

MINUTES JULY 24, 2019
SPECIAL MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

19-289 The meeting was called to order at 7:03 p.m. by Council Chairwoman Malinowski Maxwell.

Roll Call showed the following:

Present: Council Chairwoman Denise Malinowski Maxwell, Councilman Dave Wassim Abdallah, Councilman Bill Bazzi, Councilman Robert Constan, Councilwoman Lisa Hicks-Clayton, Councilman Ray Muscat, Councilman Tom Wencel.

Absent: None.

Also Present: City Clerk Prusiewicz, Corporation Counsel Miotke.

The Pledge of Allegiance was led by Council Chairwoman Denise Malinowski Maxwell.

19-290 Motion by Councilman Constan, seconded by Councilman Muscat that the Agenda for the Special Meeting of July 24, 2019, be approved as submitted.

Motion unanimously adopted.

19-291 Motion by Councilman Bazzi, seconded by Councilman Wencel to adopt the Resolution to Authorize the retention of Ottenwess, Taweel & Schenk, PLC as Special Legal Counsel to counsel to the Corporation Counsel and to authorize the firm to file action necessary. Also to approve the Retainer Agreement with Ottenwess, Taweel & Schenk, PLC and authorize the Mayor and Clerk to sign said agreement on behalf of the City, as outlined in 11-A. Per Council Chairwoman Malinowski Maxwell and Chair Pro-Tem Bazzi communication.

WHEREAS The 2018-2019 budget for the City of Dearborn Heights included \$35,000 set aside for legal services for the City Council; and

WHEREAS The 2019-2020 budget provided additional funding in support of this effort; and

WHEREAS The City Council recently approved a resolution calling for a financial review of certain city operations; and

WHEREAS The City Council has voted on at least six occasions to hire the firm of Ottenwess, Taweel & Schenk, PLC to perform services as special legal counsel to the City Council including votes to file mandamus actions to enforce the contract and votes to override mayoral vetoes related to the same; and

WHEREAS The Court confirmed that the City Council has authority to retain special legal counsel to serve of counsel to the corporation counsel on behalf of the City Council under circumstances that are outlined in the City Charter; and

WHEREAS While the City Council disagrees with the opinion of the Court and intends to appeal that decision, it has also requested a revised retainer agreement with the firm of Ottenwess, Taweel & Schenk, PLC that incorporates relevant provisions related to the Court's interpretation of Charter Section 5.13J including (1) identifying the firm as serving as special counsel of counsel to the Corporation Counsel, (2) providing an end date to the engagement, and (3) reducing the scope of the engagement to the financial review and litigation related to the financial review; and

WHEREAS Without waiving any objection related to the City Council's belief that Corporation Counsel Gary Miotke has a legal conflict of interest related to the Council's desire to perform a financial review of city operations and/or the engagement of Ottenwess, Taweel & Schenk, PLC. Now, Therefore, Be It

RESOLVED That the Dearborn Heights City Council hereby approves the attached retainer agreement dated July 18, 2019 with the firm of Ottenwess, Taweel & Schenk, PLC and retains the firm to serve as Special Counsel, Of Counsel to the Corporation Counsel. And Be It Further

RESOLVED That the Dearborn Heights City Council re-affirms that all prior actions taken by the Firm of Ottenwess, Taweel & Schenk, PLC. are authorized actions on behalf of the City Council and shall be compensated upon ratification of the attached retainer agreement. And Be It Further

RESOLVED That the law firm of Ottenwess, Taweel & Schenk, PLC is authorized to file a mandamus action on its behalf against Mayor Paletko in the event that the Mayor fails to sign this retainer agreement with Ottenwess, Taweel and Schenk, PLC within the time frames established by the Charter. And Be It Further

RESOLVED That the law firm of Ottenwess, Taweel & Schenk, PLC is directed to file an appeal of the Court's July 17, 2019 decision in the matter of Dearborn Heights City Council v Daniel S. Paletko (Case No. 19-007240-AW) to preserve the City Council's authority in the event that the Mayor again refuses to sign the revised retainer agreement. And Be It Finally

RESOLVED That each action authorized by this resolution shall be interpreted to be separately and independently authorized by the City Council in the event that any action is subsequently determined to be invalid.

Ayes: Council Chairwoman Malinowski Maxwell, Councilman Bazzi, Councilwoman Hicks-Clayton, Councilman Muscat, Councilman Wencel.
Nays: Councilman Abdallah, Councilman Constan.
Absent: None.

Motion adopted.

19-292 Motion by Councilman Muscat, seconded by Councilman Bazzi to authorize the law firm of Ottenwess, Taweel & Schenk, PLC to file an appeal of the Court's July 17, 2019 decision in the matter of the Dearborn Heights City Council v. Daniel S. Paletko (Case #19-007240-AW) to preserve the City Council's authority in the event that the Mayor again refuses to sign the revised retainer agreement.

Ayes: Council Chairwoman Malinowski Maxwell, Councilman Bazzi, Councilwoman Hicks-Clayton, Councilman Muscat, Councilman Wencel.
Nays: Councilman Abdallah, Councilman Constan.
Absent: None.

Motion adopted.

19-293 Motion by Councilman Muscat, seconded by Councilman Bazzi to adopt the Resolution to amend the regular meeting schedule of the Dearborn Heights City Council.

WHEREAS The Dearborn Heights City Council wishes to amend its regular meeting schedule to add a third regular meeting to the month of July 2019. Now, Therefore, Be It

RESOLVED That pursuant to section 6.4 of the Charter, Council will amend its regular meeting schedule to hold an additional regular meeting on Tuesday, July 30, 2019 at 6:00 PM. And Be It Finally

RESOLVED That notice shall be provided with no less than three days' notice.

Motion unanimously adopted.

19-294 Motion by Councilman Muscat, seconded by Councilman Bazzi that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 7:39 p.m.

WALTER J. PRUSIEWICZ
CITY CLERK

DENISE MALINOWSKI MAXWELL
COUNCIL CHAIRWOMAN

GEORGANNE SEMENIUK
COUNCIL SECRETARY