

Thelen, Mary Beth (DEQ)

From: Wyant, Dan (DEQ)
Sent: Wednesday, October 07, 2015 7:09 PM
To: Scott, Allison (GOV); Muchmore, Dennis (GOV); Agen, Jarrod (GOV); Dickinson, Sarah (GOV); Emmitt, Beth (GOV)
Subject: Flint Drinking Water Action Plan Update - FOIA EXEMPT AND ATTORNEY-CLIENT PRIVILEGED
Attachments: City of Flint Water Funding Solution.pdf; FLINT SCHOOL TESTING RESULTS.DOCX; Drinking Water Regulations for Monitoring of Lead in Schools and Child C....doc; Response to Corrosion Control Questions.docx; Fwd: TAC Meeting Highlights; CC Meeting Minutes 3-25-2013 (1).doc; Flint.pdf; KWA Contract (amended) 130165.2.pdf

Governor Snyder,

I wanted to provide you with the attached documents to address a number of the questions that you are asking today. A full briefing for the press conference, including press release, talking points, run of show, and frequently asked questions, will be provided by your team. Included in this e-mail are the following attachments:

1. Flint Drinking Water FY 2016 supplemental budget request summary
2. Summary of the Flint schools water testing results and our response to the results
3. Drinking water regulations for monitoring lead in schools and child care centers
4. Response to the questions on corrosion control
5. Summary of today's Safe Drinking Water Technical Advisory Committee meeting
6. Flint City Council Minutes from March 25, 2013; the Resolution to Purchase Capacity from Karegnondi Water Authority; and the Amended Contract

Other Updates

Mayor Duggan and Sue McCormick of DWSD were contacted, briefed, and are supporting tomorrow's announcement. Both have indicated they would provide positive comments supporting the decision.

Dan Wyant

**City of Flint Water - Funding Solution
State of Michigan Commitment**

Agency	GF/GP	Gross	Comments
Filters:			
Health & Human Services	\$1,016,000	\$1,016,000	AY15 work project
Health & Human Services	\$0	\$1,000,000	DEQ State Restricted Settlement Funds provided to HHS Emergency Services local office (FY16 appropriation).
Subtotal Filters:	\$1,016,000	\$2,016,000	
Reconnect to DSW:			
Environmental Quality	\$5,000,000	\$6,000,000	Reconnection costs ~\$1.3m/month x 9 mos. to be shared by state & Flint DEQ State Restricted Settlement Fund of \$1m; balance GF/GP
Subtotal Reconnect:	\$5,000,000	\$6,000,000	
Testing Costs:			
Environmental Quality	\$1,000,000	\$1,000,000	Additional tests at state lab; cost per sample: \$26
Subtotal Testing:	\$1,000,000	\$1,000,000	
Additional Agency Support:			
LARA	\$0	\$200,000	Support for plumbing inspectors to do schools (public and parochial) and health facilities (hospitals, Long Term Care, etc.).
MSHDA	\$0	\$249,900	
Health & Human Services	\$600,000	\$600,000	Follow-up on children with elevated blood levels
Environmental Quality	\$300,000	\$300,000	Home and school inspections
Subtotal Additional Support:	\$900,000	\$1,349,900	
ALL TOTAL	\$7,916,000	\$10,365,900	

FLINT SCHOOL TESTING RESULTS:

WHAT DID WE FIND?

- 1) The results of the initial screening conducted over the course of the last week are consistent with the last round of community lead and copper testing.
- 2) There were a total of 37 samples taken from 13 schools. Of those 37 samples, 4 exceeded the 15 ppb action level. There were 3 schools that had samples exceeding the action level: Eisenhower Elementary (which had two samples exceeding 15 ppb). Brownell STEM Academy and Freeman Elementary each had one sample exceeding 15 PPB. The sample from Freeman Academy was significantly higher than the other samples at 101 PPB.
- 3) Looking at the data from a health based perspective, the data clearly demonstrates that more detailed sampling needs to occur so that the various sources of lead contamination contained within each respective school's plumbing can be identified and addressed.

WHAT DOES THE DATA MEAN?

- 1) The data underscores the need for a complete and thorough evaluation of the plumbing system within each school.
- 2) We have developed a protocol for evaluating the plumbing systems and we will be working with schools to implement these protocols and to assist them in determining a corrective action plan to address this issue.
- 3) The State is identifying staff within DEQ, DHHS, LARA and Local County Health Departments to assist schools in conducting evaluations of their plumbing systems.

WHAT IS YOUR PROTOCOL?

- 1) DEQ's protocols are based on similar work done in Michigan and in other States.
- 2) Multiple samples from each tap used for cooking or drinking water will be collected at prescribed intervals to identify levels of lead and its likely source.
- 3) Once an evaluation is complete, we will be able to assist each School in developing a comprehensive plan to address issues on a site specific basis.

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HOW DO SCHOOLS RESPOND?

- 1) Schools should continue protective measures that are currently in place until a complete study can be conducted at each school. This includes the continued use of bottled water for consumption purposes.
- 2) We will be reaching out to schools to schedule a complete evaluation, assessment and sampling, of their plumbing systems.

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Drinking Water Regulations for Monitoring of Lead in Schools and Child Care Centers

There is no federal or Michigan law requiring sampling of drinking water in schools that receive water from other public water systems, although schools that have their own water supply are subject to regulation and sampling as non-community public water systems. Schools served by a public water system may be included as a sampling site (i.e., tap) for a public water system's lead and copper monitoring program if there are insufficient single-family homes that qualify. There are no federal requirements for more extensive testing.

The 1986 Amendments to the Safe Drinking Water Act (SDWA) required EPA to develop regulations to control for lead in drinking water. The Lead and Copper Rule (LCR), issued in 1991, is focused on controlling corrosion within the distribution system that delivers water to customers. The 1986 SDWA Amendments also required that only lead-free materials be used in new plumbing and in plumbing repairs.

In 1988, the SDWA was further amended by the Lead Contamination Control Act (LCCA), to reduce the exposure of lead to children in schools and child care facilities. The LCCA prohibited the sale of any drinking water cooler that is not lead-free and required that:

- the EPA identify each brand and model of drinking water cooler, indicating which are lead free and which have a lead-lined tank and distribute the list to states (SDWA Sec. 1463),
- the Consumer Product Safety Commission order that manufacturers and importers of all drinking water coolers identified as having a lead-lined tank repair, replace, or recall and provide a refund for such coolers (SDWA Sec. 1462),
- the EPA publish a guidance document and testing protocol to assist states in determining the source and degree of lead contamination in school drinking water (SDWA Sec. 1464), and
- states establish programs to assist schools and child care facilities to test for and remedy lead contamination problems, with public availability of results of such testing (SDWA Sec. 1464(d)).

As a result of a 1996 court decision, States are not required to establish testing programs. In its decision, the Fifth Circuit held that provisions in section 1464(d) were unconstitutional under the Tenth Amendment to the U.S. Constitution because they directly compelled the state to enact and enforce a federal regulatory program and provided no options for the State to decline the program. The decision did not, however, restrict states from developing and carrying out their own programs to assist schools.

In 1989 and subsequent years, EPA released guidance and information to inform states and school systems how to test for and reduce the risk of lead exposure in school drinking water. EPA's guidance provides a protocol for testing water in schools and recommends that schools take action at fixtures where the lead concentration exceeds 20 ppb. This concentration differs from the 15 ppb action level that public water systems are required to follow. ***The 20 ppb action level is based on a smaller sample collection volume of 250 milliliters (ml) and is designed to pinpoint specific fountains and outlets that require attention.***

In 1990, Michigan did provide schools and licensed child care centers with information to assist in testing and remedying potential lead contamination of their drinking water as required by the Lead Contamination Control Act of 1988. This information included a sampling protocol and guidance on flushing their system to minimize lead exposure.

In 2004, EPA surveyed states to determine what additional programs may exist to control exposure to lead in drinking water at schools and child care centers. Forty-nine states, Puerto Rico, the District of Columbia and the Navajo Nation responded. Only 16 respondents indicated they have or will conduct special sampling or studies to target lead exposure at schools and child care centers. Michigan has not included any additional sampling programs or studies. However, some local agencies have conducted voluntary programs. For example, the W.K. Kellogg Foundation funded a program implemented by the Calhoun County Health Department that sampled schools in Battle Creek. In Michigan's response to this EPA survey, we included a recommendation for EPA to allow schools to be considered as a primary LCR monitoring site so that more information about lead levels in schools would become available. However, no changes in sampling criteria have occurred to date.

In 2005, a Memorandum of Understanding was signed between the EPA, the Department of Education, the Centers for Disease Control and Prevention (CDC), the American Water Works Association, the Association of Metropolitan Water Agencies, the Association of State Drinking Water Administrators, the National Association of Water Companies and the National Rural Water Association to facilitate actions that reduce children's exposure to lead from drinking water at schools and child care facilities.

Across the country and in Michigan, most schools and child care facilities receive water from other community water systems. However, those schools that have their own source of drinking water are considered non-transient non-community water systems and are subject to the LCR. In Michigan, there are 755 such schools and child care centers that must monitor for lead to demonstrate compliance.

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EPA's guidance provides a protocol for testing water in schools and recommends that schools take action at fixtures where the lead concentration exceeds 20 ppb. This concentration differs from the 15 ppb action level that public water systems are required to follow. The 20 ppb action level is based on a smaller sample collection volume of 250 milliliters (ml) and is designed to pinpoint specific fountains and outlets that require attention. When testing fixtures, the levels of lead are expected in the initial flush of water that has been sitting in the pipes. The 15 ppb action level required for compliance with the LCR calls for a tap sample volume of 1000 ml (1 liter), and is designed to identify system-wide problems. If a one liter sample was collected from a drinking water fountain in schools, the initial high concentrations might be diluted by the later part of the sample, which could show lower concentrations. The 20 ppb school level is not inconsistent and likely is more stringent because it reflects a more concentrated sample; 20 ppb in a 250 ml sample would correspond to about 12 ppb in a one liter sample.

Response to Corrosion Control Questions

- Lime Softening can affect the pH in water
- The pH of the water is one physical characteristic that can affect the leaching of lead from pipes into the water
- As per the requirements in the Lead/Copper rule the Flint Water system was evaluated for two consecutive monitoring periods and the results of the monitoring demonstrated that further action was necessary.
- The DEQ promptly notified the Flint water system of the need for additional measures and the city of Flint promptly began putting together an action plan to address this need.

Thelen, Mary Beth (DEQ)

From: Sygo, Jim (DEQ)
Sent: Wednesday, October 07, 2015 6:00 PM
To: Thelen, Mary Beth (DEQ); Shaler, Karen (DEQ); Wyant, Dan (DEQ)
Subject: Fwd: TAC Meeting Highlights

Summary of advisory committee meeting

Sent from my iPhone

Begin forwarded message:

From: "Prysby, Mike (DEQ)" <PRYSBYM@michigan.gov>
Date: October 7, 2015 at 4:56:44 PM EDT
To: "Sygo, Jim (DEQ)" <SygoJ@michigan.gov>
Subject: TAC Meeting Highlights

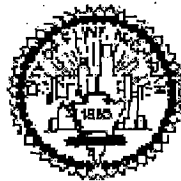
Below is a summary of the Flint TAC meeting to obtain the committee's endorsement to switch back to Detroit water.

1. The TAC endorses the switch back to the DWSD
2. Marc Edwards of VA Tech supports the switchover to DWSD with conclusion that Flint River water with corrosion control will still be 4 times more corrosive than water from DWSD after 5 weeks of treatment.
3. Genesee County states two weeks to prepare pipeline for re-use (flush, disinfect, sample, etc)
4. Supplemental corrosion control still needed with DWSD water and ACT 399 submittal can be made in approx one week.
5. No pros were brought to the table for staying on the Flint River.

Sent from my iPhone

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Minutes - Draft

Monday, March 25, 2013

5:33 PM

Agenda amended to include Board of Hospital Managers appointments

Council Chambers

CITY COUNCIL

*Scott Kincaid, President, Ward 9
Bryant W. Nolden, Vice President, Ward 3*

Claudia Croom, Ward 1

Joshua M. Freeman, Ward 4

Sheldon A. Neeley, Ward 6

Jacqueline Poplar, Ward 2

Bernard Lawler, Ward 5

Dale K. Weighill, Ward 7

Michael J. Sarginson, Ward 8

Inez M. Brown, City Clerk

CALL TO ORDER

President Scott Kincaid called the meeting to order at 5:33 p.m.

ROLL CALL

Councilperson Michael Sarginson arrived at 5:37 p.m.

Present: Councilperson: Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, Kincaid, Councilperson Weighill and Councilperson Croom

PLEDGE OF ALLEGIANCE

Councilperson Sheldon Neeley led the Pledge of Allegiance.

SPECIAL ORDER

130217 Special Order/Information & Discussion/Karegnondi Water Authority (KWA)

A Special Order as requested by Council President Scott Kincaid to continue discussion and review of information on the Karegnondi Water Authority (KWA).

Presented

PETITIONS AND UNOFFICIAL COMMUNICATIONS

130193 Change to Digital/All Limited Basic Service Channels/Comcast Cablevision

Communication dated March 6, 2013, from Gerald W. Smith, Government Affairs Manager, Comcast, to Flint City Clerk, re: On or shortly after April 9, 2013, Comcast will convert all Limited Basic service channels – including Public, Government and Educational Access (PEG) channels to digital format, and will provide customers with digital equipment.

This matter was Placed on File. The motion carried.

130199 Certified Letter/Loyst Fletcher, Jr. & Associates

Communication received from Loyst Fletcher, Jr. to Chief Legal Officer, re: He questions the tax-exempt status of Word of Life Christian Church, which received a tax bill from the city.

This matter was Placed on File. The motion carried.

130200 Local Approval Notice/Michigan Liquor Control Commission (MLCC)/Time Square/Ward 3

Local Approval Notice dated March 14, 2013, from MLCC to Flint City Clerk, re: The MLCC has received a request to transfer all stock in 2012 Class C license with Sunday Sales Permit (PM) and Dance Permit, located at 4522 N. Saginaw,

Flint, Michigan, 48505, Genesee County, held by the estate of Myra Seals, Inc., 1028 Cora Dr., Flint, MI 48532, to Carisa Mays Bishop, Personal Representative.
[NOTE: Approval order enclosed.]

This matter was Placed on File. The motion carried.

130202

Local Approval Notice/Michigan Liquor Control Commission (MLCC)/D & R Market, Inc./Ward 6

Local Approval Notice dated March 6, 2013, and received March 15, 2013, from MLCC to Flint City Clerk, re: The MLCC has received an application from 2 AAR, LLC, requesting to Transfer Ownership of a Specially Designated Distributor (SDD) and Specially Designated Merchant (SDM) licensed business with Sunday Sales permit (PM) and Direct Connection-I to D & R Market, Inc., located at 1402-1404 N. Chevrolet, Flint, Michigan, 48504, Genesee County, from 2 AAR, LLC, 3079 Shattuck Arms Blvd., Apt. 5, Saginaw, MI 48603. [NOTE: The application was cancelled pursuant to a request from an attorney.]

This matter was Placed on File. The motion carried.

130204

Changes/Cable Channel Lineup/Comcast Cablevision

Communication dated March 18, 2013, from Gerald W. Smith, Government Affairs Manager, Comcast, to Flint City Clerk, re: effective on or about May 22, 2013, Fox Business Network/Fox Business Network HD (ch. 06/243) will from the Digital Preferred Service to the Digital Starter Service.

This matter was Placed on File. The motion carried.

130205

Media Alert/Flint Public Art Project/Announcement of Design Winner

Media Alert received via e-mail on March 19, 2013, from the American Institute of Architects (AIA), re: The Flint Public Art Project and the Flint Chapter of the AIA will announce the winner of the \$25,000.00 grand prize in the inaugural Flat Lot competition to design and build a temporary summer pavilion on Flint's central downtown parking lot at 9:30 a.m. Thursday, March 21, 2013, at the John Gazall & Associates, Mott Building, 503 S. Saginaw Street, Flint.

This matter was Placed on File. The motion carried.

130207

Damage Claims

MAYFIELD, LINDA, 2518 Walter Street, Flint, MI (WARD 2)
LANE, WILLIE C., 3130 Concord Street, Flint, MI (WARD 6)

This matter was Placed on File. The motion carried.

COMMUNICATIONS FROM CITY OFFICIALS

130194

Press Release/City of Flint/Hiring of New Police Officers/Recruitment of Others

Press Release dated March 11, 2013, from Jason Lorenz, City of Flint Public

Information Officer, re: The City of Flint has seven new police officers on the job from the public safety millage passed last November by voters. The city's next step is to hold a recruitment drive by working with a local college, which will set up a Police Academy when the city has gathered sufficient interest from its efforts.

This matter was Placed on File. The motion carried.

130195

Press Release/City of Flint/Sunday Sales of Alcohol Before Noon Not Permitted on St. Patrick's Day.

Press Release dated March 12, 2013, from Jason Lorenz, City of Flint Public Information Officer, re: The City of Flint will not be able to permit Sunday alcohol sales before noon this Sunday, March 17, St. Patrick's Day. While the city adopted a resolution to allow a one-time exception to the Sunday morning alcohol ban, the Michigan Liquor Control Commission has taken the position that the city cannot create a one-day exemption.

This matter was Placed on File. The motion carried.

130196

Flint City Council/Public Notice/Special City Council Meeting/March 18, 2013

Public Notice posted March 14, 2013, re: The Flint City Council will hold a Special City Council Meeting, followed by a Finance Committee Meeting, at 5:30 p.m. Monday, March 18, 2013, in the City Council Chambers, 3rd Floor, City Hall, to consider a contract with the Karegnondi Water Authority (KWA).

This matter was Placed on File. The motion carried.

130201

Emergency Financial Manager (EFM) Order #10/Grant Applications

Order #10 issued by Emergency Financial Manager on March 15, 2013, "Grant Applications," re: "all city officials, department heads, division heads and employees shall adhere to ...requirements regarding the approval of any and all grant applications on behalf of the City of Flint or grant applications submitted by others which in any way involves the financial, programmatic or personnel support by the City of Flint." The five requirements, including the stipulation that only the Emergency Financial Manager or City Administrator are authorized to accept grants on behalf of the city, are included in the order.

This matter was Placed on File. The motion carried.

130203

Press Release/City of Flint/Flint Lifelines/Meeting Announcement

Press Release dated March 16, 2013, from Jason Lorenz, City of Flint Public Information Officer, re: Flint Lifelines, formerly CeaseFire Flint, will hold community meetings on the fourth Thursday of each month, beginning at 1 p.m. Thursday, March 28, 2013 at Flint Northwestern High School. The meetings are open to the public.

This matter was Placed on File. The motion carried.

130206 Flint City Council/Public Notice/Finance Committee Meeting/March 20, 2013

Public Notice posted March 19, 2013, re: The Flint City Council will hold a Finance Committee Meeting at 5:30 p.m. Wednesday, March 20, 2013, in the City Council Committee Room, 3rd Floor, City Hall.

This matter was Placed on File. The motion carried.

130208 Flint City Council/Public Notice/Special Affairs Committee Meeting/March 25, 2013

Public Notice posted March 22, 2013, re: The Flint City Council will hold a Special Affairs Committee Meeting at 5 p.m. Monday, March 25, 2013, in the City Council Committee Room, 3rd Floor, City Hall. A regular City Council meeting will immediately follow in the Council Chambers.

This matter was Placed on File. The motion carried.

130209 Traffic Engineering/Note for Bulletin/Street-Sidewalk-Lane Closures

Notes for Bulletin (3) dated February/March 2013, for street, sidewalk, or lane closures, re: (1) Harrison Street, Saginaw Street and Second Avenue (cable failure-March 11-March 20); (2) First Street, Harrison Street, Wallenberg, Kearsley, Crapo, Horrigan, and Harrison (St. Patrick's Day Pot O' Gold 4-Mil Run/Walk-March 17); and (3) Chevrolet Avenue (University Corner Grand Opening-March 22).

This matter was Placed on File. The motion carried.

Passed The Consent Agenda

A motion was made. The motion carried.

PUBLIC SPEAKERS**ROLL CALL**

Councilperson Dale Weighill left at approximately 7 p.m.

Present: Councilperson: Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, Kincaid and Councilperson Croom

Absent: Councilperson: Councilperson Weighill

APPOINTMENTS**130169.1** Amendment/Reappointment/Zoning Board of Appeals/Christine Monk (Ward 6)

Amended resolution resolving that the Flint City Council recommends the reappointment of Christine Monk (821 Frank Street, Flint MI 48504 - Ward 6), to the Zoning Board of Appeals for a three-year term, commencing September

1, 2011, and expiring September 1, 2014. [By way of background, Ms. Monk's term on the Zoning Board of Appeals expired in September 2011, but she has continued since that time to serve.] [Resolution amended to fix typographical error in first paragraph of resolution from "Board of Review" to "Zoning Board of Appeals."]

Sponsors: Sheldon A. Neeley

A motion was made by Councilperson Neeley, seconded by Councilperson Freeman, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130211

Appointment/Zoning Board of Appeals/Chris Zuwala (Ward 4)

Resolution resolving that the Flint City Council recommends the appointment of Chris Zuwala (3510 Whittier Avenue, Flint MI 48506 - Ward 4) to the Zoning Board of Appeals for a three-year term, expiring September 1, 2013. [NOTE: By way of background, Gloria Kelly's term as the 4th Ward representative expired in September 2007, but she continued to serve until resigning in January 2013.]

Sponsors: Joshua M. Freeman

A motion was made by Councilperson Freeman, seconded by Councilperson Poplar, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130212

Reappointment/Zoning Board of Appeals/Birdie V. Brooks (Ward 5)

Resolution resolving that the Flint City Council recommends the reappointment of Birdie V. Brooks (1307 Columbia Lane, Flint MI 48503 - Ward 5), to the Zoning Board of Appeals for the remainder of a three-year term, expiring September 1, 2014. [By way of background, Ms. Brook's term on the Zoning Board of Appeals expired in September 2011, but she has continued since that time to serve.]

Sponsors: Bernard Lawler

A motion was made by Councilperson Lawler, seconded by Councilperson Neeley, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130213

Resolution resolving that the Flint City Council recommends the reappointment of Marcia Braden (984 Barney Avenue, Flint MI 48503 - Ward 8), to the Zoning Board of Appeals for the remainder of a three-year term, expiring September 1, 2014. [By way of background, Ms. Braden's term on the Zoning Board of Appeals expired in September 2011, but she has continued since that time to serve.]

Sponsors: Michael J. Sarginson

A motion was made by Councilperson Sarginson, seconded by Councilperson Freeman, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130214

Reappointment/Zoning Board of Appeals/David C. Veasley (Ward 9)

Resolution resolving that the Flint City Council recommends the reappointment of David C. Veasley (2618 Pinetree Drive, Flint MI 48507 - Ward 9), to the Zoning Board of Appeals for the remainder of a three-year term, expiring September 1, 2015. [By way of background, Mr. Veasley's term on the Zoning Board of Appeals expired in September 2009, but he has continued since that time to serve.]

Sponsors: Scott Kincaid

A motion was made by Councilperson Freeman, seconded by Vice President Nolden, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130215

Appointment/Genesee County Land Bank Citizens' Advisory Council/Anthony Tucker (Ward 4)

Resolution resolving that the Flint City Council recommends the appointment of Anthony Tucker (2960 Henry Street, Flint MI 48506 - Ward 4) to the Genesee County Land Bank Citizens' Advisory Council for the remainder of a three-year term, expiring in January 2016. [NOTE: By way of background, Dan Anderson's term as the 4th Ward representative expired in January 2013.]

Sponsors: Joshua M. Freeman

A motion was made by Councilperson Freeman, seconded by Councilperson Poplar, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130218

Reappointment/Hurley Board of Hospital Managers/Philip W. Shaltz

Resolution resolving that the Flint City Council approves the reappointment of Philip W. Shaltz (14144 Moffet Drive, Fenton, MI 48430) to an additional five-year term on the (Hurley) Board of Hospital Managers, with such term to commence May 1, 2013, and expire April 30, 2018.

A motion was made by Councilperson Freeman, seconded by Vice President Nolden, that this matter be Approved. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130219

Appointment/Hurley Board of Hospital Managers/Delrico Loyd

Resolution resolving that the Flint City Council approves the appointment of Delrico Loyd (2641 Westwood Parkway, Flint, MI 48507) to a five-year term on the (Hurley) Board of Hospital Managers, with such term to commence May 1, 2013, and expire April 30, 2018. [By way of background, Carl E. Mason was appointed in June 2008; his term expires April 30, 2013.]

Approved

Substituted

A motion was made by Councilperson Neeley, seconded by Councilperson Lawler, that this matter be POSTPONED for March 27, 2013. The motion failed by the following vote:

Aye: 3 - Councilperson Lawler, Councilperson Neeley and Councilperson Sarginson

No: 5 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

Substituted

A motion was made by Vice President Nolden, seconded by Councilperson Freeman, that this matter be Approved. The motion carried by the following vote:

Aye: 5 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, President Kincaid and Councilperson Croom

No: 3 - Councilperson Lawler, Councilperson Neeley and Councilperson Sarginson

Absent: 1 - Councilperson Weighill

130220

Appointment/Hurley Board of Hospital Managers/Donna Poplar

Resolution resolving that the Flint City Council approves the appointment of Donna Poplar (5277 Kimberly Woods Circle, Flint, MI 48504) to a five-year term

on the (Hurley) Board of Hospital Managers, with such term to commence May 1, 2013, and expire April 30, 2018. [By way of background, Frances Gilcreast was appointed in August 2008; her term expires April 30, 2013.]

Approved

Substituted

A motion was made by Councilperson Lawler, seconded by Councilperson Neeley, that this matter be POSTPONED for March 26, 2013. The motion carried by the following vote:

Aye: 7 - Councilperson Poplar, Vice President Nolden, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

No: 1 - Councilperson Freeman

Absent: 1 - Councilperson Weighill

RESOLUTIONS

130165.1 Amended Resolution/Contract/City of Flint/Karegnondi Water Authority (KWA)

Amended resolution resolving that city officials are authorized to enter into a contract with Karegnondi Water Authority (KWA) to purchase fifteen (15) units of capacity, AND, resolving that the City Administrator is authorized to provide KWA information needed to administer the contract, and, with approval of the Chief Legal Officer, to make minor (non-material) modifications to the contract. [NOTE: For each unit of capacity that a member purchases, the buyer shall pay to the KWA a one-time fee of \$32,300. Additionally, the buyer shall pay to the KWA not less than \$32,300.00 per unit per year until such time as water is made available to the buyer. After water is made available, the buyer shall pay to the KWA an estimated amount NOT-TO-EXCEED \$355,300.00 per unit per year until such time that the bonds are paid in full. If it is determined that the costs per unit will exceed \$355,300.00, the buyer has a right to cancel the contract. Over the next 25 years, it is expected that continuing with Detroit will cost the region \$2.1 billion, compared to \$1.9 billion with a pipeline.] [NOTE: Contract not included.] [NOTE: Resolution amended from 18 to 15 units of capacity.]

A motion was made by Councilperson Neeley, seconded by Councilperson Freeman, that this matter be Amended. The motion carried by the following vote:

Aye: 5 - Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley and Councilperson Sarginson

No: 3 - Councilperson Poplar, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130165.2 Amended Resolution/Contract/City of Flint/Karegnondi Water Authority (KWA)

Amended resolution resolving that city officials are authorized to enter into a contract with Karegnondi Water Authority (KWA) to purchase sixteen (16) units

of capacity, AND, resolving that the City Administrator is authorized to provide KWA information needed to administer the contract, and, with approval of the Chief Legal Officer, to make minor (non-material) modifications to the contract. [NOTE: For each unit of capacity that a member purchases, the buyer shall pay to the KWA a one-time fee of \$32,300. Additionally, the buyer shall pay to the KWA not less than \$32,300.00 per unit per year until such time as water is made available to the buyer. After water is made available, the buyer shall pay to the KWA an estimated amount NOT-TO-EXCEED \$355,300.00 per unit per year until such time that the bonds are paid in full. If it is determined that the costs per unit will exceed \$355,300.00, the buyer has a right to cancel the contract. Over the next 25 years, it is expected that continuing with Detroit will cost the region \$2.1 billion, compared to \$1.9 billion with a pipeline.] [NOTE: Contract not included.] [NOTE: Resolution amended from 15 to 16 units of capacity.]

A motion was made by Councilperson Neeley, seconded by Councilperson Freeman, that this matter be Adopted. The motion carried by the following vote:

Aye: 7 - Councilperson Poplar, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

No: 1 - Vice President Nolden

Absent: 1 - Councilperson Weighill

130216

Approval/The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint

Resolution that the City of Flint hereby approves and The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint, attached hereto. [NOTE: The City of Flint created the DDA, in accordance with Public Act 197 of 1975, as amended, and approved The Rules Governing the DDA in 1977. Public Act 197 has been amended and revised at various times since then, which required the proposed changes.] [NOTE: The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint is attached.]

A motion was made by Councilperson Freeman, seconded by Vice President Nolden, that this matter be Amended. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

130216.1

Amended Resolution/Approval/The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint

Amended resolution that the City of Flint hereby approves and The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint, attached hereto. [NOTE: The City of Flint created the DDA, in accordance with Public Act 197 of 1975, as amended, and approved The Rules Governing the DDA in 1977. Public Act 197 has been

amended and revised at various times since then, which required the proposed changes.] [NOTE: The First Amendment & Restated Rules Governing the Downtown Development Authority (DDA) of the City of Flint is attached.] [Resolution amended for changes to rules.]

A motion was made by Councilperson Freeman, seconded by Vice President Nolden, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

RESOLUTIONS - MAY BE REFERRED FROM S.A.

130210 Resolution/City Council/Mayor Dayne Walling/Request for Appointment of Transition Advisory Board

Resolution resolving that Mayor Dayne Walling and the Flint City Council request and recommend to Gov. Rick Snyder that a receivership transition advisory board be appointed for the City of Flint under Public Act 436 no later than July 1, 2013. [NOTE: On December 1, 2011, Gov. Snyder appointed Michael K. Brown as Emergency Manager under Public Act 4 for the City of Flint, due in part to a consistent deficit in the general fund, the decline in pooled cash, budget issues and unfunded liabilities for post-employment benefits. Due to the suspension and subsequent repeal of Public Act 4, Gov. Snyder appointed Edward J. Kurtz as Emergency Financial Manager under Public Act 72 for the City of Flint, effective August 9, 2012. Both the Emergency Manager and the subsequently appointed Emergency Financial Manager were authorized by virtue of their appointment to "act for and in the place and stead of the governing body and the office of chief administrative officer of the City of Flint." On March 28, 2013, Public Act 436 will become effective and provides that an emergency financial manager appointed and serving under state law immediately prior to the effective date shall continue to serve as an emergency manager under Public Act 436. As an alternative to continuation of an emergency manager, and if the financial emergency has been rectified, Public Act 436 authorizes the governor to appoint a receivership transition advisory board, which serves at the pleasure of the governor and monitors the affairs of the local government until the receivership is terminated.]

No vote was taken on this amendment.

Amended

130210.1 Amended Resolution/City Council/Mayor Dayne Walling/Request for Appointment of Transition Advisory Board

Amended resolution resolving that Mayor Dayne Walling and the Flint City Council request and recommend to Gov. Rick Snyder that a receivership transition advisory board be appointed for the City of Flint under Public Act 436 no later than July 1, 2013. [NOTE: On December 1, 2011, Gov. Snyder appointed Michael K. Brown as Emergency Manager under Public Act 4 for the

City of Flint, due in part to a consistent deficit in the general fund, the decline in pooled cash, budget issues and unfunded liabilities for post-employment benefits. Due to the suspension and subsequent repeal of Public Act 4, Gov. Snyder appointed Edward J. Kurtz as Emergency Financial Manager under Public Act 72 for the City of Flint, effective August 9, 2012. Both the Emergency Manager and the subsequently appointed Emergency Financial Manager were authorized by virtue of their appointment to "act for and in the place and stead of the governing body and the office of chief administrative officer of the City of Flint." On March 28, 2013, Public Act 436 will become effective and provides that an emergency financial manager appointed and serving under state law immediately prior to the effective date shall continue to serve as an emergency manager under Public Act 436. As an alternative to continuation of an emergency manager, and if the financial emergency has been rectified, Public Act 436 authorizes the governor to appoint a receivership transition advisory board, which serves at the pleasure of the governor and monitors the affairs of the local government until the receivership is terminated.] [Six-page resolution amended for changes proposed by City Council, City Clerk and Mayor Dayne Walling.]

A motion was made by Councilperson Freeman, seconded by Councilperson Poplar, that this matter be Adopted. The motion carried by the following vote:

Aye: 8 - Councilperson Poplar, Vice President Nolden, Councilperson Freeman, Councilperson Lawler, Councilperson Neeley, Councilperson Sarginson, President Kincaid and Councilperson Croom

Absent: 1 - Councilperson Weighill

MEETING SCHEDULE

ADDITIONAL COUNCIL DISCUSSION

ADJOURNMENT

Having no further business, Council President Scott Kincaid adjourned the meeting at 8:59 p.m.

Respectfully transcribed and submitted,

Janell Johnson, Administrative Secretary to City Council

EM SUBMISSION NO.: 2013EM041PRESENTED: 3-28-13ADOPTED: 3-29-13

BY THE EMERGENCY MANAGER:

**RESOLUTION TO PURCHASE CAPACITY FROM
KAREGNONDI WATER AUTHORITY**

The Karegnondi Water Authority (KWA) is a governmental consortium of cities and counties in southeastern Michigan that was created to build a water pipeline that will provide water from Lake Huron to interested communities in Sanilac, Lapeer, and Genesee counties. The incorporating bodies that created the KWA are Sanilac County, Lapeer County, Genesee County, the City of Flint, and the City of Lapeer.

The City of Flint is currently in a year to year contract with the City of Detroit for the purchase of water. A study was conducted that projected that staying with Detroit will cost the region \$2.1 billion over the next 25 years. In contrast, if the region builds its own pipeline, the projected costs are \$1.9 billion over the same period. After the initial 25 year period, the projected costs would be less than 25% of the projected water costs from Detroit.

In order to build the pipeline, the KWA needs commitment from its members regarding the capacity that each member will purchase in the pipeline. The KWA is allowed to withdraw 85 million gallons of water per day. Capacity is available to members in increments of 1 million gallons per day known as units. For each unit of capacity that a member purchases, the buyer shall pay to the KWA a one time fee of \$32,300.00. Additionally, the buyer shall pay to the KWA not less than \$32,300.00 per unit per year until such time as water is made available to the buyer. After water is made available, the buyer shall pay to the KWA an estimated amount not to exceed \$355,300.00 per unit per year until such time that the bonds are paid in full. If it is determined that the costs per unit will exceed \$355,300.00 the buyer has a right to cancel the contract.

The purchase of capacity along with the payment of other costs necessary to operate the pipeline gives the member a right to water for sale to its customers. The buyer has a right to resell capacity and water rights. Each party entering into a capacity contract shall also be entitled to appoint additional board members equal to the party's percentage share of the total capacity under contract.

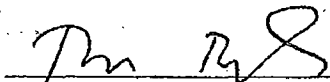
It is in the long term best interests of the City of Flint to enter into a contract with the KWA to purchase up to eighteen (18) units of capacity.

IT IS RESOLVED that City officials are authorized to enter into a contract with KWA to purchase up to eighteen (18) units of capacity.

IT IS FURTHER RESOLVED that the City Administrator is authorized to provide KWA information needed to administer the contract and, with approval of the Chief Legal Officer, to make minor (non-material) modifications to the contract.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

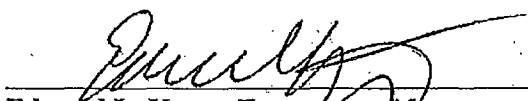

Peter M. Bade, City Attorney


For Gerald Ambrose, Finance Director

EM DISPOSITION:

ENACT ✓ FAIL

DATED 3-29-13


Edward L. Kurtz, Emergency Manager

Flint

Flint City Council approves resolution to buy water from Karegnondi, state approval still needed



[<http://connect.mlive.com/staff/dadams1/index.html>] By Dominic Adams [dadams5@mlive.com [<http://connect.mlive.com/staff/dadams1/posts.html>]
Follow on Twitter [<http://www.twitter.com/dominicadams>]
on March 25, 2013 at 10:46 PM, updated March 26, 2013 at 1:28 AM

FLINT, MI – Flint is one step closer to getting its water from Lake Huron as part of the Karegnondi Water Authority.

The vote, approved 7-1 at the Flint City Council meeting Monday, March 25

[http://www.mlive.com/news/flint/index.ssf/2013/03/flint_city_council_again_delay.html] , may have set in motion the end to Flint paying to get its water from Detroit.

Under the proposal, Flint would get 16 million gallons per day of raw water from Lake Huron, pipe it to Flint for treatment and then sell it to customers throughout the city. Another 2 million gallons per day would come from the Flint River and will be treated in Flint.

Mayor Dayne Walling said the Department of Environmental Quality must approve Flint's getting 2 million gallons per day from the Flint River.

Tuesday's meeting followed weeks of discussions and special meetings surrounding the resolution.

"We got there," Councilman Joshua Freeman said. "That's the important thing."

There were more than 50 people at Monday's meeting.

"Going with Karegnondi is the best decision. We have no opinion on the economics of the decision," said Rebecca Fedewa, Flint River Watershed Coalition executive director. "If we start drawing water out of the Flint River, we are at risk of having to start releasing water from our reservoirs."

Genesee County Drain Commissioner Jeff Wright said the decision must still be approved by a county water and waste advisory board. The KWA board will then be reconvened for final approval.

Wright said construction could start in May.

State treasury officials still must approve the city council's move because Flint has an emergency financial manager. All expenditures over \$50,000 must be approved.

Genesee County Drain Commissioner Jeff Wright has said that Flint would pay roughly \$6.4 million annually for water service if it joined the pipeline -- a nearly \$4 million savings on what it pays Detroit for water.

Walling previously said the city would save \$19 million over eight years

[http://www.mlive.com/news/flint/index.ssf/2013/03/flint_city_council_delays_deci.html] by getting water from the KWA.

"It's a historic night in the City of Flint," Walling said. "The savings will be less with the capacity level approved by city council because there will be increased treatment cost for the river water."

He said the DEQ told the city it needed to get 18 million gallons per day or there would have to be additional work done at Flint's water plant.

Flint's water plant and the Flint River is currently the backup for Flint and Genesee County, however, the plant only operates four times per year.

Councilman Bryant Nolden was the lone dissenting vote.

"It was a protest vote," Nolden said. "I knew they had enough votes. I just feel like the Flint River is our best option."

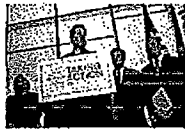
Karegnondi is the regional water authority that includes Genesee, Lapeer and Sanilac counties and the cities of Flint and Lapeer.

Flint is the second municipality, behind Genesee County, to officially decide to purchase raw water through the KWA. Lapeer city officials said they intend to purchase water, but an agreement has been finalized.

Dominic Adams is a reporter for MLive-Flint Journal. Contact him at dadams5@mlive.com or 810-241-8803. Follow him on Twitter [<http://www.twitter.com/dominicadams>], Facebook [<http://www.facebook.com/dominic.adams.1865>] or Google+ [<https://plus.google.com/103690672506808729911?rel=author>].

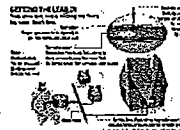


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Here's how that toxic lead gets into Flint water

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GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

JEFFREY WRIGHT

COMMISSIONER

G-4608 BEECHER ROAD, FLINT, MI 48532
PHONE (810) 732-1580 FAX (810) 732-1474



FOR IMMEDIATE RELEASE

CONTACT: Jeff Wright

March 26, 2013

810-287-1925

What: Jeff Wright Statement on Flint City Council Approving Resolution to Join KWA.

When: March 26, 2013

Additional Info: Jeff Wright, CEO of the KWA, today praised the Flint City Council for voting to approve a resolution to officially have the City of Flint join the KWA and its' water line.

"I have said from the beginning that this decision must be made by Flint's City Council and Mayor," said Wright. "I appreciate the council voting the way they did, but even more than that, I am glad the residents of Flint were able to have their voices heard via their elected officials." The next step in the process will come with the KWA Board executing the contract for the City.

"The most important aspect from the vote is the fact that we as an Authority can move forward knowing Flint's intentions," said Wright.

Despite Emergency Manager Ed Kurtz publicly supporting the project, Wright had made a vote by council a condition of Flint joining the KWA so the residents would have their say.

"There is a basic tenet that government is best when it has local control. We saw that with the council vote. Nobody, whether they live in Flint, Grand Blanc, Davison, Fenton, or anywhere in Genesee County, should have these types of decisions made by people who live outside of their community," said Wright.

At the next Water and Waste Advisory Board meeting a vote will be taken to award a contract for construction of the intake portion of the water line. All bids were submitted to the board at their last meeting for review.

89 (Rev. 02-11)



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

ANDY DILLON
STATE TREASURER

Mr. Edward Kurtz
Emergency Manager
City of Flint
1101 South Saginaw Street
Flint, MI 48502

April 11, 2013

Dear Mr. Kurtz:

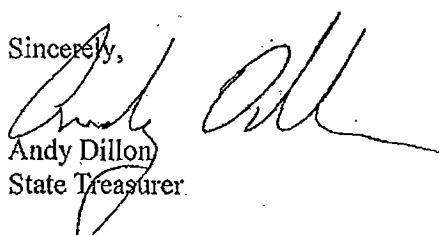
Thank you for your March 29, 2013 letter, which is attached for reference. As the Emergency Manager for the City of Flint ("Flint" or "City"), you have asked for my concurrence, pursuant to Public Act 436 of 2012, the Local Financial Stability and Choice Act, to authorize a contract in excess of \$50,000.00 not subject to competitive bidding. This request was related to the City entering into an agreement with the Karegnondi Water Authority (KWA) for provision of raw water for the City.

In considering your request, I took note of the following facts in support of Flint joining KWA. First, there is widespread support in the City for this move, including the support of the Mayor, the City Council, and the Emergency Manager. Second, this move will provide a unique opportunity for the City and County to partner on an important project, which will hopefully lead to future regional collaboration. Third, the Department of Environmental Quality is supportive of the City participating in the KWA project. Finally, your representations that this deal will lead to substantial savings for the City over the coming decades, savings that are desperately needed to help with the turnaround of the City of Flint.

It is my understanding that the Detroit Water and Sewer Department is making a final best offer to Genesee County and the City of Flint next Monday, April 15, 2013. As such, this approval will be effective at 5 pm on April 16, 2013 after receiving written notice from the City that either no such offer was presented to the county and the City or that an offer was received and was rejected in good faith based upon specified objections.

For the reasons described above and subject to the conditions set forth herein, pursuant to Section 12 (3) of PA 436 of 2012, I am authorizing you to proceed with adopting the resolution and entering into a contract with KWA.

Sincerely,


Andy Dillon
State Treasurer

Flint

Flint council supports buying water from Lake Huron through KWA



[<http://connect.mlive.com/staff/dadams1/index.html>] By Dominic Adams | dadams5@mlive.com [<http://connect.mlive.com/staff/dadams1/posts.html>]
Follow on Twitter [<http://www.twitter.com/dominicadams>]
on March 25, 2013 at 7:17 PM, updated March 26, 2013 at 7:43 AM

FLINT, MI -- Flint residents may soon get their water from Lake Huron.

The Flint City Council voted 7-1 to get 16 million gallons per day from the Karegnondi Water Authority.

"This is about compromise," said Councilman Sheldon Neeley.

Neeley got support from Councilman Joshua Freeman, after the two were previously at odds about the amount the city should withdraw from Lake Huron.

Councilman Bryant Nolden was the lone "no" vote.

"It was a protest vote," Nolden said. "I just feel like the Flint River is our best option."

Genesee County Drain Commissioner said construction of the pipeline could start in May.

The city currently pays to get its water from Detroit.

State treasury officials still must approve the city council's move because Flint has an emergency financial manager. All expenditures over \$50,000 must be approved.

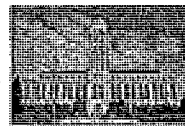
Dominic Adams is a reporter for MLive-Flint Journal. Contact him at dadams5@mlive.com or 810-241-8803. Follow him on Twitter [<http://www.twitter.com/dominicadams>], Facebook [<http://www.facebook.com/dominic.adams.1865>] or Google+ [<https://plus.google.com/103690672506808729911?rel=author>].

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Resolution: 130165.2

Presented: 3-11-13

Adopted: 3-25-13

**AMENDED RESOLUTION TO PURCHASE CAPACITY
FROM KAREGNONDI WATER AUTHORITY**

BY THE MAYOR:

The Karegnondi Water Authority (KWA) is a governmental consortium of cities and counties in southeastern Michigan that was created to build a water pipeline that will provide water from Lake Huron to interested communities in Sanilac, Lapeer, and Genesee counties. The incorporating bodies that created the KWA are Sanilac County, Lapeer County, Genesee County, the City of Flint, and the City of Lapeer.

The City of Flint is currently in a year to year contract with the City of Detroit for the purchase of water. A study was conducted that projected that staying with Detroit will cost the region \$2.1 billion over the next 25 years. In contrast, if the region builds its own pipeline, the projected costs are \$1.9 billion over the same period. After the initial 25 year period, the projected costs would be less than 25% of the projected water costs from Detroit.

In order to build the pipeline, the KWA needs commitment from its members regarding the capacity that each member will purchase in the pipeline. The KWA is allowed to withdraw 85 million gallons of water per day. Capacity is available to members in increments of 1 million gallons per day known as units. For each unit of capacity that a member purchases, the buyer shall pay to the KWA a one time fee of \$32,300.00. Additionally, the buyer shall pay to the KWA not less than \$32,300.00 per unit per year until such time as water is made available to the buyer. After water is made available, the buyer shall pay to the KWA an estimated amount not to exceed \$355,300.00 per unit per year until such time that the bonds are paid in full. If it is determined that the costs per unit will exceed \$355,300.00 the buyer has a right to cancel the contract.

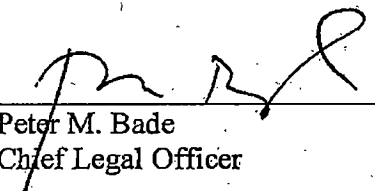
The purchase of capacity along with the payment of other costs necessary to operate the pipeline gives the member a right to water for sale to its customers. The buyer has a right to resell capacity and water rights. Each party entering into a capacity contract shall also be entitled to appoint additional board members equal to the party's percentage share of the total capacity under contract.

The City of Flint has decided that it is in its long term best interests to enter into a contract with the KWA to purchase SIXTEEN (16) units of capacity, plus TWO (2) units from the Flint River.

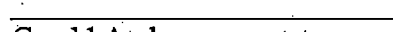
IT IS RESOLVED that City officials are authorized to enter into a contract with KWA to purchase SIXTEEN (16) units of capacity, plus TWO (2) units from the Flint River.

IT IS FURTHER RESOLVED that the City Administrator is authorized to provide KWA information needed to administer the contract and, with approval of the Chief Legal Officer, to make minor (non-material) modifications to the contract.

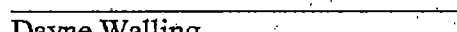
APPROVED AS TO FORM:)


Peter M. Bade
Chief Legal Officer

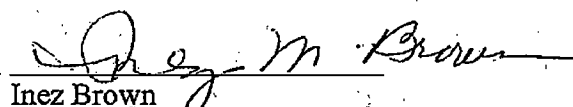
APPROVED AS TO FINANCE:


Gerald Ambrose
Finance Director

APPROVED BY MAYOR:


Dayne Walling
Mayor

APPROVED BY CITY COUNCIL
ON: March 25, 2013


Inez Brown
Clerk, City of Flint

APPROVED BY
CITY COUNCIL

MAR 25 2013