

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Honorable Sean F. Cox

City of Detroit, et al.,

Case No. 77-71100

Defendants.

_____ /

STIPULATED ORDER

F I L E D
FEB 11 2011
CLERK'S OFFICE
DETROIT

The City of Detroit, Wayne County, Oakland County and Macomb County stipulate and agree:

Whereas, Sec. 7-1501 of the Detroit City Charter provides that the Mayor appoints a seven member Board of Water Commissioners, at least four of whom must be Detroit residents; and

Whereas, the Board has a membership of four Detroit residents, one resident of Wayne County, one resident of Oakland County and one resident of Macomb County; and

Whereas, the Charter provides that the Board of Water Commissioners shall appoint a director of the Detroit Water and Sewerage Department (DWSD), oversee all operations and management of DWSD and procurement of goods and services, and set rates for water and sewer service; and

Whereas, the Parties agree that DWSD's ability to comply with environmental laws and its NPDES Permit will be enhanced by the Board's exercise of its powers and authority to the fullest extent of the law; and

Whereas, the Parties have worked together to collaboratively resolve certain concerns regarding the past management, operations and oversight of DWSD.

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sbc

It is stipulated and agreed between Detroit, Wayne County, Oakland County and Macomb County that:

The Mayor of Detroit will appoint three commissioners, one each nominated by the Wayne County Executive, the Oakland County Water Resources Commissioner and the Macomb County Public Works Commissioner. The parties agree to file briefs on the issue of whether the members of the Board of Water Commissioners will serve at the pleasure of the Mayor or whether they should only be removed for cause.

All seven members of the Board of Water Commissioners must have at least seven years of experience in a regulated industry, a utility, engineering, finance or law. However, notwithstanding the foregoing and to provide continuity, it is expressly ordered that no more than two (2) current members may remain on the Board of Water Commissioners and all other members shall be newly appointed.

Members of the Board of Water Commissioners will be compensated at a rate of \$10,000.00 per year and \$250 per meeting, not to exceed \$20,000.00 per year in total. This compensation may, in the future, be adjusted by the Board, with the consent of the Mayor and Wayne County Executive, the Oakland County Water Resources Commissioner and the Macomb County Public Works Commissioner.

The Board of Water Commissioners will have three staff. One shall be an attorney, one shall have expertise in finance, and one shall have technical expertise (engineering or water or wastewater operations). The By-Laws shall provide that five votes are required for approval of Board staff members.

The Board of Water Commissioners By-Laws will be amended to require five votes of seven to approve rates and a five-year capital improvement plan.

The Mayor shall appoint a Board of Water Commissioners as described above before April 1, 2011.

Oakland County's Motion For Appointment Of Interim Regional Management Committee shall be withdrawn without prejudice.

Within six months of the date of this Order, any party may file a motion with the Court to demonstrate that the Detroit Water and Sewerage Department is in substantial compliance with its NPDES Permit and the consent judgments of this Court. If the Court is satisfied that substantial compliance has been achieved, it shall dismiss this lawsuit.

If any provision of this Stipulated Order is held to be void or unenforceable, the remaining provisions shall remain valid and shall be construed in such a manner as to achieve their original purposes in full compliance with applicable laws.

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IT IS SO ORDERED.

SFC

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: February 11, 2011

BY OUR SIGNATURES APPEARING BELOW, WE HEREBY
STIPULATE TO THE ENTRY OF THIS STIPULATED ORDER THIS 11TH
DAY OF FEBRUARY, 2011.

CITY OF DETROIT

By: *Race Beard*

Its: *Mayor*

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COUNTY OF OAKLAND

By: *J.P. McMillan*

Its: *Water Resources Commissioner*

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COUNTY OF MACOMB

By: Anthony V. Marrao

Its: Public Works Commission

R. S. Hupp

R. Craig Hupp (P36254)
BODMAN
Attorneys for County of Macomb

COUNTY OF WAYNE

By: Robert A. Juano

Its: Wayne County CEO

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