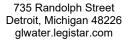
Great Lakes Water Authority





Legislation Text

File #: 2023-308, Version: 1

Closed Session Request - Pending Litigation - <u>DWSD</u> v <u>HIGHLAND PARK</u>, WCCC No. 14-001974-CK; GLWA V HIGHLAND PARK, WCCC No. 20-011589-CB

Agenda of: August 23, 2023

Item No.: **2023-308** 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: August 17, 2023

RE: Closed Session Request - Pending Litigation - <u>DWSD</u> v <u>HIGHLAND PARK</u>, WCCC No. 14 -001974-CK; <u>GLWA</u> V <u>HIGHLAND PARK</u>, WCCC No. 20-011589-CB

Upon recommendation and opinion of Randal M. Brown, Deputy Chief Administrative and Compliance Officer/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:

<u>DWSD</u> v <u>HIGHLAND PARK</u>, WCCC No. 14-001974-CK; <u>GLWA</u> V <u>HIGHLAND PARK</u>, WCCC No. 20-011589-CB; 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

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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.