

South County Sewer & Water Authority

(Serving the Townships of Brady, Pavilion & Schoolcraft)
7510 East "Q" Ave., Scotts, MI 49088 Ph (269) 321-8925 Fax (269) 321-8943
Email: office@scswa.org
Website: scswa.org

DRAFT: submitted for approval on: 11-26-24

Authority Closed Session Minutes of Tues. Oct. 22, 2024, 8:30 a.m.

Closed session was called to order at 8:30 a.m. by Board Chair John Speeter (Pavilion Charter Township Supervisor). In attendance were Board Vice Chair Tracy Locey (Brady Charter Township Supervisor), Secretary/Treasurer Don Ulsh (Schoolcraft Township Supervisor) and Randy Smith (Brady Township Trustee). Also in attendance were SCSWA Executive Director Frank LaPierre and Attorney Craig Rolfe.

Open Closed Session/Approve Agenda-

Move that the Authority Board convene in closed session under Section 8(1)(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1)(g) of the Freedom of Information Act, being a letter from its attorney dated October 22, 2024, for the reason that the letter is exempt from disclosure under State law due to attorney-client privilege. The agenda was presented for review. Motioned by Locey, seconded by Ulsh to open and convene the session and approve the agenda as presented with the elimination of action items. **Rollcall motion carried.**

Review of Attorney Memorandum and Engagement Letter Were Reviewed

The attorney legal services engagement letter and the memo dated 10/22/24 were reviewed.

Presentation by Attorney- Rolfe

- Rolfe reviewed his proposed engagement letter and project being a "contract matter". Rolfe commented that he was confident of his ability and experience to handle this matter with Vicksburg.
- Rolfe then presented an overview of his Legal Advisement Memorandum dated 10/22/24. Rolfe commented that the letter from Vicksburg, dated 8/20/24, reflects their subjective interpretation of the 2000 Sanitary System User Agreement and lack of observance of the terms of the 2005 Amendment between SCSWA and Vicksburg.
- Rolfe then provided an overview of his recommended Option #5 and next steps. He felt that a response letter should be issued, on his letter head, challenging the basis of the points made in the Vicksburg letter dated 8/20/24, with a request for reply withing 30 days.
- The board members in attendance agreed with the next step of Rolfe providing a DRAFT of the letter to LaPierre for review later this week.

Adjourn Closed Session

Motion by Locey, seconded by Ulsh that the closed session be adjourned. **Rollcall motion carried.**

Closing Comments- N/A

Convene in Open Session

Motion by Locey seconded by Ulsh to convene in open session. **Rollcall motion carried.**

Motion by Locey seconded by Ulsh to approve attorney legal services agreement. **Rollcall motion carried.**

Motion was made by Locey, seconded by Ulsh to accept attorney recommendations. **Rollcall motion carried.**

Exit Open Session- Motion was made by Speeter, seconded by Ulsh to exit open session. **Rollcall Motion carried.**

Closed Session Adjourned- The closed session was adjourned at 9:22 a.m. Motioned by Locey, seconded by Ulsh to adjourn the closed session. **Motion carried.**

Public Comments- N/A

Submitted for approval on: 11-26-24, 2024 Approved by: Don Ulsh
Don Ulsh / Secretary