

OFFICE OF THE CITY COUNCIL



Kate Fields  
Councilperson – Ward 4  
1101 S. Saginaw Street, Room 310  
Flint, Michigan 48502

May 5, 2017

Mr. Chris Korleski, Director  
Water Division, Region 5  
United States Environmental Protection Agency  
Ralph Metcalfe Federal Building  
77 West Jackson Boulevard (W-15J)  
Chicago, Illinois 6064-3590

Re: Flint Mayor Weaver’s Official Designation of Water Sources for Flint, MI

Dear Director Korleski:

This is to inform you that the decision announced by the Mayor of Flint, regarding the city’s water source is at this time, unsupported by the Flint City Council, which represents the residents of Flint.

It wasn’t until today that we discovered the Weaver administration had falsified reports to the USEPA. The Public Participation Plan report claimed proper notice had been provided to City Council on March 22, 2017. The “Meeting with Flint City Council to discuss the Public Participation Plan for drinking water source selection,” in fact never happened. The report falsely claimed the administration presented findings to the Council on April 6, 2017 under the title “City Leadership meets with the Flint City Council to discuss the results of the public participation and to recommend a specific drinking water source.” At no time did the Weaver administration discuss Public Participation with City Council.

For months, members of council have complained that the Weaver administration has shut us out of the information that by law they are required to provide. The Weaver administration knows that Council has to approve all contracts (and Public Utility Franchises), and yet we are given no direct information. We have just learned that for months the Weaver administration has failed to provide Council with federal and state documents and communications regarding water issues. Please reference the enclosed highlighted Flint City Charter which addresses many of these elements or components.

This is to put your office, the state government and the federal government on notice that the Flint City Council must be included in the communications and in-person committee negotiations that occur whenever Water Issues are discussed.

A thin and unsatisfactory stream of information has trickled to the Council. John Young, the State-paid consultant, has been coordinating the analysis of water options. On several occasions Council members asked him to provide the actual documents submitted by the Karegnondi Water Authority (KWA) and the Great Lakes Water Authority (GLWA), along with the analysis report. Despite ongoing requests, both verbal and written (see attached email) he has failed to present these documents to Flint City Council. Mr. Young did attend a couple of City Council Committee meetings but at no time did he or the Weaver administration present us with, or notify us of, the written Public Participation Plan (PPP). He mentioned there would be public participation, but provided no details. On May 3, City Finance Director David Sabuda finally gave City Council some spreadsheets he and Mr. Young had created with figures supposedly obtained from original submitted documents (GLWA and KWA). Council is still requesting the original documentation submitted by GLWA and KWA.

Council was given no notice of the Mayor's decision to designate our Primary and Secondary Water sources until she had a meeting with two Councilpersons on April 18, 2017 at 8:00 a.m. Two hours later she held a press conference notifying the public of her decision. A reminder: The Mayor does NOT have the authority to choose the source on her own. It takes a vote of Flint City Council to make that decision, and Council has not taken a vote. Therefore, please consider this notice that the decision is not official.

Mayor Weaver held a "Town Hall" meeting at a North Flint church on April 20, attended by about 100. About six people were arrested for refusing to remove their hats or for exceeding a 2-minute limit to speak. The only other "town hall" was held via a religious radio station on May 2; media reported they were informed of the show only 90 minutes before airing.

Residents are frustrated and angry that the Mayor has declared public comments must be completed by May 20. Residents have complained there is no substantial information on which to comment. The public has not been provided true and direct cost comparisons of the various options. There is no satisfactory system put in place for either Public Notice or Public Comment. There has been no publication of a Public Hearing as falsely claimed in Mayor Weaver's Public Participation Plan submitted to EPA on March 1, 2017. The current Public Comment Period is a sham and a mockery of democracy.

I had suggested the comment period be extended to a minimum of two months, with a web site set up for this purpose. The web site should also list other event opportunities for comment and should solicit attributed citizen comments, not anonymous comments. Despite my April 21 email to the Governor's Aide Rich Baird and John Young, I have received no response to my inquiry (also see enclosed) and request for an extended Public Comment period.

Residents are deeply troubled by the appearance that the Weaver administration is acting unilaterally to rush a decision that is not in our best interest, and that the state government appears to be complicit in pushing a poorly conceived and prohibitively costly plan the community will be forced to endure for decades.

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MUNICIPAL CENTER

1101 S. SAGINAW ST. FLINT, MICHIGAN 48502 (810) 766-7418 FAX (810) 766-7032 TDD (810) 766-7120

To sum, you are advised that no legal decision has been made regarding Flint's Water Sources; the Public Comment parameters are NOT satisfactory; and the Weaver Administration has been falsely reporting compliance to your agency.

I look forward to your prompt reply.

Very truly yours,



Kate Fields  
4<sup>th</sup> Ward Councilperson  
City of Flint

Cc: Mr. Rick Snyder, Governor, State of Michigan  
Mr. Richard Baird, Governor's Office  
Mr. John Young, Consultant, State of Michigan  
Ms. Debbie Stabenaw, U.S. Senator, State of Michigan  
Mr. Dan Kildee, 5<sup>th</sup> District Congressman, State of Michigan  
Mr. Gary Peters, Senator, U.S. State of Michigan  
Mr. Jim Ananich, Senator, State of Michigan  
Mr. Sheldon Neeley, Representative, State of Michigan  
Mr. Phil Phelps, Representative, State of Michigan  
Mr. Robert Kaplan, US EPA  
Mr. Keith Creagh, MDNR  
Mr. Bruce Feighner, MDEQ  
Mr. Jeff Wright, Genesee County Drain Commissioner  
Ms. Karen Weaver, Mayor, City of Flint  
Mr. Kerry Nelson, Flint City Council President  
Ms. Inez Brown, Flint City Clerk  
Mr. David Sabuda, Director of Finance, City of Flint

**CITY OF FLINT  
DRINKING WATER SOURCE SELECTION  
PUBLIC PARTICIPATION PLAN  
March 1, 2017**

**Background**

This Public Participation Plan has been prepared in response to the United States Environmental Protection Agency's (EPA's) November 17, 2016, First Amendment to the Emergency Administrative Order (Amended Order). Under the Amended Order, *Paragraph 60* required a submittal addressing a *New Source Treatment Plan ("NSTP" (60.b.iii))* by March 1, 2017. The Amended Order also required that, "The NSTP shall be developed in consultation with appropriate experts and the public through adequate advanced notice and opportunity for comment." This Public Participation Plan will also address the additional requirements contained in the February 21, 2017, EPA letter to City of Flint Mayor Karen W. Weaver; specifically:

- 1) *a description of how the public has been or will be engaged in the ongoing alternatives analysis process;*
- 2) *a description of how the public has been or will be engaged in the ultimate selection of the City's new water source(s);*
- 3) *a description of how the public has been or will be involved in any DWSRF-related public participation opportunities; and*
- 4) *the City's plan and timeline for vetting the relevant economic, social, political, and public health issues associated with the alternatives evaluation.*

In a letter dated November 30, 2016, Mayor Karen W. Weaver informed the EPA that Flint's long-term, primary source of drinking water would be the Flint Water Treatment Plant. The back-up source of supply would be an on-site raw water reservoir supplemented with an emergency finished water interconnection with Genesee County.

The City and its federal, state and local partners have been actively engaged in communicating with the public and seeking their input throughout this Flint water event. These public engagement activities have included numerous community conversations, mailings to organizations and individual residents, press releases, publication distribution, and presentations at Governor Rick Snyder's Flint Water Interagency Coordinating Committee meetings and Flint City Council meetings.

Regarding *DWSRF-related public participation opportunities*, a public hearing was held on June 13, 2016, at 6 p.m., in the City of Flint Council Chambers. Rowe Professional Services Company presented the project plan including costs and alternatives related to water main improvements and service line replacements to the Flint City Council and members of the public in attendance. At the conclusion of the presentation, the hearing was opened to the public for questions and numerous residents made remarks regarding the project plan and presentation. A resolution of plan adoption was passed

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DRINKING WATER SOURCE SELECTION  
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by the council on June 27, 2016 and by the Receivership Transition Advisory Board on June 29, 2016. Because meter replacement procedures and water treatment plant improvements were not discussed at the public hearing there is a requirement for those items to be included in a yet to be scheduled public hearing. By law a public hearing advertisement needs to be published 30 days prior to a hearing. However, the City will wait until the alternatives analysis is complete and the drinking water source selection is made before scheduling that hearing.

Public outreach especially pertinent to this NSTP submittal included a direct mailing from the City to residents on January 3, 2017, regarding the current drinking water quality. Among other things, this mailing informed residents that the City was consulting with experts to develop standard operating procedures, corrosion control studies and performance testing for the Flint Water Treatment Plant in accordance with the March 1, 2017, NSTP submittal requirements. Further, on January 11, 2017, the City hosted a Town Hall meeting to share the latest water quality data, future plans for treating water at the Flint Water Treatment Plant, and receive input from residents.

Subsequent to the January 11, 2017, Town Hall meeting, the City and its consultants began evaluating water source alternatives as required by the Drinking Water Revolving Fund process. Since more alternatives are now being evaluated than previously presented to the public, additional public input will be sought as indicated below.

**Timeline**

**Month of March 2017** – The City’s consultants continue to gather input from potential water source providers regarding costs and technical feasibility and perform economic analyses on the alternatives.

**March 22, 2017** – Meet with Flint City Council to discuss the Public Participation Plan for drinking water source selection.

**Week of March 27, 2017** - Initiate the Public Participation Plan to obtain feedback on the recommended water source solution, alternatives evaluated, and the relevant economic, social, political, and public health issues associated with the alternatives evaluated. Initiate cost of service/rate design study based on recommended water source options and projected capital and operating plans associated with those options.

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**March 28, 2017** – Press conference and coordinating press release to announce that Flint City leaders have received the alternatives evaluation and recommendations on the drinking water source solutions from their consultants. At the press conference, the mayor/city officials/consultants will go through the primary alternatives considered and present the pros and cons of each alternative considering the related economic, social, and public health issues. The mayor would encourage residents to express their opinions regarding the alternatives via the upcoming Town Hall meeting, E-mail comment box, or in writing.

**March 29, 2017** - Town Hall meeting for residents to learn about the water source alternatives evaluated and to provide input. City leaders will go through the primary alternatives considered and present the pros and cons of each alternative considering the related economic, social, and public health issues. Residents will be provided the opportunity to express their opinions and have their questions answered. Subsequent to the Town Hall meeting residents can continue to provide input via E-mail or in writing through April 3, 2017.

**April 5, 2017** – City leadership meets with the Flint City Council to discuss the results of the public participation and to recommend a specific drinking water source.

**April 6, 2017** – Press conference and coordinating press release to announce the City Council's recommended drinking water source.

## Flint Alternative Water Source Analysis Timeline

January 19 - Hold initial meeting with Great Lakes Water Authority (GLWA) to provide Flint's water supply requirements and discuss purchased water options

January 20 - Hold initial meeting with Genesee County Drainage Commission (GCDC) to provide Flint's water supply requirements and discuss purchased water options

January 31 – Complete Flint Water Treatment Plant Improvement report to establish the capital costs of various plant improvement and raw water storage options

February 1 to 13 – Develop operation costs (labor, power, chemicals, residual solids disposal, maintenance, etc.) for the various plant improvement options

February 9 - Meet with GLWA to discuss their water supply proposal

February 10 - Receive GCDC's purchased water proposal

February 8 to 13 – Based on engineering analysis and proposals received, develop water source options for interim, long-term and back-up supply

February 15 – Initiate Economic (Net Present Value) model development

February 16 – Establish economic parameters (inflation and discount rates, etc.)

February 22 - Review initial model results and adjust inputs and assumptions (as appropriate)

March 1 – Review “final” model results

March 2 to 17 – Based on model results, meet with GLWA and GCDC to clarify proposals and negotiate changes

Week of March 20 - Finalize economic analysis and consider other issues (public health, social, political, etc.) impacting the water source selection

Week of March 27 - Initiate the Public Participation Plan to obtain feedback on recommended water source solution. Initiate cost of service/rate design study based on recommended water source option and projected capital and operating plans associated with that option.

## CHARTER COMMISSIONERS

CARL L. BEKOFKSKE  
Chairman

LEROY NICHOLS  
Vice-Chairman

BOB JACKSON

JOHN H. WEST

JOSEPH CONROY

CHARLES A. GREENE

JAMES P. HANLEY, JR.

PHILIP D. MARVIN

BANIUS C. HEDRICK

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### Charter Adopted by the People, November 5, 1974

STATE OF MICHIGAN  
COUNTY OF GENESEE | ss.

I, Louis A. Hawkins, Clerk of the City of Flint, in the State of Michigan, do hereby certify that the following Charter is the Charter of the said City of Flint as adopted by the people on November 5, 1974, with all amendments thereto,

Louis A. Hawkins, City

Clerk

Dated at Flint, Michigan, March 1, 1996

## MAYORS OF THE CITY OF FLINT

	Elected		Elected
1 Grant Decker	1855	55 Guy W. Selby	1909
2 Robert J. S. Page	1856	56 Guy W. Selby	1910
3 Henry M. Henderson	1857	57 John A. C. Menton	1911
4 William M. Fenton	1858	58 Charles S. Mott	1912
5 Porter Hazelton	1859	59 Charles S. Mott	1913
6 Henry H. Crapo	1860	60 John R. MacDonald	1914
7 Ephriam S. Williams	1861	61 William H. McKeighan	1915
8 William Paterson	1862	62 Earl F. Johnson	1916
9 William Hamilton	1863	63 George C. Kellar	1917
10 William Hamilton	1864	64 Charles S. Mott	1918
11 William B. McCreery	1865	65 George C. Kellar	1919
12 William B. McCreery	1866	66 E. W. Atwood	1920
13 Austin B. Witherbee	1867	67 E. W. Atwood	1921
14 Samuel M. Axford	1868	68 William H. McKeighan	1922
15 William S. Patrick	1869	69 David R. Cuthbertson	1923
16 James B. Walkers	1870	70 David R. Cuthbertson	1924
17 David S. Fox	1871	71 Judson L. Transue	1924
18 David S. Fox	1872	72 Judson L. Transue	1925
19 George H. Durand	1873	73 William H. McKeighan	1927
20 George H. Durand	1874	74 Ray A. Brownell	1929
21 Alexander McFarlan	1875	75 Harvey J. Mallery	1930
22 William Hamilton	1876	76 William H. McKeighan	1931
23 Edward H. Thompson	1877	77 William H. McKeighan	1932
24 Jerome Eddy	1878	78 Ray A. Brownell	1933
25 James C. Wilson	1879	79 Howard J. Clifford	1934
26 Zacheus Chase	1880	80 George E. Boysen	1935
27 Charles A. Mason	1881	81 Harold E. Bradshaw	1936
28 William A. Atwood	1882	82 Harry M. Comins	1938
29 George E. Newall	1883	83 Oliver Tappin	1940
30 William W. Joyner	1884	84 Wm. Osmund Kelly	1940
31 Mathew Davison	1885	85 Wm. Osmund Kelly	1942
32 George T. Warren	1886	86 Edwin C. McLogan	1944
33 John C. Dayton	1887	87 Edwin C. McLogan	1944
34 Oren Stone	1888	88 Edward J. Viall	1946
35 Frank D. Baker	1889	89 George G. Wills	1948
36 William A. Paterson	1890	90 Paul Lovegrove	1950
37 F. H. Rankin, Jr.	1891	91 Donald Riegle	1952
38 George E. Taylor	1892	92 George M. Algoe	1954
39 Andrew J. Ward	1893	93 George M. Algoe	1956
40 Arthur C. McCall	1894	94 Robert J. Egan	1958
41 John Zimmerman	1895	95 Charles A. Mobley	1960
42 Samuel C. Randall	1896	96 George R. Poulc	1962
43 Milton C. Pettibone	1897	97 Harry K. Cull	1964
44 George R. Gold	1898	98 Floyd McCree	1966
45 H. Alex Crawford	1899	99 Donald Cronin	1968
46 Chas. A. Comings	1900	100 Francis E. Limmer	1970
47 C.B. Dibble	1901	101 Paul C. Visser	1973
48 A.D. Alvord	1902	102 James W. Rutherford	1975
49 A.D. Alvord	1903	103 James W. Rutherford	1979
50 B.J. MacDonald	1904	104 James A. Sharp, Jr.	1983
51 D.D. Aitken	1905	105 Matthew Collier	1987
52 George E. McKinley	1906	106 Woodrow Stanley	1991
53 George E. McKinley	1907	107 Woodrow Stanley	1995
54 Horace C. Spencer	1908		

## RESOLUTION OF ADOPTION

At a meeting of the Charter Revision Commission of the City of Flint held on the Third day of September, 1974 at Flint City Hall, the following members of the Charter Revision Commission were present: Carl L. Bekofske, Chairman; LeRoy Nichols, Vice Chairman; Bob Jackson; Joseph Conroy; John H. West, Jr.; Charles A. Greene; James P. Hanley, Jr.; Philip D. Marvin; Banius C. Hedrick.

At the meeting the following resolution was offered by Commissioner Marvin and supported by Commissioner Jackson.

Resolved, that the Charter Revision Commission of the City of Flint does hereby adopt the attached instrument as the proposed Charter of the City of Flint and the Clerk of this Commission is hereby instructed to transmit the proposed Charter to the Governor of the State of Michigan in accordance with the provisions of Act No. 279 of the Public Acts of 1909, as amended.

The vote on the adoption of the Resolution was unanimous.

Resolution declared adopted.

LLOYD S. HENDON

City Clerk and Clerk of the Charter  
Revision Commission of the City of  
Flint, Michigan

Attested by the following Commissioners:

BOB JACKSON

JOSEPH CONROY

JOHN H. WEST, JR.

CHARLES A. GREENE

JAMES P. HANLEY, JR.

PHILIP D. MARVIN

BANIUS C. HEDRICK

LeROY NICHOLS  
Vice Chairman

CARL L. BEKOFKSKE, Chairman

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## PREAMBLE

We the people of the City of Flint, in order to guarantee equality, freedom, justice, and effective government to each of our City's residents, do hereby adopt this Charter.

— written by Donna Tinnin, Whittier Junior High

1. The people of the City of Flint have in this Charter reaffirmed their faith in fundamental human rights and in the equal rights of men and women. They have determined to promote social progress and to guarantee that City government serves the citizenry. The people of Flint have mandated that the City shall provide for public peace and health and for the safety of persons and property in the City, and they require that City officers promote respect for these rights and freedoms.
2. City officers shall pledge themselves to assure residents decent housing; job opportunities; clean air, clean waterways and a sanitary city; health care; convenient public transportation; recreational activities and facilities; and cultural enrichment.
3. The City has an affirmative duty to secure the equal protection of the law for each person and to insure equality of opportunity for all persons.
4. A person shall have reasonable access to all files and records of the City which relate to his or her rights and duties.
5. The people shall be informed of the rules and regulations governing dealings between the City and the public and shall have access to review procedures on administrative decisions.
6. The City shall endeavor to secure application of the principle of one person one vote for any regional policy making body which taxes or provides any service to City residents or takes any action affecting the City's interest.
7. Only such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare of the City shall limit the exercise of individual rights and freedoms.
8. The rights and freedoms set forth in this Declaration may in no case be exercised contrary to the purposes and principles of this Charter.
9. The enumeration in this Charter of certain rights shall not be construed to deny or disparage others retained by the people.
10. The City may enforce this Declaration of Rights and other rights retained by the people.

1. Within ten (10) days call a special primary election to be held within ninety (90) days thereafter to fill such a vacancy. A general election shall be called not less than forty-nine (49) nor more than sixty (60) days after the date of the primary election, or
  2. Call primary and general elections to be concurrent with the next State primary and general November election if such vacancy occurs within one year prior to said State general November election.
- C. Until such time as the Acting Mayor is appointed pursuant to paragraph A above, or until a Mayor is elected pursuant to paragraph B above, the City Administrator shall serve as Temporary Mayor. The City Administrator shall possess all the powers of the Mayor as provided in this Charter, except the power to remove Mayoral appointees and the power of veto. Appointees of the Mayor may not be removed by the City Administrator serving in the capacity of Temporary Mayor without the concurrence of the City Council.

#### **2-412 RECALL ELECTIONS**

Any elected official may be recalled from office by the electors of his or her electoral district in the manner provided by state law. A vacancy created by such recall shall be filled in the manner prescribed by this Charter and by state law.

#### **3-101 CITY COUNCIL**

The legislative power of the City is vested in a City Council. The Council has the powers and duties provided by law or this Charter.

#### **3-102 TERM OF COUNCIL OFFICE**

The term of members of the City Council elected under this Charter shall be four (4) years commencing at 12 o'clock noon on the Monday following the regular Council general election. This provision shall take effect with the Council that is elected by the general election to be held in 1989.

*adopted 11-8-88*

#### **3-103 ORGANIZATION OF CITY COUNCIL**

- A. Within thirty (30) days of taking office, the City Council shall elect from its members a presiding officer who shall be known as the President of the Council. The President shall be elected to a one (1) year term. The City Council may elect such other officers and appoint such committees and sub-committees as it deems necessary.
- B. The City Council shall adopt rules for the conduct of its business in accordance with Section 1-801 of this Charter. Until new rules are adopted, the rules of the previous Council shall apply.

#### **3-201 MEETINGS**

- A. The City Council shall meet at the usual place for Council meetings at 7:30 p.m., Eastern Standard Time, on the first Monday following the election of its members.
- B. The City Clerk shall preside until the Council has chosen a President. Thereafter the Council shall meet at least two (2) times per month at such times and places as shall be stated in the Council rules. All meetings called for the purpose of discussing City business and all gatherings of three (3) or more Council members at which City business is discussed shall be public and public notice shall be given in the manner provided by statute for meetings of public bodies.

### **3-202 SPECIAL MEETINGS**

The Mayor or any two (2) members of the City Council may call a special meeting of the City Council upon twenty-four (24) hours notice to each Council member and the public stating the purpose of the meeting.

### **3-203 QUORUM**

A majority of the members elect of the City Council shall constitute a quorum, but a smaller number may convene and adjourn from time to time. The City Council may compel attendance of absent members in the manner and subject to the penalties provided by ordinance.

### **3-204 VOTING**

- A. Except as otherwise provided by this Charter no action of the City Council shall be effective unless a majority of the members elect of the City Council vote in favor of the action.
- B. Every City Council member present shall vote on all questions other than those involving a conflict of interest.
- C. The affirmative and negative votes shall be taken and recorded on all ordinances and whenever requested by one (1) or more members of the Council.
- D. An abstention shall be considered a vote providing the Councilperson states a reason therefor.

### **3-205 INVESTIGATION**

The City Council may make investigations into the affairs of the City and the conduct of any City agency pursuant to Section 3-206.

### **3-206 INVESTIGATIVE POWERS**

- A. The City Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it or any of its committees.
- B. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the City Council shall apply to the appropriate court.

### **3-207 PROHIBITION OF INTERFERENCE IN ADMINISTRATION**

Except for purposes of inquiries or investigations in accordance with Section 3-206, the City Council and its members shall deal with City officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

### **3-301 INTRODUCTION OF ORDINANCE**

- A. Every proposed ordinance shall be introduced in writing.
- B. No ordinance may contain more than one (1) subject, and the ordinance's title must clearly express this subject.
- C. The enacting clause shall be, "It is hereby ordained by the People of the City of Flint . . ."
- D. Any ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall clearly indicate matter to be omitted and new matter to be added.

### **3-302 PUBLICATION OF SUMMARY BEFORE PUBLIC HEARING**

- A. Upon introduction of any ordinance, the City Clerk shall: (1) distribute a copy to each City Council member and to the Mayor; (2) file a reasonable number of copies in the office of the City Clerk and such other public places as the City Council may designate; and (3) publish the title and an abstract of the proposed ordinance including effective date in a daily newspaper of general circulation in the City together with a notice setting out the time and place for a public hearing thereon and for its consideration by the City Council.
- B. The public hearing may not be held sooner than five (5) days after the publication. The public hearing may be held separately or with a regular or special City Council meeting and may be convened from time to time.
- C. All interested persons shall have an opportunity to be heard.

### **3-303 PUBLICATION OF ORDINANCES AND RESOLUTION AFTER ENACTMENT**

- A. The City Clerk shall keep a printed journal in the English language of every session of the Council.
- B. The City Clerk shall authenticate by signature and record all ordinances and resolution in a properly indexed book kept for the purpose.
- C. After enactment of any ordinance or resolution having the effect of law, the City Clerk shall have it published in a newspaper of general circulation in the City together with a notice of its adoption.
- D. Every ordinance, resolution having the effect of law, and amendment to this Charter, shall be printed promptly after enactment and shall be distributed or sold to the public at reasonable prices to be fixed by the City Council.

### **3-304 VETO**

- A. Every ordinance and resolution passed by the City Council is subject to review by the Mayor unless otherwise stated in this Charter.
- B. No ordinance or resolution of the City Council subject to review by the Mayor shall have any force or effect if:
  - 1. the Mayor or person acting in his or her stead prepares a notice in writing suspending the operation of such ordinance or resolution which sets forth reasons therefor, and
  - 2. such notice is filed in the office of the City Clerk within 168 hours after the delivery of the ordinance or resolution to the office of the Mayor by the Clerk, or an agent of the Clerk.
- C. If the ordinance is an emergency ordinance, the Mayor will have only twenty-four (24) hours to exercise the veto after receipt of written notice of adoption.
- D. In each case where such notice of veto is filed, such ordinance or resolution shall not become law without further affirmative vote of two-thirds (2/3) of the members elect on the City Council at a meeting held within two (2) weeks of the notice of veto.

If two-thirds (2/3) of the members elect vote in favor of overriding the veto, the ordinance or resolution shall be adopted without further review by the Mayor.

### **3-305 EFFECTIVE DATE OF ORDINANCE**

- A. No ordinance shall be effective until published as provided in Section 3-303 of this Charter.
- B. Every ordinance which has been published shall become effective on the thirtieth (30th) day after enactment or at any later date specified.
- C. The City Council may, by an affirmative vote of two-thirds (2/3) of its members elect, provide that any ordinance take immediate effect after publication.

### **3-306 EMERGENCY ORDINANCES**

- A. No emergency ordinance shall be effective until published as provided in Section 3-303 of this Charter.
- B. Emergency ordinances may be enacted to meet a public emergency affecting life, health, property or the public peace. However, an emergency ordinance may not levy taxes; grant, renew or extend a franchise; or regulate the rate charged by any public utility for its services.
- C. An emergency ordinance shall be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- D. An emergency ordinance may be adopted at the meeting at which it is introduced and, if passed by an affirmative vote of two-thirds (2/3) of the members elect, may take immediate effect after publication.
- E. Every emergency ordinance is automatically repealed as of the sixty-first (61st) day after its enactment, unless reenacted as an emergency ordinance.

### **3-307 CITY ACTION REQUIRING AN ORDINANCE**

- A. All acts required to be done by ordinance by state law, or by specific provisions of this Charter shall be done by ordinance.
- B. Other acts of the City which shall be enacted by ordinance include:
  - 1. Providing a penalty or establishing a rule or regulation for violation of which a penalty is imposed;
  - 2. Providing for the laying and collection of rents, tolls, excises and taxes, except as otherwise provided in this Charter concerning property taxes levied by the budget; or
  - 3. Amending or repealing ordinances previously adopted.
- C. Other acts may be done either by ordinance or resolution.

### **3-308 CODIFICATION OF ORDINANCES**

- A. Within three (3) years after the effective date of this Charter and at least every ten (10) years thereafter, the City shall provide for the preparation of a general codification of all City ordinances and resolutions having the effect of law.
- B. The general codification shall be enacted by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, pertinent provisions of the Michigan Constitution and other laws of Michigan, and other rules and regulations as the City may specify.
- C. This compilation shall be known as the Flint City Code. Copies of the Code shall be (1) furnished to City officers, (2) placed in libraries and

- C. Except as otherwise provided by this Charter or ordinance, the rights, duties, powers, immunities and procedures established by state law shall apply in the collection and enforcement of City property taxes.

#### **7-205 TAX BECOMES LIEN**

City property taxes shall become a debt payable by the persons liable for them on the tax day as provided by state law. The debt shall become payable and a lien upon the property on July 1 next following, or as provided by state law.

#### **7-206 STATE, COUNTY AND SCHOOL TAXES**

State, county and school taxes shall be levied, collected and returned, as provided by ordinance, in conformity with state law.

#### **7-207 INSTALLMENT PAYMENT OF TAXES**

- A. One-third (1/3) of all property taxes for City and school purposes shall become due and payable upon the first (1st) day of July in the year assessed and may be paid during the month of July without penalty or interest; thereafter such installment of taxes, while unpaid, shall be deemed delinquent and shall bear interest at the rate of one-half of one percent (1/2%) per month or fraction thereof.
- B. One-third (1/3) of such City and school taxes shall become due and payable on the first (1st) day of October in the year assessed and may be paid during the month of October without penalty or interest; thereafter such installment of taxes, while unpaid, shall be deemed delinquent and shall bear interest at the rate of one-half of one percent (1/2%) per month or fraction thereof.
- C. One-third (1/3) of such City and school taxes shall become due and payable on the first (1st) day of February in the year following the year of assessment and may be paid during the month of February without penalty or interest; thereafter such installment of taxes, while unpaid, shall be deemed delinquent.
- D. On the first (1st) day of March next after the same were assessed a penalty of four percent (4%) shall be added to all unpaid City taxes and a collection fee of four percent (4%) shall be added to all unpaid school taxes; and thereafter interest at the rate of one-half of one percent (1/2%) per month or fraction thereof shall be added to and charged on all such overdue City and school taxes until paid.

#### **7-301 GENERAL BORROWING POWER**

- A. The City may borrow money for any purpose within the scope of its powers, may issue bonds or other evidence of indebtedness therefor, and may, when permitted by state law, pledge the full faith and credit of the City for the payment of those obligations.
- B. The enumeration of specific kinds of bonds or other borrowing in this Chapter shall not be deemed to exclude other kinds of bonds or other borrowing permitted by state law.

#### **7-302 LIMITATIONS ON BORROWING**

The net bonded indebtedness for general obligations of the City shall not exceed seven percent (7%) of the assessed valuation. No obligation shall be sold to obtain funds for any purpose or purposes other than that for which those

obligations were specifically authorized.

### **7-303 USE OF BORROWED FUNDS**

- A. Each obligation shall contain on its face a statement of the purpose for which it is issued.
- B. All proceeds from the issue of an obligation shall be expended for the purpose for which the obligation was issued.
- C. Any remaining unexpended and unencumbered proceeds may be authorized by the City for use in any manner permitted by state law.

### **7-304 EXECUTION OF OBLIGATIONS**

All obligations issued by the City shall be executed with the facsimile signature of the Mayor and signed by the City Clerk and shall bear the Seal of the City. Interest coupons shall be executed with the facsimile signatures of the Mayor and the City Clerk.

### **7-305 BONDS TO FINANCE LOCAL PUBLIC IMPROVEMENTS**

- A. The City may borrow money and issue bonds in anticipation of the payment of special assessments or any combination of special assessments levied under Sections 7-401 and 7-402 of this Charter.
- B. Special assessment bonds shall be an obligation of the special assessment district or districts and may be both an obligation of the special assessment district or districts and a general obligation of the City.
- C. The City may also borrow money and issue bonds under Section 7-301 for its share of the cost of any local public improvement or, where the cost of that improvement is to be defrayed in part from the payment of special assessments and in part from other City revenues, for the entire cost of that improvement.

### **7-306 EMERGENCY BONDS**

In case of fire, flood, or other calamity, the City may, subject to state law, authorize the issuance of emergency bonds which shall be general obligations of the City for the relief of residents of the City and for the preservation of City property.

### **7-307 BUDGET BONDS**

Any capital improvement items contained in the budget may be financed by the issuance of bonds as a part of the budget system. However, the amount of those bonds together with the City property taxes levied for the same year may not exceed the limit permitted by law.

### **7-308 TRANSPORTATION BONDS**

- A. The City may, by ordinance, provide for the establishment, maintenance and operation of a public transportation system above, on, or below the surface of the ground, or in any combination thereof, utilizing technology known or to be developed. A transportation system, once established, may be operated within the City and to a distance outside the City as provided by state law.
- B. The City may borrow money for public transportation and rapid transit facilities and may incur obligations and issue bonds therefor to the maximum extent permitted by state law.

### **7-309 SEWER BONDS**

- A. The City may, by ordinance: (1) provide for the installation and connection of sewers and water works on and to property within the City; (2) assess the costs therefor to the several properties and make the same a lien thereon; (3) borrow money and issue bonds in anticipation of the collection of such special assessment.
- B. The City may, by ordinance, provide for the acquisition, establishment, operation, extension and maintenance of a sewage disposal system, sewers and plants, either within or without the corporate limits of the City, as a utility as prescribed by state law.

### **7-401 POWER TO ASSESS**

The City may, by ordinance, determine that the whole or any part of the expense of any local public improvement or repairs shall be defrayed by special assessment upon the property specifically benefited as provided for by law. However, no special assessment may be made after on-site construction has begun.

### **7-402 PROCEDURE ORDINANCE**

- A. The complete special assessment procedure to be used, including the preparation of plans and specifications; estimation of costs; the preparation, hearing and correction of the special assessment roll; the collection of special assessments; the assessment of single lots or parcels; and any other matters concerning the making of improvements by the special assessment method, shall be provided by ordinance.
- B. The ordinance shall authorize additional assessments, if the prior assessment proves insufficient to pay for the improvement or is determined to be invalid in whole or in part, and shall also provide for the disposition of excess assessments.

### **7-403 SPECIAL ASSESSMENT LIEN**

From the date of confirmation of any roll levying any special assessment, the full amount of the assessment and all interest thereon shall constitute a lien on the property subject thereto. In case of delinquency the special assessment and all interest thereon shall be collected as provided by ordinance.

### **7-404 CONTEST OF ASSESSMENTS**

- A. Any person owning property specially assessed shall have sixty (60) days from the mailing of a notice of confirmation of the special assessment roll to notify the City Clerk in writing of any claimed illegality in the special assessment process. The City shall presume that any person who neglects or refuses to assert a claim within the sixty (60) day period has withheld his or her claim for the purpose of unjustly obtaining a special benefit to the property to the detriment of the general taxpayers of the City.
- B. If the Chief Legal Officer submits a written opinion finding the special assessment roll illegal, in whole or in part, the City Council may revoke its confirmation, correct the illegality, if possible, and reconfirm it. No property shall be assessed more than was imposed upon the original confirmation without further notice and hearing.

### **8-101 REGULATORY POWER**

The City may, as provided by law, exercise its police power over any trade, occupation, amusement, business or other activity within the City to regulate, provide, or prohibit except as authorized by permit, license, or franchise

### **8-102 APPELLATE REVIEW**

The City shall provide, by ordinance, for the review of administrative decisions of City agencies which are not within the appellate jurisdiction created by other sections of this Charter.

### **8-201 LIMITATIONS ON A FRANCHISE**

- A. An irrevocable franchise, and all renewals, amendments and extensions of it, may be granted only by ordinance.
- B. The City may approve such an ordinance only after a public hearing has been held on it and after the grantee named in it has filed with the City Clerk its unconditional acceptance of all the terms of the franchise.
- C. The ordinance may not take effect unless it has been approved by the voters of the City, where state law so requires, or, unless it has been approved by a two-thirds (2/3) majority of City Council members elect, where approval of the voters is not required by state law.
- D. When approval of the voters of the City is required, the ordinance as approved by the City shall be published in a daily newspaper of general circulation in the City not less than thirty (30) days before the election at which it is submitted to the voters. The City may not call a special election unless the expense of holding the election has first been paid to the City Treasurer by the grantee.
- E. A franchise for the use of the streets or other public places of the City or for the transaction of a local business may not be sold or transferred in any manner nor may a party other than the grantee use the franchise, unless the City consents by ordinance.

### **8-202 STANDARD PROVISIONS OF A PUBLIC UTILITY FRANCHISE**

- A. A public utility franchise shall include provisions for fixing and periodically readjusting rates and charges at the direction of the City and for requiring the holder to supply necessary information and access to records and property.
- B. The City may, with respect to any public utility franchise granted, whether or not so provided in the granting ordinance:
  - 1. Repeal the franchise for (a) violation of or failure to comply with any of its provisions, (b) misuse or non-use, or (c) failure to comply with any regulation imposed under authority of this Charter;
  - 2. Require proper and adequate extension and maintenance of plant facilities at the highest practicable standard of efficiency;
  - 3. Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
  - 4. Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period of the franchise;
  - 5. Impose other regulations determined by the City to be conducive to the health, safety, welfare, and convenience of the public; or
  - 6. Require the public utility to permit joint use of its property and equip-

ment, located in the streets and public places of the City, by the City and other utilities, insofar as joint use may be reasonably practicable. In the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions for joint use.

#### **8-301 PURCHASE AND SUPPLIES**

- A. The head of purchase and supplies shall be a member of the Classified Service and shall be appointed by the Mayor with the approval of the City Council. This person shall be responsible for the purchase and distribution of all supplies, materials, and equipment needed by the City.
- B. No purchase may be made by the City unless the chief finance officer advises that there is an unencumbered balance in the appropriation against which the purchase is to be charged to pay for the purchase.
- C. The City shall, by ordinance, establish procedures to protect the interests of the City and to assure fairness in procuring property and services. The ordinance shall require competitive bidding for purchases and contracts but there may be cases clearly defined in the ordinance, in which competitive bidding is not required. The ordinance shall define "lowest responsible bidder."
- D. The head of purchase and supplies shall be responsible for the sale, lease and transfer in the ordinary course of City operations all personal property of the City which is unsuitable for continued use.
- E. The City shall, by ordinance, establish procedures to protect the interests of the City and to assure fairness in disposing of personal property. The ordinance shall require competitive bidding for all sales, leases and transfers but there may be cases, clearly defined in the ordinance, in which competitive bidding is not required. The ordinance shall define the dispositions of public property which are not in the ordinary course of City operations and shall provide a procedure for such dispositions.
- F. The provisions of this section do not apply to the Board of Hospital Managers.

#### **9-101 EFFECTIVE DATE OF CHARTER**

Except as otherwise provided in this Article, this Charter shall become effective for all purposes on the date that the first Mayor and City Council elected under this Charter take office. The sections on nomination and election of Mayor and Council-persons shall become effective on January 1, 1975.

#### **9-102 FIRST ELECTION FOR MAYOR**

The first primary and general election for Mayor shall be in 1975 at the time set by statute for City primaries and general elections. However, if no election for the Flint City Council is held in 1975, the first primary and general election for the office of the Mayor shall be held at the same time as the primary and general election for the Council.

#### **9-201 ADJUSTMENT IN BUDGET**

The first Mayor and City Council elected under this Charter shall have the authority to make any necessary adjustments to the budget then in force

### **9-202 COMPENSATION OF OFFICERS**

Any provision of this Charter or ordinance to the contrary notwithstanding, the Elective Officers' Compensation Commission shall hold its first meeting in 1975 no later than March 3 of that year and shall consider the compensation of the Mayor and Councilpersons under this Charter in addition to any matters properly before the Commission.

### **9-203 COMPENSATION OF APPOINTED OFFICIALS**

The initial compensation of all appointed officials shall continue as it exists on the day prior to the effective date of this Charter. Any change in compensation shall be made in the manner determined by law.

### **9-204 PREVIOUS CHARTER RETIREMENT SYSTEM**

The provisions, benefits and terms of the retirement system as provided for firemen and policemen in the City Charter as adopted by the people on December 2, 1929, and amendments adopted November 5, 1946, and April 7, 1947, shall remain in full force and effect until the benefits accruing thereunder have all been satisfied.

### **9-205 EXISTING CITY LEGISLATION AND RULES**

All ordinances and resolutions of the City and all rules and regulations made by any officer or agency of the City which are not inconsistent with this Charter shall remain in effect until changed by action taken under this Charter.

### **9-301 STATUS OF OFFICERS UNDER OLD CHARTER**

All persons holding appointive office shall continue in office or equivalent office until removed in accordance with law or the provisions of this Charter.

### **9-302 SUCCESSION TO RIGHTS AND PROPERTY**

The City of Flint under this Charter shall succeed to all of the privileges, titles, easements, rights of way, causes of action, duties, commitments, powers, obligations and be the complete successor to the City of Flint under the previous Charter. The City shall be vested with all property, monies, contracts, credits, effects, records, files, books and papers belonging to it under and by virtue of its previous Charter. *No rights, liability contract, lease, or franchise, either in favor of or against the City, and no suit or prosecution of any character shall be affected in any manner by any change resulting from the adoption of this Charter; but the same shall stand or proceed, as if no change had been made.* All debts and liabilities of the City shall continue to be its debts and liabilities; and all debts owing to it and fines, penalties, interest or fees imposed and existing at the time of such change shall be collected by the City.

### **9-303 TRANSITION OF STATUS OF EMPLOYEES**

- A. The transition of the status of the employees from the previous Charter to this Charter shall be controlled by the following conditions:
1. The Civil Service Commission as it existed prior to the date of adoption of this Charter shall be abolished after the effective date of this Charter.
  2. The Civil Service Commission created under this Charter is limited to an adjudicatory role rather than a policy making role.
  3. The policy making function has been placed by this Charter with the

City of Flint  
Water Supply Option Analysis

Option	Interim Source	Primary Source	Back-Up Source	Cost NPV – 20yr.	Public * Health	Cost	Risk/ ** Reliability	Time (Primary Source)
1	GCDC	Flint WTP w/ WWTP residual discharge	Raw Water Reservoir; Distribution Storage	\$323M	3	4	3	3
2	GCDC	GCDC	GCDC	\$311M	2	3	2	2
3A;3B	GCDC	A. Flint WTP w/ on-site residual processing B. Flint WTP w/ WWTP residual discharge of residuals	GCDC	\$313M \$303M	3	2	2	3
4	GLWA	GLWA	GLWA (GCDC)	\$269M	1	1	1	1
5	GLWA	GLWA (until July, 2018) then GCDC	GCDC	\$335M	2	6	1	2
6A;6B	GLWA	A. Flint WTP with on-site residual processing B. Flint WTP with WWTP discharge of residuals	GLWA	\$364M \$354M	2	7	1	3
7A;7B	GLWA	A. Flint WTP with on-site residual processing B. Flint WTP with WWTP discharge of residuals	GCDC	\$337M \$327M	2	5	1	3
8	GLWA	GCDC	Flint WTP	\$456M	3	8	1	2
9	GLWA	GLWA	Flint WTP	\$482M	1	9	1	1

\*reflects number of required water source changes; not indicative of the quality of any individual water source

\*\* Indication of reliable capacity available for Flint

*ATTACHMENT #1*



Kate Fields &lt;kfields@cityofflint.com&gt;

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## Suggestions from Kate for Public Comment re Water sources

1 message

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**Kate Fields** <kfields@cityofflint.com>

Fri, Apr 21, 2017 at 12:37 PM

To: "Baird, Richard (GOV)" <bairdr@michigan.gov>, j.young109@comcast.net, Kerry Nelson <knelson@cityofflint.com>, Scott Kincaid <skincaid@cityofflint.com>, Inez Brown <ibrown@cityofflint.com>, Sylvester Jones <sjones@cityofflint.com>  
Bcc: rfonger1@mlive.com

Rich and John,

It's apparent from what happened last evening that the public wants ample opportunity to weigh in on a decision that is going to affect them for the next 30+ years (forever if our water treatment system is dismantled). AND they are angry they have no real information.

My suggestions are:

- increase the public comment period to two months
- set up a web site that provides for public comment and put (downloadable) documents on it that people can read; the actual contracts, commitments, terms, etc. and THEN your analysis (in a format that people can understand). Also include the dates, times and locations of future Town Hall Meetings and Public Hearings. Widely publicize the web site and how to access. At the end provide at least a summary document with what people want and what they've said.
- Set up an official Public Hearing date, at City Hall where residents can have input

The reason you need two months is it will take (I'm assuming) at least a few weeks to get the web site and data collection technology set up, then time to publicize it.

People are going to be streaming into the next council meeting demanding information -- and we have none to share with them (at this point in time). We're already getting calls and people stopping us wherever we go asking for details and all we can tell them is we weren't invited to the meetings, nor have we (yet) been given any information ourselves--so we have no information to give them.

Please let me know if my requests can be accommodated.

Thanks,

Kate Fields  
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