A

**TO:** The Honorable

**Board of Directors** 

**Great Lakes Water Authority** 

**FROM:** Suzanne R. Coffey, P.E.

Chief Executive Officer
Great Lakes Water Authority

**DATE:** April 19, 2023

RE: Closed Session Request - Pending Litigation - General Mill Supply Co v GLWA and City of Detroit, WCCC 18-0011569-CZ

#### **MOTION**

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

- 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: General Mill Supply Co v GLWA and City of Detroit, WCCC 18-0011569-CZ
- 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

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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 between GLWA and DWSD.