

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30755
LANSING, MICHIGAN 48909

August 16, 2017

VIA EMAIL AND US MAIL

City of Flint
ATTN: City Administrator Sylvester Jones
1st Floor, City Hall
1101 South Saginaw Street
Flint, Michigan 48502

City of Flint Department of Law
ATTN: William Y. Kim
1101 S. Saginaw Street
Flint, Michigan 48502
wkim@cityofflint.com

Re: Notice of City of Flint's Violation of Settlement Agreement in
Concerned Pastors v Khouri

Dear Mr. Jones and Mr. Kim:

The information available to us indicates that the City Council has refused to approve change order #1 to Contract No. 16-061 with McDaniel Consulting, LLC. The City previously contracted with McDaniel Consulting, LLC to serve in the capacity of Consultant and Program Director for the FAST Start Program. As you know, the FAST Start Program has been successfully replacing lead and galvanized steel service lines throughout the City of Flint. Change order #1 would have approved an additional \$60,000 to ensure that the program would continue throughout the remainder of this construction season. And approval would have been at no cost to the City since grant funding had already been provided by the C.S. Mott Foundation.

Under Section IV of the Settlement Agreement in *Concerned Pastors v. Khouri*, the City of Flint has an obligation to excavate lead and galvanized steel service lines that are served by the Flint Water System. Specifically, the City is obligated to excavate 6,000 service lines by January 1, 2018; 12,000 service lines by January 1, 2019; and 18,000 service lines by January 1, 2020. To date, the City has only excavated 3,122. The City Council's refusal to approve the change order will effectively remove the director of this program. General McDaniel's planning, monitoring, and engagement with the contractors conducting the excavations has been critical to this massive undertaking. Without General McDaniel's leadership

Messrs. Jones and Kim

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in the FAST Start Program, the State does not believe the City can meet its obligations under the Settlement Agreement, and will effectively put public health at further risk.

This letter constitutes written notice of the dispute and intent to file a motion to enforce the Settlement Agreement as required under Section XIII of the Agreement. Please let us know your availability to meet and confer as soon as possible within the next fourteen (14) days regarding this dispute.

Sincerely,



Richard S. Kuhl
Assistant Attorney General
ENRA Division
(517) 373-7540

cc: C. Heidi Grether, Director, MDEQ
Keith Creagh, Director, MDNR
Richard Baird, Governor's Office
Karen Williams Weaver, Mayor, City of Flint
Kerry L. Nelson, President, Flint City Council
S. Peter Manning, Division Chief, MDAG-ENRA
Eugene Driker, BSDD
Todd Mendel, BSDD
Dimple Chaudhary, NRDC
Sarah Tallman, NRDC
Michael Steinberg, ACLU

MAB/kaw