



## GREAT LAKES WATER AUTHORITY

November 19, 2015

The Honorable  
Board of Directors  
Great Lakes Water Authority

Dear Chairman Daddow and Directors:

**Regarding: Interim CEO's Report – November, 2015**

Conditions precedent to the effective date for GLWA remain in “Green Light” status.

With one community scheduled on December 10<sup>th</sup> to consider assignment of their water service contract to GLWA, all other service contracts have been assigned. A detailed report on the assignments is attached.

Earlier this week, administrative filings requesting the addition or substitution of GLWA to the appropriate permits upon notice to them of the effective date were submitted to MDEQ. MDEQ is anticipated to provide a letter confirming all necessary filings have been completed to satisfy this condition precedent.

DWSD and GLWA designated leadership continue to work on the Shared Services Agreement. We anticipate finalizing the agreement before the end of the month for Board review in early December.

GLWA onsite benefit open enrollment sessions were available to employees in multiple locations. Open enrollment closed on November 13<sup>th</sup> with 87% of eligible employees completing their enrollments. Follow up is occurring with staff that accepted GLWA offers but have not completed benefit enrollment. Development of communications materials for pension and deferred compensation programs for employee enrollment in December is underway. Testing continues on the HRIS, timekeeping and payroll system with no significant barriers to January 1 standup.

Attached to this report is our preliminary forecast on the estimated impact of cost savings efforts to date as we continue our optimization efforts. At a glance the report shows that cost savings are occurring in line with meeting our annual cost reduction target of \$36 million. Noteworthy examples of significant cost savings occurring but not yet included in this report are: near term energy cost savings due to the net effects of DTE rate class changes between Rate 6 and Rate 11 metered locations - \$1,042,900; Property Insurance renewal program - savings of \$875,379.00; and Snow removal and deicing services - savings of \$633,487.



## **SYSTEMS PLANNING**

### ***Asset Management***

Over the last month, Systems Planning has coordinated several internal meetings with key operational and engineering staff members to continue the development of the first draft of the capital improvement plans for FY17-FY21. We have added a few noteworthy items to the process this year, which is as follows:

- First, we have been collaborating in two (2) broad teams. The teams are comprised of key individuals related to operations and maintenance of the water system and likewise key people in the wastewater system. This approach is different than the collaboration we have done in the past where we worked in teams of functional groups. This allowed cross-collaboration and yielded better overall understanding by groups of the systems' needs. The expansion this year included adding metering, energy management and systems control staff members to the table.
- We have added an asset management approach to the process to assist in prioritization of projects. This approach challenges staff to consider risk, core values of the organization and level of service considerations in an objective manner.
- Lastly, we added an expanded level of customer involvement to the planning process before the Preliminary Plans come to the Boards. Customers will have a full month to review and comment on the plans prior to review with the Board.

The plans are in the final phase of staff review before they will be published as "Draft for Customer Technical Review". An introductory presentation of the plan process and initial key projects was given at the Water and Sewer Rates Roll-Out meetings on Tuesday, November 17<sup>th</sup>. It is our goal to post the plans to the Outreach Portal and distribute them to Board members by December 1<sup>st</sup>. We will then give detailed presentations to the wastewater and water customer groups on December 1<sup>st</sup> and 8<sup>th</sup>, respectively. We anticipate Both ORCAP and full Board presentations and review discussions in January.

### ***Systems Planning Group***

The first meeting of the Wastewater Master Plan Steering Team occurred on October 29<sup>th</sup> and was very well attended. The team began the process of brainstorming to develop a framework for the plan update. The next step is further refinement of the framework so as to develop a document for the solicitation of qualifications for a consultant to lead the effort. The initial brainstorming converged on taking a broad regional approach, not only to system operations but also to project development and water quality. MDEQ partnering in this effort is key and is off to a very good start. The regional approach will require a high level of regional collaboration which takes the estimated time for completion of the effort out to two to three years.

### ***System Analytics Group***

The Energy Management Program continues to make progress with the formation of an Energy Management Leadership Team. This will be comprised of supervisory and key staff members that have responsibility and a passion for energy management.



## **WATER OPERATIONS**

Environmental Resources Associates presented the Southwest Water Treatment Plant with the “Certificate of Excellence” in recognition for the quality of laboratory in proficiency testing. The laboratory has been recognized as a laboratory of excellence for achieving 100% acceptable data in a study that included 286 participating laboratories.

Water Quality and Water Works Park laboratory successfully completed the Water Works Park Laboratory Annual Proficiency Testing that is required to maintain their drinking water laboratory certification. As part of the drinking water laboratory certification program, laboratories must analyze for specific parameters, annually for each method and analyses. Proficiency testing determines the performance of individual laboratories for the aforementioned tests and measurements and is used to monitor the continuing performance of the laboratories. The evaluation covers bacteriological analysis for total coliform, E. coli for both source and drinking water, and heterotrophic plate count. In addition to the bacteriological samples, the laboratories are analyzed for the pH, turbidity, free and total residual chlorine, hardness series, calcium, magnesium, sodium, and ortho-phosphate in trace metals, copper, iron, lead, manganese and zinc, and the inorganic chemicals alkalinity, chloride, conductivity, fluoride, nitrate plus nitrite, potassium, and total dissolved solids. Water Works Park’s Water Quality laboratory is the only laboratory performing trace metal analysis using the atomic absorption spectrophotometer within DWSD’s network of laboratories, and it also monitors for 31 parameters monthly at all five (5) water treatment plants.

Structural steel has been erected in the 1958 rapid mix building at the Springwells Water Treatment Plant which will support the new second floor addition to house the new double-ended unit substation that will power the 1958 rapid mix and sedimentation processes. This is a milestone in the work that is being performed under the filter rehabilitation contract SP-563.

The technical kickoff meeting for Contract No. CS- 1656 for Water Treatment Plant Production Flow Measurement Metering and Related Facility Improvements for Northeast, Southwest and Springwells Water Treatment Plants was conducted on October 23<sup>rd</sup>. This is part of a long awaited project to provide accurate flow monitoring at the water treatment plants. The scope of the project includes refurbishing the Venturi meters, replacement of the impulse piping and pressure transmitters, providing a new climate controlled panel, access hatches, new sumps and sump pumps, ventilation and hazardous material assessment, and cleaning of the interior Venturi meter.

The Water Quality investigative team is working together with the Meter Shop, Maintenance and Repair, and the wholesale suburban communities to inspect and collect water quality samples in each of the 290 wholesale community meter pits. This project began November 2014. To date, 41 meter pits have been sampled, and no water quality issues have been found. The 2015 fall sampling season began November 1<sup>st</sup> and will continue until the weather impedes access to the meter pits or until sampling is completed.



## **WATER OPERATIONS** (continued)

Water Quality's investigative team successfully completed the disinfection and water quality sampling of the Haggerty Station. The station was taken out of service for an internal inspection as part of the DWS-874 reservoir project. Haggerty Station was released for service on November 12, 2015.

### ***Field Services***

Maintenance and Repair crews, in coordination with Systems Control Center (SCC), have started to exercise and assess transmission main valves along three (3) different transmission mains in Dearborn in preparation to support Dearborn's Combined Sewer Overflow (CSO) 016 Sewer Separation project. Dearborn will need to cross under three (3) DWSD transmission mains as part of their project. This is a preliminary exercise to ensure operation of the valves.

Maintenance and Repair coordinated with SCC and Springwells Water Treatment Plant to repair a 72-inch transmission that began to leak onsite at Springwells. The leak was from the packing around a joint inside a gate well. The repair was completed on November 2 with minimal impact on the system.

A pair of gate wells have been inspected and are scheduled for repair. One of the gate wells is located on Quarton Road between Lahser and Cranbrook in Bloomfield Township, and the other is located at Oakwood and Rotunda in Dearborn.

Maintenance and Repair has mobilized 8-10 crews daily to help eliminate the current hydrant backlog. It has been a quiet season thus far for water main breaks, whereas, crews are tackling the blocked basin issues in Detroit with all available resources in an effort to reduce the occurrences of severe icing conditions during the winter months.

## **WASTEWATER OPERATIONS**

Work continues to start-up and test DWSD's new Biosolids Dryer Facility (BDF) under Contract PC-792. Demonstration testing of trains 3 and 4 has been completed and train 1 testing began on November 10, 2015. Concurrent demonstration testing of trains 1, 3, and 4 will begin the week of November 16. Successful completion of demonstration testing requires each train to operate continuously for five (5) days, followed by five (5) days concurrent operation of three trains, followed by 10 days of operation with the fourth train in service. Throughout this period, the contractor has been working to adjust its operations to better process the Wastewater Treatment Plant (WWTP) sludge. Mechanical and control issues are being addressed as they arise. Substantial completion is not expected prior to December 2015.

Demonstration of the remaining six (6) belt filter presses will be conducted the week of November 16, 2015, provided there is sufficient Biosolids inventory. The testing of the BDF will take precedence over the filter press testing, during the concurrent testing phase.



## **WASTEWATER OPERATIONS** (continued)

The WWTP was compliant with the National Pollutant Discharge Elimination System (NPDES) Permit for the month of October.

The Michigan Department of Environmental Quality (MDEQ) will conduct one of the semi-annual face-to-face meetings on Friday, November 20, 2015 at the WWTP. The meeting will include the regular compliance update, a tour of the Biosolids dryer facility, and a tour of several green infrastructure projects in the Upper Rouge Tributary area.

## **CUSTOMER SERVICE**

The Department continues to increase its collection efforts on past due commercial accounts and accounts suspected of illegal usage.

For the period of January 2015 to October 31, 2015, there were 674 commercial shut offs. For the same time period, 50,162 accounts were checked for possible illegal usage, and 18,622 of those accounts were found on illegally and were re-shut.

Since May 11, 2015, the Department has posted 56,317 door hangers notifying customers of pending shut off of services. A total of 29,443 of those customers have either paid their bills, or entered into a Payment Plan Agreement. There is an overall total of 43,177 active payment plan agreements, with a total combined balance of \$ 37,252,424.03.

Funds remain available through the Detroit Water Fund to assist eligible customers with bill payment assistance.

## **FINANCE**

The Financial Services Group (FSG) continues to be focused on many GLWA/DWSD-R stand-up activities. A key focus over the past two (2) weeks has been the selection of an enterprise resource planning system (ERP) for both GLWA and DWSD-R. Other updates from FSG include the following:

### ***Financial Planning and Analysis***

The six-month “stub year” budgets for Great Lakes Water Authority (GLWA) and the new retail focused City of Detroit Water & Sewerage Department (DWSD-R) bifurcated budget, along with its underlying assumptions, were presented to the BOWC’s Finance Committee and the GLWA’s Audit Committee. The DWSD stub year budget was approved by the BOWC and is now moving to the Financial Review Commission on November 23, 2015. A request to schedule a public hearing for the GLWA stub year budget is being requested for December 9, 2015 with a request for Approval subject to public comment.



## **FINANCE** (continued)

Progress is being made in the account set-up for the GLWA and DWSD-R general ledgers for January 1, 2016 within the existing Oracle EBS (“DRMS”). These new segments will also streamline the accounting activity and ability to analyze data.

Internal budget requests for fiscal years 2016-2017 and 2017-2018 have been received and are under initial review.

### ***Lean Coach***

A new Lean project has kicked off aimed at reducing Errors and Omissions cost overruns in capital improvement projects. The team has completed Project Chartering and the Define Phase for the project.

The “Incinerator Efficiency” project team has initiated a manual data collection plan for statistical analysis of gas consumption in WWTP incinerators and hearths. For long term Control Phase project close-out, the team is looking at activating electronic gas meters and tying them into the Ovation monitoring system.

### ***Procurement***

The Procurement Group achieved a first quarter fiscal year savings of \$267,380.19 on various items from long term vendor/supplier Grainger by negotiating the catalog price (extended price). The savings of 42% was realized based on the difference between the extended price and the purchase price. The current savings for the month of October 2015 is \$53,345.35 which is based on negotiating the extended price at an average savings of 37.62%.

### ***Public Finance***

Last week, the preliminary official statements for a refunding transaction and bondholders consent solicitation documents became publicly available. These documents can be found online at [http://www.dwsd.org/pages\\_n/financials.html](http://www.dwsd.org/pages_n/financials.html).

## **INFORMATION TECHNOLOGY**

Office365 migration is scheduled for December 2<sup>nd</sup> for GLWA staff. GLWA staff will have Outlook installed on their desktop and 60 days of email migrated to Office365 with the migration, with the rest of their email to follow over the next few weeks. DWSD-R staff will have their Zimbra email archived and be given City of Detroit email addresses on the City’s email system. After the implementation, all email addressed to dwsd.org addresses will forward to either a GLWater.org email address or a DetroitMI.gov email address. A new email address standard of Firstname.Lastname is being implemented on both systems.



**INFORMATION TECHNOLOGY** (continued)

The Information Technology Service Desk team joined “The Association for Technical Support Professionals” (or HDI) consisting of more than 150,000 support professionals and received training that cultivates skills in communication, customer service, problem solving, and soft skill training enabling staff to connect better with our customers.

To date, 90% of Service Desk staff have received the following training and certifications:

- HDI Support Center Manager & HDI Knowledge-Center Support Fundamentals: Daniella Okike
- HDI Support Center Team Lead: Lahai Charles and Shamsur Chowdhury
- HDI Desktop Support Technician: Dennis Clifton, Alan John, Yvonne Knowlton, Tarek Malek, Kevin Murphy
- HDI Support Center Analyst: Frank Travis
- HDI Customer Service Representative: Harry Bullard, Barry Jennings

DWSD is now participating in the Michigan State Police (MSP) Cyber Command Center reporting and alerting process. The MSP Cyber Command Center is a program that distributes cyber security alerts to members, and also provides law enforcement assistance when cyber threats are discovered. As a member, DWSD will now receive cyber alerts from the Michigan State Police, and will also receive assistance from Michigan State Police cyber forensic experts, if requested by DWSD. It should be noted that within the last calendar year, DWSD has not required law enforcement cyber assistance, but as we update our cyber security framework, we are ensuring that we have processes in place, in the event that we experience a hack or other cyberattack.

The Project Management Team is managing the Fire Hydrant project for DWSD. Completed transition of ESRI collector app and assets (e.g., maps) to DWSD from ESRI, including consolidating the Fire Department’s 35+ fire company maps into a single mapping service. Facilitated implementation of critical path project items (e.g., driving data development and presentation for ORCAP approval of new hydrants, purchase of hydrant trucks, etc.).

Held weekly working sessions with Hydrant Team to discuss progress, update the project plan and address key project issues (e.g., purchase of new parts, rental trucks, etc.) and provided training to dispatcher on use of Dashboard and Service Link application to align work with priorities and track progress.

The Ceridian Human Resources, Payroll and Timekeeping project is well into the testing phase. The new Ceridian time clocks have been received, installed and upgraded, and are now being fitted with “Indala” readers to enable GLWA staff to use their existing access control cards with the timeclocks.



**INFORMATION TECHNOLOGY** (continued)

The datacenters at the Water Board Building and Central Services Facility are now on the AT&T Powered DWSD 1-NET. 1-NET migration is also complete at Central Services Facility and the Water Board Building and will be completed at the Wastewater Treatment Plant by November 20<sup>th</sup>. With 1-NET migrations on track to occur almost every day for the next 45 days, the remaining 43 remote sites and 20 pressure sites will migrate to the 1-NET by the end of the year.

The Central Services Facility datacenter upgrade is complete and it is now a Tier-3 rated datacenter, which means it has redundant power, HVAC and network systems. New power monitoring racks, smart patching and an integrated Datacenter Infrastructure Management system monitor and in every aspect of the datacenter including the three dedicated 300 kilowatt LP powered generators.

Staff participated in BS&A financial application and billing suites demonstrations and evaluations.

**SECURITY**

Lt. Wesley Slaughter and Sgt. Terrance Coombs graduated from the Executive Leadership Training at Northwestern University's School of Staff and Command; it is the highest law enforcement related training offered in the state of Michigan, and they are the first members from DWSD's current Security Unit to do so. Congratulations to you both!

Security Staff has been scheduled for several training sessions in the month of November which are as follows: FEMA Training for Critical Asset Risk Management held November 17 and November 18, and Advanced Critical Infrastructure Protection - November 19.

In December, Security Unit Supervisors and Investigators are scheduled for Legal-Update training.

The temporary assigned DWSD Customer gravel parking lot located on Bates, has been removed from DWSD Security's responsibility for control and coverage.

**LEGAL**

The Interim General Counsel's November Report is attached to this Interim CEO's report.

Respectfully submitted,

Sue F. McCormick  
Director



**WHOLESALE AND RETAIL WATER CUSTOMERS\***

	Volume mcf	Annual Revenue Requirement		Volume mcf	Annual Revenue Requirement
DETROIT	4,751,900	\$94,641,200	EASTPOINTE	110,000	\$1,475,900
SOCWA	1,308,000	\$22,789,800	GROSSE PT WOODS	80,000	\$1,330,100
NOCWA	943,000	\$22,586,740	HARRISON TWP	97,000	\$1,315,100
GENESEE CO DC (1)	607,000	\$18,000,000	GROSSE PT PARK (2)	61,000	\$1,294,290
STERLING HEIGHTS	614,000	\$14,500,800	HURON TWP	60,000	\$1,291,400
SHELBY TWP	396,000	\$12,435,200	OAK PARK	109,000	\$1,249,800
LIVONIA	480,000	\$12,415,700	FRASER	67,000	\$1,196,300
TROY	448,000	\$12,053,000	GROSSE ILE TWP (2)	43,000	\$1,168,210
CANTON TWP	319,000	\$11,885,400	HIGHLAND PARK (1)	110,000	\$1,167,600
NOVI	264,000	\$11,212,000	FLAT ROCK	59,000	\$1,083,700
WARREN	725,000	\$10,352,300	RIVERVIEW (2)	47,000	\$1,001,640
YCUA	504,000	\$9,987,100	PLYMOUTH	43,000	\$942,400
MACOMB TWP	303,000	\$9,679,100	FARMINGTON	49,000	\$904,300
WEST BLOOMFIELD	272,000	\$9,308,700	FERNDALE	65,000	\$888,600
DEARBORN (2)	650,000	\$9,021,900	WALLED LAKE	32,000	\$850,100
FARMINGTON HILLS	374,000	\$8,192,900	HARPER WOODS	59,000	\$799,500
CLINTON TWP	400,000	\$7,121,800	NORTHVILLE	32,000	\$687,900
NORTHVILLE TWP	133,000	\$5,950,900	ASH TWP	39,000	\$680,900
WESTLAND	316,000	\$5,540,600	BERLIN TWP	29,000	\$660,600
COMMERCE TWP	93,000	\$4,555,900	RIVER ROUGE	59,000	\$651,400
TAYLOR	288,000	\$4,443,400	HAMTRAMCK	61,000	\$650,800
PLYMOUTH TWP	165,000	\$3,885,500	HAZEL PARK	50,000	\$641,600
CHESTERFIELD TWP	165,000	\$3,615,500	MELVINDALE	46,000	\$612,800
DEARBORN HTS	214,000	\$3,488,700	SUMPTER TWP	30,000	\$595,800
ROMULUS	198,000	\$3,390,300	ST. CLAIR CO.- GREENWOOD (2)	13,000	\$591,800
REDFORD TWP	177,000	\$3,131,800	GROSSE PT SHORES	17,000	\$556,700
BROWNSTOWN TWP	140,000	\$3,062,000	UTICA	23,000	\$539,900
ST. CLAIR SHORES	217,000	\$2,842,600	CENTER LINE	35,000	\$439,700
WASHINGTON TWP.	64,000	\$2,794,000	GIBALTAR (2)	17,000	\$428,330
VAN BUREN TWP	133,000	\$2,665,800	NEW HAVEN	14,000	\$320,400
GREATER LAPEER CUA (2)	104,000	\$2,629,440	BELLEVILLE	17,000	\$294,700
WAYNE	103,000	\$2,520,100	KEEGO HARBOR	11,000	\$285,600
ROSEVILLE	212,000	\$2,463,000	LENOX TWP	19,000	\$276,600
WIXOM	67,000	\$2,204,600	ROCKWOOD	11,000	\$273,800
LINCOLN PARK	144,000	\$2,150,000	ST. CLAIR CO.- BURTCVILLE	8,000	\$268,400
ALLEN PARK	137,000	\$2,130,500	ROMEO	7,000	\$242,800
SOUTHGATE	123,000	\$1,986,900	SYLVAN LAKE	7,000	\$218,200
TRENTON (2)	94,000	\$1,951,400	ALMONT	11,000	\$212,900
MADISON HTS	148,000	\$1,887,200	ROYAL OAK TWP	12,000	\$205,500
WOODHAVEN	62,000	\$1,865,100	SOUTH ROCKWOOD	5,000	\$94,500
INKSTER (2)	100,000	\$1,682,200	OAKLAND CO. DC	10,000	\$63,000
GARDEN CITY	92,000	\$1,519,900	BRUCE TWP	850	\$44,200
ECORSE	150,000	\$1,486,000			

 = Contract Assignments

**WITH DETROIT**

	TOTAL	ASSIGNED AMOUNT	PERCENTAGE COMPLETE
TOTAL NUMBER OF CUSTOMERS:	85	84	98.82%
TOTAL ASSIGNED BY REVENUE:	\$400,524,750	\$399,328,450	99.70%

**ASSIGNMENTS BY COUNTY**

	Total	Assigned	PERCENTAGE COMPLETE
Wayne	42	42	100.00%
Oakland	17	17	100.00%
Macomb	18	17	94.44%
Other	8	8	100.00%
Total	85	84	

(1) Non Contract Customers. No Consent Required.

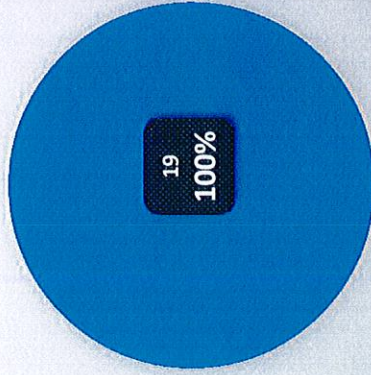
(2) Non Model Customer. No Consent Required.

\*AS OF NOVEMBER 18, 2015

# SEWER CUSTOMER CONTRACTS ASSIGNMENT PROGRESS

NUMBER OF CUSTOMERS

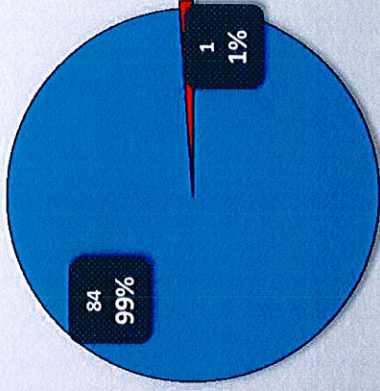
■ UNASSIGNED



# WATER CUSTOMER CONTRACTS ASSIGNMENT PROGRESS

NUMBER OF CUSTOMERS

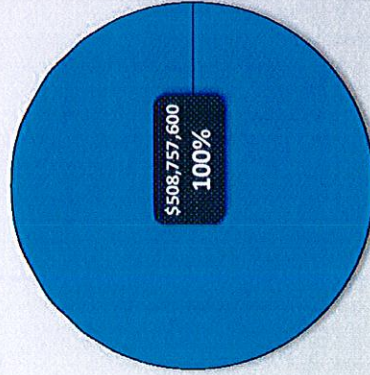
■ ASSIGNED ■ UNASSIGNED



# SEWER CUSTOMER CONTRACTS ASSIGNMENT PROGRESS

BY REVENUE

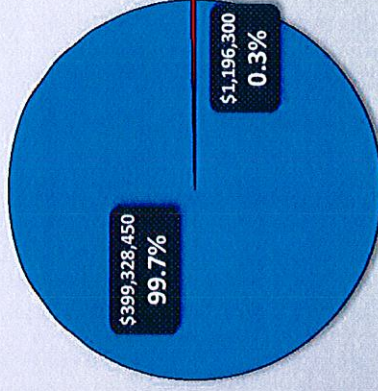
■ ASSIGNED



# WATER CUSTOMER CONTRACTS ASSIGNMENT PROGRESS

BY REVENUE

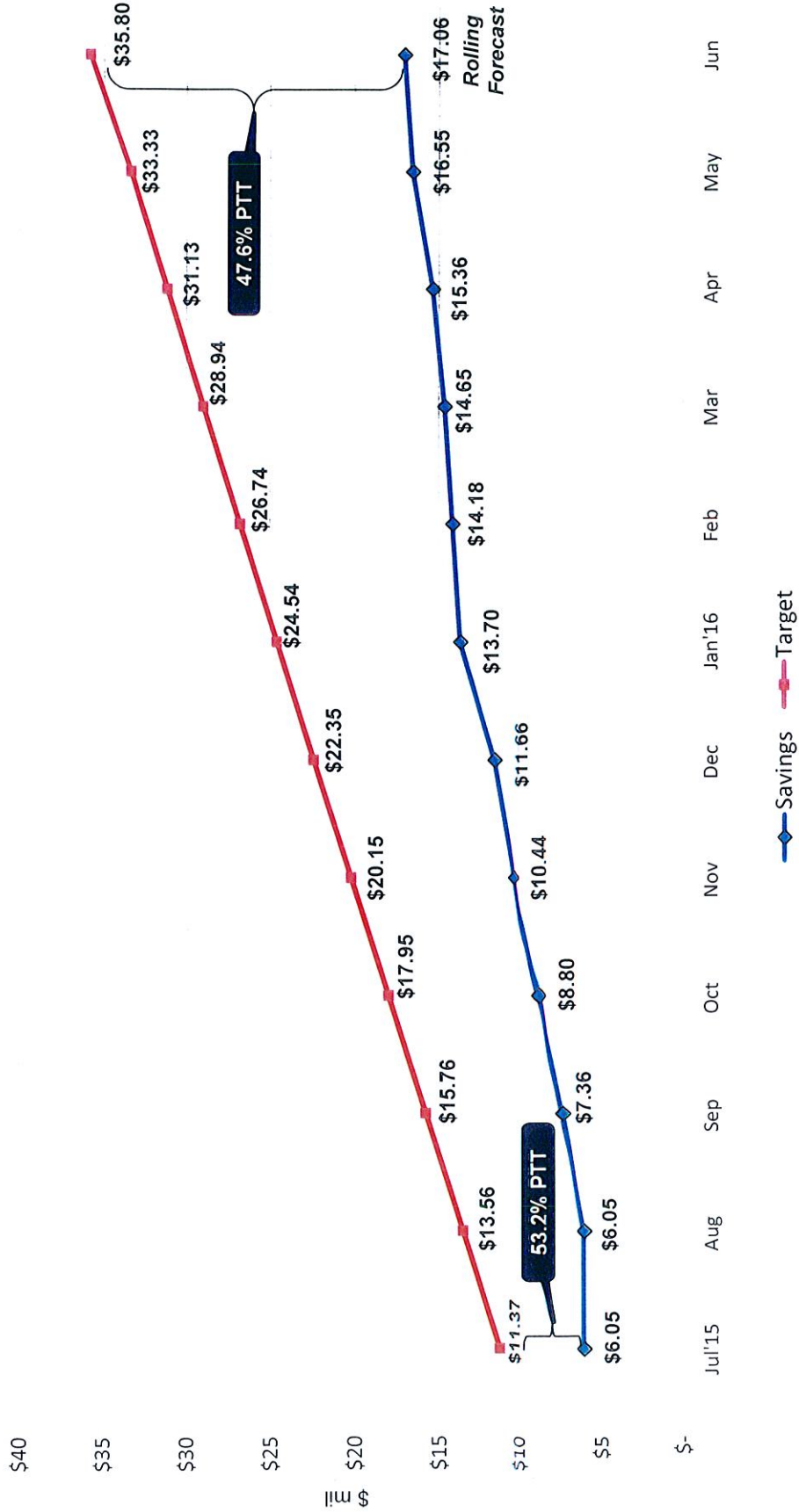
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# Cumulative Annual Cost Savings\*

## FYTD Performance to Target

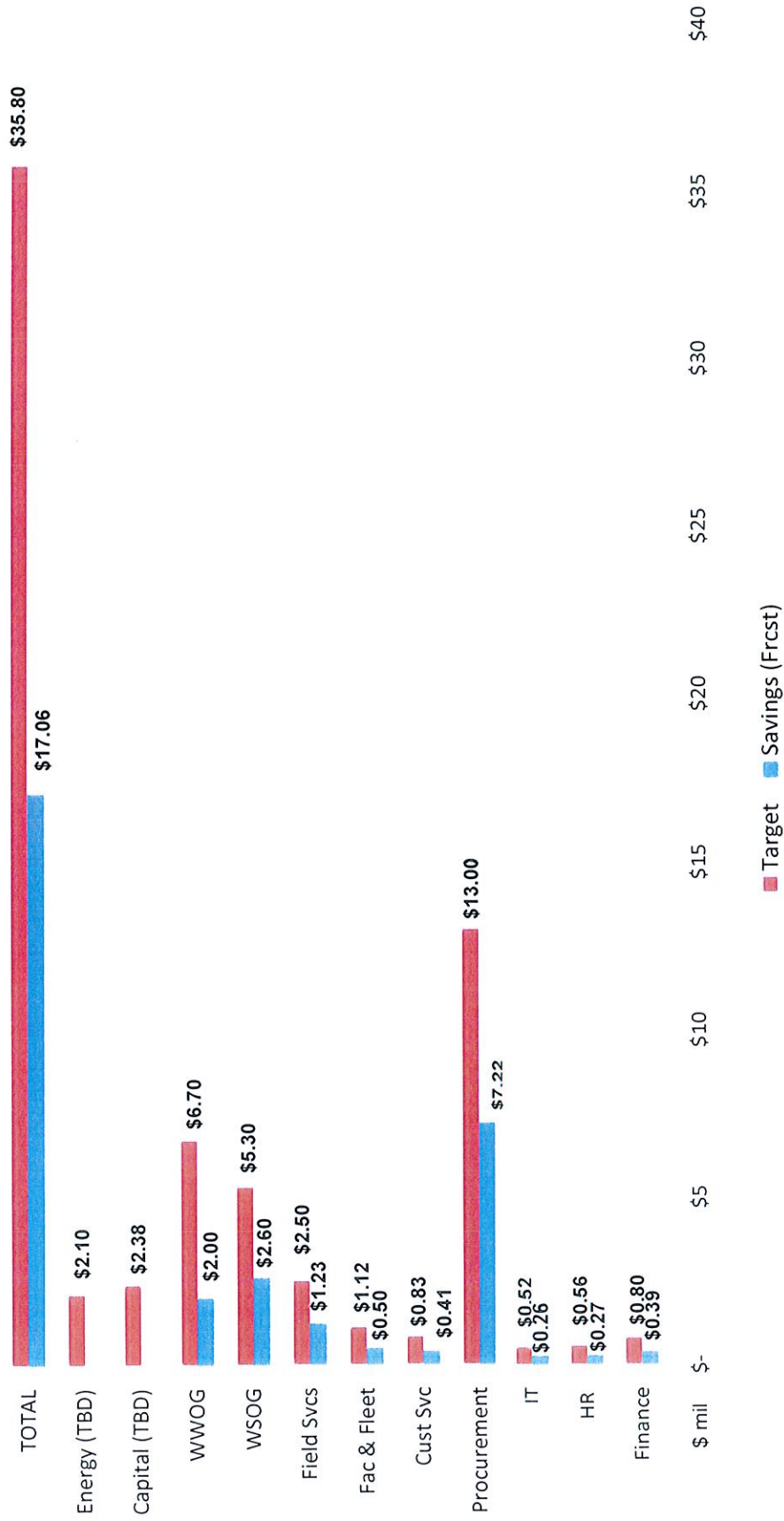


Note: Preliminary FYTD 2016 forecast based on estimated impact of identified or implemented actions; further cost validation required.



# Cumulative Annual Cost Savings\*

## 2016 FYTD Division Performance to Target



\*Note: Preliminary 2016 FYTD forecast based on estimated impact of identified or implemented actions ; further cost validation required.



# GREAT LAKES WATER AUTHORITY

## Interim General Counsel – November, 2015

Interim General Counsel worked on the following matters:

1) Contract matters

Contracts reviewed as to form: General Counsel reviewed 11 contracts as to form and execution.

Contracts drafted or revised: General Counsel drafted or revised eight (8) contracts.

Wholesale Customer Contracts

- A) Negotiations have been completed with Mayfield Township for a new wholesale customer contract and the draft contract has been sent to the Township for approval.
  
- B) Water contract reopener negotiations proceeding well; Warren, Chesterfield and Novi negotiations are anticipated to be finalized by year-end. Negotiations with Lincoln Park, SOCWA and NOCWA are ongoing.

General Counsel is working and meeting weekly with the Finance Group to support the Finance transformation efforts.

2) Subpoenas / Information Requests:

General Counsel received 10 subpoenas/information requests and responded to eight (8) subpoenas/information requests.

3) New Cases:

- A) Kelso v Woods: This is a case involving an alleged collision with a DWSD vehicle, DWSD will respond to the Complaint.



## **GREAT LAKES WATER AUTHORITY**

### **Interim General Counsel – November, 2015**

- B) Kenniburg v DWSD: Plaintiff alleges he was injured when he tripped into an open storm sewer. DWSD will respond to the Complaint.
  - C) Walker v DWSD: Plaintiff alleges he was injured when he tripped into an open storm sewer. DWSD will respond to the Complaint. (Note: The same firm is representing Kenniburg and Walker.
  - D) DWSD v General Chemical, et al: This is a class action lawsuit filed by DWSD alleging a conspiracy by General Chemical and others to restrain trade with respect to the sale of liquid aluminum sulfate. While there have been other Complaints filed, DWSD hopes to be selected as the class representative in this litigation.
- 4) Cases Closed:
- A) Ralston v DWSD: This was an administrative appeal to Circuit Court from the disposition of a customer billing dispute. Plaintiff's Complaint was dismissed with prejudice.
- 5) Shavers v DWSD: This a defective roadway Complaint. General Counsel has filed a Motion for Summary Disposition based on bankruptcy discharge (Plaintiff's claim arose before confirmation/discharge and Plaintiff failed to file a proof of claim).
  - 6) Maclean v DWSD: This week General Counsel will file a Motion for Summary Disposition in property damage case based on governmental immunity as well as for judgment in DWSD favor on approximately. \$12K unpaid water bills owed by Plaintiffs
  - 7) St. Martins Cooperative v DWSD: DWSD's expert and Plaintiff's expert are continuing, and agreed to review the charges to narrow the issues in need of resolution.
  - 8) DWSD v Highland Park: The parties are continuing to meet as a part of a confidential court ordered facilitation process.



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### **Interim General Counsel – November, 2015**

- 9) Bormans v DWSD: This case involves a challenge to DWSD's bills for a commercial property in Detroit by the seller, and a request to perform the property transfer by the buyer. A status conference with the court was scheduled last week but was adjourned one month until December, 2015 as the parties are making progress in resolving their differences.
- 10) Michigan Warehouse v DWSD: This case involves a class action headless challenge to DWSD's drainage fees. DWSD has removed the case to Federal District Court and filed a Motion to Dismiss the Complaint. Plaintiffs filed a Motion to Sever and Remand the State Law Claims and DWSD has filed a response opposing Plaintiffs' requested relief.
- 11) Meyers v Reynolds: DWSD has filed a Motion for Summary Disposition as to the employee Defendant.
- 12) Crown Easement: General Counsel worked with DEGC and the City's economic development team to finalize an easement agreement for sewer lines under a new warehouse development.
- 13) Drainage Issues: General Counsel worked with the drainage steering team to address issues related to the drainage calculation for Wayne County and the State of Michigan.
- 14) Lyda v DWSD: The Sixth Circuit Court of Appeals has scheduled a mediation conference for Thursday November 20, 2015, at 2 p.m. If the case is not resolved, the Lyda plaintiffs must file their brief by December 4, and the City must file its brief by January 6.
- 15) US v Detroit, et al: DWSD and the City of Detroit have filed a Joint Motion and a proposed Order modifying previous Orders in the case. The Sixth Circuit Court of Appeals has remanded this case to Judge Cox so that he may consider the relief requested in the Joint Motion. Judge Cox has granted AFSCME Council 25's Motion to Intervene in the case and has ordered that, on or before November 23, 2015, it may file a brief detailing any objections to the proposed Order filed by the City and DWSD. If AFSCME files objections, the City and DWSD will have until November 30, 2015 to respond. The Judge has also ordered additional confidential mediation sessions regarding various aspects of the case.



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### **Interim General Counsel – November, 2015**

- 16) Andrews v Boyd and DWSD: General Counsel has reached a tentative resolution of this matter subject to Director and Board approval.
- 17) FY 14-15 Audit. General Counsel met with the Auditor to review case tracking, reserves, and settlement procedures.
- 18) GLWA Tax Withholding: GLWA has registered for withholding taxes to state of MI, Detroit, Hamtramck, Highland Park, Pontiac, and Port Huron.
- 19) Canton Property Sale: General Counsel has worked with the City of Canton to sell certain land owned by DWSD to the City of Canton for the appraised value of \$100,000 plus reimbursement for transaction costs. The agreement will be presented to the BOWC for approval on November 18, 2015.