

City of Flint
Receivership Transition Advisory Board Agenda
Special Meeting
Wednesday – October 26, 2016
2:00 PM

Flint City Hall
Council Chamber – 3rd Floor
1101 S. Saginaw St.
Flint, Michigan 48502

I. CALL TO ORDER

- A. Roll Call
- B. Approval of Agenda

II. UNFINISHED BUSINESS

None.

III. NEW BUSINESS

- A. Approval of Resolution #160481 (Order to Dismiss Litigation Case No. 16-107434-CZ) (attachment #1)
- B. Approval of Resolution #160482 (Republic Waste Services Contract) (attachment #2)
- C. Approval of Resolution #2016-5 (Amendment of EM Order No. 3) (attachment #3)

IV. PUBLIC COMMENT

V. ADJOURNMENT

RESOLUTION NO: _____

PRESENTED: 10-24-2016

ADOPTED: _____

RESOLUTION

BY THE CITY COUNCIL:

Whereas, the Flint City Council and eight members thereof are Plaintiffs in the case of Jacqueline Poplar, Council Representative Ward 2, Kerry L. Nelson, Council Representative Ward 3, Kate Fields, Council Representative Ward 4, Wantwaz D. Davis, Council Representative Ward 5, Herbert Winfrey, Council Representative Ward 6, Monica Galloway, Council Representative Ward 7, Vicki VanBuren, Council Representative Ward 8, Scott Kincaid, Council Representative Ward 9, and Flint City Council, a municipal entity v City of Flint, Office of the Mayor and Karen Weaver; Case No: 16-107434-CZ; and

Whereas, the parties have been able to negotiate a resolution of this dispute and stipulate to a dismissal of the lawsuit with prejudice, in accordance with the stipulated order of dismissal attached hereto; and

Whereas, pursuant to amended EM order 3, settlement of lawsuits must be approved by RTAB;

IT IS HEREBY RESOLVED that the Flint City Council and Jacqueline Poplar, Council Representative Ward 2, Kerry L. Nelson, Council Representative Ward 3, Kate Fields, Council Representative Ward 4, Wantwaz D. Davis, Council Representative Ward 5, Herbert Winfrey, Council Representative Ward 6, Monica Galloway, Council Representative Ward 7, Vicki VanBuren, Council Representative Ward 8, Scott Kincaid, Council Representative Ward 9, dismiss Case No: 16-107434-CZ, in accordance with the stipulated order of dismissal attached hereto and incorporated herein subject to the approval of RTAB.

APPROVED PURCHASING DEPT:

APPROVED AS TO FINANCE:

APPROVED AS TO FORM:

Derrick Jones
Purchasing Manager

David L. Sabuda
Chief Financial Officer

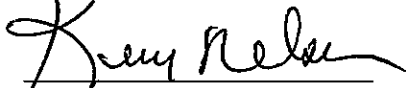
Stacy Erwin Oakes
Chief Legal Officer

Karen Weaver
Mayor

Sylvester Jones Jr.
City Administrator

Attachment #1

CITY COUNCIL:



Kerry Nelson
Council President

RECEIVERSHIP TRANSITION ADVISORY BOARD:

PRESENTED TO CITY
COUNCIL:

10-24-2016

ADOPTED BY CITY
COUNCIL:

10-24-2016

STATE OF MICHIGAN

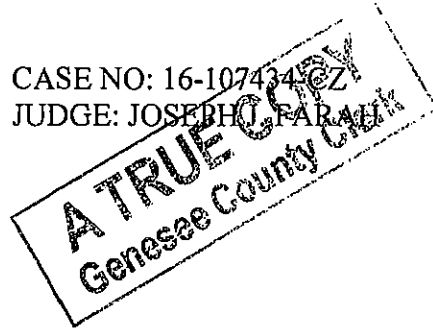
IN THE 7TH CIRCUIT COURT FOR THE COUNTY OF GENESEE

JACQUELINE POPLAR, Council Representative Ward 2,
KERRY L. NELSON, Council Representative Ward 3,
KATE FIELDS, Council Representative Ward 4,
WANTWAZ D. DAVIS, Council Representative Ward 5,
HERBERT WINFREY, Council Representative Ward 6,
MONICA GALLOWAY, Council Representative Ward 7,
VICKI VANBUREN, Council Representative Ward 8,
SCOTT KINCAID, Council Representative Ward 9, and
FLINT CITY COUNCIL, a municipal entity,

Plaintiffs,

v

CASE NO: 16-107434-02
JUDGE: JOSEPH J. FARAH



CITY OF FLINT, OFFICE OF MAYOR
A chief executive officer of City of Flint,
and KAREN WEAVER, individually,

Defendants.

Barry A. Wolf, Attorney at Law, PLLC
By: Barry A. Wolf (P40709)
Attorney for Plaintiff Flint City Council
503 S. Saginaw Street, Suite 1410
Flint, MI 48502
(810)762-1084

Simen, Figura & Parker, PLC
By: Michael J. Gildner (P49732)
Attorney for City of Flint only
5206 Gateway Centre, Suite 200
Flint, MI 48507
(810)235-9000

The Williams Firm, P.C.
By: Kendall B. Williams (P27896)
Attorney For Karen Weaver
8263 S. Saginaw Street
Grand Blanc, MI 48439
(810)695-7777

Kirk, Huth, Lange & Badalamenti, PLC
By: Robert S. Huth, Jr. (P42531)
Co-Counsel for Defendant Karen Weaver
19500 Hall Road, Suite 100
Clinton Township, MI 48038
(586) 412-4900

STIPULATED ORDER OF DISMISSAL

At a session of said court held at the
Courthouse in the City of Flint, Michigan,
on the ____ day of October, 2016.

PRESENT: HONORABLE JOSEPH J. FARAH, CIRCUIT COURT JUDGE

Attachment #1

This matter having come before the court upon stipulation of the parties; and

The parties having agreed that this matter shall be resolved and dismissed with prejudice, without costs or attorney fees, in accordance with the below terms and conditions; and

The Court being otherwise fully appraised of the facts and issues herein.

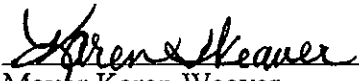
IT IS HEREBY ORDERED AND ADJUDGED that Case No: 16-107434-CZ shall be dismissed with prejudice and in accordance with the following terms and conditions:

1. The City of Flint shall extend the solid waste collection contract with Republic Waste Services (“Republic”), at the 3 year bid price of Rizzo Environmental Services (“Rizzo”) as set forth in Bid Proposal 16-541, prorated over a 1 year period (\$3,736,032). The extended contract period shall be from November 12, 2016 through November 12, 2017.
2. The City of Flint shall be authorized to enter into a revised extended contract with Republic which includes the revised 1 year contract price, and requires Republic to provide solid waste collection services equal to those specified in the bid proposal submitted by Rizzo.
3. If Republic satisfactorily provides solid waste collection services in accordance with the revised extended contract, the Mayor of Flint shall have the discretionary right, in accordance with the contract, to extend the term of the contract with the Republic for 1 year, from November 12, 2017 through November 12, 2018.
4. The Administration of the City of Flint shall develop a detailed request for bid and bid evaluation procedure for solid waste collection services. The parties agree that the Mayor, at her discretion, may solicit bids for a solid waste collection contract. The starting date for any contract awarded through this bid process shall be no sooner

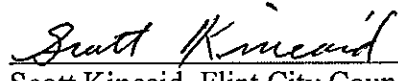
Attachment #1

than November 13, 2017. The bid process remains subject to all provisions of the Purchasing Ordinance(s) of the Flint City Code. (18-21 et seq.)

5. The agreement of the parties to dismiss the instant cause of action pursuant to the terms stated herein, and to have the City of Flint enter into a revised extended waste collection contract with Republic shall require the review and approval, for financial accountability, of the Receivership Transition Advisory Board ("RTAB"). This Order of Dismissal will take effect immediately upon the approval by the RTAB.
6. The terms of this Order of Dismissal shall not apply to any claim for attorney fees which may be made by Attorney Barry Wolf for legal services provided to the individual Plaintiffs named herein, and the defenses the City of Flint may assert relative to such claim.




Mayor Karen Weaver
Date: 10-20-16



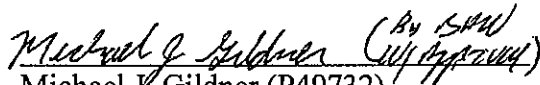
Scott Kincaid, Flint City Council
Date: 10-20-16

Dated: 10/20/16

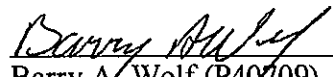


HONORABLE JOSEPH J. FARAH
CIRCUIT COURT JUDGE

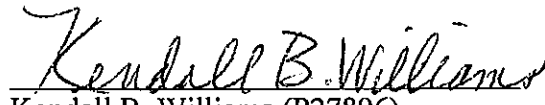
Approved as to form:



Michael J. Gildner (P49732)
Attorney for City of Flint



Barry A. Wolf (P40709)
Attorney for Plaintiff Flint City Council



Kendall B. Williams (P27896)
Attorney for Office of the Mayor and
Karen Weaver

Robert S. Huth, Jr. (P42531)
Co-Counsel for Defendant Karen Weaver

(Proposal 160000541)

SUBMISSION NO.: CA3032016

PRESENTED: 10/24/16

ADOPTED: _____

**RESOLUTION TO REPUBLIC WASTE SERVICES
FOR WASTE COLLECTION SERVICES**

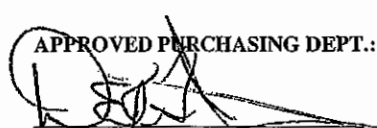
BY THE CITY ADMINISTRATOR:

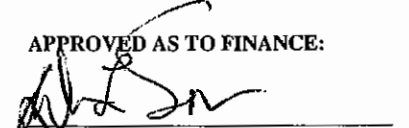
RESOLUTION

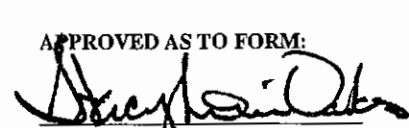
The City Administration is submitting a resolution, per the State of Michigan, 7th Circuit Court, County of Genesee court order, for waste collection services as requested by the Department of Public Works/Transportation Division; and


Tri-County Refuse Service, Inc., dba Republic Services, G-3328 Torrey Rd., Flint, MI is the vendor that has been mutually agreed upon to perform said services for a period of one year (11/12/2016 – 11/12/2017) with an option to extend the contract for an additional year. Funding for said services will come from the following account: 226-528.201-801.000; and

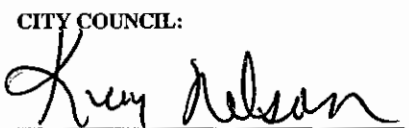
IT IS RESOLVED that the Proper City Officials are hereby authorized to enter into a contract with Tri-County Refuse Service, Inc, dba Republic Services for waste collection services for period of one year (11/12/2016 – 11/12/2017) with an option to extend the contract for an additional year. The first year cost is in the amount not to exceed \$3,736,032.00 and the optional additional year is in the amount of \$3,736,032.00 for an aggregate total of \$7,472,064.00. (Rubbish Collection Fund) \$3,736,032.00 pending adoption of the FY18 budget

APPROVED PURCHASING DEPT.:

Derrick Jones, Purchasing Manager

APPROVED AS TO FINANCE:

David L. Sabuda, Chief Financial Officer

APPROVED AS TO FORM:

Stacy Erwin, Chief Legal Officer


Sylvester Jones, Jr, City Administrator

CITY COUNCIL:

Kerry Nelson, Council President

RECEIVERSHIP TRANSITION ADVISORY BOARD:

PRESENTED TO CITY COUNCIL: 10-24-2016

ADOPTED BY CITY COUNCIL: 10-24-2016



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

NICK A. KHOURI
STATE TREASURER

**RECEIVERSHIP TRANSITION ADVISORY BOARD
FOR
THE CITY OF FLINT**

RESOLUTION 2016-5

AMENDING EMERGENCY MANAGER AMBROSE ORDER No. 3

WHEREAS, Section 23(1) of Public Act 436 of 2012, the Local Financial Stability and Choice Act (the "Act"), provides that “[b]efore removing a local government from receivership, the governor may appoint a receivership transition advisory board to monitor the affairs of the local government until the receivership is terminated”; And

WHEREAS, Section 23(2) of the Act provides that “[a] receivership transition advisory board shall consist of the state treasurer or his or her designee, the director of the department of technology, management, and budget or his or her designee, and, if the local government is a school district, the superintendent of public instruction or his or her designee. The governor also may appoint to a receivership transition advisory board 1 or more other individuals with relevant professional experience, including 1 or more residents of the local government”; And

WHEREAS, Section 23(5)(h) of the Act authorizes a receivership transition advisory board to perform, in addition to duties specified in the Act, “any other duties assigned by the governor at the time the receivership transition advisory board is appointed”; And

WHEREAS, on April 29, 2015, the Governor appointed a Receivership Transition Advisory Board for the City of Flint (the “Board”). The Governor’s appointment letter authorized the Board to, among other things, “[r]ecommend amendments, modifications, repeal, or termination

of Emergency Manager Order No. 20, or any other Flint Emergency Manager orders, to the State Treasurer.”

NOW THEREFORE, be it resolved by the Board as follows:

1. That it be recommended to the State Treasurer that Paragraph 21 of Flint Emergency Manager Ambrose Order No. 3, as amended by RTAB Resolution 2016-3, be amended to read as follows:

Review current and potential litigation and labor disputes with the Chief Legal Officer, Chief Financial Officer, Mayor, and City Council, and with the concurrence of the Chief Legal Officer, propose to the Mayor, and City Council consistent with Section 4-604 of the City charter, the settlement or initiation of litigation or resolution of a labor dispute. A proposed settlement or initiation of litigation or resolution of a labor dispute shall contain a detailed statement by the Chief Financial Officer indicating the estimated financial impact upon the City for each fiscal year affected by the proposed settlement or initiation of litigation or resolution of a labor dispute. A proposed settlement ~~or initiation~~ of litigation or resolution of a labor dispute shall not be effective unless approved by the Board.

2. That the minutes of the Board meeting at which this Resolution is adopted take notice of the adoption of this Resolution.
3. The State Treasurer may approve this Resolution by executing a counterpart copy separate from that approved by the Board, each of which copies when executed shall be deemed an original, but all of which when taken together shall constitute one and the same Resolution.
4. This Resolution shall have immediate effect.

IN WITNESS WHEREOF, the members of the Receivership Transition Advisory Board for the City of Flint, or their designees, have signed and adopted this Resolution.

FLINT RECEIVERSHIP TRANSITION ADVISORY BOARD

By _____
Frederick Headen, Chairperson

By _____
Joel Ferguson, Board Member

By _____
Michael A. Finney, Board Member

By _____
Michael A. Townsend, Board Member

Date: _____
Flint, Michigan

Approved pursuant to the Governor's April 29, 2015, letter appointing the Receivership Transition Advisory Board for the City of Flint.

By _____
N.A. Khouri, State Treasurer

Date: _____
Lansing, Michigan