

1 CITY OF FLINT
2 RECEIVERSHIP TRANSITION ADVISORY BOARD MEETING
3 Special Meeting
4 Thursday, March 31, 2016
5 2:00 p.m.
6
7 Meeting before the RTAB Board at
8 1101 S. Saginaw, Flint, Michigan, on Thursday, March 31,
9 2016.
10
11 BOARD MEMBERS PRESENT:
12 Frederick Headen - The Chairperson
13 Michael Townsend
14 Michael Finney
15 Joel Ferguson
16
17 OTHERS PRESENT:
18 Patrick Dostine
19 Vicki Van Buren, Council Vice-Chair
20 Tony Palladeno, Jr.
21 Kerry Nelson, Council President
22 Eric Mays, Councilman
23
24 REPORTED BY: Mona Storm, CSR# 4460
25

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1 Flint, Michigan

2 Thursday, March 31, 2016

3 2:04 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 present. We do have, it appears, Mr. Ferguson
8 absent. If there's no objection, we're going to ask
9 that Mr. Ferguson receive an excused absence from this
10 afternoon's meeting.

11 Without objection, Item B is the approval of
12 the agenda. Are there any additions to the agenda this
13 afternoon?

14 MR. FINNEY: Mr. Chair, I move approval.

15 THE CHAIRPERSON: Is there support?

16 MR. TOWNSEND: Support.

17 THE CHAIRPERSON: Without objection, the
18 agenda's approved.

19 Item C is the approval of the March 16
20 meeting minutes. We have an Attachment 1. Are there
21 any corrections or additions?

22 MR. FINNEY: Mr. Chair, I move approval.

23 THE CHAIRPERSON: Is there support?

24 MR. TOWNSEND: Support.

25 THE CHAIRPERSON: Those in favor, please say

1 "aye".

2 BOARD MEMBERS: Aye.

3 THE CHAIRPERSON: Opposed?

4 Motion is adopted. The minutes are approved.

5 Mr. Ferguson.

6 Let the record reflect, please, that

7 Mr. Ferguson has arrived. We'll withdraw the excused
8 absence.

9 There is no Unfinished Business pending.

10 New Business, we have the approval of --
11 under Ordinances and Resolutions from the Regular City
12 Council meeting, the meeting of March 14th, there were
13 five ordinance amendments, three of which, 008, 026 and
14 027, we understand are time-sensitive, involving the
15 Michigan State Housing Development for a document that
16 has to be provided by the City, I understand, by
17 tomorrow.

18 We also have, in addition to that ordinance,
19 029, 028, all of those are under Attachment 2,
20 previously sent out to the members. Are there any
21 questions regarding any of those five ordinances?

22 And if not, I'll entertain a motion that
23 those ordinances be approved.

24 MR. FINNEY: Support.

25 THE CHAIRPERSON: Motion's been made and

1 seconded. Is there any discussion?

2 If not, those in favor, please say "aye".

3 BOARD MEMBERS: Aye.

4 THE CHAIRPERSON: Opposed? Those five
5 ordinances are adopted.

6 The next item of business is RTAB Resolution
7 2016-3. This concerns Litigation Settlement Authority.
8 Under the City Charter, the City Council has to approve
9 a settlement of any pending civil litigation. That
10 particular arrangement was changed, to some extent, by
11 Emergency Manager Order Number 3, which vested vast
12 authority in the City Administrator to either settle or
13 initiate litigation or to resolve labor disputes.

14 The purpose of the proposed RTAB resolution
15 this afternoon is to restore, basically, the role which
16 the City Council would otherwise have had, meaning that
17 such litigation could not be settled without first
18 being approved by City Council. It would also require
19 that the Chief Legal Officer, of course, be consulted,
20 and require that the Chief Financial Officer provide a
21 written statement of the financial impact upon the City
22 of any proposed settlement.

23 All actions would likely take place, in any
24 event, under the City's procedures but we think it does
25 no harm to recite them in this proposed RTAB

1 resolution. And, of course, the most important feature
2 would, again, be the restoration of the City Council's
3 role in this process. You have that as Attachment 3 in
4 your packet. Any questions regarding proposed RTAB
5 Resolution 2016-3?

6 If not, is there a motion that the resolution
7 be approved?

8 MR. FERGUSON: So move.

9 MR. TOWNSEND: Support.

10 THE CHAIRPERSON: Is there support?

11 MR. TOWNSEND: Support.

12 THE CHAIRPERSON: I'll ask for a record roll
13 call vote.

14 Mr. Ferguson, how do you vote?

15 MR. FERGUSON: Yes.

16 THE CHAIRPERSON: Mr. Finney?

17 MR. FINNEY: Aye.

18 THE CHAIRPERSON: Mr. Townsend?

19 MR. TOWNSEND: Yes.

20 THE CHAIRPERSON: The Chair votes aye.

21 Let the record reflect that there are four
22 ayes, no nays. The resolution is adopted.

23 Next item would be Public Comment. Do we
24 have anyone signed up for public comment?

25 MR. DOSTINE: Yes. Mr. Chair, we have three

1 individuals. The first one is Mrs. Vicki Van Buren.

2 MS. VAN BUREN: Hey, good afternoon. And I
3 thank you for the opportunity to speak, normally, I
4 don't. My name is Vicki Van Buren, I am on City
5 Council and I am Vice-Chair. I wanted to take this
6 time to applaud on the restoration of City Council's
7 ability to do their job now. I feel that now this will
8 give us a strong involvement to participate, to
9 communicate and to represent our constituents, as we
10 were elected to do, overall, addressing the needs and
11 issues of the people and families in Flint.

12 The Council always has needed to be a part of
13 this process, to be included and to be informed, not
14 sitting like puppets on a shelf, only for hooks. So
15 thank you for this activating our activities, our
16 involvement and thank you for supporting the importance
17 of this action. Thank you very much.

18 MR. DOSTINE: Mr. Tony Palladeno.

19 MR. PALLADENO: Yep. Thank you, sir.

20 MR. DOSTINE: You're welcome.

21 MR. PALLADENO: Hello. Thank you. I'd like
22 to touch on Vicki's statement there. Also, thank you
23 for giving us back our Council. With that said, and I
24 know that we didn't always agree, you know, of course,
25 like Eric said, we don't all go along to get along.

1 And you guys, you know, you see me out there, this
2 isn't always an easy thing to do.

3 With that said, where does this leave you
4 guys if the Council makes a vote or does away with it?
5 Because I'm confused about this. It seems that, if
6 they pass something and they vote it down and they
7 don't want it, you guys can come along and say, "Well,
8 we're going to change that and we're going to vote yes
9 on it." Where does that leave you guys in the near
10 future?

11 And to be honest, I don't mean to be rude,
12 but we'd like to see you guys gone. I mean, we got a
13 Mayor, look at the help we've got now. We're starting
14 to become a city again and we're starting to be our own
15 voice. And I think -- I hope we're starting to curb
16 things. My biggest fear, as a resident, is watching
17 these give-away micro emergency managers, not you guys
18 per se, but the emergency manager that's giving away
19 most of our taxable assets and -- and no jobs.

20 I'd like to see our city get our power back,
21 not only through the Council but the residents' voices
22 being taken care of also.

23 There's a lot of money getting ready to drop.
24 I'm a little nervous about that, too. With that said,
25 there's no residents to better inform. Just like this

1 next meeting that's coming up, I just found out about
2 that last night.

3 There's no page that we could go to, to say
4 this, this, this and this is going to happen in the
5 City this, this and this time. And it's so
6 frustrating. We spread ourselves thin, just to make
7 all these different meetings. And they're very
8 important in the whole city --

9 So, with that said, not to be rude, I'd like
10 to say goodbye to you guys. You know what I'm saying?
11 I'm sure that you could do other things, maybe even get
12 hired within the City, I don't know. You know, but I
13 appreciate you listening to me and thank you. Just let
14 us get our city back.

15 THE CHAIRPERSON: Certainly. Just to
16 clarify, this afternoon's restoration was a limited
17 restoration with regards to the settlement of
18 litigation.

19 MR. NELSON: Right.

20 THE CHAIRPERSON: It's not a full
21 restoration, just so there's no misunderstanding.

22 MR. PALLADENO: Okay.

23 THE CHAIRPERSON: This is really the third
24 piece now we have restored. If you recall, previously
25 we restored the Mayor's authority to make appointments

1 to various positions. And we also, at the same time,
2 restored the City Council's role to confirm
3 appointments to -- as heads of departments.

4 We expect there will probably be additional
5 restorations in the future. I think we've indicated in
6 the past that after -- it's typically the case in
7 cities that have an RTAB that, after one year, the
8 Treasury staff will do an assessment as to where the
9 City happens to be after 12 months under an RTAB.

10 This RTAB was appointed at the end of April
11 last year, so we expect that Treasury Staff will
12 probably do their assessments in Flint probably
13 sometime later this spring. In doing that, they will
14 interview all City Council members, the Mayor, other
15 officials in the City. Their presentation of their
16 report would be public at an RTAB meeting.

17 The second point I would make with regards
18 to, perhaps, some difficulty of -- of finding about our
19 meetings, this is, I believe, the second special
20 meeting that we've had this month. And those, because
21 of their nature, tend to be noticed on a short
22 timeframe.

23 But, as far as our regular meeting schedule
24 goes, that should be on both the City's website as well
25 as the Department of Treasury's website. It's

1 basically the second Tuesday (sic) of each month.

2 MR. PALLADENO: I mean in reference to all
3 the meetings that go on here.

4 THE CHAIRPERSON: Yes.

5 MR. PALLADENO: I wish there was a -- not to
6 be rude, but Channel 7 or something where we could just
7 go -- especially if they add something. I mean, some
8 of this gets added, I understand, but most of it.
9 Thank you for your time. Thank you.

10 MR. DOSTINE: Yes, Mr. Chairman,
11 Councilman Eric Mays.

12 MR. MAYS: Good afternoon. I like the way
13 that he set that clock. I seen it at 46 minutes at one
14 point so I kind of started smiling.

15 Yeah, I did realize that that was a
16 resolution that restored the opportunity to deal with
17 the lead Board in this litigation. You know, I repeat
18 my stand on emergency managers, RTAB and so forth. So,
19 when we met almost a year ago, Mr. Headen, you referred
20 to -- you know, you talked about the bus going down the
21 road and, if it don't cross the yellow line, no
22 interference.

23 Under that premise, though, that's kind of
24 hard; if you don't have Board authority, you can't
25 really -- you really riding the bus directly to see it

1 go over the yellow line and -- in your assessment. And
2 I look at that.

3 When you meet normally, I always believe that
4 it wasn't just reacting to Council resolutions but
5 there was some proactive action, like restoring power,
6 making recommendations to the Governor, so forth and so
7 on. I still firmly believe that it's some
8 communications with the Treasury Department, so forth
9 and so on, as it relates to a further test. That's a
10 financial test.

11 There we go. I read that to say I have 30 to
12 40 minutes.

13 So it's a final opportunity --

14 I read that wrong.

15 So it's a final opportunity because, if you
16 really look at the total picture, the state, what we're
17 dealing with, the disaster, the emergency, it not only
18 affects the water and sewer fund but it reaches all
19 across some of our fund balances in the general fund.

20 And we know -- we know that there has been
21 some promises made upcoming. Our fiscal year ends in
22 June and starts in July. The State's fiscal year ends
23 in September and starts in October. And I know that we
24 have an opportunity to talk privately. But, for the
25 record, I still ask that this RTAB meet prior,

1 privately, before we getting ready to go in the budget
2 process.

3 I've asked the Governor to come before our
4 legislative body. I've asked the -- the leader,
5 majority leader of the house and the senate to come
6 before our legislative body. I'm looking at them to
7 show up even in Washington voluntarily. Seems like the
8 word would come back they want to meet privately.

9 We are open, a public body and we need to
10 talk business in a public setting; that will go a long
11 way for us to discuss in the business of what we need
12 to do both financially and operational. So that's what
13 I agree to now.

14 Fore, as we go into the home stretch, we've
15 waited a long time. We know there's been private
16 meetings and meeting with the Mayor. But this Governor
17 is both executive and legislative body and so whoever
18 communicates in a group, we would like the opportunity
19 and respect to talk and meet in our legislative arena
20 with the people who might have a lot to do with us
21 moving forward to take care of business in this state.

22 Thank you.

23 And when I say "state", I mean state of where
24 we are.

25 THE CHAIRPERSON: And, just in case I

1 misunderstood your statement, there have been no
2 private meetings by the RTAB with any -- we only meet
3 in public. So, if there have been private meetings, it
4 has not involved this body; I just want that to be
5 clear on the public record.

6 MR. MAYS: No, the private meetings that I
7 was referring to -- and I can appreciate the
8 clarification -- is that the Governor will meet with
9 the executive branch privately. In one case, it was in
10 our Council Chambers and the public was kept out. At
11 the time that happened, I noticed that they must have
12 come the back way. But then there's the back and forth
13 drive to meetings and that's okay, I'm not opposed to
14 that.

15 I'm just saying we have to function in an
16 open meeting arena, as a legislative body, and so I'm
17 going to start sifting that communication out to both
18 the Governor, the leadership or the house and senate.
19 Because I believe that they would be surprised that we
20 can talk business, just as they do, in a normal
21 setting.

22 THE CHAIRPERSON: Thank you.

23 MR. FINNEY: I just have one question.

24 THE CHAIRPERSON: Certainly.

25 MR. FINNEY: Just out of curiosity, has the

1 Council formally invited the Governor or the
2 legislative branch to come meet with you all?

3 MR. MAYS: I will comment that the President
4 and the clerk, based upon our last two meetings, I
5 would feel more comfortable if they'd -- I suppose
6 either one on that.

7 THE CHAIRPERSON: Council President?

8 MR. NELSON: Good afternoon.

9 First of all, I wanted to say thank you to
10 you, the RTAB, and to the Governor who is all involved
11 with pulling all the piece of the puzzle.

12 We will vote on this coming Monday to ask the
13 Governor, to send out communications, to ask him if he
14 would come to one of our committee meetings or Council
15 meetings. But that is being pulled together as we
16 speak by the City Clerk and me. Okay? So there will
17 be communication asking them to attend either a
18 committee meeting or a Council meeting.

19 MR. FINNEY: Okay. Thank you.

20 THE CHAIRPERSON: Thank you.

21 MR. DOSTINE: Mr. Chairman, that concludes
22 the public comments.

23 THE CHAIRPERSON: Thank you.

24 I believe there's no further business before
25 this Board this afternoon. Is there a motion to be

1 adjourned?

2 MR. FERGUSON: So move.

3 THE CHAIRPERSON: Is there support?

4 MR. FINNEY: Support.

5 THE CHAIRPERSON: Without objection, we are
6 adjourned. Thank you.

7 (Meeting was concluded at 2:22 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 (17) pages, is a true and correct transcript of my said stenographic notes.

Date

Mona Storm
CSR-4460

APPROVED - 4/13/16