



DETROIT WATER AND SEWERAGE DEPARTMENT
BOARD OF WATER COMMISSIONERS
AGENDA OF DECEMBER 21, 2011
1:30 PM

SPECIAL MEETING NO. 5

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES

NONE

5. PUBLIC PARTICIPATION

Anyone from the public who wishes to address any item on the Agenda or make a comment. (3 Minute Limitation)

6. ITEMS FROM THE COMMISSIONERS

1) Upon recommendation of the Board of Water Commissioners, the Detroit Water and Sewerage Department authorizes approval of a **contract with James Ridgway to provide technical consultant and advisory services to the Board of Water Commissioners in the amount not-to-exceed \$100,000.00 for a period not exceeding one-year**, and also authorizes the Deputy Director to take such other action as may be necessary to accomplish the intent of this vote.

7. APPROVAL OF CONSENT AGENDA (See Attachment A) NONE

8. TABLED ITEMS

9. UNFINISHED BUSINESS

Monthly Procurement Report

**BOARD OF WATER COMMISSIONERS
AGENDA OF DECEMBER 21, 2011**

10. NEW BUSINESS

A. LAW DEPARTMENT (Krystal Crittendon)

- 1) Upon recommendation of Laurie Koester, Senior Assistant Corporation Counsel, the Board of Water Commissioners authorizes **adoption of the proposed amendments to Articles One, Five, Fifteen and Eighteen of its By-Laws pursuant to the Judge's Order**, and also authorizes the Deputy Director to take such other action as may be necessary to accomplish the intent of this vote.
- 2) Upon recommendation of Robert C. Walter, Senior Assistant Corporation Counsel the Board of Water Commissioners **shall pursuant to the Open Meetings Act, MCL 15.268 (8)(f) move into closed session to consult with its attorneys, Miller Canfield Paddock & Stone regarding trial strategy.**
- 3) Upon recommendation of Robert C. Walter, Senior Assistant Corporation Counsel, the Board of Water Commissioners authorizes the Deputy Director to **approve contract services with Miller Canfield be revised by the issuance of a new Exhibit A, Scope of Services to include taking action to protect DWSD's interests in the Macomb Interceptor Drainage District v Kwame Kilpatrick, et al case**, and also authorizes the Deputy Director to take such other action as may be necessary to accomplish the intent of this vote.

B. OFFICE OF THE DIRECTOR (Darryl A. Latimer)

- 1) Upon recommendation of Darryl A. Latimer, Deputy Director, the Board of Water Commissioners authorizes the **adoption of a policy that companies referenced in the United States of America v Kwame M. Kilpatrick, et al., USDC Case No. CR-10-2-403 NGE whose actions, during the period of 2002-2008, has or may have caused economic or non-economic harm to the DWSD shall be considered non-responsible bidders. Therefore, these companies shall be suspended from bidding on and being awarded new contracts with DWSD until December 31, 2014. The companies (including parent corporations, subsidiaries, limited liability companies, joint ventures, affiliates or any other business which has substantially the same principal parties) effected by this policy are identified in the United States indictment of Messrs. K. Kilpatrick, Ferguson, B.**

**BOARD OF WATER COMMISSIONERS
AGENDA OF DECEMBER 21, 2011**

Kilpatrick and Mercado with respect to DWSD contracts. The companies are: Ferguson Enterprises, Inc., Xcel Construction Services, Inc., Johnson Construction Services (also known as Johnson Consulting Services), and a joint venture known as A&F Environmental / Johnson Construction Services (also known as A&F Environmental / Johnson Consulting Services), Maestro Associates, LLC, Inland Waters Pollution Control, Inc., Inland Management and Inland Rehabilitation Pipe Co., Lakeshore Engineering Services, Inc., D'Agostini and Sons, Inc., DLZ Laboratories, Inc., E & T Trucking, A & H Contracting, Inc., D'Alessandro Contracting Group and Walbridge Aldinger Company, Inc. The Board shall reconsider the parties and suspension period upon receiving additional information from the US Attorney's office. A company may appeal the application of this policy to an ad hoc committee of the BOWC, appointed by the Chair, which shall receive evidence and information and report to the entire Board. The suspension can only be modified by motion of the Board, and also authorizes the Deputy Director to take such other action as may be necessary to accomplish the intent of this vote.

C. FINANCIAL SERVICES (James George)

D. WATER SUPPLY OPERATIONS (Cheryl Porter)

E. WASTEWATER OPERATIONS (Samuel A. Smalley)

- 1) Upon recommendation of Samuel A. Smalley, Assistant Director of Wastewater Operations Group, the Board of Water Commissioners authorizes the Deputy Director to **secure an As-Needed Individual Personal Services Contract in the amount of \$149,000.00 with Raymond Hurd, for inspection services to support construction activities required under the Administrative Consent Order and the NPDES Permit**, and also authorizes the Deputy Director to take such other action as may be necessary to accomplish the intent of this vote.
- 2) Upon recommendation of Samuel A. Smalley, Assistant Director of Wastewater Operations Group, the Board of Water Commissioners authorizes the Deputy Director to **secure an As-Needed Individual Personal Services Contract in the amount of \$149,000.00 with Anthony Wachocki, for technical O&M Manual support services as required by the Administrative Consent Order and the NPDES Permit**, and also authorizes the Deputy Director to take such other action as may be necessary to accomplish the intent of this vote.

**BOARD OF WATER COMMISSIONERS
AGENDA OF DECEMBER 21, 2011**

- 3) Upon recommendation of Samuel A. Smalley, Assistant Director of Wastewater Operations, the Board of Water Commissioners authorizes the Deputy Director to **enter into a contract with _____ for Contract No. PC-786, "Rouge River Outfall No. 2 (RRO-2) Segment 1 – WWTP Modifications", in an amount not to exceed \$_____ and a duration of 1,309 calendar days**, and also authorizes the Deputy Director to take such other action as may be necessary to accomplish the intent of this vote.

F. ASSET MAINTENANCE (Mohamad Farhat)

11. DIRECTOR'S ORAL REPORT

12. ADJOURNMENT

**DETROIT WATER AND SEWERAGE DEPARTMENT
BOARD OF WATER COMMISSIONERS
CONSENT AGENDA
DECEMBER 21, 2011**

10. NEW BUSINESS

- A. LAW DEPARTMENT (Kyrstal Crittendon)**
- B. OFFICE OF THE DIRECTOR (Darryl A. Latimer)**
- C. FINANCIAL SERVICES GROUP (James George)**
- D. WATER SUPPLY OPERATIONS (Cheryl Porter)**
- E. WASTEWATER OPERATIONS (Samuel A. Smalley)**
- F. ASSET MAINTENANCE (Mohamad Farhat)**