



Detroit Water and Sewerage Department Meeting Minutes - Final Board of Water Commissioners

735 Randolph
Detroit, Michigan 48226

Wednesday, October 28, 2015

2:00 PM

5th Floor Board Room, Water Board Building

Regular Meeting and Public Hearing

1. CALL TO ORDER

Chairman Fausone called the meeting to order at 2:00 PM.

2. ROLL CALL

Present: 7 - Commissioner James Fausone, Commissioner Fred Barnes, Commissioner Mary Blackmon, Commissioner Linda Forte, Commissioner John Henry Davis, Commissioner Michael Einheuser and Commissioner Jody Caldwell

3. APPROVAL OF AGENDA

Chairman Fausone requested approval of the agenda.

A motion was made by Commissioner Blackmon, seconded by Commissioner Barnes that this be approved. The motion carried by the following vote:

approved

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

4. APPROVAL OF MINUTES

Chairman Fausone requested approval of the minutes of September 14, 2015 and September 28, 2015.

A motion was made by Commissioner Blackmon, seconded by Commissioner Forte that this be approved. The motion carried by the following vote:

approved

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

5. PUBLIC COMMENTS (3 minutes per speaker)

Nick Delicata, ND Property Management Incorporated, returned before the Board to follow up on a landlord-tenant issue from last month's meeting. In addition, he stated the fire line has been off for approximately five years - six-inch sprinkler line that he argues he is still paying.

Tina Spencer, 11801 Beaconsfield, argued she is being charged \$150.00 for equipment that stopped working; dissatisfied with customer service received regarding a NSF charge to her bank account.

6. PUBLIC HEARING

Jenny Casler, Manager, Financial Planning and Management, read the resolution regarding the public hearing on budgeted programs, services, and activities.

[15-1155](#)

Notice of Public Hearing

**Budgeted Programs, Services, and Activities
Detroit Water and Sewerage Department**

Sponsors: Bateson

A motion was made by Commissioner Forte, seconded by Commissioner Caldwell to open the Public Hearing at 2:07 P.M., be approved. The motion carried by the following vote:

approved

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

CLOSE OF PUBLIC HEARING

Chairman Fausone requested a motion to close the Public Hearing.

A motion was made by Commissioner Caldwell, seconded by Commissioner Blackmon to close the Public Hearing at 2:20 P.M., be approved. The motion carried by the following vote:

approved

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

7. ITEMS FROM THE COMMISSIONERS

A. Follow-up Items

1. Mable Mays of 5044 Kensington-Pending
2. Kelly Kade and Mike D'Agostino of 8109 E. Jefferson-Pending
3. Nick Delicata, ND Property Management 205-211 W. Congress-Pending
4. Brigitte Jaward of 9561 Bryden-Pending
5. Haider Ajeborj of 17245 Mount Elliott-Pending
6. Rashidi Nenejad of 20200 Clark Rd-Pending

B. Biosolids Update

David McNeeley, Interim Director of Wastewater Treatment Plant provided an update of the biosolids.

C. BOWC Committees Update**1. Finance Committee Report, Commissioner Linda Forte:**

- Held meetings on Oct 12, and 19, 2015
- Recommends adoption of Resolution Sewer Disposal System, SRF Jr Lien Bonds
- City-wide report audit FY 2014 KPMG discussion
- The committee was updated on the status of Oracle Fusion
- Recommends the Board approve the 6-month Bifurcated Budget
- Next meeting dates Nov 2, 2015 at 7:30 AM and Nov 12, 2015 at 7:30 AM

2. Organizational Development Committee Report, Commissioner Blackmon:

- Held meeting on October 20, 2015
- The committee had a robust discussion with DWSD Director regarding

Placement, eligibility of layoffs

- The committee was updated regarding Shared Services, Water Affordability Plan, and DWSD Retail

D. Department Response to Audit-Pending**E. Audit Process Workshop-Pending****8. OLD BUSINESS**

This was none.

9. NEW BUSINESS

[15-1139](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **take the following actions relative to settlement of the above-referenced matter: (1) Execute the Full and Final Release and Settlement Agreement (“Release”); (2) Make a payment in the amount of Six Thousand Dollars (\$6,000.00) to each of the five named plaintiff entities (for a total of \$30,000.00) by drafts as described in the Release; (3) Make a payment in the amount of Two Hundred Thousand Dollars (\$200,000.00) to counsel for Plaintiffs by a single draft as described in the Release, for class action attorney fees; (4) Issue credits in the amount of no more than \$575.00 per account toward past due and future storm water/drainage charges for those DWSD accounts that are classified as “Apartment Buildings” and are billed for drainage based upon a 1½ inch or 2 inch water meter size, at the commercial rate (approximately 672 accounts), and (5) Take such other action as may be necessary to accomplish the intent of this vote.**

Sponsors: Wolfson

Attachments: [Settlement Agreement](#)
LaSalle Settlement Memorandum

A motion was made by Commissioner Blackmon, seconded by Commissioner Einheuser that this Claim, Water, be approved. The motion carried by the following vote:

approved

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

[15-1142](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **grant an increase in the amount of \$1,800,000.00 and a time extension of 365 calendar days to the final completion date to DWSD Contract No. DWS-885 “As-Needed Low Voltage Wiring III” with DES-Electric LLC., and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.**

Sponsors: Rainey

Attachments: [DWS-885 AIA G703 - Task Tracking](#)

A motion was made by Commissioner Davis, seconded by Commissioner Barnes that this Contract be approved. The motion carried by the following vote:

approved

Aye: 6 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

Abstain: 1 - Commissioner Forte

[15-1157](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department hereby approves a **Resolution and Ordinance Authorizing the Issuance and Sale of Sewage Disposal System Revenue SRF Junior Lien Bonds of the City of Detroit, all for the Purposes of Defraying Part of the Cost of Financing and/or Refinancing Replacements, Repairs, Extensions and Improvements to the City's Sewage Disposal System Funds, and Paying Costs of Issuance, all under Act No. 94, Public Acts of Michigan, 1933, as Amended, and Ordinance No. 18-01 of the City Council of the City; Prescribing the Form of the Bonds Herein Authorized; and Authorizing the Director of the Detroit Water and Sewerage Department to Make Determinations with Respect to the Foregoing and to Take Other Actions.**

Sponsors: Bateson

Attachments: [LAN01-393421-v3-DWSD Bond Authorizing Resolution for SRF Jr Lien Bonds](#)

A motion was made by Commissioner Einheuser, seconded by Commissioner Barnes that this Resolution, Finance, be approved. The motion carried by the following vote:

approved

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

[15-1158](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **approve an amendment to effectuate a six-month budget for the Detroit Water and Sewerage Department's Retail System ("DWSD-R") for the period from January 1, 2016 through June 30, 2016** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Office of the Director

Attachments: [DWSDR Budget Memo 102315](#)

A motion was made by Commissioner Caldwell, seconded by Commissioner Blackmon that this Department Budget be approved. The motion carried by the following vote:

approved

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

10. DIRECTOR'S REPORT

[15-1187](#)

October Director's Report

Sponsors: McCormick

Attachments: [Director's Report - October 28, 2015](#)

This Report, Director's Report was received and filed.

11. COMMENTS BY COMMISSIONERS

This was none.

12. COMMENTS BY THE CHAIR

November 4, 2015 BOWC Special Meeting/Workshop at 1:00 P.M.
November 5, 2015 GLWA Workshop Meeting at 1:00 P.M.
November 18, 2015 BOWC Regular Meeting at 2:00 P.M.

13. OTHER MATTERS

This was none.

14. CLOSED SESSION

Chairman Fausone requested a motion to enter into closed session.

[15-1160](#)

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department: **1) Agrees to meet with legal counsel, in closed session, pursuant to Section 8(h) of the Michigan Open Meetings Act which permits a Public Body to meet in Closed Session to "consider material exempt from discussion or disclosure by state or federal statute."** **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 Director to take such other action as may be necessary to accomplish the intent of this vote.**

Sponsors: Wolfson

A motion was made by Commissioner Blackmon, seconded by Commissioner Einheuser to enter into the Closed Session at 3:20 P.M., be approved. The motion carried by the following vote:

approved

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

The Chairman requested a motion to return from closed session.

A motion was made by Commissioner Blackmon, seconded by Commissioner Barnes to return from Closed Session at 4:20 P.M., be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

The only matter discussed was attorney-client privilege information.

15. ADJOURNMENT

Chairman Fausone requested a motion to adjourn.

A motion was made by Commissioner Blackmon, seconded by Commissioner Caldwell that this be adjourned. The motion carried by the following vote:

adjourned

Aye: 7 - Commissioner Fausone, Commissioner Barnes, Commissioner Blackmon, Commissioner Forte, Commissioner Davis, Commissioner Einheuser and Commissioner Caldwell

There being no further business, the meeting adjourned at 4:21 PM.