

1 CITY OF FLINT -
2 RECEIVERSHIP TRANSITION ADVISORY BOARD MEETING -
3 AUGUST 10, 2016 -
4 2:00 p.m. -
5
6 Meeting before the
7 RTAB Board at Flint City Hall, Flint, Michigan, on -
8 Wednesday, August 10, 2016.
9
10 BOARD MEMBERS PRESENT: -
11 Frederick Headen - The Chairperson -
12 Michael Finney -
13 Joel Ferguson
14 FROM THE CITY:
15 Mayor Karen Weaver -
16 City Administrator, Sylvester Jones
17 Purchasing Director, Derrick Jones -
18 Council President, Kerry Nelson
19 City Administrator, Sylvester Jones -
20 Deputy Finance Director, Dawn Steele -
21 Water Plant Supervisor, JoLisa McDay
22
23 OTHERS PRESENT:
24 R. Eric Cline -
25 Council President, Kerry Nelson
Purchasing Director, Derrick Jones -
Arthur Woodson
R.L. Mitchell -
Dorothy Bachelor -
A.C. Dumas -
26
27 REPORTED BY: Mona Storm, CSR# 4460 -
28
29

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1 Flint, Michigan -

2 Wednesday, August 10, 2016 -

3 2:06 p.m. -

4 THE CHAIRPERSON: The meeting will be in -
5 order, please. -

6 Let the record reflect that we do have a -
7 quorum. Mr. Townsend was unable to attend this -
8 afternoon's meeting. Unfortunately, he had a death in -
9 the family. I'm going to ask that Mr. Townsend be -
10 granted an excused absence. -

11 MR. FINNEY: Excuse me. They're not hearing -
12 you. -

13 THE CHAIRPERSON: Without objection. Do we -
14 have the mics on? -

15 Okay. Without objection, Mr. Townsend will -
16 have an excused absence. -

17 Next item is the approval of the agenda. -
18 Before we do that, I think certain comments are in -
19 order this afternoon that we can bear upon later on in -
20 the agenda. -

21 First, in order to facilitate effective and -
22 efficient operating of all our RTABs, not just this -
23 one, the Department of Treasury's staff has put in -
24 place certain current procedures. For example, -
25 Treasury staff has established, with each local -

1 government for which an RTAB has been appointed, -
2 including the City of Flint, a calendar that contains -
3 the dates of all RTAB meetings for that local -
4 government and the deadline by which local officials -
5 must submit agenda items for each RTAB meeting. For -
6 example, the deadline by which agenda items had to be -
7 submitted for today's RTAB meeting was July 29th. -

8 The repeated practice of City officials of -
9 submitting agenda items at the last minute deprives -
10 both Treasury staff and the RTAB of the opportunity to -
11 thoroughly review such items to acquire additional -
12 information, if needed, and to dispose of items in an -
13 orderly and measured manner. -

14 The Department recognizes that an emergency -
15 situation may arise and certain occasions may justify -
16 an occasional departure from the time that has been -
17 established for submitting agenda items. However, the -
18 Department will treat such emergency situations as -
19 rarities, as they should be. -

20 And I believe we'll have such an emergency -
21 situation we're dealing with later this afternoon -
22 regarding the addition of an item. So, when that -
23 occurs, the RTAB is fully willing to accommodate the -
24 City in that regard. However, the routine practice of -
25 submitting agenda items to Treasury staff at the last -

1 minute really must cease. -

2 Second, this Board met first in June of 2015. -
3 It held six meetings last year. By contrast, thus far -
4 in 2016, including today, this Board has held, in seven -
5 and a half months, 15 meetings. City Administrator's -
6 office has requested a number of special meetings and -
7 this Board has accommodated the majority of those, plus -
8 often quite on short notice. -

9 However candidly by revision we request -
10 settlement coverage that involve general emergencies. -
11 Waiting until last minute, dealing with items of -
12 business that require RTAB approval does not justify a -
13 request for a special RTAB meeting. Special meetings -
14 and requests for special meetings are problematic for -
15 the same reason as submitting agenda items at the last -
16 minute. -

17 Therefore, we ask City officials to keep any -
18 future requests from special meetings at an absolute -
19 minimum when some genuine emergency exists to justify, -
20 which, hopefully, will be quite seldom. -

21 Third, by the City's own internal procedures, -
22 resolutions must be signed by designated City -
23 officials; for example, the CFO or the Chief Legal -
24 Officer. Members of this Board have, on multiple -
25 occasions, expressed reluctance to consider resolutions -

1 that do not contain all required signatures and the -
2 reason for this reluctance is sound. Without all -
3 required signatures, we, as RTAB members, have no way -
4 of knowing whether the appropriate City officials have -
5 seen, reviewed and/or approved the given resolution. -

6 And then, finally, a reminder, Section 10 of -
7 the Local Financial Stability and Choice Acts -
8 authorizes emergency managers to issue orders that are -
9 binding upon local officials. -

10 Section 22 of the act provides, among other -
11 things, an act for when an emergency manager departs. -
12 Local official may not revise an order implemented by -
13 the emergency manager until one year after the -
14 termination of receivership. Of course, this City -
15 remains in receivership. -

16 EM Ambrose Order Number 20 authorized the -
17 City Council to adopt ordinances and resolutions not -
18 inconsistent with the order from State law. However, -
19 the order clearly provides that ordinances and -
20 resolutions adopted by the City Council are subject to -
21 approval by this Board before they can take effect. -

22 This provision of EM Ambrose Order Number 20 -
23 applies to all resolutions, including resolutions by -
24 the Council to initiate adjoined litigation or to -
25 request outside counsel. Until those resolutions have -

1 been properly submitted to the Department of Treasury -
2 and are approved by this Board, those resolutions are -
3 not effective. -

4 Now, with that said, we'll return to the -
5 agenda and I'll ask the members if there are any -
6 additions that they would like to make to the agenda -
7 before I request it be approved. -

8 MR. FERGUSON: Yeah, I have two items I'd -
9 like to discuss. -

10 THE CHAIRPERSON: Mr. Ferguson? -

11 MR. FERGUSON: Yeah. -

12 THE CHAIRPERSON: I'm assuming you'd like to -
13 address Resolutions 347 and 348. -

14 MR. FERGUSON: That's correct. -

15 MR. FINNEY: Support. I would support that. -

16 THE CHAIRPERSON: Motion's made and seconded. -

17 Without objection, those two resolutions will -
18 be added. The Chair would also like to add the -
19 Resolution 344, which was transmitted this morning. I -
20 believe that concerns corrosion control items in the -
21 water system and it's urgent that that particular item -
22 be addressed this afternoon. -

23 Without objection, we'll add that as well. -

24 MR. FERGUSON: So move. -

25 MR. FINNEY: So move. -

1 THE CHAIRPERSON: Hmm? -

2 Are there other additions to the agenda? -

3 If not, at this time, we have a motion that -
4 the agenda, as advised, be approved. -

5 MR. FERGUSON: So move. -

6 MR. FINNEY: Support. -

7 THE CHAIRPERSON: Those in favor, please say -
8 "aye". -

9 BOARD MEMBERS: Aye. -

10 THE CHAIRPERSON: Opposed? -

11 The agenda's approved. -

12 Next item is the approval of RTAB meeting -
13 minutes. We'll begin with the meeting of July 13, -
14 that's Attachment 1. Are there corrections or -
15 additions to those minutes? -

16 MR. FINNEY: Mr. Chair, I would move to -
17 approve. -

18 THE CHAIRPERSON: Is there support? -

19 MR. FERGUSON: Support. -

20 THE CHAIRPERSON: Without objection, the -
21 minutes of July 13 are approved. -

22 The next, the RTAB meeting minutes from -
23 July 22nd, Attachment 2. Are there corrections or -
24 additions to those minutes? -

25 MR. FINNEY: Mr. Chair, I would move -- I -

1 would move approval. -

2 THE CHAIRPERSON: Is there support? -

3 MR. FERGUSON: Support. -

4 THE CHAIRPERSON: Motion's made and seconded. -

5 Without objection, the minutes of July 22nd are -

6 approved. -

7 Unfinished business, I believe there is none. -

8 New business. Madam Mayor? -

9 MAYOR WEAVER: Thank you. And good afternoon -

10 to Mr. Headen, as the Chair, and to the rest of the -

11 RTAB Board. I appreciate you giving me the opportunity -

12 to come before you this afternoon. I am here not to -

13 ask for any favors but I am here to ask that, just like -

14 you talked about the need for us to do what we're -

15 responsible to do, as far as doing our jobs, I'm asking -

16 that the same come from you all as well. -

17 What I'm looking at and what I'm talking -

18 about is what's going on in the City of Flint and -

19 making sure we do our due diligence and our -

20 responsibility to the citizens of this community. -

21 One of the things that we've been doing here -

22 in the City is looking at -- looking at the bidding -

23 process. And one of the things that we have -

24 recognized, as a result of what we have put in place, -

25 is the need to open up bids when a contract expires. -

1 Because one of the things that happens is the current -
2 contract holder came in at \$2 million lower than what -
3 they were previously charging us. -

4 Now, we had a bidding meeting and this took -
5 place on May 12th where our Purchasing Director gave -
6 the information to our City Administrator and our Chief -
7 of Staff. And what happened as a result of that is we -
8 followed the purchasing ordinance. And I'm hoping to -
9 just read something about that ordinance where it says -
10 it was amended by the Emergency Manager in May of 2015. -
11 And I'm talking about Ordinance 3865. And it really -
12 could not be clearer with respect to language that, -
13 from one of the responsible bidders, a recommended -
14 award shall be the lowest bidder. -

15 And I know that's why you all are here -
16 because we're talking about the lowest bidder. This -
17 was put in place. And what we did was follow the -
18 rules, we followed the law. And that's what I'm asking -
19 you all to do as well. Because they came in \$2 million -
20 lower than what they had been bidding, the current -
21 contract holder. -

22 Another contract holder came in \$2 million -
23 below that, which means that we'd be paying \$4 million -
24 less for the current service and the same service that -
25 we have in place. And that's the reason that I'm here -

1 and that's why we're here because we are supposed to be -
2 making financial decisions that make sense for the City -
3 of Flint. -

4 We're a city that -- we can't afford to throw -
5 money away; we can't afford to do that at all. And so, -
6 when the -- the issue was brought to me by the City -
7 Council President, as far as getting the information -
8 late from Purchasing, I acknowledged that, I said, "You -
9 are correct." And so I was asked to give a 30-day -
10 extension. At that point, I could have done an -
11 emergency but I didn't want to do that. I wanted to -
12 work with City Council because I do know we need to -
13 work together. -

14 Because last thing I want is you all coming -
15 in here, running the City; and that's not what I'm -
16 asking you to do. We don't want that. I said that -
17 right from the beginning, that I didn't believe in -
18 emergency managers and my thought about that has not -
19 changed. -

20 But we did the 30-day extension, at what -
21 point I thought we would be coming up with a -
22 resolution; we haven't been able to do that. And, in -
23 fact, during the 30 days, nothing was done. Nothing -
24 was done, as far as getting the information that was -
25 needed to make a sound financial decision. -

1 I did see people come up here and talk about -
2 reasons one company was better than another. It was -
3 more like a campaign tactic than taking care of the -
4 business at hand. And then, you know, so what ended up -
5 happening was, after the -- the end of that extension, -
6 Council rejected the resolution by 8 to 1 and created a -
7 new one that I don't think is legal; that's what -
8 happened. And you know, I vetoed that. I vetoed that -
9 and my veto was overridden. -

10 And these are the things that have to stop. -
11 This is why we work together. We got three attorneys -
12 up here that we're paying. We don't have money to pay -
13 an attorney. Mr. Headen, you're an attorney, you know -
14 how much you guys cost and you know what the rules and -
15 the law is. -

16 We've got Mr. Ferguson and Mr. Finney who are -
17 two astute businessmen and they know what it means to -
18 save some money and make good business decisions. And -
19 these are the kinds of decisions that were made before -
20 that got you all sitting up here before us. This is -
21 how we got into an emergency manager was not making the -
22 right, sound financial decisions. -

23 And \$4 million is a lot. \$2 million is a -
24 lot. If it weren't a lot, we wouldn't have been -
25 fighting the State to get the \$2 million back from the -

1 money we used to switch over to the -- to our water -
2 system. We fought for that \$2 million. So this is \$4 -
3 million that we're saving on the taxpayers. -

4 And so what I'm asking you to do is let me do -
5 my job. I feel like I have not been able to govern, -
6 that I can't do what I was elected to do. I'm not -
7 asking you to make a decision about who gets this -
8 contract, but I'm asking you to let me do my job and -
9 not let us get back into an emergency manager -
10 situation. Because, when we're making these kinds of -
11 decisions, that's the direction that we're heading back -
12 in. And I was just wondering, if that's what the -
13 ultimate goal was here, was to get us back into -
14 emergency manager. But that's why we're here. -

15 And it's our responsibility to make sound -
16 financial decisions on the best interest of the people; -
17 that's what we've done. And would anybody look here -
18 and say this has been good governing when we say we've -
19 got money to throw away? We're constantly asking the -
20 State, we're constantly asking the Federal Government -
21 to give us money and then we can't make good financial -
22 decisions ourselves. How does that look? How does -
23 that look? I don't think that looks good to anybody. -

24 And so what I'm here today to ask you is to -
25 let me do my job, let me govern and do what the people -

1 elected me to do and for you all to please do yours as -
2 well. I do have my -- my City Administrator, Chief of -
3 Staff, Legal, I believe my Purchasing Director is here, -
4 if you have any questions about what we've done. -

5 Thank you. -

6 MR. FINNEY: Thank you. -

7 THE CHAIRPERSON: The meeting will be in -
8 order, please. -

9 Councilman Nelson, President Nelson? -

10 COUNCIL PRESIDENT NELSON: Good evening to -
11 the RTAB. I'm glad that you paused for -- to pay us a -
12 visit today. I -- I still only support the Mayor in -
13 doing -- letting us do our job and democracy was -
14 performed and laid out. If you have a procedure and -
15 the process was not completed, then how do you -
16 determine who really is the lowest bidder? -

17 If this committee was not able to perform and -
18 do their job and do a recommendation to the -
19 Administration, how can we actually say that this -
20 company versus this company is the lowest bidder? -

21 And it says "The lowest responsible bidder." -
22 I hear about 2 million and 4 million and we all about -
23 saving money; I believe in that. But there's another -
24 avenue here. I represent some 11,000 people as well as -
25 my colleagues. I can't speak for anybody else. I kept -

1 a recording of mine, a document of how many calls. -
2 I've got over 300 calls; five say go with Rizzo, the -
3 rest say stay where you are. We're satisfied with the -
4 service. So do I turn my back and not listen to the -
5 people that I represent? -

6 I'm thinking we're hearing this from every -
7 colleague, the calls that they're receiving, from the -
8 government. If we have a process, then let us complete -
9 the process. And then, when we completed the process, -
10 if it's whoever the company is, then that's who should -
11 get it. -

12 But the process was interrupted, the -
13 committee did not make a recommendation and said, -
14 "Well, therefore, democracy says we, as leaders, we -
15 have to do what the people say that we -- that we -
16 represent." We're not here to fight, pay lawyers and -
17 all of that. But let the process be the process. And -
18 then, at the end of the day, if -- if it says it goes -
19 to Rizzo, so be it. But the process was interrupted. -

20 And so, fairly, I've said from day one, let -
21 us redo the process. Let's be fair. And that's all -
22 I'm here to say is be fair. And, if there's a process -
23 in place, follow the process. Let the recommendation -
24 come from the committee and then you proceed. That's -
25 all I have. -

1 MR. FERGUSON: Is the committee the Council? -

2 COUNCIL PRESIDENT NELSON: No, the Purchasing -
3 Director -- it was made up of the Purchasing Director, -
4 the Director of Transportation and another young lady -
5 from DPW Department. -

6 MR. FERGUSON: Isn't that committee an -
7 advisory committee? -

8 COUNCIL PRESIDENT NELSON: No, that committee -
9 actually did the interviews and looked at all the -
10 documents. -

11 MR. FERGUSON: That's not my question. The -
12 body who makes a decision for any governmental unit is -
13 the City Council and Mayor. So this committee that -
14 you're talking about is an advisory committee, wouldn't -
15 you say? -

16 COUNCIL PRESIDENT NELSON: I would say. -

17 MR. FERGUSON: They're not --

18 COUNCIL PRESIDENT NELSON: I would say. -

19 MR. FERGUSON: They're not the end-all, -
20 they're just an advisory committee. -

21 COUNCIL PRESIDENT NELSON: No, they were sent -
22 to do a job, Mr. Ferguson. -

23 MR. FERGUSON: And that's not a committee, is -
24 not an absolute. -

25 COUNCIL PRESIDENT NELSON: That, I -

1 understand. -

2 MR. FERGUSON: So I don't want you to elevate -
3 this committee. -

4 COUNCIL PRESIDENT NELSON: I'm not elevating -
5 the committee. -

6 MR. FERGUSON: But they're not a final say. -

7 COUNCIL PRESIDENT NELSON: No, they're not -
8 the final word. -

9 MR. FERGUSON: So people can take a -
10 recommendation from a committee --

11 COUNCIL PRESIDENT NELSON: Correct. -

12 MR. FERGUSON: -- and accept it. But the way -
13 you're making it sound, like this committee really has -
14 far more standing than what they have. -

15 COUNCIL PRESIDENT NELSON: Well, then just -
16 don't have the committee, then. We put the committee -
17 together. Just don't have a committee. -

18 MR. FERGUSON: This is just a recommendation. -

19 COUNCIL PRESIDENT NELSON: No. -

20 MR. FERGUSON: They're not something -
21 to begin --

22 COUNCIL PRESIDENT NELSON: No, they're truly -
23 not. Thank you. -

24 THE CHAIRPERSON: I'm sure we'll have more to -
25 say in a moment. -

1 We'll proceed to Item B under New Business, -
2 approval of resolutions and ordinances from City -
3 Council meetings. We'll begin with resolutions from -
4 the Regular City Council meeting of July 11th. Those -
5 will be Resolutions 210.3, 267 and 268.1 and 293. They -
6 are Attachment 3. Is there a motion that those four -
7 resolutions be approved? -

8 MR. FERGUSON: So move. -

9 MR. FINNEY: Support. -

10 THE CHAIRPERSON: Is there support? -

11 MR. FINNEY: Support. -

12 THE CHAIRPERSON: Motion's been made and -
13 seconded. Is there any discussion, please? -

14 MR. FERGUSON: Could I ask this, -
15 Mr. Chairman. -

16 THE CHAIRPERSON: Certainly. -

17 MR. FERGUSON: We have a lot of people here -
18 today and could we give an overview for each one of the -
19 resolutions, just for everyone in the audience's sake, -
20 to understand what's going on? -

21 THE CHAIRPERSON: Certainly. -

22 Mr. Cline, can you -- or I'll say can we -
23 trouble you to give a quick synopsis of three -- the -
24 four resolutions that are pending from July 11th? -

25 MR. CLINE: Certainly. If you will hear me -

1 okay. -

2 Give me just a moment here to find my notes. -

3 All right. Resolution 210.3 was the -- a -
4 public hearing was conducted. Resolution 267 was a -
5 Memorandum of Understanding with the Conservation -
6 District for tree removal services in the amount of -
7 \$256,000. -

8 286.1 was the scheduling of a second public -
9 hearing. -

10 And Resolution 293, I believe, was the -
11 temporary extension on the solid waste contract for -
12 probably 30 days. -

13 THE CHAIRPERSON: Any questions from members -
14 of the City on the resolutions? -

15 MR. FERGUSON: So move. -

16 THE CHAIRPERSON: Motion's been made and --

17 MR. FINNEY: I second. -

18 THE CHAIRPERSON: -- seconded. And now, -
19 those in favor of approving those resolutions, please -
20 say "aye". -

21 BOARD MEMBERS: Aye. -

22 THE CHAIRPERSON: Opposed? -

23 Those resolutions are adopted. -

24 We also have, from that meeting, Resolutions -
25 286.2 and 292, both of which are lacking one or more -

1 necessary signatures. So, we will, based upon earlier -
2 comments, take no action upon those resolutions and -
3 return those to the appropriate City officials and they -
4 can be returned to us at such time that all necessary -
5 signatures are procured. -

6 In addition, we have Resolutions 288, 289, -
7 290 and 291 that I asked staff to pull so we can get -
8 further explanation from City officials. I believe -
9 these involved mowing lawn in right-of-ways. And we -
10 wanted to make sure that we understand fully why these -
11 are being allocated across four different contractors. -

12 Mr. Jones? -

13 MR. DERRICK JONES: Good afternoon. My name -
14 is Derrick Jones and I am the head of the Purchasing -
15 Department. The purpose of the resolutions that are -
16 before you is that the Department of Public Works had -
17 decided to look at trying to distribute work across the -
18 City as it relates to mowing. -

19 It has become a problem as it relates to, -
20 specifically, in the public right-of-way in which -
21 children are passing and in which cars are trying to -
22 turn, trying to have a clear vision, as it relates to -
23 some of the streets and areas that require some -
24 remediation of weeds and trash. -

25 The purpose of the multiple contracts was -

1 to -- again, to get the work done in a fair way and to -
2 get it done very quickly. There is also this -
3 particular resolution is to extend the specific -
4 contracts for an additional two years because the -
5 initial proposal that went out was for a three-year -
6 period and we initially only adopted the one year, -
7 which would have been last year. -

8 THE CHAIRPERSON: And are there, with respect -
9 to all four resolutions, additional funds identified to -
10 cover the costs? -

11 MR. DERRICK JONES: Yes, sir. Because they -
12 have been signed off by the Finance Department. -

13 MR. FINNEY: Mr. Chair? -

14 THE CHAIRPERSON: Mr. Finney? -

15 MR. FINNEY: With respect to the multiple -
16 contracts, was the bid for these indicating that these -
17 were four separate contracts or was it just simply one -
18 broad RFP? -

19 MR. DERRICK JONES: It was one broad RFP in -
20 which it stated specifically that the -- that the -
21 contractor that will do multiple awards, at which time, -
22 again, going back to the multiple awards, was, again, -
23 to take care of the -- the City as a whole very -
24 quickly. -

25 MR. FINNEY: Did all the contractors bid the -

1 exact same price per cubic --

2 MR. DERRICK JONES: Yes, they did.-

3 MR. FINNEY: -- yard or whatever?-

4 MR. DERRICK JONES: That's correct. Whereas, -
5 when we were receiving information back, that is at the -
6 time in which we went through the process of awarding -
7 the areas in which they will receive.-

8 MR. FINNEY: So how is it that -- help me -
9 understand how four different contractors would bid the -
10 exact same price per square yard or however they do it, -
11 per cutting practice.-

12 MR. DERRICK JONES: Well, what you have -
13 before you -- and I believe correctly there's a -
14 spreadsheet that's there as well to show various prices -
15 that they're charging. And the City looked at the -
16 lowest -- the lowest vendors for each -- well, they -
17 looked at the lowest vendors and they selected -- I -
18 believe there were five vendors. Because I think, if -
19 you look at another resolution, there is one that we -
20 did miss, which is a Cut -- Cut Rite, I believe.-

21 MR. FINNEY: Do you know the number of the -
22 other one?-

23 MR. DERRICK JONES: I don't have the packet -
24 but I saw it in the agenda.-

25 THE CHAIRPERSON: I believe it's 308.-

1 MR. DERRICK JONES: 308.-

2 MR. FINNEY: So I'm just -- I'm not sure I'm-
3 understanding what you're saying. So if there was a-
4 single RFP to do mowing of right-of-ways and there were-
5 five bidders, how is it that all of them ended up at-
6 the exact same price to do the work?-

7 MR. DERRICK JONES: Well, they're not at the-
8 exact same price. The price that's -- as relates to --
9 that's in the spreadsheet is the price that they will-
10 charge the City per square -- per square foot.-

11 MR. FINNEY: So is that a negotiated price?-

12 MR. DERRICK JONES: That was just the price-
13 that was accepted when they -- when the bid came in.-

14 MR. FINNEY: What am I missing? I'm trying-
15 to understand how -- how -- if the bidding process is,-
16 "Here is the work I want you to do" and we have five-
17 bids, do they all bid for the entire amount of work or-
18 do they just bid for pieces of it?-

19 MR. DERRICK JONES: They just -- only thing-
20 they had to provide to the City was what they would-
21 charge per square foot. And, based on that, the City-
22 looked at the lowest vendors, in terms of what they-
23 would charge. And then, based on those -- and then,-
24 again, the department wanted to do five -- select five-
25 vendors to do the work. Based on those bids that came-

1 in, they looked they lowest vendors to select the five-
2 contracts. -

3 So Bidder 1, as an example, came in at a -
4 dollar; Bidder 2 came in at \$2; Bidder 3 came in at \$3. -
5 We had other bidders to come in at higher amounts. We -
6 selected Bidder 1, 2 and 3 to perform the services at -
7 the rate --

8 MR. FINNEY: Why would you not select -
9 Bidder 1, the lowest one, to do all the work? -

10 MR. DERRICK JONES: Well, again, the purpose -
11 was to try to get the -- to try to get the work -
12 complete because of the mere fact that the grass had -
13 grown and we were trying to get -- as I said, again, -
14 the -- the grass remediated as quickly as possible. -

15 MR. FINNEY: So does that mean that none of -
16 the bidders had the capacity to do all the work in a -
17 timely period that was specified? -

18 MR. DERRICK JONES: Well, again, one of the -
19 objectives -- let's just say the high objective was to -
20 try to get all of the work done around the City. And -
21 this was one opportunity for the department to, again, -
22 select the specific vendors and to share some of the -
23 work with some of the vendors who were then able -- who -
24 were afforded an opportunity to do the work. -

25 MR. FINNEY: Okay. I -- Mr. Chair, I guess -

1 I'm still not quite understanding. And part of what -
2 I've been trying to understand -- and this is just one -
3 example -- is how the procurement process works. So -
4 bear with me for a second. -

5 MR. DERRICK JONES: Sure. -

6 MR. FINNEY: If you put an RFP out and five -
7 bidders bid an amount of money or say what they would -
8 do per square foot, it seems logical that you would -
9 select the lowest in order to save the City the maximum -
10 amount of money, the lowest one, assuming they could do -
11 all the work that was required in a time period that -
12 you've specified. -

13 So I'm trying to understand the logic behind -
14 then taking that bid and providing it to five different -
15 suppliers where some of them will cost more than the -
16 lowest one. -

17 MR. DERRICK JONES: And I do -- you know, I -
18 do understand that. But, again, the Department had -
19 wanted to award the -- wanted to do multiple awards as -
20 it relates to this particular project, in terms of -
21 getting the work done. And, again, there was a -
22 component, in terms of trying to get some of the -
23 businesses that -- that are small an opportunity to get -
24 work with the City as well. So, in doing so, the --
25 the need, at the time, was to try to get the work done -

1 as soon as possible. -

2 THE CHAIRPERSON: Two questions that may help -
3 clarify what Mr. Finney is trying to ask. The first -
4 question, did the RFP divide the City into different -
5 geographic regions? -

6 MR. DERRICK JONES: It did not. -

7 THE CHAIRPERSON: It did not. So it was the -
8 entire City? -

9 MR. DERRICK JONES: That's correct. -

10 THE CHAIRPERSON: Secondly, there were, you -
11 indicated, five bidders? -

12 MR. DERRICK JONES: I believe there's more. -
13 There should be, like, a spreadsheet that was attached -
14 that lists all the -- the vendors in which we received. -
15 It was more than -- I believe it was more than five -
16 vendors and the spreadsheet articulates the number of -
17 vendors that was received along with their price per -
18 square footage. -

19 THE CHAIRPERSON: But was there one lowest -
20 responsible bidder? -

21 MR. DERRICK JONES: Yes, there were -- there -
22 was one low vendor. And, then again, the Department -
23 wanted to select other vendors as well. -

24 THE CHAIRPERSON: And so I think one of the -
25 questions that Mr. Finney is trying to understand, and -

1 me as well, if the City identified a single lowest -
2 responsible bidder through this process, how was the -
3 City able to award portions of the contract to other -
4 bidders who, by definition, would not have been the -
5 lowest responsible bidder? -

6 MR. DERRICK JONES: Well, looking at that, -
7 the City did not -- at the time of the proposal, did -
8 not -- in its efforts, again, trying to get the service -
9 work done, we selected -- and I guess, if you want to -
10 say it this way -- the five lowest vendors to perform -
11 the work, in terms of getting the work done throughout -
12 the City. -

13 MR. FINNEY: What would be the -- the net -
14 cost differential -- if you had selected the lowest -
15 responsible bidder and given them a hundred percent of -
16 the work, what is the cost differential based on what -
17 you actually did by proposing to give them to four -
18 separate bidders? -

19 MR. DERRICK JONES: Now, I don't have that -
20 information with me. I can get that information to the -
21 appropriate party, in terms of -- I mean, I can get -
22 that information for you at a later date, in terms of -
23 getting that and getting that number. -

24 MR. FINNEY: Is there any chance you can get -
25 it before our meeting is done? -

1 MR. DERRICK JONES: How long do you plan on -
2 being up here? -

3 THE CHAIRPERSON: Another five minutes. -

4 MR. DERRICK JONES: Okay. Another, what, -
5 another five minutes? -

6 MR. FINNEY: No, the meeting is scheduled -
7 until, what? -

8 3:00, I think. -

9 MR. DERRICK JONES: Yeah, I can try and get -
10 that. -

11 MR. FINNEY: If it's in a spreadsheet, you -
12 ought to be able to share with us what that costs. If -
13 it was only the lowest responsible bidder having a -
14 purchase order and all the work, that's a number. But -
15 now it's spread out with four different vendors, that's -
16 a number. So do you understand? -

17 MR. DERRICK JONES: Okay. -

18 MR. FINNEY: So can we just table this until -
19 he comes up with a number, Mr. Chair? -

20 THE CHAIRPERSON: Yes. -

21 MR. DERRICK JONES: Okay. Thank you. -

22 THE CHAIRPERSON: We'll proceed, then, to -
23 resolutions from the Special City Council meeting of -
24 July 18th. We have Resolutions 319, -21 and -22. -
25 They're Attachment 4. Based upon Mr. Ferguson's -

1 earlier request, Mr. Cline, will you, for the benefit -
2 of the audience, summarize those three resolutions? -

3 MR. CLINE: Certainly. -

4 Resolution -- actually, all three of these -
5 resolutions are for similar services. Resolution 319 -
6 was to award the removal and replacement of 50 lead -
7 service lines to Stevens Construction -- I do apologize -
8 I believe I abbreviated Stephenson and now I'm not -
9 certain -- in the amount of \$320,000. -

10 Resolution 321 is a similar proposal or a -
11 similar contract to Johnson and Wood for 50 service -
12 lines in a similar amount of \$320,000. -

13 The final Resolution, 322, is the replacement -
14 of several service lines and curve boxes in the amount -
15 of \$619,000. -

16 Are there any questions on that? -

17 THE CHAIRPERSON: Is there a motion that -
18 Resolutions 319, 321 and 322 from the Special City -
19 Council meeting of July 18th be approved? -

20 MR. FERGUSON: So move. -

21 THE CHAIRPERSON: Is there support? -

22 MR. FINNEY: Support. -

23 THE CHAIRPERSON: A motion's been made and -
24 seconded. Is there any discussion? -

25 If not, those in favor of the motion, please -

1 say "aye". -

2 BOARD MEMBERS: Aye. -

3 THE CHAIRPERSON: Opposed? -

4 Those resolutions are adopted. -

5 We also have, from that meeting, Resolution -
6 323, which I believe was the City Council proposal with -
7 regards to the refuse selection which, was a three-year -
8 contract. That resolution is not proper before us -
9 because it's lacking at least two necessary signatures. -
10 It's my understanding that those missing signatures are -
11 because those city officials -- I believe that there -
12 are technical or other defects to the resolution. So -
13 we return Resolution 323 back to the City. In the -
14 meantime, of course, if the resolution's not approved -
15 by the RTAB, the resolution has no effect. -

16 That takes us to resolutions from the Regular -
17 City Council meeting of July 25th, resolutions -- those -
18 are quite numerous. -

19 Mr. Cline, will you walk us through those -
20 approximately ten resolutions? -

21 MR. CLINE: Yes, absolutely. -

22 All right. Resolution 265.3 is a public -
23 hearing that was conducted. -

24 Resolution 294 is the contract for street -
25 paving in the amount of \$300,000. -

1 Resolution 295 is a -- what I call an annual -
2 purchasing contract for bulk supplies for the Water -
3 Department in the amount of \$135,000. -

4 Resolution 296 is a contract for the purchase -
5 of manhole covers and related materials in the amount -
6 of \$180,000. -

7 Resolution 297 -- and I will say that many of -
8 these contracts are similar annual bulk purchase -
9 contracts. 297 is the contract for the purchase of -
10 sand and fill materials in the amount of approximately -
11 \$96,000. -

12 299 is for maintenance services on vehicle -
13 fleet in the amount of \$45,000. -

14 Resolution 301 is with the company ECT for -
15 environmental services related to Chevy Commons in the -
16 amount of \$200,000. -

17 Resolution 306 is for concrete patching in -
18 various locations across the City in the amount of -
19 \$110,000. -

20 307 is for laboratory supplies, again, for -
21 the Water Department, in the amount of \$34,000. And I -
22 am rounding all these numbers. -

23 309 is for janitorial supplies and related -
24 services in the amount of \$80,000. -

25 310 is a contract for office supplies in the -

1 amount of \$109,000. -

2 314 is the first reading of an amendment to -
3 one of the utility ordinances. -

4 336 is the issuance of or the approval of -
5 gaming license. -

6 And Number 340 is the first reading of -
7 ordinance regarding the City Advisory Committee. -

8 THE CHAIRPERSON: Is there a motion that -
9 the --

10 MR. FERGUSON: So move. -

11 THE CHAIRPERSON: Is there support? -

12 MR. FINNEY: Support. -

13 THE CHAIRPERSON: Is there any discussion -
14 regarding these resolutions? -

15 If not, the motion has been made and -
16 seconded. Those in favor, please say "aye". -

17 BOARD MEMBERS: Aye. -

18 THE CHAIRPERSON: Opposed? -

19 Those resolutions are adopted. -

20 We also have from the same meeting July 25th, -
21 Resolutions 265.1, 311, 339.1 and 323.2, all of which -
22 are lacking one or more necessary signatures and so -
23 which are not proper before us. -

24 I will make a note that Resolution 323.2 is -
25 the City Council resolution which overrode the Mayor's -

1 veto of previously discussed Resolution 323. Given the -
2 fact that it's not before us and we're not dealing with -
3 the resolution this afternoon, obviously, the veto --
4 the override of the Mayor's veto is not in effect. -
5 We'll return all of those back to the City. Those -
6 resolutions can be re-presented to the RTAB at such -
7 time they receive all the necessary signatures. That -
8 leaves --

9 MR. FINNEY: Mr. Chair. -

10 THE CHAIRPERSON: Do you have something? -

11 MR. FINNEY: I just have one question about -
12 the 323.2. -

13 THE CHAIRPERSON: Yes? -

14 MR. FINNEY: That is the Council's override -
15 of the Mayor's veto. If I understand the process, that -
16 resolution would require a signature of the Mayor and -
17 of the legal counsel as well in order for it to be -
18 proper before us; is that correct? -

19 THE CHAIRPERSON: That's my understanding, -
20 yes. -

21 MR. FINNEY: So my expectation or -
22 understanding is that the Mayor's not prepared to sign -
23 that. And so how, then, would that resolution ever get -
24 before the RTAB when there is a veto that's been -
25 properly initiated by the City Council? -

1 How would it get to the RTAB for our -
2 consideration, given the signature issue? -

3 THE CHAIRPERSON: With respect to the Chief -
4 Legal Officer, I believe there were, in her view -- I -
5 won't speak for technical defects and/or legal issues. -
6 She felt included, I heard from placing her signature -
7 on a resolution. With regard to --

8 MR. FINNEY: With respect to the veto? -

9 THE CHAIRPERSON: -- the Mayor, that's a -
10 question, I think, we should probably pose to the Chief -
11 Legal Officer, I suspect. -

12 Perhaps you can clarify. If we had a -
13 situation where the Council validly overrides a mayoral -
14 veto, that could not be undone without the Mayor to -
15 sign that particular resolution that would invoke the -
16 override. It would have done by a veto. -

17 But I think the second question is issues -
18 that the Chief Legal Officer may have identified with -
19 regards to resolutions from a legal standpoint. -

20 Ms. Oaks, do you want to -- wish to elaborate -
21 on that? -

22 MS. OAKS: Yes. Good afternoon. As it -
23 relates to the resolution itself, there were some -
24 factual inadequacies contained within that resolution -
25 and it also was authorizing the Purchasing Director to -

1 do something that Council didn't have authority to -
2 authorize him to do. Therefore, I could not sign a -
3 resolution because it had language contained within it -
4 that they did not have the authority to put forth. -

5 MR. FINNEY: Thank you. -

6 MS. OAKS: Now, I believe you also wanted to -
7 know if -- let's say all of the language was accurate -
8 and the Mayor's signature wasn't on the document, it -
9 would still bear my signature. And, pursuant to case -
10 law, as long as it has the Chief Legal Officer's -
11 signature on it, it would be able to go before you. -

12 MR. FINNEY: So I think that clarifies my -
13 question. One is there were some deficiencies as -
14 identified by the Legal -- Chief Legal Officer. And, -
15 if there were a situation where there was a proper -
16 resolution and the Chief Legal Officer signed off on -
17 it, we would then receive the fall for it? -

18 THE CHAIRPERSON: Yes. -

19 MR. FINNEY: That's what I'm asking. Thank -
20 you. -

21 THE CHAIRPERSON: That leaves for July 25th, -
22 Resolution 308, which we had asked Mr. Jones to go back -
23 and provide some information for us. -

24 MR. CLINE: Excuse me, Mr. Chairman? -

25 THE CHAIRPERSON: Yes? -

1 MR. CLINE: May I just make a comment on 308 -
2 and related resolutions from earlier? -

3 THE CHAIRPERSON: Yes. -

4 MR. CLINE: I've been looking through the -
5 materials we received on that and the spreadsheet that -
6 was referred to, I do not believe, was included in the -
7 material we received so --

8 MR. FINNEY: You said it was or was not? -

9 MR. CLINE: Was not, to my knowledge. I -
10 cannot locate a copy in my notes. So that probably -
11 might have helped clarify some of your questions on -
12 that, had we had a copy of that before us. But I did -
13 want to just mention that to you. So, if -- if one of -
14 you does have a copy, I would be interested in seeing -
15 it but I do not believe I have a copy, actually, so --

16 THE CHAIRPERSON: I do not have a copy. -

17 MR. CLINE: Okay. -

18 THE CHAIRPERSON: But we suspect that -
19 Mr. Jones, prior to the conclusion of the meeting, will -
20 be able to --

21 MR. CLINE: I just wanted to clarify that for -
22 you if you have any questions about whether or not that -
23 information is there. So --

24 THE CHAIRPERSON: Thank you. That leaves, I -
25 believe, under this particular item, Resolution 320, -

1 which is with a reprogramming of home funds, and -
2 Resolution 235, which was adjustments to the summer -
3 property taxes. So I'm going to ask someone from the -
4 administration if they could please ventilate those two -
5 issues for us to understand better. -

6 Mr. Sylvester Jones. -

7 MR. SYLVESTER JONES: So good evening -- good -
8 afternoon. So, for the past six months -- or maybe shy -
9 of that, the Community Development Block Grant -
10 Department, under the leadership of Susan Wilcox, has -
11 been working on comprehensive home development -
12 strategies. -

13 What you have before you in 16320 is a list -
14 of projects that would go forward, that will address -
15 that comprehensive home strategy, Metro Community -
16 Invest Development appropriation will be received -
17 \$246,000, to support 12 NSB homes. And then there is -
18 the \$92,000 that will be awarded to Court Street -
19 Village that will serve as down payment assistance for -
20 eight homes in the target neighborhood there. -

21 And then 245,661 will be awarded to Genesee -
22 County Habitat for Humanity; and this is to assist with -
23 work/live space and it is a duplex. All of that is a -
24 part of the compressive home development strategy, -
25 which is designed to really improve the poverty of the -

1 housing docket for Flint residents here. -

2 THE CHAIRPERSON: Questions or comments? -

3 MR. FINNEY: Mr. Chair, I would move -
4 approval. -

5 THE CHAIRPERSON: Is there support? -

6 MR. FERGUSON: Support. -

7 THE CHAIRPERSON: Any discussion? -

8 Those in favor of approving Resolution 320, -
9 please say "aye". -

10 BOARD MEMBERS: Aye. -

11 THE CHAIRPERSON: Opposed? -

12 Motion is adopted. -

13 Mr. Jones, could you also comment upon -
14 Resolution 335. This would have been adjustments, -
15 given the summer, City and school property tax roll. -

16 MR. SYLVESTER JONES: 335? -

17 MS. STEELE: Good afternoon. My name is -
18 Dawn Steele and I am the Deputy Finance Director for -
19 the City of Flint. In regards to the resolution that -
20 is before you, what it entails is that the property tax -
21 roll is normally mailed out by the end of June with a -
22 due date -- first is on a due date of July 31st. That -
23 process was delayed by, I believe, ten -- ten days and -
24 so we were asking that the interest and penalty be -
25 waived for the bills that were due July 31st until -

1 August -- I believe it was on the 15th of August. So, -
2 because of the tax bills being due by July 31st, we -
3 extended it to August 15th. -

4 THE CHAIRPERSON: Questions? -

5 MR. FINNEY: I move approval. -

6 THE CHAIRPERSON: Is there support? -

7 Those in favor of approving Resolution 335, -
8 please say "aye". -

9 BOARD MEMBERS: Aye. -

10 THE CHAIRPERSON: Opposed? -

11 Resolution is adopted. -

12 Next item is Mr. Ferguson had asked that -
13 Resolutions 347 and 348 be added to the agenda. -

14 Resolution 347 was a resolution, if I -
15 understand it, that authorizes City Council to become a -
16 party to the trash-hauling contract litigation per -
17 Genesee County Circuit Court. -

18 And the companion Resolution, 348, was a -
19 resolution to request outside legal counsel for the -
20 City Council. -

21 Mr. Ferguson? -

22 MR. FERGUSON: It's very rare you put a -
23 resolution on that you don't want to pass. So I move -
24 that we vote no on the resolution. -

25 THE CHAIRPERSON: What's the purposes of --

1 ease of understanding is to put these out and to deal -
2 with Resolution 347 first. So you're offering a motion -
3 that Resolution 347 --

4 MR. FERGUSON: Be disapproved. -

5 THE CHAIRPERSON: Is there support, a second? -

6 MR. FINNEY: Mr. Chair, I'd like to ask some -
7 questions about these before I -- before supporting. -

8 THE CHAIRPERSON: This is just for purposes -
9 of discussion. -

10 MR. FINNEY: Okay. I will support. -

11 THE CHAIRPERSON: Those in favor, say "aye". -

12 BOARD MEMBERS: Aye. -

13 THE CHAIRPERSON: Questions? -

14 MR. FINNEY: Okay. I guess I'll like to get -
15 some understanding as to why this is necessary. So I -
16 don't know if Council President --

17 COUNCIL PRESIDENT NELSON: Mr. Kincaid. -

18 THE CHAIRPERSON: Councilman Kincaid, you're -
19 offered up. -

20 COUNCILMAN KINCAID: I get offered up a lot. -
21 So thank you very much. The reason for the resolution -
22 for the City Council to enjoin in a lawsuit that I -
23 filed was to prevent the City from creating an -
24 emergency and then entering into an emergency contract -
25 with a contractor to pick up trash in the City of Flint -

1 because we hadn't gone through the process. And I -
2 didn't want the administration to create a man-made -
3 disaster in our community and then use our purchasing -
4 ordinance to enact an emergency and then enter into a -
5 contract with a trash-hauling company. So I filed -
6 litigation to prevent that. -

7 We had a hearing. And, after that hearing or -
8 at that hearing, the Court was kind of waiting for -
9 Tuesday because they were told that there was going to -
10 be an emergency RTAB meeting and that the RTAB was -
11 going to take this matter up. And, therefore, there -
12 would be a moot point, once the RTAB acted on the -
13 contract for waste hauling for the City of Flint. -

14 The RTAB did not meet. There has been a -
15 scheduled hearing for tomorrow and the City Council has -
16 enjoined in that lawsuit. And, in doing that, a -
17 resolution was proposed to the City Council --

18 THE CHAIRPERSON: Could I interrupt you for -
19 just a second? -

20 COUNCILMAN KINCAID: Most certainly. -

21 THE CHAIRPERSON: I apologize. Just to -
22 clarify, because there was some confusion, I think, of -
23 this, whether the RTAB was, in fact, going to meet on -
24 August 1st. We never had a meeting scheduled. -

25 COUNCILMAN KINCAID: I understand. -

1 THE CHAIRPERSON: There was a request made -
2 and I realize the confusion on your part. Per public -
3 record, there was a request that we meet. We never -
4 acted upon the request. -

5 COUNCILMAN KINCAID: I understand. -

6 THE CHAIRPERSON: So to the extent statements -
7 were made, it's not because the RTAB reconsidered or -
8 canceled the meeting, we never had one scheduled. -

9 COUNCILMAN KINCAID: Right. -

10 THE CHAIRPERSON: So please --

11 COUNCILMAN KINCAID: And so -- and so, to -
12 continue this process for a resolution, a resolution -
13 was presented to the City Council to enjoin or to be a -
14 party of the lawsuit because of differences between the -
15 Administration and the City Council on the bidding -
16 process and the awarding of a contract. So they --
17 City Council voted 8 to 1 to approve the resolution to -
18 enjoin the City Council in that lawsuit. -

19 The other question that you asked about -
20 retaining outside legal counsel, the City Council, -
21 under an appeals court ruling and sent back to the -
22 lower court, indicated that, for City Council to get -
23 outside legal counsel when there is a difference or a -
24 conflict, that the City Attorney's office would then -
25 appoint a legal counsel for the City Council. A -

1 request was made to the City Attorney's Office for the -
2 office to appoint legal counsel and three outside -
3 attorneys' names were submitted to the attorney's -
4 office. And the attorney's office rejected, citing -
5 that there wasn't a conflict. -

6 So City Council passed the resolution, asking -
7 for outside legal counsel and to represent the City -
8 Council in this litigation. So that's why the two -
9 resolutions are before you. There is a scheduled -
10 hearing tomorrow to continue this process. -

11 But I would like to say that trying to avoid -
12 confrontation in court, I believe that there was a very -
13 productive meeting with the legal representative for -
14 the Mayor, legal representative for the City and City -
15 Council's legal representative on Monday, along with -
16 various department heads and individuals from the City. -
17 It was about a two-hour meeting. Some suggestions were -
18 made. -

19 City Council's outside legal counselor has -
20 been waiting for a response. And, as -- as of this -
21 afternoon at 1:00, had still not received a response. -
22 So, you know, Council's position is that we have a -
23 difference and we need to work through that process. -
24 And there is a conflict between the Administration and -
25 the City Council and there is legal action has been -

1 taken. -

2 And then we're asking the RTAB, one, to -
3 approve the City Council in joining in the lawsuit and, -
4 two, to authorize outside legal counsel for the City -
5 Council because there absolutely is a conflict. And -
6 that's why those resolutions are before you today. So -
7 I can answer any questions. -

8 MR. FINNEY: Okay. Mr. -- go ahead. -

9 THE CHAIRPERSON: Have the two resolutions -
10 received all the required signatures? -

11 COUNCILMAN KINCAID: Well, again, I think -
12 we're in a dilemma where, if the City Council passes -
13 something and the Administration fails to sign off on -
14 those resolutions, then I guess they stay in what I -
15 would consider a gray area. And probably then we would -
16 have to rely on the court to make a decision. And I -
17 think that we should try to avoid that, if at all -
18 possible --

19 THE CHAIRPERSON: But my primary question --

20 COUNCILMAN KINCAID: -- opportunities. -

21 THE CHAIRPERSON: My primary question had to -
22 do with the Chief Financial Officers, as to whether or -
23 not adequate funds had been identified in the City's -
24 budget to cover either the litigation itself or the -
25 payment of outside counsel. -

1 COUNCILMAN KINCAID: It's my understanding, -
2 Mr. Headen, that the Chief Legal Officer doesn't -
3 determine the amount of funding for outside legal -
4 counsel. We adopt a budget and we put X amount of -
5 dollars in there; that's something that the department -
6 head managed those dollars. And, until those dollars -
7 get to a critical level where they're below what we -
8 think our litigation or settlements are going to be, -
9 then a budget amendment would be adjusted. -

10 But I don't believe that the Chief Financial -
11 Officer signs off on any outside legal representation -
12 for the City when the City Attorney goes out and hires -
13 among -- outside legal counsel. I don't think that the -
14 Chief Financial Officer signed off on the Mayor's legal -
15 representative, nor did he sign off on the City's legal -
16 representative, so I -- I don't believe that that -
17 protocol, Mr. Finney, is in place for that process to -
18 take place at the time of hiring outside legal -
19 representation for the City. -

20 THE CHAIRPERSON: Mr. Ferguson? -

21 MR. FERGUSON: Yeah. I don't think that the -
22 money is an issue. -

23 COUNCILMAN KINCAID: I'm sorry? -

24 MR. FERGUSON: On this point here, I don't -
25 think it's an issue. I think what you said earlier, -

1 that the Council and the Mayor have been in discussions -
2 and you feel that progress has moved forward, that -
3 being the case, this resolution, had we passed it, we -
4 would be putting the Court to make a decision as -
5 opposed to you working together. -

6 So I think this is -- this resolution is very -
7 strong that Council's -- the RTAB should send the -
8 signature to the Mayor -- to the courts, that the Court -
9 should not be making this decision. This decision -
10 should be settled between the Mayor and the Council. -
11 And, therefore, that's a great reason why we should -
12 reject both these resolutions. -

13 COUNCILMAN KINCAID: Well -- and I understand -
14 your point. -

15 MR. FERGUSON: So it's not to do with money. -
16 This is something to do with procedure. -

17 COUNCILMAN KINCAID: I understand your point, -
18 Mr. Ferguson. But, also, what is the Court going to do -
19 with the legal representation that the Administration -
20 has hired and outside legal representation in this -
21 matter? -

22 I mean, are you saying that it's okay for the -
23 administration to have two outside attorneys to -
24 represent the Mayor and the City and that the City -
25 Council can't have outside legal representation when -

1 we're clearly -- in our charter states that, when -
2 there's a conflict, that the City has the -- the -
3 Council has the right to seek outside legal counsel and -
4 there definitely is a conflict in this issue. -

5 MR. FERGUSON: Without being an attorney, I -
6 don't understand how you had any standing at all --

7 AUDIENCE MEMBERS: Amen. -

8 MR. FERGUSON: -- when you want to --

9 THE CHAIRPERSON: The meeting will be in -
10 order, please. -

11 MR. FERGUSON: -- when you went into court, -
12 that I don't know how you retroactively get standing. -
13 And so I think the entire procedure, with just any -
14 Council member or anyone going off the streets and -
15 filing a lawsuit; and, then playing catchup later on -
16 and then asking someone to pay for it, that makes no -
17 sense for the intention. So I don't think you had any -
18 standing at all. -

19 COUNCILMAN KINCAID: Okay. No, I think --

20 MR. FERGUSON: I'm talking about standing. -

21 COUNCILMAN KINCAID: Mr. Ferguson, I will -
22 disagree. -

23 THE CHAIRPERSON: Council --

24 MR. FERGUSON: Well, I think that this is -
25 before us. -

1 THE CHAIRPERSON: Mr. Ferguson, I will --

2 MR. FERGUSON: Yes, sir? -

3 THE CHAIRPERSON: I think the issue of -
4 standing is an issue for Judge Farah to decide because -
5 that matter is before him. This has to do with whether -
6 or not the Council be authorized to join the -
7 litigation. That motion's been made and seconded. -

8 Mr. Finney, is there any further discussion? -

9 MR. FINNEY: Yeah, Mr. -- I actually see -
10 Mr. Jones come back and I actually had questions -
11 related to this issue for Mr. Jones. Thank you. -

12 THE CHAIRPERSON: Is it on this particular -
13 motion? -

14 MR. FINNEY: Yes. -

15 So, with respect to the two resolutions that -
16 we have in front of us for an attorney to represent -
17 City Council, does this have any procurement -
18 connections to it at all? -

19 MR. DERRICK JONES: No, it does not. -

20 MR. FINNEY: Okay. Is that normal? -

21 MR. DERRICK JONES: Yes. -

22 MR. FINNEY: Okay. That's what I thought. -

23 MR. DERRICK JONES: Is that it? -

24 THE CHAIRPERSON: Hopefully on this. Thank -
25 you. -

1 Further questions upon this particular issue? -

2 If not, questions on the adoption of the -

3 motion that Resolution 347 be disapproved? -

4 Those in favor of the motion, please say -

5 "aye". -

6 MR. FERGUSON: Are we supposed to vote no? -

7 THE CHAIRPERSON: You would vote yes on the -

8 motion to disapprove Resolution --

9 MR. FERGUSON: Well, I vote yes. -

10 MR. FINNEY: Aye. -

11 THE CHAIRPERSON: Resolution 347 is not -

12 approved. -

13 That leaves Resolution 348, which was a -

14 resolution that authorized that the City Council hire -

15 outside legal counsel. To some extent, that motion is -

16 rendered nullified by the vote we just took. But I -

17 will still ask for a resolution regarding -

18 Resolution 348. -

19 MR. FERGUSON: I move to deny. -

20 THE CHAIRPERSON: Is there support? -

21 MR. FINNEY: Support. -

22 THE CHAIRPERSON: Is there a discussion? -

23 Question on the adoption of the motion? -

24 Those in favor of adopting the motion to -

25 disapprove Resolution 348, please say "aye". -

1 BOARD MEMBERS: Aye. -

2 THE CHAIRPERSON: Opposed? -

3 Resolutions 348 is disapproved. -

4 That leaves, at this point, Resolution 344, -
5 which is a resolution regarding Arcadis. -

6 MR. FINNEY: Mr. Chair, I actually have a -
7 couple questions as follow-up to the motion we just -
8 approved. -

9 THE CHAIRPERSON: Yes? -

10 MR. FINNEY: And so maybe this is another -
11 question for the turn of the record and/or the City -
12 Administrator or the Mayor. The City Council voted to -
13 veto the recommendations for trash collection. So, as -
14 of the end of the extension that's in place right now, -
15 the City will not have trash -- trash collection -
16 services. -

17 And the -- the issue in front of the judge, -
18 apparently, is to prevent the Mayor from exercising the -
19 emergency powers that she has. And then I'm trying to -
20 understand how that is in the City's best interest and -
21 how that is -- what's the expectation for either the -
22 President of the City Council or Mr. Kincaid who's been -
23 speaking on this issue. What is your expectation for -
24 trash collection if the Mayor is prevented from using -
25 the emergency powers to continue with someone, whoever -

1 that is, to do trash collection? -

2 Because that's what the -- that's what the -
3 legal issue appears to be about is to prevent that from -
4 happening. And, since we don't have a contract that's -
5 been properly presented, either from the Mayor or from -
6 City Council, what is your expectation for trash -
7 collection? I guess that's a question to the Mayor and -
8 the Council President, maybe starting with those two. -

9 MAYOR WEAVER: Well, I would declare an -
10 emergency; that's what I would have to do. -

11 MR. FINNEY: Could you -- could you --

12 MAYOR WEAVER: Yes. -

13 THE CHAIRPERSON: And I would indicate to -
14 either one of you, if, given the pending litigation and -
15 the hearing tomorrow, if either of you feel -
16 uncomfortable discussing matters that are going to be -
17 before Judge Farah tomorrow, please feel free to defer -
18 and not comment but you're more than welcome to if you -
19 choose. -

20 MR. FERGUSON: I just want to add something, -
21 if I may. Mayor, without interrupting you, when -
22 could -- I think the only question in front of the -
23 Mayor right now is that she, having the authority, -
24 she'll use it. But, for us to ask her how she's going -
25 to use it, I don't think that should be an answer or -

1 even a question in this forum right here. It's just -
2 that, if she sees that she has to use her emergency -
3 powers, that she will. But, to ask in this meeting -
4 right here today to say how she will, I don't think -
5 that's something that should be in public domain or -
6 something that she should answer, other than she will -
7 use her powers. -

8 MR. FINNEY: So my question is, what is your -
9 expectation for trash pickup for the City residents, -
10 given that the Mayor's recommendation was, in fact, -
11 reject by City Council and -- and I don't understand -
12 what the plans are from the City Council and from the -
13 Mayor for trash collection. -

14 COUNCILMAN KINCAID: Well, again, I indicated -
15 earlier that we had what I believe was a very -
16 productive meeting on Monday to try to resolve this -
17 issue. What I would probably anticipate that the Court -
18 will do is what they did at the last hearing -- not -
19 knowing what the Court will do -- is to continue with a -
20 temporary restraining order, to continue having the -
21 current contractor pick up waste in the City at the -
22 lower rate that was bid by that contractor until the -
23 legislative and executives branch of government -
24 resolved this issue. That's kind of what I think -
25 probably will happen. -

1 But not knowing that, that's what our -
2 interest is, as a Council; is not to have trash -
3 collection interrupted as it was a week ago. It was -
4 clear that the Court does not want waste collection -
5 interrupted in our community while we settle our -
6 differences in this matter. And I would hope that we -
7 continue down that course; one, to try to resolve this -
8 the way government is supposed to resolve things; and, -
9 two, while we're in that process, to have the Court -
10 continue to enforce its temporary restraining order and -
11 have trash collected until this matter is resolved. I -
12 mean, that's the City Council's hope and anticipation. -

13 MR. FINNEY: Thank you. -

14 THE CHAIRPERSON: Now, Resolution 344, I -
15 believe this involves corrosion control. -

16 Mr. Jones, could you speak to this proposed -
17 resolution? -

18 MR. SYLVESTER JONES: In this case, I'm going -
19 to defer to our Water Plant Supervisor, -
20 Ms. JoLisa McDay. -

21 THE CHAIRPERSON: Thank you. -

22 MS. McDAY: Good afternoon. -

23 THE CHAIRPERSON: Can you elaborate upon this -
24 proposal so we have an idea of what we're voting on, -
25 please. -

1 MS. McDAY: Yes. The Arcadis proposal before -
2 you for distribution and compensation and engineering -
3 services helps to provide services for the City of -
4 Flint that are also required under the EPA -
5 Administrative Order. One of those requirements is to -
6 have an optimized corrosion control plan. Also, within -
7 the scope of work is the ability to optimize how we fit -
8 and manage our district engineered systems, how we -
9 operate pumps, how we dump chemicals. Also, within the -
10 scope of work, is a need assessment so we can further -
11 identify how we can strengthen our swallowing out -
12 performing the scope of work to move us forward. -

13 MR. FINNEY: Thank you. -

14 MS. McDAY: Thank you. -

15 THE CHAIRPERSON: Is there a motion that -
16 Resolution 344 be approved? -

17 MR. FERGUSON: So move. -

18 THE CHAIRPERSON: Support? -

19 MR. FINNEY: Support. -

20 THE CHAIRPERSON: Any discussion? -

21 If not, those in favor of the motion, please -
22 say "aye". -

23 BOARD MEMBERS: Aye. -

24 THE CHAIRPERSON: Opposed? -

25 Motion 344 is approved. -

1 Thank you. -

2 We now return to Resolutions 288 through 291 -
3 and 308, all with regard to mowing services along -
4 right-of-ways. -

5 Mr. Jones, do you have additional information -
6 for us, please? -

7 MR. DERRICK JONES: Okay. Okay. So, as -
8 related to the specific proposal that went out, the --
9 in terms of it was not per square footage, it was per -
10 cut, the City of Flint did receive bids. There would -
11 be eight bids, in which the services is they will -
12 assign a property and they will cut it and there is a -
13 flat fee that they pay. Each vendor -- we had four -
14 vendors to provide this service at \$7.50, which it was -
15 before you and then you had one that will do it for \$8. -

16 And the actual difference between the two -
17 plus the mere fact that it is going to be the same rate -
18 for before and the eight, an additional -- as I said, -
19 50 cents increase in the other one that comes to a -
20 difference, as it relates to a total of \$27,000.85. -

21 MR. FINNEY: So you're only four, you're not -
22 recommending a fifth one, correct? -

23 MR. DERRICK JONES: I believe the fifth --

24 MR. FINNEY: I'm sorry. There is a fifth -
25 one. -

1 MR. DERRICK JONES: There is a fifth one.-

2 MR. FINNEY: Okay. So I think that answers -
3 my question. I do want a better understanding, though, -
4 you know, just going forward, how this bidding process -
5 works. Because, if I -- if I understand things -
6 correctly, in the ordinance, there is an allowance for -
7 companies that are located in the City or in the County -
8 to have some kind of a differential -- or at least an -
9 opportunity to reconsider the bid they suggested as a -
10 way of being competitive. Did any of that come into -
11 play with any of these suppliers? -

12 MR. DERRICK JONES: For these -- with these -
13 particular vendors, all of them, we had four of the -
14 five that are with -- inside the City of Flint and then -
15 there is one that is in Saginaw; and that's the one -
16 that has the smaller dollar amount. And so, in looking -
17 at that, in comparing it to a company that was in -
18 Flint, which charged \$125 per cut, the preference did -
19 not even come into play for the difference of the -
20 prices. -

21 MR. FINNEY: Okay. -

22 THE CHAIRPERSON: Is there a motion that -
23 Resolutions --

24 MR. FERGUSON: So move. -

25 THE CHAIRPERSON: -- 288 through 291 and 308 -

1 be approved? -

2 A motion's been made. Is there support? -

3 MR. FINNEY: Support. -

4 THE CHAIRPERSON: Is there any discussion? -

5 If not, those in favor of the motion, please -

6 say "aye". -

7 BOARD MEMBERS: Aye. -

8 THE CHAIRPERSON: Opposed? -

9 Motion is adopted. -

10 That takes us to City Administrator Items. -

11 We'll begin with budget to actual for June 2016. -

12 Please. -

13 MS. STEELE: Welcome. My name is -

14 Dawn Steele, again, and I am the Deputy Finance -

15 Director. I'm here on behalf of the Interim Chief -

16 Financial Director Dave Sabuda. You should have in -

17 your packet, we provided, a monthly budget to actual -

18 report for the City's funds. -

19 June 30th does happen to be our end of our -

20 fiscal year. So this June 30th report is not final. -

21 There are going to be some changes that, as we continue -

22 to make payments on invoices that come in that were for -

23 FY '16, which would have been prior to June 30th. And -

24 there's also some revenue that hasn't been posted or -

25 received that should be by the end of this month. The -

1 audit is scheduled to come in on October 17th. So, -
2 hopefully, everything should be posted and in by that -
3 time. -

4 Do you have any questions concerning this -
5 report directly that I can possibly answer for you? -

6 THE CHAIRPERSON: We had asked, at a prior -
7 meeting and it may have been the last regular meeting, -
8 I think we asked a question of Mr. Sabuta about the -
9 status of the -- the water and whether or not rates -
10 would have to be adjusted to remit any obligations that -
11 the water fund had. -

12 And I note that, in -- in this most recent -
13 budget to actual report, if I'm reading this correctly, -
14 that the available balance in the water fund -- I'm -
15 assuming this was at the end of June -- was a negative -
16 \$13.5 million. So I think, unless you can indicate -
17 whether I'm reading this incorrectly, that we're going -
18 to renew sort of our request from the Finance -
19 Department to provide us with information going -
20 forward, projecting out, as to the viability of the -
21 water fund. -

22 MS. STEELE: Okay. I can -- I will let him -
23 know that. We do continue to monitor all of the funds -
24 on a weekly and monthly basis. I can tell you, -
25 regarding the water fund, last year we did initiate the -

1 spending freeze and we did cut out all capital -
2 improvement projects. And so it's an ongoing process, -
3 as we continue to work with the different agencies --
4 agencies concerning the water crisis. I will let -
5 Mr. Sabuta know that you guys want a better analysis of -
6 the water fund. -

7 We do a monthly cash flow of the water funds, -
8 also. The collection rate still has not improved. So -
9 we continue to monitor, like I said, on a monthly -
10 basis. And we will do so. And I will let him know -
11 that you want a little bit better analysis of the water -
12 fund. -

13 THE CHAIRPERSON: Thank you. -

14 We also had, for Mr. Jones, Sylvester Jones, -
15 there were a couple of items pending the prior -
16 meetings. I think that the one had to do with a -
17 question Mr. Finney asked earlier about with respect to -
18 this engineering contract of the cost comparison versus -
19 in-house that we still need information upon, also, the -
20 position description salary range for the -
21 Transportation Director. -

22 MR. SYLVESTER JONES: Sure. We have been -
23 working on that. For the last couple weeks, Mr. Sabuta -
24 has been on vacation so we have not completed either of -
25 those. So we do plan to bring those back to you at the -

1 September meeting. -

2 THE CHAIRPERSON: At the September meeting? -

3 MR. SYLVESTER JONES: The September meeting. -

4 THE CHAIRPERSON: Thank you. -

5 MR. SYLVESTER JONES: Thank you. -

6 THE CHAIRPERSON: And then the final item -

7 under this point appears to be the annual review. -

8 Mr. Cline, do you want to just go ahead and -

9 announce that. -

10 MR. CLINE: Yes. -

11 We are going to begin by weighing in on the -
12 staff of my section in the Treasury Department. We're -
13 beginning a process on behalf of the Board, the annual -
14 review, which all communities that currently have RTAB -
15 receive on an annual basis, we roughly target the -
16 initiation of that process right around the annual -
17 appointment date of the RTAB, though that is not -
18 something that we firmly set, it's just a matter of -
19 organization. -

20 What we have done is develop a very detailed -
21 evaluation tool by which we look at sort of how -- how -
22 I would describe this as if a community or a local -
23 government is operating in an optimal condition, there -
24 are a certain number of things, very generally, you -
25 know; submitting a balanced budget, getting it in on -

1 time, getting the audits submitted on time, those types -
2 of things, they would all be expected to accomplish. -

3 Our evaluation tool hits on quite a few of -
4 those types of factors. We've tried to eliminate as -
5 much subjectivity out of the process as possible. We -
6 don't really have what I would call a pass/fail system; -
7 it's more of, "Are you doing it? If you are doing this -
8 particular type of activity, is that working well for -
9 you? If it's not occurring, what are the reasons for -
10 that? What is a plan for that?" And then that begins -
11 to paint a picture of, internally, the City operations. -

12 We also have a section that we customized, in -
13 some fashion, based upon requirements out of emergency -
14 manager orders that we would look at how the City is -
15 complying with that. So each evaluation for each RTAB -
16 meeting does have its own certain unique features. -

17 We intend to, basically, follow the process -
18 that we follow with all the other RTABs. This is a -
19 rather detailed and time-consuming process so I can't -
20 stand up here and tell you on this date it will be -
21 done. And, frankly, this is probably the biggest -
22 community, you know, and probably the most complex -
23 evaluation that we've done to date. So this one will -
24 take probably several months to get through. -

25 As part of that process, what we will do --

1 and we've done this standard for all the different -
2 communities -- is there will be an opportunity for you, -
3 as the Board members, to provide some input on your -
4 impressions of how things are operating from your -
5 perspective because this will ultimately come back to -
6 you for your approval. -

7 We'll also provide an opportunity to have -
8 those same conversations with members of the City and -
9 the Administration as well as the City Council and -
10 collectively go in to -- excuse me -- process all of -
11 that. And then, ultimately, when we developed a draft -
12 of this, which will be brought back for you for -
13 presentation and then, ultimately, your endorsement and -
14 then it will be provided, as is required, to the -
15 Governor's office. -

16 We are beginning to develop sort of a draft -
17 that will be specific to Flint. I hope to share that -
18 with you upcoming before we get this process well -
19 underway. But I just wanted to mention that this is -
20 going to be forthcoming. And, as we progress with -
21 this, I will probably come up here and just give you -
22 periodic progress reports on that. -

23 So -- if there are any questions, I'll be -
24 happy to address them. Otherwise, we can address -
25 questions as we go along, as I review my notes. -

1 THE CHAIRPERSON: Thank you. -

2 MR. CLINE: All right. Thank you. -

3 MAYOR WEAVER: Excuse me. -

4 THE CHAIRPERSON: At this point, I'm going to -
5 exercise the Chair's prerogative to add an item to the -
6 agenda. -

7 On the 26th of May of this year, the RTAB -
8 adopted a resolution recommending to the State -
9 Treasurer that the Charter order that the City Council -
10 be restored in most respects. And that proposal -
11 contained a 90-day grace period during which the RTAB -
12 could reconsider the issue. -

13 That resolution was approved by the State -
14 Treasurer, I believe, on May 26th which means that it -
15 will expire -- 90 days would be roughly October 6th. I -
16 am going to propose a motion that that period be -
17 extended to December 14th, which is the date of the -
18 December 2016 meeting of the RTAB, based upon, I think, -
19 the need for the -- the Board to continue to monitor -
20 the restoration of that authority. And so I propose -
21 that motion and I ask that there be a second. And do -
22 we have any discussion? -

23 MR. FERGUSON: It's hard for me to second it. -
24 I think we should extend it but, Mr. Chairman, I think -
25 a month, at the most, or two weeks should be enough -

1 time. I mean, we'll be able to tell how they're -
2 working together. I don't think it takes a six-month -
3 extension. -

4 THE CHAIRPERSON: No, it would be a two-month -
5 extension. -

6 MR. FERGUSON: You're talking about, you -
7 said, to December. I thought you said to December. -

8 THE CHAIRPERSON: Yes. That would be a -
9 two-month extension beyond when it would currently -
10 expire. It will expire in October. -

11 MR. FERGUSON: It will expire in October. -
12 And how long -- is there a need to even pass this? If -
13 there's enough time between now and October to see if -
14 they're functioning with each other? I mean, I know we -
15 have all these. -

16 THE CHAIRPERSON: Sure. -

17 MR. FERGUSON: We would always rescind if we -
18 wanted to. But -- and I'm sorry that Council -
19 President's not here right now. But I remember, just -
20 reading everything that there was a -- there was 30 -
21 days that they -- they were supposed to work this out a -
22 long time ago with regards to that and nothing happened -
23 during that period. -

24 And what I'm saying is that I think, without -
25 extending it but us just saying that, if the Council -

1 can't find a way to function with the Mayor, then -
2 things have to be sent to what we originally passed. I -
3 mean, I'm just saying -- but, you know, whatever you -
4 want. Because we can always, anytime inside of that -
5 period, do what we want to do also. So I'm just -
6 saying --

7 THE CHAIRPERSON: Beyond October, yes. -

8 MR. FERGUSON: You know what I'm saying? -

9 So I don't know if it's a necessity. I don't -
10 know if it sends the right signal to send something -
11 when we're not happy with how things are going right -
12 now. -

13 MR. FINNEY: I have a question. -

14 THE CHAIRPERSON: Yeah? -

15 MR. FINNEY: What were the dates again? So -
16 it was May 26th that the RTAB ---

17 THE CHAIRPERSON: The -- I believe we -
18 approved it on May 26th. -

19 MR. FINNEY: And it was for a 90-day -
20 extension -- or a 90-day period? -

21 THE CHAIRPERSON: Yes. I think I see where -
22 you're going. RTAB resolutions do -- to revise EM -
23 orders are a recommendation by the RTAB to the State -
24 Treasurer. So they're not actually a revision by us, -
25 they're recommendations that the State Treasurer do so. -

1 The State Treasurer didn't sign the resolution to be -
2 adopted on May 26th until July 7th. -

3 MR. FERGUSON: Mr. Chairman? Can I --

4 THE CHAIRPERSON: Certainly. -

5 MR. FERGUSON: I think we should give an -
6 extension. I mean, I don't want to be contradictory in -
7 what I'm saying. But, in case someone could argue -
8 different dates, I think we should pass something right -
9 now that gives us the room to where -- for a certain -
10 extension. -

11 THE CHAIRPERSON: Do you wish to identify a -
12 specific date? -

13 MR. FERGUSON: I just think that we should -
14 have a date, you know. I mean, it's a really an -
15 element of discussion because, if we make it six months -
16 or three months or two months, that's outside the time. -
17 We're still in discretion to rescind that anytime we -
18 want to. So I think, whatever dates we have, I could -
19 go for what you introduced right now without a -- you -
20 know, because we've already just sent the word out that -
21 we expect something to be done inside of that time. If -
22 it's not some really meaningful progress, then we can -
23 always do a vote. So I think I would just as soon pass -
24 the other one. -

25 MR. FINNEY: Mr. Chair, what about just -

1 making it October 7th, which is the date that Treasury -
2 currently has as the official date, but we would just -
3 reinforce that so there's no confusion that the date -
4 that the RTAB is recommending is October 7th? And then -
5 we'll have an opportunity to review it that date. Does -
6 that make sense? I'm trying to --

7 THE CHAIRPERSON: That is the current -
8 expiration date so that's not an extension. -

9 MR. FERGUSON: No, we think that, in case -
10 someone pulled a technicality and said that that isn't -
11 the date, we just want to say, in everything, just -
12 reinforce the 7th is the date. That's what Mike's -
13 saying, I think. -

14 THE CHAIRPERSON: Okay. Well, do you have -
15 any objection to continuing it to December 14th? -

16 MR. FINNEY: I don't have any objection. -

17 THE CHAIRPERSON: Are you willing to offer -
18 support for a motion? -

19 MR. FINNEY: Well, we can get clarification -
20 that the date's October 7th; I think that's fine. -
21 Because we've had multiple RTAB meetings between now -
22 and then. At least two, correct? -

23 THE CHAIRPERSON: Yes. We'll clarify --
24 we'll clarify an extension if it's not the current -
25 deadline. -

1 MR. FINNEY: I would say we should do that -
2 and address it again at our next meeting and then -
3 decide, again, if we want to extend it until December -
4 at the next meeting. -

5 THE CHAIRPERSON: I would prefer that we not -
6 because, if we're offering our interpretation, the -
7 expiration would occur before we meet again. -

8 MR. FINNEY: Then I would support your -
9 recommendation for an extension. -

10 THE CHAIRPERSON: So the motion is to extend -
11 the expiration date and RTAB Resolution 2016-4 to -
12 December 14th, 2016. -

13 Those in favor of the motion, please say -
14 "aye". -

15 BOARD MEMBERS: Aye. -

16 THE CHAIRPERSON: Opposed? -

17 Motion is adopted. -

18 Next item is --

19 MAYOR WEAVER: Excuse me. -

20 THE CHAIRPERSON: -- public comment. -

21 MAYOR WEAVER: Excuse me. -

22 THE CHAIRPERSON: Mayor? -

23 MAYOR WEAVER: I just wanted to make sure I -
24 address -- Mr. Finney asked me a question and I just -
25 wanted to make sure I answered his question and -

1 addressed the issue, as far as what I would be doing. -
2 And one of the things I know is my role to determine -
3 where -- who continues, as far as a contract goes and -
4 who the vendor is. And then, while we had a productive -
5 meeting, I think that's -- I don't think that's the -
6 role of Council. I think that's my responsibility to -
7 submit that decision. -

8 And I also want to say that I will file -
9 Ordinance 3865 and do everything in my power legally to -
10 make sure trash is collected the following day after -
11 the expiration. -

12 MR. FINNEY: Thank you. -

13 THE CHAIRPERSON: Thank you. -

14 We'll now proceed to public comment, please. -

15 Mr. Cline. -

16 MR. CLINE: Yes. We have eight individuals -
17 who have requested public comment. We'll begin today -
18 with Quincy Murphy. -

19 MR. MURPHY: Good evening. I would like if -
20 you guys could revise your agenda and allow the public -
21 to speak on agenda items. One of the agenda items that -
22 I would have liked to speak before you guys made -
23 approval is the contracts of the mowing of the -
24 right-of-ways. I live in a neighborhood where it's a -
25 lot of black -- I've been fighting with the block for a -

1 long time. -

2 Kenya Jones, before she retired recently, I -
3 brought it to her attention about the contractors that -
4 were mowing the right-of-ways over in my neighborhood. -
5 They was doing a half A-S-S job in my neighborhood and -
6 I asked them, "would you go back and cut what you -
7 halfway cut?" So now you guys just approved a contract -
8 for right-of-way for some companies for two more years -
9 for a neighborhood such as mine that they did a halfway -
10 job and got paid for. And you think it's not fair for -
11 us that care about our community, even though we live -
12 in a low income and poor neighborhood. We concerned -
13 about our neighborhoods getting cut correctly. And it -
14 makes no sense for you all to pass a resolution or for -
15 us to not get up here and be able to speak on -
16 resolutions on an agenda and not give a contract to a -
17 company where they're going to come back over in my -
18 neighborhood and do a messed-up job. -

19 So they're going to hear it from me, whether -
20 they like it or not. Because I don't appreciate you -
21 all paying someone to come over there and halfway cut -
22 from the sidewalk to the one foot in, going to maybe --
23 they might as well let us go in there and pay the -
24 organization that do the trimming of trees. There's -
25 another way to skin a cat. -

1 And just listening to this trash situation, -
2 at the end of the day, no one is going to win, whether -
3 Rizzo get the contract or Republic get the contract. -
4 One, because of the robo laws that's been put out in -
5 the community on them --

6 THE CHAIRPERSON: Your time expired. -

7 MR. FINNEY: Mr. Chair, I just have one -
8 question or comment. Did you happen to talk to your -
9 City Council representative about the lawn mowing -
10 situation? -

11 So recognize we are reacting to resolutions -
12 that were approved by the City Council and by the -
13 Administration. So your elected officials should be -
14 hearing from you with respect to any quality problems -
15 that you see with any of these vendors. -

16 MR. MURPHY: I talked with Kenya Jones about -
17 it that was responsible for paying for them. -

18 MR. CLINE: Second individual is Chuck Rizzo. -

19 THE CHAIRPERSON: Mr. Rizzo? -

20 UNIDENTIFIED MALE: He left. -

21 MR. CLINE: Steve Slutzky. -

22 MR. SLUTZKY: Good afternoon, my name is -
23 Steve slat key, Counsel for Republic Services. I -
24 understand that the RTAB is not going to take up the -
25 issue of Resolution 160323 but this may come back -

1 before the RTAB so I thought it valuable to clear up a -
2 little bit of confusion. There's a lot that's been -
3 said about proposals and the numbers related to the -
4 proposals. -

5 And so, for the record, allow me to just -
6 clarify Republic Services is the lowest responsible -
7 bidder, not Rizzo. The factual allegations that -
8 Rizzo's lower is just simply not true. And the -- the -
9 way that we arrive at that conclusion is this: Not all -
10 bids are created equal and the purchasing ordinance -
11 recognizes that not all bids are created equal. -

12 And so, as Section 18 -- 221.3, Subsection -
13 (5), that requires the monetization of valued added -
14 services, when you take that valuation and you do that -
15 apples-to-apples comparison, you discover two things; -
16 the first is that Rizzo is not a responsible bidder in -
17 this contract because they failed to meet the minimum -
18 bid requirements, including access to a public -
19 landfill -- or public access to a landfill and a -
20 satisfactory blight remediation program. -

21 And if you go to Page 184 of the meeting -
22 packet for the RTAB today, it's right there on the page -
23 at the top, you've got the base pricing, which is where -
24 this misinformation gets started. And, at the bottom, -
25 you can see that the City's own Finance Director -

1 started that value-added calculation that they're -
2 required to do and they did so by including the blight -
3 remediation. So that's only one of the valued added -
4 services. So, if you do that, you'll notice that the -
5 value of the pre-Republic contract is 11.586552 Rizzo -
6 is 11.672, just consider that one value, Republic is -
7 already lower than Rizzo. Thank you. -

8 THE CHAIRPERSON: Thank you. -

9 MR. CLINE: Arthur Woodson. -

10 MR. WOODSON: How you doing? First I want to -
11 say that it was wrong for not allowing the City Council -
12 to have representation over at the courts because -
13 Kincaid said that they had went to a meeting and that -
14 they hadn't heard anything back. So right now there is -
15 a conflict because they're -- they're not together. So -
16 they should have had representation, for one. -

17 Rizzo comes in and tries to strong arm. I -
18 have two lawsuits, one that they lost and that they -
19 settled in 2007 and another one that's going on right -
20 now. And they trying to make them pay back money that -
21 they settled for already. And then they put a letter -
22 on my door, asking me to retract a statement that I -
23 made from a newspaper, which said they cost the City -
24 \$2.6 million and 34 jobs. -

25 Then, on top of that, how can you say that -

1 your blight, which is in a bid specification, is two -
2 dumpsters, just two dumpsters, where Republic is -
3 offering a truck, two -- two workers for 40 hours a -
4 week, which is equivalent to \$247,000 a year, which -
5 Rizzo is only 12,000? So let's do the math here. Why -
6 do we want to settle for the lowest bidder? It's just, -
7 like they'll said we'll save \$5 million on the Flint -
8 River. You see what that \$5 million did for us? -

9 So we don't need a trash emergency. It -
10 wasn't a trash emergency. What we need to do is get -
11 rid of the Advisors; that's what we need to do. -
12 Dumans, Gilcrest, Stanley and Overton; those are our -
13 issues here. And get Advisors that know how to run the -
14 City. Because we are having serious issues here that -
15 we don't even need issues for. Trash is not an issue. -
16 Why make it an issue? -

17 Thank you. -

18 THE CHAIRPERSON: Thank you, Mr. Woodson. -

19 MR. CLINE: Eric Mays. -

20 MR. MAYS: Yeah, I kind of stayed away from -
21 the RTAB Emergency Manager, so forth and so on. But -
22 Mr. Murphy is right, people should be able to chime in, -
23 in most open public record meetings, before the -
24 decision is made. -

25 As I listened to Mr. Kincaid talk the details -

1 of what's relevant here for you to know -- and I heard -
2 the extension until December 14th -- the specifics is -
3 this: -

4 We have subpoena power. We can vet and put -
5 people under subpoena, Rizzo, Republic, whoever. But, -
6 when the Council meet on important issues and then vote -
7 to limit discussion to five minutes, Mr. Finney, it -
8 took more than five minutes for you to hear about the -
9 lawn mowing stuff from Mr. Jones. -

10 When I ask for information to go and come -
11 back with between meetings, it ain't happening. So I'm -
12 thinking you need to be in check. Even when I say I -
13 appeal the ruling of the Chair, in the middle of an -
14 appeal that was properly seconded, I was taken out in -
15 handcuffs. So attend a Council meeting. Look to see -
16 who's solemn and who --

17 The ordinance says that transparency and -
18 ethics in purchasing mean something. Really? It was -
19 way deep in the process before any Council people knew -
20 the ordinance. I put a copy in each one of them's -
21 (sic) mailbox. The transparency and ethics refers to -
22 Council meetings venues, sir. -

23 So, in order for the Council and the Mayor to -
24 work together, they got to be willing to meet and not -
25 pass motions to limit discussions to five minutes. -

1 God bless you. -

2 MR. FINNEY: Thank you. -

3 THE CHAIRPERSON: Thank you. -

4 MR. CLINE: R.L. Mitchell. -

5 MR. MAYS: And I did that for the record more -
6 so than for you all. -

7 MR. MITCHELL: Good evening --

8 THE CHAIRPERSON: Mr. Mitchell. -

9 MR. MITCHELL: -- RTAB. For the record, the -
10 transparent -- like Mr. Sabuta elected to give --
11 you're giving an extension, let him have a vacation to -
12 come back and settle this situation. -

13 And Mr. Ferguson giving us, we people of -
14 Flint, until October -- December the 14th to settle the -
15 situation. And what he done to Scott Kincaid about how -
16 he asked him that one question before he -- like the -
17 judge did and asked him messed up and stuff. Because -
18 he brought this to the RTAB and -- Mr. Ferguson. -

19 And you taking orders from the State, the -
20 government. He give you a certain time limit to do -
21 what you got to do and -- but the Mayor's summing it up -
22 all by saying she's -- well, you know what she said. -
23 Whatever she said goes. And we appreciate what you're -
24 doing now, listening to us. -

25 THE CHAIRPERSON: Thank you. -

1 MR. CLINE: Dorothy Bachelor. -

2 MS. BACHELOR: Hello. -

3 THE CHAIRPERSON: Good afternoon. -

4 MS. BACHELOR: I've met most of you before. -

5 Last week I went to Cincinnati to 6th U.S. -
6 Court of Appeals. And I'm not a racist. However, the -
7 Constitutionality of the Emergency Manager Act is going -
8 to be based upon race and income. This is a -
9 government-made fiasco. You guys should not have to be -
10 here. -

11 It was pointed out that all the Emergency -
12 Managers were black, that they were placed in -
13 communities that were predominantly black. I notice -
14 you all are black. You were appointed. Rick Snyder -
15 passed the Emergency Manager Act after we voted down -
16 Public Act 4. I hardly think that that's the rule of -
17 the people and what we want. -

18 Flint, Detroit -- I'm a native born -
19 Detroiter. I've lived in Michigan most of my life. I -
20 love the Great Lakes. I love the water. Viola, a -
21 multi-national company is running the Detroit -- well, -
22 excuse me -- Great Lakes Water Plant now. -

23 You got Nestle's up there that paid a -
24 one-time fee, they're bottling the water, 62 different -
25 brands, that's going out Lake Superior. You know, -

1 there was no press there. Media doesn't tell the -
2 truth. -

3 When Eric Mays confronted Dave Walling about -
4 the 2011 Flint River Water report as a viable source, -
5 he admitted to knowing. Jeff Wright knows full well -
6 that that Flint Water Plant cannot handle the KWA -
7 water.

8 THE CHAIRPERSON: Your time is up. Thank
9 you.

10 MS. BACHELOR: Do something.

11 MR. CLINE: Last individual is A.C. Dumas.

12 MR. DUMAS: Good afternoon. My name is
13 A.C. Dumas and I reside in Flint, Michigan. I'm a -
14 homeowner and I just want to say that I have a vested -
15 interest in what happens in the garbage contract. If -
16 we can save \$2 million, so be it, because the City of -
17 Flint and the residents have been struggling for the -
18 last few years. -

19 But I do want to say something, you know, -
20 once we started talking about the lawsuits that Rizzo -
21 is involved in, well, let me kind of tell you a little -
22 something about Republic. You know, seem like they -
23 didn't do their homework. -

24 The Federal Government sued Republic, EEOC, -
25 and they won \$3 million for firing older workers. -

1 Republic settled for had \$475,000 for a set -
2 discrimination lawsuit, that's a lawsuit. The Linda -
3 corporation, which is an African-American-owned -
4 company, race-company, in Chicago sued Republic and won -
5 because they were manipulating contracts. -

6 We're not even talking about the Teamsters -
7 that filed a lawsuit against Republic, the union. And -
8 it goes on and on. And just Google it, just Google the -
9 lawsuits that's been filed against Republic Waste. -
10 And, you know, I got about 40 minutes -- seconds. I -
11 want to say this: -

12 That Mr. Kincaid went over to the court and -
13 filled a lawsuit. But, in 2010, Dan Walling collected -
14 garbage every other week. And, also, Dan Walling laid -
15 off sanitation workers and nonemergency workers. -
16 Mr. Kincaid was on the Council. He didn't go to file a -
17 lawsuit against the white mayor but he finds himself -
18 going over filing a lawsuit against the -
19 African-American Mayor. And, you know, I'm Past -
20 President of NAACP and I'm the Vice President now. I -
21 don't take a back seat to racism and he said it all on -
22 the --

23 THE CHAIRPERSON: Thank you. -

24 MR. DUMAS: Thank you. -

25 THE CHAIRPERSON: The meeting will be in -

1 order, please. -

2 Is there a motion on the table? -

3 MR. FINNEY: I move to adjourn. -

4 THE CHAIRPERSON: Without objection. -

5 (Meeting was concluded at 3:56 p.m.) -

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C E R T I F I C A T E -

I, Mona Storm, do hereby certify that I have recorded stenographically the proceedings had and testimony taken in the meeting, at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of (81) pages, is a true and correct transcript of my said stenographic notes.

_____ -
Date

Mona Storm
CSR-4460 -

APPROVED - 9/14/16