

City of Flint, Michigan

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



Meeting Agenda – 2nd AMENDMENT

Wednesday, May 22, 2024

5:00 PM

2nd AGENDA AMENDMENT to ADD Reso. No. 240207

CITY COUNCIL CHAMBERS

FINANCE COMMITTEE

Judy Priestley, Chairperson, Ward 4

*Leon El-Alamin, Ward 1
Quincy Murphy, Ward 3
Tonya Burns, Ward 6
Dennis Pfeiffer, Ward 8*

*Ladel Lewis, Ward 2
Jerri Winfrey-Carter, Ward 5
Candice Mushatt, Ward 7
Jonathan Jarrett, Ward 9*

Davina Donahue, City Clerk

ROLL CALL

REQUEST FOR AGENDA CHANGES/ADDITIONS

CLOSED SESSION

The Department of Law has requested a Closed Session to discuss pending damage claims.

PUBLIC COMMENT

Members of the public who wish to address the City Council or its committees must register before the meeting begins. A box will be placed at the entrance to the Council Chambers for collection of registrations. No additional speakers or slips will be accepted after the meeting begins.

Members of the public shall have no more than three (3) minutes per speaker during public comment, with only one speaking opportunity per speaker.

COUNCIL RESPONSE

Councilmembers may respond once to all public speakers only after all public speakers have spoken. An individual Councilmember's response shall be limited to two (2) minutes.

CONSENT AGENDA

Per the amended Rules Governing Meetings of the Flint City Council (as adopted by the City Council on Monday, April 22, 2024), the Chair may request the adoption of a "Consent Agenda". After a motion to adopt a Consent Agenda is made and seconded, the Chair shall ask for separations. Any agenda item on a Consent Agenda shall be separated at the request of any Councilmember. After any separations, there is no debate on approving the Consent Agenda - it shall be voted on or adopted without objection.

RESOLUTIONS

240115 Consent to Entry of Stipulation and Notice/Concerned Pastors for Social Action Et Al v City of Flint Et Al

Resolution resolving that the City Council approves authorizing the Department of Law to consent to entry of the Stipulation and Notice in the case of Concerned Pastors for Social Action, et al. v City of Flint, et al., United States District Court, Eastern District of Michigan, Case No. 16-10277. [NOTE: An Executive (Closed) Session was held on this matter on March 20, 2024.]

240144 Administrative Consent Order/City of Flint/State of Michigan/Department of Environment, Great Lakes and Energy [EGLE]/Drinking Water and Environmental Health Division

Resolution resolving that the City Council approves authorizing the City of Flint

to take all actions necessary to enter into DWEHD Order No. ACO-399-03-2024 ("Administrative Consent Order between the City of Flint and EGLE"). [NOTE: The State of Michigan, Department of Environment, Great Lakes, and Energy ("EGLE"), Drinking Water and Environmental Health Division ("DWEHD") has made allegations that the City of Flint is in violation of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), and the administrative rules promulgated thereunder, being 2009 ACS R 325.10101, et seq., Title XIV of the Public Health Service Act: Safety of Public Water Systems (Safe Drinking Water Act), Title 42 of the United States Code (USC), Section 300f, et seq. (collectively, the "SDWA"). The City of Flint and EGLE have tentatively agreed to resolve the violations alleged by EGLE through entry of an Administrative Consent Order.]

240169 Reallocation ARPA Funds/Payment of Uncollected Trash Fees

Resolution resolving that the appropriate City Officials are authorized to do all things and execute any agreements necessary to appropriate funding in the current and future fiscal years, for as long as the funds are available. Prior to any disbursement of funds, the City of Flint's ARPA administration, compliance, and implementation firm shall review and ensure compliance with the latest US Department of Treasury rules. [NOTE: City Administration recommends reallocating \$2,000,000 of ARPA funds, previously obligated for revenue replacement, to provide funding for payment of uncollected trash fees. Reallocated funds will be moved from Acct #101-287.000-963.000.]

240183 Acceptance of Interest Funds/Flint Township/Multi-Jurisdictional Edward Byrne Memorial Justice Assistance Grant (JAG)/ Department of Justice (DOJ)

Resolution resolving that the appropriate City Officials are hereby authorized to do all things necessary to accept the \$328.54 interest funds from Flint Township and the Department of Justice, amend the FY24 budget, appropriate funding for revenue and expenditures in future fiscal years as long as the funds are available from the funder, and abide by the terms and conditions of the award from the State of Michigan, in the aggregate total of \$106,715.54, to grant code FDOJ-JAG22.

240184 Acceptance of Interest Funds/Flint Township/Multi-Jurisdictional Edward Byrne Memorial Justice Assistance Grant (JAG)/ Department of Justice (DOJ)

Resolution resolving that the appropriate City Officials are hereby authorized to do all things necessary to accept the \$526.35 interest funds from Flint Township and the Department of Justice, amend the FY24 budget, appropriate funding for revenue and expenditures in future fiscal years as long as the funds are available from the funder, and abide by the terms and conditions of the award from the State of Michigan, in the aggregate total of \$124,296.35, to grant code FDOJ-JAG21.

240185 Settlement/Lucio v City of Flint/E.D. MICH Case No. 24-10256

Resolution resolving that the City Council approves settlement in the matter of Lucio v City of Flint, E.D. MICH Case No. 24-10256, in the amount of \$12,500,

on terms substantially similar to those presented, in satisfaction of any and all claims against the City arising out of said matter. Payment shall be drawn from appropriated funds in the Litigation and Suits line item 677-266.200-956.300.

- 240186** Flint New Holland/Kubota Tractor/Flail Mower/Blight Department/ John Deere Lawn Mower/Fire Department/Liberty Dump Trailer/Water Service Center (WSC)

Resolution resolving that the appropriate City Officials are hereby authorized to do all things necessary to transfer the Liberty dump trailer to the Water Service Center and John Deere lawn mower to the Fire Department, and issue a purchase order for FY24 and future fiscal years as long as the funds are available from the funder to Flint New Holland in the amount not to exceed \$25,711.11, AND, resolving that the Purchasing Division has the discretion to spend an additional amount of no more than five percent of the requested amount of possible additional costs.

- 240187** Contract/KMI Road Maintenance/Replacement of City Hall Sidewalks

Resolution resolving that the proper City Officials are hereby authorized to enter into a contract with KMI Road Maintenance for City Hall Sidewalk replacements in the amount not to exceed \$120,000.00.

- 240188** Onix Networking/Google Workspace Enterprise Software

Resolution resolving that the appropriate City Officials are authorized to do all things necessary to authorize the agreement with Onix Networking Corporation for FY 2025 (terms outlined as 07/03/2024-07/02/2025), in an overall amount not-to-exceed \$134,517.36, pending budget amendment approval.

- 240189** Reallocation of ARPA Funds/Small Business Grants/ Local Initiatives Support Corporation (LISC)

Resolution resolving that the appropriate City officials are authorized to do all things necessary, including executing any necessary agreements, to appropriate funding from the funding source account #101-287.000-963.000 to Local Initiatives Support Corporation (LISC) Flint in the amount of \$500,000. Based on review and validation of the appropriate fund use by the City's compliance firm, implementation of these funds will be consistent and compliant with US department of Treasury requirements and previously approved authorizations.

- 240207** Issuance of Bonds/Sewage Disposal System Revenue Bonds/System Improvements and Related Costs/Standing and Priority of Lien/Outstanding Bonds/Retirement and Security of Bonds/Acceptance of Grants/Authorization of Agreements

Resolution resolving that Section 1. Definitions. Whenever used in this Resolution, except when otherwise indicated by the context, the following terms shall have the following meanings: (a) "2024 SRF Improvements" means design, acquisition, equipping, and construction of improvements to the

System, including, but not limited to, the improvements described in Section 2 with respect to the 2024 SRF Bonds, as well as all work necessary and incidental to these improvements. (b) "2024 SRF Bonds" means the Sewage Disposal System [Junior Lien] Revenue Bonds, Series 2024 authorized by Section 9 of this Resolution for the purpose of paying for the 2024 SRF Improvements and paying the costs of issuing the 2024 SRF Bonds. (c) "Act 94" shall have the meaning assigned to it in the recitals to this Resolution. (d) "Additional First Lien Bonds" means any additional First Lien bonds issued in the future. (e) "Additional Junior Lien Bonds" means any additional Junior Lien Bonds issued in the future. (f) "Adjusted Net Revenues" means for any operating year the Net Revenues to which may be made the following adjustments: (i) Revenues may be augmented by the amount of any rate increase adopted prior to the issuance of additional Bonds or to be placed into effect before the time principal or interest on the additional Bonds becomes payable from Revenues as applied to quantities of service furnished during the operating year or portion thereof that the increased rates were not in effect, (ii) Revenues may be augmented by amounts that may be derived from rates and charges to be paid by new customers of the System. (g) "Authorized Officer" means any one of the following officials of the City: the Mayor, the Chief Financial Officer, the City Administrator, or the Treasurer. (h) "Bondholder" or "Bondholders" means the holder or holders of the Bonds. (i) "Bond Reserve Account" means, if necessary, a subaccount established within the Redemption Account pursuant to Section 22(b)(ii)(2). (j) "Bonds" means the 2024 SRF Bonds and any Additional Junior Lien Bonds and any Additional First Lien Bonds authorized pursuant to this Resolution or any other resolution of the City, whether presently outstanding or hereafter issued. (k) "Code" means the Internal Revenue Code of 1986, as amended, and the rules and regulations promulgated thereunder. (l) "Council" means the City Council of the City of Flint, Michigan, the legislative and governing body thereof. (m) "2024 SRF Construction Fund" shall mean the construction fund created pursuant to Section 22(a). (n) "Contract Documents" means the Purchase Contract between the City and the Authority, the Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through EGLE, and the Issuer's Certificate for the 2024 SRF Bonds, or such other closing documents required by the Authority for the issuance of the 2024 SRF Bonds. (o) "First Lien Bonds" shall mean any bonds or other obligations that may be issued or incurred by the City payable from the Revenues of the System secured by a lien that is a first lien on the Net Revenues of the System, senior in standing and priority of lien with respect to the Net Revenues to the claim of the Junior Lien Bonds. (p) "First Lien Redemption Account" means the First Lien Bond and Interest Redemption Account created as a subaccount of the Redemption Account pursuant to Section 22(b)(ii)(1). (q) "GO Fund" means, if necessary, the General Obligation Debt Fund created pursuant to Section 22(b)(iii). (r) "Junior Lien Bonds" shall mean any bonds or other obligations that may be issued or incurred by the City payable from the Revenues of the System secured by a lien on the Net Revenues of the System that is subordinate to a first lien on the Net Revenues of the System created for the benefit of any First Lien Bonds. (s) "Junior Lien Redemption Account" shall mean the Junior Lien Bond and Interest Redemption Account created as a subaccount of the Redemption Account pursuant to Section 22(b)(ii)(3). (t) "Net Revenues" shall have the same meaning as defined in Section 3 of Act 94. (u)

"Operation and Maintenance Fund" means the Operation and Maintenance Fund created pursuant to Section 22(b)(i). (v) "Purchase Contract" shall have the meaning as defined in Section 9 of this Resolution. (w) "Receiving Fund" shall mean the Sewage Disposal System Receiving Fund created pursuant to Section 22(b). (x) "Redemption Account" shall mean the Bond and Interest Redemption Account created pursuant to Section 22(b)(ii). (y) "Resolution" means this Resolution and all amendments hereto. (z) "Revenues" shall have the same meaning as defined in Section 3 of Act 94 and shall include all earnings on investment of funds of the System and all other revenues derived from or pledged to operation of the System. (aa) "System" means the City's complete sewage disposal system, both inside and outside the City, including all collection and treatment facilities for sanitary sewer and all appurtenances thereto now owned by the City and those acquired pursuant to this Resolution and all extensions and improvements thereto hereafter made.

Section 2. Necessity of 2024 SRF Improvements. It is hereby determined to be necessary for the public health, safety and welfare of the City to acquire, construct, furnish and equip improvements to the City's existing System including wastewater treatment plant improvements, and force main and pump station rehabilitations, together with all related appurtenances and attachments thereto (the "2024 SRF Improvements") in accordance with the maps, plans and specifications therefor prepared by the City's engineers and issue the 2024 SRF Bonds pursuant to Act 94 to finance the acquisition, construction, furnishing and equipping of the 2024 SRF Improvements.

Section 3. Cost and Useful Life of 2024 SRF Improvements. The cost of the 2024 SRF Improvements is estimated not to exceed Sixty-Six Million Nine Hundred Eighty Thousand Dollars (\$66,980,000) including, the payment of legal, engineering, financial and other expenses, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the 2024 SRF Improvements is estimated to be not less than thirty (30) years.

Section 4. Payment of Costs of 2024 SRF Improvements and Authorization of 2024 SRF Bonds. It is hereby determined that the City shall borrow the sum of not-to-exceed Forty-Six Million Nine Hundred Eighty Thousand Dollars (\$46,980,000), with such maximum amount being reduced by an amount commensurate with the amount of the Grant ultimately realized by the City, and as finally determined by an Authorized Officer upon the sale of thereof, and the 2024 SRF Bonds shall be issued pursuant to the provisions of Act 94 to pay the cost of acquiring and constructing the 2024 SRF Improvements, including the payment of engineering, legal, financial, bond insurance, underwriter's discount and other expenses incident thereto and incident to the issuance and sale of the 2024 SRF Bonds. The balance of the cost of the 2024 SRF Improvements, if any, will be paid from other funds of the City legally available therefor. The 2024 SRF Bonds shall be designated as the SEWAGE DISPOSAL SYSTEM [JUNIOR LIEN] REVENUE BONDS (SRF PROJECT #5739-01), SERIES 2024, with such modifications as may be approved by an Authorized Officer, and unless required by the Authority and as authorized by Act 94, shall not be a general obligation of the City, but be revenue bonds, payable solely out of the Net Revenues of the System. During the time funds are being drawn down by the City under the 2024 SRF Bonds, the Authority will periodically provide the City with a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the

Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced and not forgiven, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of the 2024 SRF Bonds. Section 5. Year of Sale. If the 2024 SRF Bonds, or any series thereof, are not sold or delivered in calendar year 2024, then references to the name of the bonds, funds and accounts approved by this Resolution may be changed to reflect the year in which such bonds will be sold or delivered. Section 6. Payment of Bonds; Pledge of Net Revenues. Principal of and interest on the 2024 SRF Bonds shall be payable in lawful money of the United States of America to the person appearing on the Bond registration books as the registered owner thereof. Payment of principal on the 2024 SRF Bonds shall be made at the principal office of the Paying Agent, upon surrender of the 2024 SRF Bonds. Payment of interest on the 2024 SRF Bonds shall be paid to the registered owner at the address as it appears on the registration books. The principal of and interest on the 2024 SRF Bonds shall be payable from the Net Revenues derived from the operation of the System, including future improvements, enlargements and extensions thereof, after provision has been made for the payment of expenses of administration, operation and maintenance thereof. The Net Revenues of the System, including future enlargements, improvements, and extensions thereto, are hereby pledged to the payment of the principal of and interest on the 2024 SRF Bonds. To secure the payment of the principal of and interest on the 2024 SRF Bonds, a statutory lien is created pursuant to the Act to and in favor of the Bondholders of the 2024 SRF Bonds upon the Net Revenues of the System, including future enlargements, improvements, and extensions thereof. The statutory lien on the Net Revenues securing any First Lien Bonds shall be a first lien as provided in the Act and shall at all times and in all respects be and remain superior to the lien on the Net Revenues securing any Junior Lien Bonds. The Net Revenues so pledged shall be and remain subject to such lien until the payment in full of the principal of and interest on the 2024 SRF Bonds or until the 2024 SRF Bonds are defeased as provided in Section 29. The Authorized Officer is hereby authorized and directed to determine in an order signed by the Authorized Officer upon or prior to the delivery of the 2024 SRF Bonds whether the 2024 SRF Bonds are First Lien Bonds or Junior Lien Bonds. The 2024 SRF Bonds, including both principal and interest thereon, shall not be a general obligation of the City and shall not constitute an indebtedness of the City for the purpose of any debt limitations imposed by any constitutional or statutory provisions. Section 7. Prior Redemption. The 2024 SRF Bonds issued and sold to the Authority shall be subject to redemption prior to maturity by the City only with the prior written consent of the Authority and on such terms as may be required by the Authority. Section 8. Paying Agent and Registration. (a) Appointment of Paying Agent. From time to time the Authorized Officer shall designate and appoint a Paying Agent, which shall also act as transfer agent and bond registrar. The initial Paying Agent shall be the Treasurer of the City. In the event of a change in the Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Bonds. (b) Registration of Bonds. Registration of the Bonds shall be recorded in the registration books of the City

to be kept by a Paying Agent. Bonds may be transferred only by submitting the same, together with a satisfactory instrument of transfer signed by the Registered Owner or the Registered Owner's legal representative duly authorized in writing, to the Paying Agent, after which a new Bond or Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in any denomination, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any Bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the City and the Paying Agent as the absolute owner thereof, and any payment of principal and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the City's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than fifteen (15) days prior to an interest payment date nor after the Bond has been called for redemption.

(c) Authority's Depository. Notwithstanding any other provision of this Resolution or the 2024 SRF Bonds, so long as the Authority is the owner of the 2024 SRF Bonds, (a) the 2024 SRF Bonds are payable as to principal, premium, if any, and interest at the U.S. Bank Trust Company, National Association, or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on the 2024 SRF Bonds in immediately available funds by 12:00 p.m. (noon) at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 p.m. (noon) on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of the 2024 SRF Bonds shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Section 9. 2024 SRF Bond Details. The 2024 SRF Bonds shall be issued in the form of one or more fully-registered, nonconvertible bonds, dated as of the date of delivery, payable in annual principal installments in the amounts and on the dates as determined by the order of EGLE and approved by the Authority and the Authorized Officer, provided that the final payment on the 2024 SRF Bonds shall occur within the period of usefulness of the 2024 SRF Improvements as set forth in this Resolution. Final determination of the principal amount and the payment dates and amounts of principal installments of the 2024 SRF Bonds shall be evidenced by execution of a Purchase Contract (the "Purchase Contract") between the City and the Authority providing for sale of the 2024 SRF Bonds, and the Authorized Officer is authorized and directed to execute and deliver the Purchase Contract. The 2024 SRF Bonds shall bear interest at a rate or rates to be determined by the Authorized Officer at the time of execution of the Purchase Contract, but in any event not exceeding the maximum amount permitted by law, payable semiannually on the dates as determined in the Purchase Contract. In addition, if required by the Authority, the 2024 SRF Bonds will bear additional interest, under the terms required by the Authority, in the event of a default by the City in the payment of principal or interest on the 2024 SRF Bonds when due. The 2024 SRF Bonds principal amount is

expected to be drawn down by the City periodically, and interest on each installment of the principal amount shall accrue from the date such principal installment is drawn down by the City. Principal installments of the 2024 SRF Bonds will be subject to prepayment prior to maturity as permitted by the Authority and approved by the Authorized Officer. The Mayor and City Clerk are authorized to execute the 2024 SRF Bonds by manual or facsimile signature. If required, at least one signature on the 2024 SRF Bonds shall be a manual signature. If required, the 2024 SRF Bonds shall have the facsimile corporate seal of the City printed or impressed thereon. The 2024 SRF Bonds may be transferred by the bondholder as provided in the 2024 SRF Bonds as executed. Section 10. State Revenue Sharing Pledge. If required by the Authority, as additional security for repayment of the 2024 SRF Bonds, the Council agrees to pledge the state revenue sharing payments that the City is eligible to receive from the State of Michigan under Act 140 to the Authority as purchaser and holder of the 2024 SRF Bonds. The Authorized Officer is authorized to execute and deliver a revenue sharing pledge agreement between the City and the Authority. Section 11. Bond Form. The 2024 SRF Bonds shall be in substantially the [described] form subject to changes, including references to additional security, as may be required by the Authority. [NOTE: Pursuant to Act 94, Public Acts of Michigan, 1933, as amended (the "Act 94"), the City of Flint, County of Genesee, State of Michigan (the "City") has determined to make improvements to the City's System (as defined). On June 24, 2019 the City Council of the City (the "Council") adopted Resolution No. 190188.1 (the "Project Plan Resolution") approving a proposed project plan and program application (the "Project Plan") to the Michigan Department of Environment, Great Lakes and Energy ("EGLE") for improvements to the System as set forth in such Project Plan. The improvements will enable the City to provide more efficient and better quality public services to the users of the System. Pursuant to Resolution No. 200303.1, the Council approved the issuance of \$35,360,000 principal amount of City's Sewage Disposal System Junior Lien Revenue Bonds, SRF Series 2020 (the "Series 2020 Bonds") to pay a portion of the costs of certain improvements under the Project Plan, and a portion of the Series 2020 Bonds remain outstanding. Pursuant to Resolution No. 210407, the Council approved the issuance of \$37,255,000 principal amount of City's Sewage Disposal System Junior Lien Revenue Bonds, SRF Series 2021 (the "Series 2021 Bonds," and together with the Series 2020 Bonds, the "Prior Bonds") to pay a portion of the costs of certain improvements under the Project Plan, and a portion of the Series 2021 Bonds remain outstanding. It is now deemed necessary by the Council to equip, improve, rehabilitate, acquire, construct and install certain improvements to the System including but not limited to the wastewater treatment plant, force main and pump station remediation, together with any appurtenances and attachments thereto and any related site acquisitions or improvements (the "2024 SRF Improvements") in compliance with and according to the Project Plan. The City intends to finance construction and acquisition of the 2024 SRF Improvements through issuance of sewage disposal system revenue bonds (the "2024 SRF Bonds") and to sell the 2024 SRF Bonds to the Michigan Finance Authority (the "Authority"). As additional security for payment of the principal of, premium, if any, and interest on the 2024 SRF Bonds, it may be necessary for the City to pledge to the Authority revenue sharing payments that the City is eligible to receive under

Act 140, Public Acts of Michigan, 1971, as amended ("Act 140"). Not less than 45 days prior to the issuance of the 2024 SRF Bonds, a notice of intent to issue bonds must be published in accordance with Section 33 of Act 94, a ("Notice of Intent"), which will provide that the proposed 2024 SRF Bonds may be issued without a vote of the electors of the City unless the requisite petitions for an election on the question of the issuance of the 2024 SRF Bonds are filed with the Clerk of the City ("City Clerk") within a period of 45 days from the date of publication. Section 1.150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of 2024 SRF Bond proceeds, and the City intends to qualify amounts advanced by the City to make improvements to the City's System for reimbursement from proceeds of the 2024 SRF Bonds in accordance with the requirements of the Reimbursement Regulations. All things necessary to the authorization and issuance of the 2024 SRF Bonds under the Constitution and laws of the State of Michigan, particularly Act 94, the Charter and ordinances of the City, have been done or will be done, and the Council is now empowered and desires to authorize the issuance and sale of the 2024 SRF Bonds. The City has been awarded one or more grants from EGLE pursuant to the American Rescue Plan legislation, and appropriated pursuant to Section 307 of Michigan Public Act 53 of 2022, pursuant to America's Water Infrastructure Act of 2018, which amended Section 221 of the Clean Water Act to reauthorize Sewer Overflow and Stormwater Reuse Municipal Grants administered by EGLE's Water Resources Division, or pursuant to such other legislation or appropriations for the benefit of the 2024 SRF Improvements (collectively, the "Grant") in an aggregate amount up to the lesser of \$20,000,000, or fifty percent (50%) of the amount of the 2024 SRF Improvements eligible for financing through the State Revolving Fund program. Pursuant to this Resolution, the City, by and through the Council, wishes to accept and appropriate the Grant to support the financing of the 2024 SRF Improvements. The Council wishes to authorize the Authorized Officers (as defined) to finalize the terms of the issuance and sale of the 2024 SRF Bonds and to take any actions necessary to receive the Grant without further resolution of the Council.]

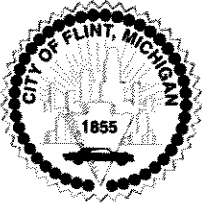
SPECIAL ORDERS

240193 Special Order/City Council Ward Priorities/ARPA Funds

A Special Order as requested by Councilmember Murphy to allow for a 20-minute discussion about the ARPA Funds for City Council Ward Priorities.

ADJOURNMENT

240115



RESOLUTION NO.: _____

PRESENTED: 4-03-2024

ADOPTED: _____

RESOLUTION AUTHORIZING DEPARTMENT OF LAW TO CONSENT TO ENTRY OF STIPULATION AND NOTICE IN *CONCERNED PASTORS FOR SOCIAL ACTION ET AL., v CITY OF FLINT, ET AL.*

BY THE CITY ADMINISTRATOR:

Executive Session was held in this matter on March 20, 2024; and

The Department of Law recommends that the City enter into a Stipulation and Notice, setting an interim restoration deadline of August 1, 2024, a final restoration deadline of November 30, 2024 and implementing and clarifying certain restoration reporting obligations on the part of the City.

IT IS RESOLVED that the City Council approves authorizing the Department of Law to consent to entry of the Stipulation and Notice in the case of *Concerned Pastors for Social Action, et al. v City of Flint, et al.*, United States District Court, Eastern District of Michigan, Case No. 16-10277.

For the City

For the City Council


CLYDE D EDWARDS (Mar 21, 2024 08:34 EDT)

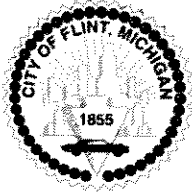
Clyde Edwards, City Administrator

APPROVED AS TO FORM:


William Kim (Mar 20, 2024 17:09 CDT)

William Y. Kim, City Attorney

240144



RESOLUTION NO.: _____

PRESENTED: 4-17-2024

ADOPTED: _____

RESOLUTION AUTHORIZING ENTRY INTO ADMINISTRATIVE CONSENT ORDER BETWEEN THE CITY OF FLINT AND THE STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENT, GREAT LAKES AND ENERGY, DRINKING WATER AND ENVIRONMENTAL HEALTH DIVISION

BY THE CITY ADMINISTRATOR:

The State of Michigan, Department of Environment, Great Lakes, and Energy (“EGLE”), Drinking Water and Environmental Health Division (“DWEHD”) has made allegations that the City of Flint is in violation of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), and the administrative rules promulgated thereunder, being 2009 ACS R 325.10101, *et seq.*, Title XIV of the Public Health Service Act: Safety of Public Water Systems (Safe Drinking Water Act), Title 42 of the United States Code (USC), Section 300f, *et seq.* (collectively, the “SDWA”).

The City of Flint is a supplier of water as defined under the SDWA through the City of Flint’s ownership and operation of a Class D1 water treatment system and S1 water distribution system.

The City of Flint and EGLE have tentatively agreed to resolve the violations alleged by EGLE through entry of an Administrative Consent Order.

The Department of Public Works recommends that the City enter into the Administrative Consent Order to resolve the allegations made by EGLE.

IT IS RESOLVED that the City Council approves authorizing the City of Flint to take all actions necessary to enter into DWEHD Order No. ACO-399-03-2024 (“Administrative Consent Order between the City of Flint and EGLE”).

For the City

For the City Council

CLYDE D. EDWARDS / A0148

CLYDE D EDWARDS / A0148 (Apr 11, 2024 11:23 EDT)

Clyde Edwards, City Administrator

APPROVED AS TO FORM:

William Kim (Apr 11, 2024 09:39 EDT)

William Y. Kim, City Attorney



CITY OF FLINT STAFF REVIEW FORM

TODAY'S DATE: April 9, 2024

BID/PROPOSAL# None.

AGENDA ITEM TITLE: Resolution Authorizing Entry Into Administrative Consent Order Between the City of Flint and the State of Michigan, Department of Environment, Great Lakes and Energy, Drinking Water and Environmental Health Division

PREPARED BY: Joseph N. Kuptz, Chief Deputy City Attorney

VENDOR NAME: State of Michigan, Department of Environment, Great Lakes and Energy, Drinking Water and Environmental Health Division

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The State of Michigan, Department of Environment, Great Lakes, and Energy ("EGLE"), Drinking Water and Environment Health Division ("DWEHD") has made allegations that the City of Flint is in violation of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), and the administrative rules promulgated thereunder, being 2009 ACS R 325.10101, *et seq.*, Title XIV of the Public Health Service Act: Safety of Public Water Systems (Safe Drinking Water Act), Title 42 of the United States Code (USC), Section 300f, *et seq.* (collectively, the "SDWA").

The City of Flint is a supplier of water as defined under the SDWA through the City of Flint's ownership and operation of a Class D1 water treatment system and S1 water distribution system.

The City of Flint and EGLE have tentatively agreed to resolve the violations alleged by EGLE through entry of an Administrative Consent Order.

PREVIOUS ALLOCATIONS (INCLUDE ALL ACCOUNTS USED FOR THIS PURPOSE)/ PROVIDE RESOLUTION OR CONTRACT INFORMATION THAT APPLIES

None.



CITY OF FLINT STAFF REVIEW FORM

POSSIBLE BENEFIT TO THE CITY OF FLINT (RESIDENTS AND/OR CITY OPERATIONS) INCLUDE PARTNERSHIPS AND COLLABORATIONS:

This will result in the resolution of the various allegations made by EGLE as to the City of Flint.

FINANCIAL IMPLICATIONS:

Various.

BUDGETED EXPENDITURE? YES NO IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY24 GRAND TOTAL		

PRE-ENCUMBERED? YES NO REQUISITION NO:

ACCOUNTING APPROVAL: _____ **Date:** _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1 \$

BUDGET YEAR 2



CITY OF FLINT STAFF REVIEW FORM

BUDGET YEAR 3

OTHER IMPLICATIONS (*i.e., collective bargaining*):

STAFF RECOMMENDATION: (PLEASE SELECT): APPROVED NOT APPROVED

DEPARTMENT HEAD SIGNATURE: CLYDE D EDWARDS / A0148
CLYDE D EDWARDS / A0148 (Apr 11, 2024 11:23 EDT)

Clyde Edwards, City Administrator

240169



RESOLUTION NO.: _____

PRESENTED: 5-8-2024

ADOPTED: _____

RESOLUTION APPROVING REALLOCATION OF ARPA FUNDS TO PAYMENT OF UNCOLLECTED TRASH FEES

In 2022 and 2023, the City of Flint received funds pursuant to the American Rescue Plan Act of 2021 (ARPA), which could be used by the City for specific and defined purposes. In 2023, the City of Flint obligated all of the ARPA funding received, of which approximately \$40 million was obligated as "revenue replacement" on December 20, 2023;

City Administration recommends reallocating \$2,000,000 of ARPA funds, previously obligated for revenue replacement, to provide funding for payment of uncollected trash fees.

Reallocated funds will be moved from Acct #101-287.000-963.000 as follows:

Account Number	Account Name / Grant Code	Sub-category Amount	Total Amount
101-528.208-801.000	Revenue Replacement		\$2,000,000
	Payment of uncollected trash fees due to tax foreclosure	\$2,000,000	
	TOTAL		\$2,000,000

IT IS RESOLVED that the appropriate City officials are authorized to do all things and execute any agreements necessary to appropriate funding in the current and future fiscal years, as described above, for as long as the funds are available. Prior to any disbursement of funds, the City of Flint's ARPA administration, compliance, and implementation firm shall review and ensure compliance with the latest US Department of Treasury rules.

For the City:

For the City Council:

CLYDE D EDWARDS

CLYDE D EDWARDS (Feb 26, 2024 10:44 EST)

Clyde D. Edwards, City Administrator

Approved as to Form:

Approved as to Finance:

William Kim

William Kim (Feb 26, 2024 08:59 EST)

William Kim, City Attorney

Phillip Moore

Phillip Moore (Feb 26, 2024 08:14 EST)

Phillip Moore, Chief Financial Officer

RESOLUTION STAFF REVIEW

Date: February 23, 2024

Agenda Item Title: RESOLUTION APPROVING REALLOCATION OF ARPA FUNDS TO PAYMENT OF UNCOLLECTED TRASH FEES

Prepared by: Chay Linseman

Background/Summary of Proposed Action:

Payment of uncollected trash fees: \$2,000,000 to the City's Finance Department to ensure that uncollected trash fees in the tax foreclosure process will not be passed on to Flint residents in the form of increased trash assessments through 2026 which should allay any concerns about the stability of waste services fund through the transition to new recycling and trash cart program.

Financial Implications:

American Rescue Plan Act funds must be fully expended by 12/31/26.

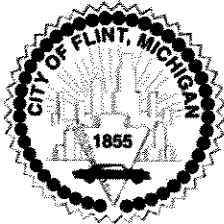
Budgeted Expenditure: Yes No **Please explain, if no:**
Pre-encumbered: Yes No **Requisition #:** N/A
Other Implications: No other implications are known at this time.
Staff Recommendation: Staff recommends approval of this resolution.

APPROVAL



Chay Linseman, Budgets and Grants Manager

240183



RESOLUTION NO.: _____

PRESENTED: 5-22-2024

ADOPTED: _____

Resolution accepting \$328.54 interest funds from Flint Township for participation in a Multi-Jurisdictional Edward Byrne Memorial Justice Assistance Grant (JAG) funded by the Department of Justice

BY THE CITY ADMINISTRATOR:

WHEREAS, The City Council adopted resolution 220379 on September 12, 2022 authorizing entering into a grant agreement with Flint Township for participation in a multi-jurisdictional Edward Byrne Memorial Justice Assistance Grant (JAG) funded by the Department of Justice; and

WHEREAS, The Police Department is requesting approval of \$328.54 in interest funds; and

IT IS RESOLVED, that the appropriate City officials are hereby authorized to do all things necessary to accept the \$328.54 interest funds from Flint Township and the Department of Justice, amend the FY24 budget, appropriate funding for revenue and expenditures in future fiscal years as long as the funds are available from the funder, and abide by the terms and conditions of the award from the State of Michigan, in the aggregate total of \$106,715.54, to grant code FDOJ-JAG22.

APPROVED AS TO FORM:

William Kim
William Kim (May 10, 2024 10:26 EDT)

William Kim, Chief Legal Officer

APPROVED AS TO FINANCE:

Phillip Moore
Phillip Moore (May 10, 2024 10:50 EDT)

Phillip Moore, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS / A0182
CLYDE D EDWARDS / A0182 (May 10, 2024 18:29 EDT)

Clyde D. Edwards, City Administrator

APPROVED BY CITY COUNCIL:

City Council



CITY OF FLINT STAFF REVIEW FORM

TODAY'S DATE: 05/08/2024

BID/PROPOSAL#

AGENDA ITEM TITLE: Resolution accepting \$328.54 interest funds from Flint Township for participation in a Multi-Jurisdictional Edward Byrne Memorial Justice Assistance Grant (JAG) funded by the Department of Justice

PREPARED BY: Angela Amerman

VENDOR NAME: Flint Township and Department of Justice

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The Police Department is requesting the approval for the acceptance of interest funds totaling \$328.54 from Flint Township and the Department of Justice for the purpose of participating with other police agencies in a multi-jurisdictional grant.

PREVIOUS ALLOCATIONS (INCLUDE ALL ACCOUNTS USED FOR THIS PURPOSE)/ PROVIDE RESOLUTION OR CONTRACT INFORMATION THAT APPLIES

Resolution 220379 adopted September 12, 2022.

POSSIBLE BENEFIT TO THE CITY OF FLINT (RESIDENTS AND/OR CITY OPERATIONS) INCLUDE PARTNERSHIPS AND COLLABORATIONS:

The funding allows for overtime, education, training conferences and equipment for the Police Department.

FINANCIAL IMPLICATIONS:

Increase the funds available for the grant.

BUDGETED EXPENDITURE? YES NO IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
Police	Revenue	296-301.979-665.000	FDOJ-JAG22	\$328.54
FY24 GRAND TOTAL				\$328.54



CITY OF FLINT STAFF REVIEW FORM

PRE-ENCUMBERED? YES NO REQUISITION NO:

ACCOUNTING APPROVAL: *[Signature]* Date: _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)*

BUDGET YEAR 1 \$

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS *(i.e., collective bargaining)*:

STAFF RECOMMENDATION: *(PLEASE SELECT)*: APPROVED NOT APPROVED

DEPARTMENT HEAD SIGNATURE: *Terence Green*
Terence Green (May 10, 2024 10:07 EDT)
(Terence Green, Chief of Police)

2022 JAG GRANT

(2022-15PBJA-22-GG-02148-JAGX)

CFDA # 16.738 - Edward Byrne Memorial Assistance Grant Program

Grant Period 10-1-21 to 9-30-25

City of Flint

As of 4/3/24

PURPOSE AREA: Personnel, Training, Equipment/Technology \$106,387.00

<u>Date</u>	<u>Vendor Name</u>	<u>Invoice #</u>	<u>Item Purchased</u>	<u>Dollar Amount</u>	<u>Interest Earned</u>
4/5/23	Award Amount			30,196.00	
6/30/23	Earned Interest			22.83	22.83
7/21/23	Award Amount			76,191.00	
9/30/23	Earned Interest			73.27	73.27
12/31/23	Earned Interest			80.92	80.92
3/31/24	Earned Interest			151.52	151.52

Total =====
106,715.54

Interest Earned 328.54

Purpose Area Budget: Equipment/Technology 56,387.00

Balance for Equipment/Technology =====
56,387.00

Purpose Area Budget: Training 10,000.00

Balance for Training =====
10,000.00

Purpose Area Budget: Personnel

40,000.00

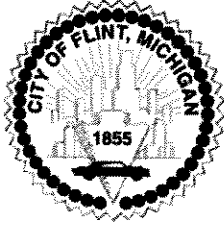
Balance for Personnel

=====
40,000.00

Ending Balance with Interest

106,715.54

240184



RESOLUTION NO.: _____

PRESENTED: 5-22-2024

ADOPTED: _____

Resolution accepting \$526.35 interest funds from Flint Township for participation in a Multi-Jurisdictional Edward Byrne Memorial Justice Assistance Grant (JAG) funded by the Department of Justice

BY THE CITY ADMINISTRATOR:

WHEREAS, The City Council adopted resolution 230127 on May 22, 2023 authorizing entering into a grant agreement with Flint Township for participation in a multi-jurisdictional Edward Byrne Memorial Justice Assistance Grant (JAG) funded by the Department of Justice; and

WHEREAS, The Police Department is requesting approval of \$526.35 in interest funds; and

IT IS RESOLVED, that the appropriate City officials are hereby authorized to do all things necessary to accept the \$526.35 interest funds from Flint Township and the Department of Justice, amend the FY24 budget, appropriate funding for revenue and expenditures in future fiscal years as long as the funds are available from the funder, and abide by the terms and conditions of the award from the State of Michigan, in the aggregate total of \$124,296.35, to grant code FDOJ-JAG21.

APPROVED AS TO FORM:

APPROVED AS TO FINANCE:

William Kim
William Kim (May 15, 2024 10:45 EDT)

Phillip Moore
Phillip Moore (May 15, 2024 10:47 EDT)

William Kim, Chief Legal Officer

Phillip Moore, Chief Financial Officer

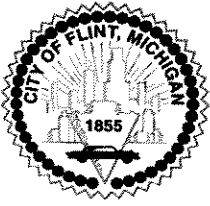
FOR THE CITY OF FLINT:

APPROVED BY CITY COUNCIL:

Clyde D. Edwards / A0190
Clyde D. Edwards / A0190 (May 15, 2024 10:49 EDT)

Clyde D. Edwards, City Administrator

City Council



CITY OF FLINT STAFF REVIEW FORM

TODAY'S DATE: 05/08/2024

BID/PROPOSAL#

AGENDA ITEM TITLE: Resolution accepting \$526.35 interest funds from Flint Township for participation in a Multi-Jurisdictional Edward Byrne Memorial Justice Assistance Grant (JAG) funded by the Department of Justice

PREPARED BY: Angela Amerman

VENDOR NAME: Flint Township and Department of Justice

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The Police Department is requesting the approval for the acceptance of interest funds totaling \$526.35 from Flint Township and the Department of Justice for the purpose of participating with other police agencies in a multi-jurisdictional grant.

PREVIOUS ALLOCATIONS (INCLUDE ALL ACCOUNTS USED FOR THIS PURPOSE)/ PROVIDE RESOLUTION OR CONTRACT INFORMATION THAT APPLIES

Resolution 230127 adopted May 22, 2023.

POSSIBLE BENEFIT TO THE CITY OF FLINT (RESIDENTS AND/OR CITY OPERATIONS) INCLUDE PARTNERSHIPS AND COLLABORATIONS:

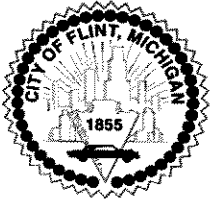
The funding allows for overtime, education, training conferences and equipment for the Police Department.

FINANCIAL IMPLICATIONS:

Increase the funds available for the grant.

BUDGETED EXPENDITURE? YES NO IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
Police	Revenue	296-301.979-665.000	FDOJ-JAG21	\$526.23
FY24 GRAND TOTAL				\$526.23



CITY OF FLINT STAFF REVIEW FORM

PRE-ENCUMBERED? YES NO REQUISITION NO:

ACCOUNTING APPROVAL: *[Signature]* Date: _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)*

BUDGET YEAR 1 \$

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS *(i.e., collective bargaining)*:

STAFF RECOMMENDATION: *(PLEASE SELECT)*: APPROVED NOT APPROVED

DEPARTMENT HEAD SIGNATURE: *Terence Green*
Terence Green (May 15, 2024 10:12 EDT)
(Terence Green, Chief of Police)

2021 JAG GRANT

(2021-15PBJA-21-GC-01578-JAGX)

CFDA # 16.738 - Edward Byrne Memorial Assistance Grant Program

Grant Period 10-1-20 to 9-30-24

City of Flint

As of 4/3/24

PURPOSE AREA: Equipment/Technology \$123,767.00

<u>Date</u>	<u>Vendor Name</u>	<u>Invoice #</u>	<u>Item Purchased</u>	<u>Dollar Amount</u>	<u>Interest Earned</u>
6/3/22	Award Amount			123,767.00	
6/30/22	Earned Interest			2.10	2.1
9/30/22	Earned Interest			33.08	33.08
12/30/22	Earned Interest			95.10	95.10
3/31/23	Earned Interest			93.98	93.98
4/13/23	Angel Armor		(5) Level IIIA Ballistic Vests	-8,396.08	
6/8/23	Angel Armor	INV6108	(48) Level IIIA Ballistic Vests & Carriers	-37,754.88	
6/30/23	Earned Interest			76.06	76.06
9/30/23	Earned Interest			59.96	59.96
12/31/23	Earned Interest			59.26	59.26
3/31/24	Earned Interest			106.81	106.81
				=====	
Total				78,142.39	

Interest Earned 526.35

Purpose Area Budget: Equipment/Technology

(5) Level IIIA Ballistic Vests 123,767.00

4/13/23 Angel Armor -8,396.08

6/8/23 Angel Armor	INV6108	(48) Level IIIA Ballistic Vests & Carriers	-37,754.88
			=====
		Balance for Equipment/Technology	77,616.04

Ending Balance with Interest 78,142.39

240185



RESOLUTION NO.: _____

PRESENTED: 5-22-2024

ADOPTED: _____

**RESOLUTION APPROVING SETTLEMENT OF
LUCIO V CITY OF FLINT, E.D. MICH CASE NO. 24-10256**

Although the City of Flint admits no liability regarding the claims made by Lucio in *Lucio v City of Flint*, E.D. Mich. Case No. 24-10256, the Law Department recommends settlement of that case on the terms presented in closed session on May 8, 2024.

IT IS RESOLVED that the City Council approves settlement in the matter of *Lucio v City of Flint*, E.D. Mich. Case No. 24-10256, in the amount of \$12,500, on terms substantially similar to those presented, in satisfaction of any and all claims against the city arising out of said matter. Payment shall be drawn from appropriated funds in the Litigation and Suits line item 677-266.200-956.300.

For the City

For the City Council

Clyde D. Edwards / AD191
Clyde D. Edwards / A0191 (May 14, 2024 08:46 EDT)

Clyde Edwards, City Administrator

APPROVED AS TO FORM:

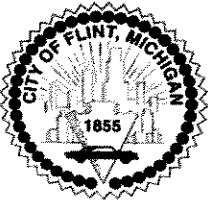
APPROVED AS TO FINANCE:

William Kim
William Kim (May 13, 2024 15:44 EDT)

William Kim, City Attorney

Phillip Moore
Phillip Moore (May 13, 2024 15:48 EDT)

Phillip Moore, Chief Financial Officer



CITY OF FLINT STAFF REVIEW FORM

TODAY'S DATE: 5/9/2024

BID/PROPOSAL# N/A

AGENDA ITEM TITLE: RESOLUTION APPROVING SETTLEMENT OF LUCIO V CITY OF FLINT, E.D. MICH CASE NO. 24-10256

PREPARED BY: William Kim, City Attorney

VENDOR NAME: N/A

BACKGROUND/SUMMARY OF PROPOSED ACTION:

Resolution authorizing settlement of Lucio v City of Flint, E.D. Mich. Case No. 24-10256, on the terms presented in closed session on 5/8/2024.

**PREVIOUS ALLOCATIONS (INCLUDE ALL ACCOUNTS USED FOR THIS PURPOSE)/
PROVIDE RESOLUTION OR CONTRACT INFORMATION THAT APPLIES**

None.

**POSSIBLE BENEFIT TO THE CITY OF FLINT (RESIDENTS AND/OR CITY OPERATIONS)
INCLUDE PARTNERSHIPS AND COLLABORATIONS:**

Resolution of pending litigation.

FINANCIAL IMPLICATIONS:

None, settlement to be paid from appropriated funds.

BUDGETED EXPENDITURE? YES NO IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
LAW	Law Office-Suits/Settlements	677-266.200-956.300		\$12,500.00
FY24 GRAND TOTAL				

PRE-ENCUMBERED? YES NO REQUISITION NO:

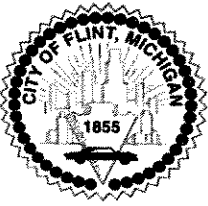
ACCOUNTING APPROVAL: Phillip Moore Date: _____
Phillip Moore (May 13, 2024 15:48 EDT)

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1 \$N/A

BUDGET YEAR 2 \$N/A



CITY OF FLINT STAFF REVIEW FORM

BUDGET YEAR 3 \$N/A

OTHER IMPLICATIONS (*i.e., collective bargaining*): None

STAFF RECOMMENDATION: (*PLEASE SELECT*): APPROVED NOT APPROVED

DEPARTMENT HEAD SIGNATURE:


William Kim (May 13, 2024 15:44 EDT)

William Kim, City Attorney

240186



RESOLUTION NO.: _____

PRESENTED: 5-22-2024

ADOPTED: _____

Resolution To Flint New Holland for a Kubota Tractor and Flail Mower for the Blight Department and to Transfer a John Deere Lawn Mower to the Fire Department and a Liberty Dump Trailer to the Water Service Center Department

BY THE CITY ADMINISTRATOR:

WHEREAS, The City of Flint Blight Department had purchased a John Deere lawn mower and a Liberty dump trailer with American Rescue Plan Act funds, the department has determined these assets does not meet their needs, the Blight department does need a Kubota tractor with a Flail mower; and

WHEREAS, The Fire Department does need a John Deere mower and the Water Service Center Department does need the Liberty dump trailer; and

WHEREAS, The Blight Department would like to transfer the John Deere lawn mower to the Fire Department and transfer the Liberty dump trailer to the Water Service Center Department at the current book value rate, the Blight department would like to purchase a Kubota tractor with a Flail mower with those funds and funds from the Michigan Economic Development Corporation Grant;

Dept	Name of Account	Account Number	Grant Code	Amount
WSC	Equipment	590-540.100-977.000		\$7,187.50
WSC	Equipment	591-540.100-977.000		\$7,187.50
Fire	Equipment	101-339.201-977.000		\$5,606.85
Blight	Equipment	287-732.701-977.000	FUSDT-CSLFRF	(\$19,981.85)
Blight	Equipment	287-732.701-977.000	FUSDT-CSLFRF	\$19,981.85
Blight	Equipment	296-171.719-977.000	SMEDC-BLIG22	\$5,729.26

IT IS RESOLVED, that the appropriate City officials upon City Council’s approval, are hereby authorized to do all things necessary to transfer the Liberty dump trailer to the Water Service Center and John Deere lawn mower to the Fire Department, and issue a purchase order for FY24 and future fiscal years as long as the funds are available from the funder to Flint New Holland in the amount not to exceed \$25,711.11.

BE IT FURTHER RESOLVED, that the Purchasing Division has the discretion to spend an additional amount of no more than five percent of the requested amount of possible additional shipping costs.




RESOLUTION NO.: _____

PRESENTED: _____


ADOPTED: _____

APPROVED AS TO FORM:


William Kim (May 10, 2024 09:52 EDT)

William Kim, Chief Legal Officer

APPROVED AS TO FINANCE:


Phillip Moore (May 10, 2024 10:51 EDT)

Phillip Moore, Chief Financial Officer

FOR THE CITY OF FLINT:

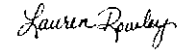
CLYDE D. EDWARDS / A0183
CLYDE D. EDWARDS / A0183 (May 10, 2024 18:26 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

, City Council President

APPROVED AS TO PURCHASING:



Lauren Rowley, Purchasing Manager



CITY OF FLINT STAFF REVIEW FORM

TODAY'S DATE: 04/19/2024

BID/PROPOSAL#

AGENDA ITEM TITLE: Resolution To Flint New Holland for a Kubota Tractor and Flail Mower for the Blight Department and to Transfer a John Deere Lawn Mower and a Liberty Dump Trailer to the Water Service Center Department

PREPARED BY: Angela Amerman

VENDOR NAME: Flint New Holland

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The Blight Department utilized American Rescue Plan Act (ARPA) funds to make two purchases. One being a Liberty dump trailer and the other being a John Deere lawn mower. At the time of purchase, both were deemed needed. It has been determined that the Blight Department needs different types of equipment. The Blight Department had been approved to purchase a lightning loader 30-yard dumb box. The WSC would like to have the Liberty dump trailer transferred to their department. This is a needed piece of equipment for them. At the time of purchase, the Blight Department thought the mower purchased would suit their needs. After inspection of the territory and its terrain this unit was best suited for finish mowing. The Fire Department needs a mower. The Fire department would like to have the John Deere mower transferred to their department. The Blight Department would like to purchase a tractor with a brush hog attachment to replace the before mentioned lawn mower and dump trailer.

PREVIOUS ALLOCATIONS (INCLUDE ALL ACCOUNTS USED FOR THIS PURPOSE)/ PROVIDE RESOLUTION OR CONTRACT INFORMATION THAT APPLIES

The John Deere lawn mower was purchased with ARPA funds before the City Council required all ARPA related expenses be approved by the City Council. Resolution 220291 approved the purchase of the Liberty dump trailer.

POSSIBLE BENEFIT TO THE CITY OF FLINT (RESIDENTS AND/OR CITY OPERATIONS) INCLUDE PARTNERSHIPS AND COLLABORATIONS:

The approval of the transfer of the equipment will give the WSC and the Fire department equipment that is best suited for their departments and not suited for the needs of the Blight Department. The purchase of the tractor with a brush hog attachment will benefit the residents by assisting in the blight removal in their community.



CITY OF FLINT STAFF REVIEW FORM

FINANCIAL IMPLICATIONS:

The current book value of the lawn mower is \$5,606.85 and would reduce the Fire Department equipment budget. The current book value of the dump trailer is \$14,375.00 and would reduce the WSC Department equipment budget. The total of both assets is \$19,981.85.
 The \$19,981.85 would increase the available funds in the Blight 287-732.701-977.000 FUSDT-CSLFRF fund. The purchase and delivery of the tractor with a brush hog attachment is \$25,711.11.
 The Blight 287-732.701-977.000 FUSDT-CSLFRF fund will be reduced by \$19,981.85 and the 296-171.719-977.000 SMEDC-BLIG22 will be reduced by \$5,729.26.

BUDGETED EXPENDITURE? YES NO **IF NO, PLEASE EXPLAIN:** The transfer and additional needed equipment was determined after the budget had been adopted by City Council.

Dept.	Name of Account	Account Number	Grant Code	Amount
WSC	Equipment	590-540.100-977.000		\$7,187.50
WSC	Equipment	591-540.100-977.000		\$7,187.50
Fire	Equipment	101-339.201-977.000		\$5,606.85
Blight	Equipment	287-732.701-977.000	FUSDT-CSLFRF	(\$19,981.85)
Blight	Equipment	287-732.701-977.000	FUSDT-CSLFRF	\$19,981.85
Blight	Equipment	296-171.719-977.000	SMEDC-BLIG22	\$5,729.26
			FY24 GRAND TOTAL	\$25,711.11

PRE-ENCUMBERED? YES NO **REQUISITION NO:**

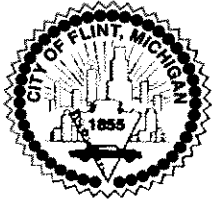
ACCOUNTING APPROVAL: _____ **Date:** _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1 \$

BUDGET YEAR 2



CITY OF FLINT STAFF REVIEW FORM

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining):

STAFF RECOMMENDATION: (PLEASE SELECT): **APPROVED** **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: W A BROWN
W A Brown (May 10, 2024 08:48 CDT)
(Arnold Brown, City Services Manager)



RESOLUTION NO.: 220291
 PRESENTED: JUL 20 2022
 ADOPTED: JUL 25 2022

BID# 23000006

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO MACALLISTER MACHINERY CO, INC. FOR DUMP TRAILER FOR BLIGHT
 REMOVAL PROGRAM**

WHEREAS, The Division of Purchases & Supplies solicited bids for blight trailers per the request of the Blight Services Division. Two (2) bids were received.

WHEREAS, Upon review of the bids, the Blight Division determined that purchasing the two (2) dump trailers submitted for this bid, would be in the best interest for the City to assist in combating blight, which would entail awarding both vendors.


WHEREAS, Macallister Machinery Co., Inc. submitted a bid for a 14,000 pound capacity dump trailer at a cost of \$17,250.00.

Funding for this purchase will come from the following ARPA account:

Account Number	Account Name/ Grant Code	Amount
287-732.701-977.000	EQUIPMENT/FUSDT-CSLFRF	FY23 Total \$ 17,250.00
FY23 GRAND TOTAL		\$ 17,250.00


IT IS RESOLVED, that the Division of Purchases & Supplies is hereby authorized to issue a purchase order to Macallister Machinery Co., Inc. for the purchase of a 14,000 pound capacity dump trailer for blight services in an amount not-to-exceed \$17,250.00 for FY23 (07/01/22-06/30/23).

APPROVED AS TO FORM:


WILLIAM KIM JUL 13 2022 11:54 EDT

William Kim, City Attorney

APPROVED AS TO FINANCE:


ROBERT J.F. WIDIGAN JUL 13 2022 15:54 EDT


Robert J.F Widigan, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS
CLYDE D EDWARDS JUL 13 2022 17:03 EDT

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED BY
 CITY COUNCIL
 JUL 25 2022 

APPROVED AS TO PURCHASING:


LAUREN ROWLEY JUL 13 2022 15:54 EDT

Lauren Rowley, Purchasing Manager



CITY OF FLINT

Department of Public Works & Utilities

Sheldon A. Neeley
Mayor

W A. Brown
Blight Department

July 12, 2022

TO: Lauren Rowley
Purchasing Manager

FROM: W. Arnold Brown
City Services Manager

SUBJECT: RECOMMENDATION FOR Dump Trailer
PROPOSAL #23000006

I have carefully reviewed the two proposals received from our bid opening. I would recommend that we select both bids. The INA Store Inc which totaled the amount of \$11,380.00 as well as the bid from Macallister Rentals in the amount of \$17,250.00. Both units will be utilized in our Blight Department efforts. The total of both units \$28,630.

If you have any questions or concerns, feel free to give me a call at 810 213-3897



SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES
For Dump Trailer
BID #23000006
Approximate Annual Quantities – Not Guaranteed
Furnish as requested for the period 7/1/22 – 6/30/23

Bidder #1: INA Store Inc.
Bridgeport, MI

Capacity	<i>12,000 lbs & 6 cu yards</i>
Dimensions	<i>Box 144" x 82" x 24" tall with 16' over all length</i>
Grand Total	<i>\$11,380.00</i>

Bidder #1: MacAllister Rentals
Lansing, MI

Capacity	<i>14,000 lbs GVWR</i>
Dimensions	<i>7ft w x14ft L</i>
Grand Total	<i>\$17,250.00</i>

A SPECIAL NOTE FROM THE PURCHASING DIVISION
Bid results posted are before evaluation team review and award recommendation.



CITY OF FLINT

STAFF REVIEW FORM

TODAY'S DATE: 5/27/2022

BID/PROPOSAL#

AGENDA ITEM TITLE: Blight Mowers - ARPA

PREPARED BY: Chay Linseman – AGFC – Mayor’s Office
(Please type name and Department)

VENDOR NAME: Deere Credit Inc

BACKGROUND/SUMMARY OF PROPOSED ACTION:

This req is to use ARPA funds to purchase 4 new mowers for the Blight Management department as requested by Arnold Brown.

FINANCIAL IMPLICATIONS:

BUDGETED EXPENDITURE? YES [X] NO [] IF NO, PLEASE EXPLAIN:

Table with 5 columns: Dept., Name of Account, Account Number, Grant Code, Amount. Row 1: Mayor, Equipment, 287-732.701.977.000, FUSDT-CSLFRF, \$28,034.27. Row 2: FY22 GRAND TOTAL, \$28,034.27

PRE-ENCUMBERED? YES [] NO [X] REQUISITION NO: 220005632

ACCOUNTING APPROVAL: [Signature] Date: 05/27/2022

WILL YOUR DEPARTMENT NEED A CONTRACT? YES [] NO [X]
(If yes, please indicate how many years for the contract) XX YEARS



CITY OF FLINT

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)*

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS *(i.e., collective bargaining)*:

STAFF RECOMMENDATION: *(PLEASE SELECT)*: **APPROVED** **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: CLYDE D EDWARDS
CLYDE O EDWARDS (May 27, 2022 13:00 EDT)

DEPARTMENT HEAD MUST SIGN

FLINT NEW HOLLAND INC.

3266 EAST BRISTOL ROAD
BURTON, MI 48529
810-744-2030

To. City of Flint

Attn. Wilfred Brown

- 1- Kubota L3302-HST Tractor
 - 33 hp. diesel engine
 - Hydrostatic trans.
 - Four wheel drive
 - R4 industrial tires
 - Grill guard
 - Front weight package

\$21,730.11 each X 2 = \$43,460.22

- 1- FL1185 Flail Mower
 - 60 in. cutting width
 - Full roller
 - Cast knives

\$3,981.00 each X 2 = \$7,962.00

Total package 2- tractors and 2- mowers \$51,422.22 delivered.

Joe Curtis
Flint New Holland Inc.
4-15-24



Angela Amerman <aamerman@cityofflint.com>

Re: Lawn mower

Angela Amerman <aamerman@cityofflint.com>

Thu, Apr 25, 2024 at 1:28 PM

To: Stacy L Semos <Stacy.Semos@ey.com>

Cc: Lauren Rowley <lrowley@cityofflint.com>, Chay Linseman <clinseman@cityofflint.com>, Paul Borle <pborle@cityofflint.com>, Wilfred Brown <wbrown@cityofflint.com>

Hi Stacy,

Since these are ARPA funds and all expenses must be approved by the City Council. I created the attached resolution for the City Council to transfer two assets that were purchased with ARPA funds. The Blight department has determined other equipment is needed. If these assets were not purchased with ARPA funds, there would be an intra-city transfer that does not need City Council's approval due to the level of expense of each asset.

The Blight department would like to purchase a Kubota Tractor and a Flail mower with the ARPA funds that are being returned. Please see the attached staff review and resolution.

Is transferring the mower and trailer to another department allowable/compliant since the mower and trailer were purchased with ARPA funds?

Is the Kubota Trailer and Flail mower an allowable/compliant expense for ARPA funds?

Thanks,

[Quoted text hidden]



Angela Amerman <aamerman@cityofflint.com>

Re: Lawn mower

Angela Amerman <aamerman@cityofflint.com>

Wed, May 1, 2024 at 3:50 PM

To: Stacy L Semos <Stacy.Semos@ey.com>

Cc: Brian Jarzynski <Brian.Jarzynski@ey.com>, Lauren Rowley <lrowley@cityofflint.com>, Chay Linseman <clinseman@cityofflint.com>, Paul Borle <pborle@cityofflint.com>, Wilfred Brown <wbrown@cityofflint.com>

Hi,


I have attached the resolution and the staff review. This has not been approved by the City Council.

Thanks,

[Quoted text hidden]

2 attachments

 **Resolution for Transfer of Lawn Mower and Dump Trailer.pdf**
153K

 **Staff Review for Transfer of Lawn Mower and Dump Trailer.pdf**
267K



Angela Amerman <aamerman@cityofflint.com>

Re: Lawn mower

Stacy L Semos <Stacy.Semos@ey.com>
To: Angela Amerman <aamerman@cityofflint.com>

Wed, May 8, 2024 at 12:52 PM

Hi Angela,

We are looking into it, Brian and I have a call scheduled to discuss further to determine if this would be a disposition of an asset purchase with federal grant (ARPA/SLFRF) and if it is specifically what APRA requires. Also, since all of the remaining ARPA dollars have been obligated using the revenue deficit and now part of the general fund it's not as easy as being a simple transfer within ARPA/SLFRF.

[Quoted text hidden]

[Quoted text hidden]



Angela Amerman <aamerman@cityofflint.com>

Re: Lawn mower

Stacy L Semos <Stacy.Semos@ey.com>

Wed, May 8, 2024 at 3:15 PM

To: Angela Amerman <aamerman@cityofflint.com>

Cc: Brian Jarzynski <Brian.Jarzynski@ey.com>, Lauren Rowley <lrowley@cityofflint.com>, Chay Linseman <clinseman@cityofflint.com>, Paul Borle <pborle@cityofflint.com>, Wilfred Brown <wbrown@cityofflint.com>

Hi Angela,

Sorry for the delays we wanted to ensure we advised correctly. The transfer of the equipment is permissible. For reporting we will need to reduce the original purchase by the current value. That money would then become available ARPA funds (not general funds) because it was originally purchased with ARPA funds and not included in the revenue replacement - provisioning government services calculation.

We would advise that the resolution to use the now not obligated ARPA funds in the same resolution as the transfer in order to avoid having unobligated ARPA funds could then violate the reporting to the State of Michigan for the additional funds that are to be received due to the ARPA funds being fully obligated by 12/31/2023.

Please let us know if you have any questions, happy to set up a call to discuss further.

Stacy L Semos | Manager | Assurance Services | Forensics & Integrity Services

Ernst & Young LLP

Cell:517-862-7513 | Stacy.Semos@ey.com

My pronouns are: she/her/hers

From: Angela Amerman <aamerman@cityofflint.com>

Sent: Wednesday, May 8, 2024 12:45 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



Angela Amerman <aamerman@cityofflint.com>

Re: Lawn mower

Angela Amerman <aamerman@cityofflint.com>

Wed, May 8, 2024 at 3:39 PM

To: Stacy L Semos <Stacy.Semos@ey.com>

Cc: Brian Jarzynski <Brian.Jarzynski@ey.com>, Lauren Rowley <lrowley@cityofflint.com>, Chay Linseman <clinseman@cityofflint.com>, Paul Borle <pborle@cityofflint.com>, Wilfred Brown <wbrown@cityofflint.com>, Phillip Moore <pmoore@cityofflint.com>

Hi,

Would you please look over the staff review and resolution and let me know what if anything should be changed.

Thanks,

[Quoted text hidden]

2 attachments

 **Resolution for Transfer of Lawn Mower and Dump Trailer.docx**
83K

 **Staff Review for Transfer of Lawn Mower and Dump Trailer.docx**
83K



Angela Amerman <aamerman@cityofflint.com>

Re: Lawn mower

Stacy L Semos <Stacy.Semos@ey.com>

Thu, May 9, 2024 at 11:42 AM

To: Angela Amerman <aamerman@cityofflint.com>

Cc: Brian Jarzynski <Brian.Jarzynski@ey.com>, Lauren Rowley <lrowley@cityofflint.com>, Chay Linseman <clinseman@cityofflint.com>, Paul Borle <pborle@cityofflint.com>, Wilfred Brown <wbrown@cityofflint.com>, Phillip Moore <pmoore@cityofflint.com>

Hi Angela,

I do not think that anything needs to be changed in the staff review of resolution.

Best,

Stacy

Stacy L Semos | Manager | Assurance Services | Forensics & Integrity Services

Ernst & Young LLP

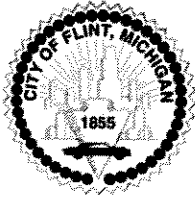
Cell: 517-862-7513 | Stacy.Semos@ey.com

My pronouns are: she/her/hers

[Quoted text hidden]

[Quoted text hidden]

240187



RESOLUTION NO.: _____

PRESENTED: 5-22-2024

ADOPTED: _____

Proposal 24000024

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO KMI ROAD MAINTENANCE FOR
REPLACEMENT OF CITY HALL SIDEWALKS**


The Department of Finance, Division of Purchases & Supplies, solicited bids for City Hall sidewalk replacements as requested by the Maintenance Division, and

KMI Road Maintenance, 6561 Bernie Kohler Dr., North Branch, Michigan was one of the lowest responsive bidders for said services. Funding will come from the following account:


Account Number	Account Name	Amount
444-230.200-976.000	Building Additions and Improvements	\$120,000.00
	FY24 GRAND TOTAL	\$120,000.00

IT IS RESOLVED, that the Proper City Officials are hereby authorized to enter into a contract with KMI Road Maintenance for City Hall sidewalk replacements in the amount not to exceed \$120,000.00.


APPROVED AS TO FORM:


William Kim (May 15, 2024 09:31 EDT)
William Kim
Chief Legal Officer

APPROVED AS TO FINANCE:



Phillip Moore (May 15, 2024 08:59 EDT)
Phillip Moore
Chief Finance Officer

FOR THE CITY OF FLINT:


Clyde D. Edwards / A0187 (May 15, 2024 11:00 EDT)
Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED AS TO PURCHASING:


Lauren Rowley, Purchasing Manager



CITY OF FLINT STAFF REVIEW FORM

TODAY'S DATE: May 13, 2024

BID/PROPOSAL# 24000024

AGENDA ITEM TITLE: City Hall sidewalk replacements

PREPARED BY: Kathryn Neumann for Lee Osborne, Facilities Maintenance Operations Manager

VENDOR NAME: KMI Road Maintenance

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The sidewalks around City Hall are badly deteriorated in some areas and upheaved by tree roots in other areas. These sidewalks could potentially pose a trip and fall hazard for residents and city employees in the future. Some of the sidewalks have the dates 1960 and 1962 stamped on them, they are over 60 years old. Bids were solicited and pricing was requested for different areas of the City Hall campus. KMI Road Maintenance was one of the lowest responsive bidders (another vendor will be awarded the front of City Hall). The Maintenance Division is requesting to award KMI Road Maintenance the back portion of the sidewalks behind City Hall, from the main sidewalk going towards the Police Department east to City Hall, including the sunken courtyard and one set of steps leading down to the courtyard.

PREVIOUS ALLOCATIONS (INCLUDE ALL ACCOUNTS USED FOR THIS PURPOSE)/ PROVIDE RESOLUTION OR CONTRACT INFORMATION THAT APPLIES

None

POSSIBLE BENEFIT TO THE CITY OF FLINT (RESIDENTS AND/OR CITY OPERATIONS) INCLUDE PARTNERSHIPS AND COLLABORATIONS:

New sidewalks will be safer around City Hall for both visitors and employees.

FINANCIAL IMPLICATIONS:

There is money available in the building additions and improvements fund.

BUDGETED EXPENDITURE? YES NO IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
444	Public Improvement Fund	230.200-976.000		\$120,000.00
FY24 GRAND TOTAL				\$120,000.00



CITY OF FLINT STAFF REVIEW FORM

PRE-ENCUMBERED? YES NO REQUISITION NO: 240008578

ACCOUNTING APPROVAL: Kathryn Neumann Date: _____
Kathryn Neumann (May 13, 2024 14:46 EDT)

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)* N/A

OTHER IMPLICATIONS (i.e., collective bargaining): None

STAFF RECOMMENDATION: (PLEASE SELECT): APPROVED NOT APPROVED

DEPARTMENT HEAD SIGNATURE: Lee Osborne
lee osborne (May 13, 2024 14:47 EDT)
(Lee Osborne, Facilities Maintenance Operations Manager)

SEALED BIDS RECEIVED IN THE PURCHASING DEPARTMENT ON 3/13/24
FOR CITY HALL SIDEWALK REPLACEMENTS

	MDT Construction 423 River Woods Dr. Flushing, MI *	KMI Road Maintenance 6561 Bernie Kohler Dr. North Branch, MI	Mike's Landscaping 10124 Richfield Rd. Davison, MI	D & N Development, LLC 1615 Lyon St. Flint, MI
	\$7.50/sq. ft.	\$8.00/sq. ft.	\$10.00/sq. ft.	\$12.00/sq. ft.
6" concrete per sq. ft.	\$6.85/sq. ft.	\$7.00/sq. ft.	\$9.00/sq. ft.	\$10.67/sq. ft.
4" concrete per sq. ft.				

	L.A. Construction Corp. 3453 N. Linden Rd. Flint, MI	J. Perez Construction 2232 Davison Rd. Flint, MI
	\$14.50/sq. ft.	\$19.50/sq. ft.
6" concrete per sq. ft.	\$13.00/sq. ft.	\$18.60/sq. ft.
4" concrete per sq. ft.		

* Split award, this vendor will be awarded the sidewalks in front of City Hall for this fiscal year, as well as additional sidewalks in the next fiscal year.

240188



RESOLUTION NO.: _____

PRESENTED: 5-22-2024

ADOPTED: _____

**RESOLUTION TO ONIX NETWORKING FOR GOOGLE
WORKSPACE ENTERPRISE SOFTWARE FY25**

BY THE CITY ADMINISTRATOR:

WHEREAS, Onix Networking Corporation, 1991 Crocker Rd., Westlake, OH 44145 provide the City of Flint with Google Workspace Enterprise for City of Flint Employees; and

WHEREAS, The Information Services Division has utilized Onix Networking Corporation for providing Google Workspace licensing citywide. The licensing provides access to GMAIL, Google Applications and Google Workspace for city users. Information Services Division is requesting the renewal of the current agreement with Onix Networking Corporation for FY 2025, term dates as 07/03/2024 – 07/02/2025. Software Fund in the amount of \$134,517.36, pending the approval budget amendment.

Account Number	Account Name	Amount
636-228.000-814.600	Computer Software	\$134,517.36

GRAND TOTAL FY25: \$134,517.36

IT IS RESOLVED, that the Appropriate City Officials, are authorized to do all things necessary to authorize the agreement with Onix Networking Corporation for FY 2025 (terms outlined as 07/03/2024-07/2/2025) in an overall amount not-to-exceed \$134,517.36, pending budget amendment approval.

APPROVED AS TO FORM:

William Kim
William Kim (May 13, 2024 14:10 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:

Phillip Moore
Phillip Moore (May 13, 2024 14:40 EDT)

Phillip Moore, Chief Financial Officer

FOR THE CITY OF FLINT:

Clyde D. Edwards A1089
Clyde D. Edwards A1089 (May 14, 2024 08:17 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED AS TO PURCHASING:

Lauren Rowley, Purchasing Manager

SALES ORDER



Quote #: Q-02279-2
Date: 4/30/2024, 2:30 PM
Expires On: 5/30/2024

Onix Contact
 Peter Luci
 peter@onixnet.com

MI - City of Flint
 Jeff Keen
 (810) 766-7155 x2218
 jkeen@cityofflint.com

Domain: cityofflint.com

Bill To
 MI - City of Flint
 PO Box 246
 Flint, MI 48501
 USA

Ship To
 MI - City of Flint
 1101 S Saginaw St., Room 20
 Flint, MI 48501
 USA

SALES ORDER

PRODUCT SKU	DESCRIPTION	TERM (MONTHS)	PRICE	ANNUAL PRICE	QTY	EXTENDED PRICE
GAPPS-AU-ENT-STD-1USER-12MO	Google Workspace Archived User Enterprise Standard - 12MO	12	USD 26.40	USD 25,977.60	984	USD 25,977.60
GAPPS-ENT-STD-1USER-12MO	Google Workspace Enterprise Standard License, 1 user, 12 Months	12	USD 146.28	USD 108,539.76	742	USD 108,539.76
TOTAL:						USD 134,517.36

ADDRESS PURCHASE ORDERS TO:

Onix Networking Corp.
 1991 Crocker Rd
 Westlake, OH 44145
 US

DFAS: WinS (Web Invoicing System)
 GSA Finance Electronic Invoicing System

Cage Code: 0ZZJ6
 D&B Number: 80-7896121
 Federal ID Number: 34-1729033

Payment terms are Net 30 days from receipt of product and/or beginning of maintenance or support. The sales order does not include sales taxes. If sales taxes are applicable to this order, they will be included on the invoice.

This Sales Order, and any resulting sale or contract, is subject to and incorporates by reference the Onix Customer Agreement for the Product SKU(s) listed above. The Terms govern customer's access to and use of these services and products and shall not be superseded by any terms contained in a purchase order or any other agreement, unless agreed to and signed by both parties.

Submission of an order to Onix Networking Corp. by returning this Sales Order with signature and by submitting an order to Onix Networking Corp. by any other means, including a purchase order, constitutes a non-cancelable purchase.

Onix Networking Corp. - Confidential Information


By signing this Sales Order, I acknowledge that I am authorized to execute this order on behalf of customer and have carefully read, understand and fully agree to the terms and conditions.

Signature: Clyde D. Edwards A1089
Clyde D. Edwards A1089 (May 14, 2024 08:17 EDT)

Name (Print): Clyde Edwards

Title: City Administrator


AS TO FORM:


William Kim (May 13, 2024 14:40 EDT)

William Kim, City Attorney

Sheldon Neeley, Mayor

AS TO FINANCE:


Phillip Moore (May 13, 2024 14:40 EDT)

Phillip Moore, Chief Financial Officer

240189



RESOLUTION NO.: _____

PRESENTED: 5-22-2024

ADOPTED: _____

RESOLUTION APPROVING REALLOCATION OF ARPA FUNDS TO PROCEED WITH ARPA FUNDS GRANTS FOR SMALL BUSINESS GRANTS FOR LOCAL INITIATIVES SUPPORT CORPORATION

BY THE CITY ADMINISTRATION:

In 2022 and 2023, the City of Flint received funds pursuant to the American Rescue Plan Act of 2021 (ARPA), which could be used by the City for specific and defined purposes. In 2023, the City of Flint obligated all of the ARPA funding received, of which approximately \$40 million was obligated as “revenue replacement;”

City Administration recommends reallocating \$500,000 of ARPA funds, previously obligated for revenue replacement, to provide funding to the City’s Business and Community Services Department specifically the economic development function to subcontract with LISC Flint to run a small business grant program.

Reallocated funds will be moved from #101-287.000-963.000 as follows:

Account	Description	Amount
101-728.017-801.000	ARPA Small Business Grants – subcontract with LISC Flint	\$500,000

IT IS RESOLVED that the appropriate City officials are authorized to do all things necessary, including executing any necessary agreements, to appropriate funding from the funding source account #101-287.000-963.000 to Local Initiatives Support Corporation (LISC) Flint in the amount of \$500,000. Based on review and validation of the appropriate fund use by the City’s compliance firm, implementation of these funds will be consistent and compliant with US Department of Treasury requirements and previously approved authorizations.

For the City:

For the City Council:

Clyde D. Edwards / A0193
Clyde D. Edwards / A0193 (May 14, 2024 08:19 EDT)
Clyde D. Edwards, City Administrator

Approved as to Form:

Approved as to Finance:

William Kim
William Kim (May 13, 2024 15:39 EDT)
William Kim, City Attorney

Phillip Moore
Phillip Moore (May 13, 2024 14:32 EDT)
Phillip Moore, Chief Financial Officer

RESOLUTION STAFF REVIEW

Date: May 13, 2024

Agenda Item Title:

RESOLUTION APPROVING REALLOCATION OF ARPA FUNDS TO PROCEED WITH GRANTS FOR SMALL BUSINESS GRANTS FOR LOCAL INITIATIVES SUPPORT CORPORATION (LISC) FLINT

Prepared by:

Latrese Brown, Community Liaison

Background/Summary of Proposed Action:

The City’s Division of Business Services (which houses our Economic Development staff) requests \$500,000 of ARPA funds to be used for small business grants. We will subcontract with the Local Initiatives Support Corporation (LISC) Flint to disburse grants to small and micro-businesses. This will foster a robust and accessible entrepreneurial ecosystem that focuses on businesses adversely impacted by the COVID-19 quarantine and catalyzes their stabilization and expansion. The combination of financial assistance coupled with technical assistance from LISC will help stabilize Flint neighborhood commercial corridors. This program will serve between 40 to 50 small businesses within the City of Flint. It will build Flint’s small business ecosystem through continuing to facilitate mentorship programs to enable peer knowledge sharing.

History of Program Partner LISC Flint


Since 1988, LISC Flint has been working towards this vision by providing funding, financing, and technical assistance to Community Development Corporations (CDCs), non-profit developers, and policy & advocacy organizations in the city of Flint. With LISC’s support, community developers have been able to provide affordable housing and spark economic development. LISC bridges the gap by expertise to help community organizations attract the kinds of resources that allow them do their best work.

Account	Description	Amount
101-728.017-801.000	ARPA Small Business Grants – subcontract with LISC Flint	\$500,000

Financial Implications:

American Rescue Plan Act funds must be fully expended by 12/31/26.

Budgeted Expenditure: Yes ___ No X **Please explain, if no:**
Pre-encumbered: Yes ___ No X **Requisition #:** N/A
Other Implications: No other implications are known at this time.
Staff Recommendation: Staff recommends approval of this resolution.

APPROVAL 
Emily Doerr (MoS), 2024 14:19 EDT
Emily Doerr, Business and Community Services Department

240207



RESOLUTION NO.: _____

PRESENTED: MAY 22 2024

ADOPTED: _____

A RESOLUTION ENACTED UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SEWAGE DISPOSAL SYSTEM REVENUE BONDS FOR THE PURPOSES OF PAYING FOR IMPROVEMENTS TO THE SYSTEM, AND PAYING COSTS RELATING THERETO; AUTHORIZING DETERMINATION OF STANDING AND PRIORITY OF LIEN WITH RESPECT TO OUTSTANDING BONDS OF THE CITY; PROVIDING FOR RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; ACCEPTING ONE OR MORE GRANTS AND AUTHORIZING SUCH AGREEMENTS AND ACTIONS RELATED TO SUCH ACCEPTANCE; AND PROVIDING FOR OTHER MATTERS RELATIVE THERETO.

BOND RESOLUTION

Sewage Disposal System Revenue Bonds, Series 2024

WHEREAS, pursuant to Act 94, Public Acts of Michigan, 1933, as amended (the “Act 94”) the City of Flint, County of Genesee, State of Michigan (the “City”) has determined to make improvements to the City's System (as defined herein); and

WHEREAS, on June 24, 2019 the City Council of the City (the “Council”) adopted Resolution No. 190188.1 (the “Project Plan Resolution”) approving a proposed project plan and program application (the “Project Plan”) to the Michigan Department of Environment, Great Lakes and Energy (“EGLE”) for improvements to the System as set forth in such Project Plan; and

WHEREAS, the improvements will enable the City to provide more efficient and better-quality public services to the users of the System; and

WHEREAS, pursuant to Resolution No. 200303.1, the Council approved the issuance of \$35,360,000 principal amount of City’s Sewage Disposal System Junior Lien Revenue Bonds, SRF Series 2020 (the “Series 2020 Bonds”) to pay a portion of the costs of certain improvements under the Project Plan, and a portion of the Series 2020 Bonds remain outstanding; and

WHEREAS, pursuant to Resolution No. 210407, the Council approved the issuance of \$37,255,000 principal amount of City’s Sewage Disposal System Junior Lien Revenue Bonds, SRF Series 2021 (the “Series 2021 Bonds,” and together with the Series 2020 Bonds, the “Prior Bonds”) to pay a portion of the costs of certain improvements under the Project Plan, and a portion of the Series 2021 Bonds remain outstanding; and

WHEREAS, it is now deemed necessary by the Council to equip, improve, rehabilitate, acquire, construct and install certain improvements to the System including but not limited to the wastewater treatment plant, force main and pump station remediation, together with any

appurtenances and attachments thereto and any related site acquisitions or improvements (the “**2024 SRF Improvements**”) in compliance with and according to the Project Plan; and

WHEREAS, the City intends to finance construction and acquisition of the 2024 SRF Improvements through issuance of sewage disposal system revenue bonds (the “**2024 SRF Bonds**”), and to sell the 2024 SRF Bonds to the Michigan Finance Authority (the “**Authority**”); and

WHEREAS, as additional security for payment of the principal of, premium, if any, and interest on the 2024 SRF Bonds, it may be necessary for the City to pledge to the Authority revenue sharing payments that the City is eligible to receive under Act 140, Public Acts of Michigan, 1971, as amended (“**Act 140**”); and

WHEREAS, not less than 45 days prior to the issuance of the 2024 SRF Bonds, a notice of intent to issue bonds must be published in accordance with Section 33 of Act 94, a form of which is attached as Exhibit A (“**Notice of Intent**”), which will provide that the proposed 2024 SRF Bonds may be issued without a vote of the electors of the City unless the requisite petitions for an election on the question of the issuance of the 2024 SRF Bonds are filed with the Clerk of the City (“**City Clerk**”) within a period of 45 days from the date of publication; and

WHEREAS, Section 1.150-2 of the Treasury Regulations on Income Tax (the “**Reimbursement Regulations**”) specifies conditions under which a reimbursement allocation may be treated as an expenditure of 2024 SRF Bond proceeds, and the City intends to qualify amounts advanced by the City to make improvements to the City’s System for reimbursement from proceeds of the 2024 SRF Bonds in accordance with the requirements of the Reimbursement Regulations; and

WHEREAS, all things necessary to the authorization and issuance of the 2024 SRF Bonds under the Constitution and laws of the State of Michigan, particularly Act 94, the Charter and ordinances of the City, have been done or will be done, and the Council is now empowered and desires to authorize the issuance and sale of the 2024 SRF Bonds; and

WHEREAS, the City has been awarded one or more grants from EGLE pursuant to the American Rescue Plan legislation, and appropriated pursuant to Section 307 of Michigan Public Act 53 of 2022, pursuant to America’s Water Infrastructure Act of 2018, which amended Section 221 of the Clean Water Act to reauthorize Sewer Overflow and Stormwater Reuse Municipal Grants administered by EGLE’s Water Resources Division, or pursuant to such other legislation or appropriations for the benefit of the 2024 SRF Improvements (collectively, the “**Grant**”) in an aggregate amount up to the lesser of \$20,000,000, or fifty percent (50%) of the amount of the 2024 SRF Improvements eligible for financing through the State Revolving Fund program; and

WHEREAS, pursuant to this Resolution, the City, by and through the Council, wishes to accept and appropriate the Grant to support the financing of the 2024 SRF Improvements; and

WHEREAS the Council wishes to authorize the Authorized Officers (as defined herein) to finalize the terms of the issuance and sale of the 2024 SRF Bonds and to take any actions necessary to receive the Grant without further resolution of the Council; and

NOW, THEREFORE, THE CITY OF FLINT RESOLVES:

Section 1. Definitions. Whenever used in this Resolution, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) “2024 SRF Improvements” means design, acquisition, equipping, and construction of improvements to the System, including, but not limited to, the improvements described in Section 2 with respect to the 2024 SRF Bonds, as well as all work necessary and incidental to these improvements.

(b) “2024 SRF Bonds” means the Sewage Disposal System [Junior Lien] Revenue Bonds, Series 2024 authorized by Section 9 of this Resolution for the purpose of paying for the 2024 SRF Improvements and paying the costs of issuing the 2024 SRF Bonds.

(c) “Act 94” shall have the meaning assigned to it in the recitals to this Resolution.

(d) “Additional First Lien Bonds” means any additional First Lien bonds issued in the future.

(e) “Additional Junior Lien Bonds” means any additional Junior Lien Bonds issued in the future.

(f) “Adjusted Net Revenues” means for any operating year the Net Revenues to which may be made the following adjustments:

(i) Revenues may be augmented by the amount of any rate increase adopted prior to the issuance of additional Bonds or to be placed into effect before the time principal or interest on the additional Bonds becomes payable from Revenues as applied to quantities of service furnished during the operating year or portion thereof that the increased rates were not in effect,

(ii) Revenues may be augmented by amounts that may be derived from rates and charges to be paid by new customers of the System.

(g) “Authorized Officer” means any one of the following officials of the City: the Mayor, the Chief Financial Officer, the City Administrator, or the Treasurer.

(h) “Bondholder” or “Bondholders” means the holder or holders of the Bonds.

(i) “Bond Reserve Account” means, if necessary, a subaccount established within the Redemption Account pursuant to Section 22(b)(ii)(2).

(j) “Bonds” means the 2024 SRF Bonds and any Additional Junior Lien Bonds and any Additional First Lien Bonds authorized pursuant to this Resolution or any other resolution of the City, whether presently outstanding or hereafter issued.

(k) “Code” means the Internal Revenue Code of 1986, as amended, and the rules and regulations promulgated thereunder.

(l) “Council” means the City Council of the City of Flint, Michigan, the legislative and governing body thereof.

(m) “2024 SRF Construction Fund” shall mean the construction fund created pursuant to Section 22(a).

(n) “Contract Documents” means the Purchase Contract between the City and the Authority, the Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through EGLE, and the Issuer’s Certificate for the 2024 SRF Bonds, or such other closing documents required by the Authority for the issuance of the 2024 SRF Bonds.

(o) “First Lien Bonds” shall mean any bonds or other obligations that may be issued or incurred by the City payable from the Revenues of the System secured by a lien that is a first lien on the Net Revenues of the System, senior in standing and priority of lien with respect to the Net Revenues to the claim of the Junior Lien Bonds.

(p) “First Lien Redemption Account” means the First Lien Bond and Interest Redemption Account created as a subaccount of the Redemption Account pursuant to Section 22(b)(ii)(1).

(q) “GO Fund” means, if necessary, the General Obligation Debt Fund created pursuant to Section 22(b)(iii).

(r) “Junior Lien Bonds” shall mean any bonds or other obligations that may be issued or incurred by the City payable from the Revenues of the System secured by a lien on the Net Revenues of the System that is subordinate to a first lien on the Net Revenues of the System created for the benefit of any First Lien Bonds.

(s) “Junior Lien Redemption Account” shall mean the Junior Lien Bond and Interest Redemption Account created as a subaccount of the Redemption Account pursuant to Section 22(b)(ii)(3).

(t) “Net Revenues” shall have the same meaning as defined in Section 3 of Act 94.

(u) “Operation and Maintenance Fund” means the Operation and Maintenance Fund created pursuant to Section 22(b)(i).

(v) “Purchase Contract” shall have the meaning as defined in Section 9 of this Resolution.

(w) “Receiving Fund” shall mean the Sewage Disposal System Receiving Fund created pursuant to Section 22(b).

(x) “Redemption Account” shall mean the Bond and Interest Redemption Account created pursuant to Section 22(b)(ii).

(y) “Resolution” means this Resolution and all amendments hereto.

(z) “Revenues” shall have the same meaning as defined in Section 3 of Act 94 and shall include all earnings on investment of funds of the System and all other revenues derived from or pledged to operation of the System.

(aa) “System” means the City’s complete sewage disposal system, both inside and outside the City, including all collection and treatment facilities for sanitary sewer and all appurtenances thereto now owned by the City and those acquired pursuant to this Resolution and all extensions and improvements thereto hereafter made.

Section 2. Necessity of 2024 SRF Improvements. It is hereby determined to be necessary for the public health, safety and welfare of the City to acquire, construct, furnish and equip improvements to the City’s existing System including wastewater treatment plant improvements, and force main and pump station rehabilitations, together with all related appurtenances and attachments thereto (the “**2024 SRF Improvements**”) in accordance with the maps, plans and specifications therefor prepared by the City’s engineers and issue the 2024 SRF

Bonds pursuant to Act 94 to finance the acquisition, construction, furnishing and equipping of the 2024 SRF Improvements.

Section 3. Cost and Useful Life of 2024 SRF Improvements. The cost of the 2024 SRF Improvements is estimated not to exceed Sixty-Six Million Nine Hundred Eighty Thousand Dollars (\$66,980,000) including, the payment of legal, engineering, financial and other expenses, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the 2024 SRF Improvements is estimated to be not less than thirty (30) years.

Section 4. Payment of Costs of 2024 SRF Improvements and Authorization of 2024 SRF Bonds. It is hereby determined that the City shall borrow the sum of not-to-exceed Forty-Six Million Nine Hundred Eighty Thousand Dollars (\$46,980,000), with such maximum amount being reduced by an amount commensurate with the amount of the Grant ultimately realized by the City, and as finally determined by an Authorized Officer upon the sale of thereof, and the 2024 SRF Bonds shall be issued pursuant to the provisions of Act 94 to pay the cost of acquiring and constructing the 2024 SRF Improvements, including the payment of engineering, legal, financial, bond insurance, underwriter's discount and other expenses incident thereto and incident to the issuance and sale of the 2024 SRF Bonds. The balance of the cost of the 2024 SRF Improvements, if any, will be paid from other funds of the City legally available therefor.

The 2024 SRF Bonds shall be designated as the SEWAGE DISPOSAL SYSTEM [JUNIOR LIEN] REVENUE BONDS (SRF PROJECT #5739-01), SERIES 2024, with such modifications as may be approved by an Authorized Officer, and unless required by the Authority and as authorized by Act 94, shall not be a general obligation of the City, but be revenue bonds, payable solely out of the Net Revenues of the System.

During the time funds are being drawn down by the City under the 2024 SRF Bonds, the Authority will periodically provide the City with a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced and not forgiven, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of the 2024 SRF Bonds.

Section 5. Year of Sale. If the 2024 SRF Bonds, or any series thereof, are not sold or delivered in calendar year 2024, then references to the name of the bonds, funds and accounts approved by this Resolution may be changed to reflect the year in which such bonds will be sold or delivered.

Section 6. Payment of Bonds; Pledge of Net Revenues. Principal of and interest on the 2024 SRF Bonds shall be payable in lawful money of the United States of America to the person appearing on the Bond registration books as the registered owner thereof. Payment of principal on the 2024 SRF Bonds shall be made at the principal office of the Paying Agent, upon surrender of the 2024 SRF Bonds. Payment of interest on the 2024 SRF Bonds shall be paid to the registered owner at the address as it appears on the registration books. The principal of and interest on the 2024 SRF Bonds shall be payable from the Net Revenues derived from the operation of the System, including future improvements, enlargements and extensions thereof, after provision has been made for the payment of expenses of administration, operation and maintenance thereof. The Net Revenues of the System, including future enlargements, improvements, and extensions

thereto, are hereby pledged to the payment of the principal of and interest on the 2024 SRF Bonds. To secure the payment of the principal of and interest on the 2024 SRF Bonds, a statutory lien is created pursuant to the Act to and in favor of the Bondholders of the 2024 SRF Bonds upon the Net Revenues of the System, including future enlargements, improvements, and extensions thereof. The statutory lien on the Net Revenues securing any First Lien Bonds shall be a first lien as provided in the Act and shall at all times and in all respects be and remain superior to the lien on the Net Revenues securing any Junior Lien Bonds. The Net Revenues so pledged shall be and remain subject to such lien until the payment in full of the principal of and interest on the 2024 SRF Bonds or until the 2024 SRF Bonds are defeased as provided in Section 29.

The Authorized Officer is hereby authorized and directed to determine in an order signed by the Authorized Officer upon or prior to the delivery of the 2024 SRF Bonds whether the 2024 SRF Bonds are First Lien Bonds or Junior Lien Bonds.

The 2024 SRF Bonds, including both principal and interest thereon, shall not be a general obligation of the City and shall not constitute an indebtedness of the City for the purpose of any debt limitations imposed by any constitutional or statutory provisions.

Section 7. Prior Redemption. The 2024 SRF Bonds issued and sold to the Authority shall be subject to redemption prior to maturity by the City only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Section 8. Paying Agent and Registration.

(a) Appointment of Paying Agent. From time to time the Authorized Officer shall designate and appoint a Paying Agent, which shall also act as transfer agent and bond registrar. The initial Paying Agent shall be the Treasurer of the City. In the event of a change in the Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Bonds.

(b) Registration of Bonds. Registration of the Bonds shall be recorded in the registration books of the City to be kept by a Paying Agent. Bonds may be transferred only by submitting the same, together with a satisfactory instrument of transfer signed by the Registered Owner or the Registered Owner's legal representative duly authorized in writing, to the Paying Agent, after which a new Bond or Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in any denomination, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any Bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the City and the Paying Agent as the absolute owner thereof, and any payment of principal and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the City's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than fifteen (15) days prior to an interest payment date nor after the Bond has been called for redemption.

(c) Authority's Depository. Notwithstanding any other provision of this Resolution or the 2024 SRF Bonds, so long as the Authority is the owner of the 2024 SRF Bonds, (a) the 2024 SRF Bonds are payable as to principal, premium, if any, and interest at the U.S. Bank Trust Company, National Association, or at such other place as shall be designated in writing to

the City by the Authority (the “**Authority’s Depository**”); (b) the City agrees that it will deposit with the Authority’s Depository payments of the principal of, premium, if any, and interest on the 2024 SRF Bonds in immediately available funds by 12:00 p.m. (noon) at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority’s Depository has not received the City’s deposit by 12:00 p.m. (noon) on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority’s administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of the 2024 SRF Bonds shall be given by the City and received by the Authority’s Depository at least 40 days prior to the date on which such redemption is to be made.

Section 9. 2024 SRF Bond Details. The 2024 SRF Bonds shall be issued in the form of one or more fully-registered, nonconvertible bonds, dated as of the date of delivery, payable in annual principal installments in the amounts and on the dates as determined by the order of EGLE and approved by the Authority and the Authorized Officer, provided that the final payment on the 2024 SRF Bonds shall occur within the period of usefulness of the 2024 SRF Improvements as set forth in this Resolution. Final determination of the principal amount and the payment dates and amounts of principal installments of the 2024 SRF Bonds shall be evidenced by execution of a Purchase Contract (the “**Purchase Contract**”) between the City and the Authority providing for sale of the 2024 SRF Bonds, and the Authorized Officer is authorized and directed to execute and deliver the Purchase Contract.

The 2024 SRF Bonds shall bear interest at a rate or rates to be determined by the Authorized Officer at the time of execution of the Purchase Contract, but in any event not exceeding the maximum amount permitted by law, payable semiannually on the dates as determined in the Purchase Contract. In addition, if required by the Authority, the 2024 SRF Bonds will bear additional interest, under the terms required by the Authority, in the event of a default by the City in the payment of principal or interest on the 2024 SRF Bonds when due. The 2024 SRF Bonds principal amount is expected to be drawn down by the City periodically, and interest on each installment of the principal amount shall accrue from the date such principal installment is drawn down by the City. Principal installments of the 2024 SRF Bonds will be subject to prepayment prior to maturity as permitted by the Authority and approved by the Authorized Officer.

The Mayor and City Clerk are authorized to execute the 2024 SRF Bonds by manual or facsimile signature. If required, at least one signature on the 2024 SRF Bonds shall be a manual signature. If required, the 2024 SRF Bonds shall have the facsimile corporate seal of the City printed or impressed thereon. The 2024 SRF Bonds may be transferred by the bondholder as provided in the 2024 SRF Bonds as executed.

Section 10. State Revenue Sharing Pledge. If required by the Authority, as additional security for repayment of the 2024 SRF Bonds, the Council agrees to pledge the state revenue sharing payments that the City is eligible to receive from the State of Michigan under Act 140 to the Authority as purchaser and holder of the 2024 SRF Bonds. The Authorized Officer is authorized to execute and deliver a revenue sharing pledge agreement between the City and the Authority.

Section 11. Bond Form. The 2024 SRF Bonds shall be in substantially the following form subject to changes, including references to additional security, as may be required by the Authority:

[Form of Bond To Be Completed After Bond Sale]

United States of America
State of Michigan
County of Genesee

CITY OF FLINT
SEWAGE DISPOSAL SYSTEM
[JUNIOR LIEN] REVENUE BOND (SRF PROJECT #5739-01), SERIES 2024

Interest Rate Date of Maturity
_____% [Month 1, 20__]

Registered Owner: Michigan Finance Authority

Principal Amount: _____ Dollars (\$_____)

Date of Original Issue: _____, 2024

The CITY OF FLINT, County of Genesee, State of Michigan (the “City”), for value received, acknowledges itself to owe, and for value received hereby promises to pay, but only out of the hereinafter described Net Revenues of the City’s Sewage Disposal System (hereinafter defined), to the Michigan Finance Authority (the “Authority”) the principal amount of this Bond or so much thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environment, Great Lakes, and Energy.

During the time funds are being drawn down by the City under this Bond, the Authority will periodically provide the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on Schedule I attached hereto and made a part hereof. Interest is first payable on [April 1, 202_/October 1, 202_] and semiannually thereafter, and principal is payable on the first day of [April/October] commencing [April 1, 202_/October 1, 202_] (as identified in the Purchase Contract) and annually thereafter.

The Bond may be subject to redemption prior to maturity by the City only with the prior written consent of the Authority and on such terms as may be required by the Authority.

Notwithstanding any other provision of this Bond, as long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at U.S. Bank Trust

Company, National Association or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent (2%) above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

For prompt payment of principal and interest on this Bond, the City has irrevocably pledged the revenues of its Sewage Disposal System, including all appurtenances, extensions and improvements thereto (the "System"), after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory lien thereon is hereby recognized and created. [This Bond is of [equal][junior] standing and priority of lien as to the Net Revenues of the System with the _____.]

This Bond is one of a series of bonds aggregating the principal sum of \$ _____, issued pursuant to Resolution No. _____ duly adopted by the City Council of the City (the "Resolution"), and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan 1933, as amended for the purposes of constructing and acquiring improvements to the System.

[IF BOND ISSUED AS JUNIOR LIEN BOND: The statutory liens securing any First Lien Bonds (as defined in the Resolution) issued by the City will be first liens that are and shall remain superior to the lien on the Net Revenues securing this Bond and any and any Additional Junior Lien Bonds (as defined in the Resolution). The Bonds of this series shall have equal standing with any Additional Junior Lien Bonds that may be issued pursuant to the Resolution, and additional

bonds of superior standing to the bonds of this series may be issued pursuant to the Resolution.] [IF BOND ISSUED AS FIRST LIEN BOND: The Bonds of this series shall have equal standing with the City's First Lien Bonds (as defined in the Resolution) that may be issued pursuant to the Resolution and the lien securing this Bond is superior to the lien on the Net Revenues securing Junior Lien Bonds (as defined in the Resolution) that may be issued pursuant to the Resolution.] For a complete statement of the revenues from which, and the conditions under which, this Bond is payable, a statement of the conditions under which additional bonds of equal or superior standing may hereafter be issued, and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the Resolution.

THIS BOND IS A SELF-LIQUIDATING BOND AND IS NOT A GENERAL OBLIGATION OF THE CITY AND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN ANY CONSTITUTIONAL, STATUTORY OR CHARTER LIMITATION, AND IS PAYABLE BOTH AS TO PRINCIPAL AND INTEREST, SOLELY FROM THE NET REVENUES OF THE SYSTEM. THE PRINCIPAL AND INTEREST ON THIS BOND ARE SECURED BY A STATUTORY [FIRST][JUNIOR] LIEN ON THE NET REVENUES.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this Bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law.

IN WITNESS WHEREOF, the City of Flint, County of Genesee, State of Michigan, by authority of its City Council, has caused this Bond to be signed for and on its behalf and in its name by the manual or facsimile signatures of the Mayor and Clerk of the City, and the official seal of the City or a facsimile thereof to be impressed or printed hereon, all as of the Date of Original Issue.


FOR THE CITY OF FLINT:

APPROVED BY CITY COUNCIL:


Sheldon A. Neeley, Mayor

APPROVED AS TO FINANCE

APPROVED AS TO FORM:



Phillip Moore (May 15, 2024 08:58 EDT)



William Kim (May 14, 2024 14:03 EDT)

Phillip Moore, Chief Financial Officer

William Kim, City Attorney

(SEAL)
Countersigned:

By: _____
Davina Donahue, City Clerk

[FORM OF SCHEDULE I]

Name of Issuer: CITY OF FLINT
EGLE Project No.: _____
EGLE Approved Amt:

SCHEDULE I

Based on the schedule provided below unless revised as provided in this paragraph, repayment of principal of the Bond shall be made until the full amount advanced to the City is repaid. In the event the Order of Approval issued by the Department of Environment, Great Lakes, and Energy (the "Order") approves a principal amount of assistance less than the amount of the Bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the City and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order, or (2) that less than the principal amount of assistance approved by the Order is disbursed to the City by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

<u>Due Date</u>	<u>Amount of Principal Installment</u>
-----------------	--

Interest on the bond shall accrue on principal disbursed by the Authority to the City from the date principal is disbursed, until paid, at the rate of ____% per annum, payable [April/October] 1, 202_, and semi-annually thereafter.

The City agrees that it will deposit with U.S. Bank Trust Company, National Association, or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository") payments of the principal of, premium, if any, and interest on this bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. In the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment.

[END OF BOND FORM]

Section 12. Reimbursement. The City declares that it reasonably expects to make advances of funds to make improvements to the System. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. §1.150-2 pursuant to the Internal Revenue Code of 1986, as amended (the "Code"):

(a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

(b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the 2024 SRF Improvements which were or will be paid subsequent to sixty (60) days prior to the date hereof.

Section 13. Tax Exemption. The City covenants that it will not take any action or fail to take any action required to be taken, if taking such action or failing to take such action would

adversely affect the general exclusion from gross income of interest on the 2024 SRF Bonds, from federal income taxation under the Code.

Section 14. Arbitrage Covenant.

(a) The City will not directly or indirectly (1) use or permit the use of any proceeds of the 2024 SRF Bonds or other funds of the City, or (2) take or omit to take any action required by Section 148(a) of the Code in order to maintain the exclusion from gross income of the interest on the 2024 SRF Bonds for federal income tax purposes. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the 2024 SRF Bonds and the requirements set forth in the Non-Arbitrage and Tax Compliance Certificate of the City.

(b) Without limiting the generality of subsection (a), above, the City agrees that there shall be paid by the City from time to time all amounts, if any, required to be rebated to the United States pursuant to Section 148(f) of the Code. This covenant shall survive payment in full or defeasance of the 2024 SRF Bonds.

(c) Notwithstanding any provision of this Section, if the City obtains an opinion of Bond Counsel to the effect that any action required under this Section is no longer required, or that some further action is required, to maintain the exclusion from gross income of the interest of the 2024 SRF Bonds for federal income tax purposes pursuant to Section 103 of the Code, the City may conclusively rely on such opinion in complying with the provisions hereof.

Section 15. Municipal Advisor. The City hereby confirms Robert W. Baird & Co. Incorporated, as Municipal Advisor for the 2024 SRF Bonds.

Section 16. Negotiated Sale; Application to EGLE and Authority. The Council determines that it is in the best interest of the City to negotiate the sale of the 2024 SRF Bonds to the Authority because the State Revolving Fund financing program provides significant savings to the City compared to a competitive sale in the municipal bond market. The Authorized Officer and the City's Director of Public Works are authorized to apply to the Authority and to EGLE for placement of the 2024 SRF Bonds with the Authority. The actions taken by the Authorized Officer and the Director of Public Works with respect to the 2024 SRF Bonds prior to the adoption of this Resolution are ratified and confirmed. The Authorized Officer is authorized to sell the 2024 SRF Bonds to the Authority and to execute and deliver the Purchase Contract, the Supplemental Agreement and the Issuer's Certificate in the forms provided by the Authority. The Authorized Officer and the Director of Public Works are further authorized to execute and deliver such contracts, documents and certificates as are necessary or advisable to qualify the 2024 SRF Bonds for the State Revolving Fund program. If the position of Director of Public Works is vacant, the City Administrator is authorized to take the necessary actions on its behalf.

Section 17. Bond Counsel. The City hereby appoints Dykema Gossett PLLC as Bond Counsel with respect to the 2024 SRF Bonds notwithstanding Dykema's occasional representation of the Authority in other unrelated transactions.

Section 18. Notice of Intent to Issue Bonds. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the 2024 SRF Bonds in *The Flint Journal*, a newspaper of general circulation in the City. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A. The Council does hereby determine that the foregoing form of Notice of Intent to Issue

Bonds, and the manner of publication directed, is adequate notice to the electors of the City and users of the System, and is the method best calculated to give them notice of the City's intent to issue the 2024 SRF Bonds, the purpose of the 2024 SRF Bonds, the security for the 2024 SRF Bonds, and the right of referendum of the electors with respect thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

Section 19. Acceptance of Grant. The Council accepts the Grant in the amount of up to the lesser of \$20,000,000 or fifty percent (50%) of the amount of the 2024 SRF Improvements eligible for financing through the State Revolving Fund program, and appropriates such funds as necessary to support the financing of or provide security for the 2024 SRF Improvements. The total amount of the Grant funds may be received in one or more distributions. An Authorized Officer is authorized to cause to be created appropriate accounts to make necessary operating transfers for the expenditure and control of the balance of the awarded Grant for the benefit of the 2024 SRF Improvements as ultimately designed. The acceptance, approvals and authorizations contained in this Resolution will apply to the Grant, including if the amount of the Grant is increased from time to time, and including the negotiation and execution of any additional documentation reflecting such increases.

Section 20. Other Actions. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and to facilitate issuance, sale, and delivery of the 2024 SRF Bonds and receipt of the Grant, and to execute and deliver all other agreements, documents, and certificates and to take all other actions necessary or convenient to complete the issuance and delivery of the 2024 SRF Bonds and receipt of the Grant in accordance with this Resolution, and to pay costs of issuance including Bond Counsel fees, Municipal Advisor fees, filing fees with State Treasury, costs of printing the 2024 SRF Bonds, and any other costs necessary to accomplish sale and delivery of the 2024 SRF Bonds. The Authorized Officer is authorized to determine final bond details for the 2024 SRF Bonds and the final Grant details, to the extent necessary or convenient to complete the transactions authorized by this Resolution, to exercise the authority and make determinations authorized pursuant to Section 7a(1)(c) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters.

Section 21. Rights of Bondholders. The Bondholders representing in the aggregate not less than twenty percent (20%) of the entire amount of Bonds then outstanding may protect and enforce the statutory lien, either at law or in equity, by suit, action, mandamus, or other proceedings, and enforce and compel the performance of all duties of the officials of the City, including the fixing of sufficient rates, the collection of revenues, the proper segregation of revenues and the proper application thereof; provided, however, that such statutory lien shall not be construed to give any Registered Owner of any Bond authority to compel the sale of the System, the revenues of which are pledged thereto. If there is any default in the payment of the principal of or interest on any of the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the City and under the direction of such court, and by and with the approval of such court, to fix and charge rates and collect revenues sufficient to provide for the payment of any Bonds or other obligations outstanding against the revenues of the System and for the payment of the expenses of operating and maintaining the

System and to apply the income and revenues of the System in conformity with the Act and this Resolution.

The owners of the Bonds, or Bondholders, from time to time, shall have all the rights and remedies given by law, and particularly by the Act, for the collection and enforcement of the Bonds and the security therefor.

Section 22. Funds and Accounts The Director of Finance is hereby directed to create and maintain the following funds, which shall be designated as follows, into which the Bond proceeds and the revenues and income from the System shall be deposited, which funds and accounts shall be established and maintained, except as otherwise provided, so long as any of the Bonds hereby authorized remain unpaid.

(a) The Construction Fund. The proceeds of the 2024 SRF Bonds shall be deposited in the 2024 SRF Construction Fund. Such moneys shall be used solely for the purpose for which the 2024 SRF Bonds were issued. Any unexpected balance in the 2024 SRF Construction Fund remaining after completion of the 2024 SRF Improvements may be used for such purposes as allowed by law. After completion of the Improvements and disposition of remaining 2024 SRF Bond proceeds, if any, pursuant to the provisions of this Section, the 2024 SRF Construction Fund shall be closed.

(b) Receiving Fund. The gross income and revenue of the System shall be set aside into the Receiving Fund. The moneys so deposited are pledged for the purpose of the following funds and accounts and shall be expended and used only in the manner and order as follows:

(i) Operation and Maintenance Fund. The City shall create and maintain the Operation and Maintenance Fund. Prior to the beginning of each fiscal year, the Council shall prepare an annual budget of the System for the ensuing fiscal year. Out of the revenues in the Receiving Fund, there shall be set aside, quarterly and deposited into the Operation and Maintenance Fund a sum sufficient to pay the reasonable and necessary current expenses of administering, operating and maintaining the System for the ensuing three months.

(ii) Redemption Account. The City shall create and maintain the Redemption Account and following subaccounts as necessary.

(1) First Lien Redemption Account. The First Lien Redemption Account shall be established as a subaccount within the Redemption Account to be used solely for the purpose of paying the principal of and interest on First Lien Bonds. After the transfers required above, there shall first be transferred quarterly from the Receiving Fund, and deposited in the First Lien Redemption Account, for payment of principal of and interest on the First Lien Bonds, a sum equal to at least one-half (1/2) of the amount of interest due on First Lien Bonds on the next ensuing interest payment dates plus not less than one-fourth (1/4) of the principal maturing on First Lien Bonds on the next ensuing principal payment dates in each year. The moneys in the First Lien Redemption Account shall be accounted for separately.

(2) Bond Reserve Account. The Bond Reserve Account shall be established as a subaccount of the Redemption Account. Upon the issuance of any First Lien Bonds, the City shall deposit into the Bond Reserve Account such amounts determined by the City in the resolution authorizing such First Lien Bonds, to be used as provided in the resolution

authorizing their issuance. No deposit to the Bond Reserve Account shall be required for the 2024 SRF Bonds.

(3) Junior Lien Redemption Account. The Junior Lien Redemption Account shall be established as a subaccount within the Redemption Account to be used solely for the purpose of paying the principal of and interest on the Junior Lien Bonds. After the transfers required above, there shall be transferred quarterly from the Receiving Fund, and deposited in the Junior Lien Redemption Account for payment of principal of and interest on the Junior Lien Bonds, a sum equal to at least one-half (1/2) of the amount of interest on Junior Lien Bonds due on the next ensuing interest payment dates plus not less than one-fourth (1/4) of the principal maturing on Junior Lien Bonds on the next ensuing principal payment dates in each year. The monies in the Junior Lien Redemption Account shall be accounted for separately.

(4) Additional Deposits. If for any reason there is a failure to make a required deposit to any of the subaccounts of the Redemption Fund or for any reason there is a deficiency in any of the subaccounts, then an amount equal to the deficiency shall be set aside and deposited in the subaccount from the Net Revenues in the next succeeding period, which amount shall be in addition to the regular deposit required during such succeeding period.

No further payments need be made into a subaccount of the Redemption Fund after the amount accumulated and held in the subaccount is sufficient to pay when due the entire amount of principal and interest that will be payable at the time of maturity or at an earlier redemption date of all the Bonds then remaining outstanding that are payable from the subaccount, or for Bonds that have been defeased as provided in Section 29.

(iii) General Obligation Debt Fund. The GO Fund is hereby established. After meeting the requirement of the foregoing funds, there may be transferred quarterly from remaining revenues in the Receiving Fund, or from other available monies, and deposited in the GO Fund, such sums as the Council in its sole discretion determines to be desirable to pay debt service on presently existing or future general obligation bond issues of the City or general obligation contractual obligations of the City incurred or to be incurred for System purposes. This section shall not be construed to create a lien on the Net Revenues in favor of any obligations the debt service on which may be paid from the GO Fund from time to time.

(iv) Improvement and Repair Fund. The City hereby establishes the Improvement and Repair Fund, into which there shall be placed, after meeting the requirements of the subsections set forth above, such sums as the Council shall determine to be used by the City for the purpose of acquiring and constructing improvements, additions and extensions to the System and for making repairs and replacements to the System.

(v) Surplus Moneys. All moneys remaining in the Receiving Fund at the end of any operating year after satisfying the above requirements may be transferred to the Redemption Account and its subaccounts and used as authorized in this Resolution or, at the option of the City, transferred to the GO Fund or the Improvement and Repair Fund and used for the purposes for which said funds were established. Provided, however, that if there should be a deficit in the Operation and Maintenance Fund, and any subaccount of the Redemption Account, a bond reserve account or the GO Fund on account of defaults in setting aside therein the amounts required in this Resolution, or a future resolution, then the City shall transfer the moneys remaining in the Receiving Fund at the end of any operating year to such funds in the priority and order named, to the extent of such deficits. Available surplus moneys may be used to retire any outstanding

obligations of the City incurred for construction, expansion or addition to the System, including additional bonds, the issuance of which is authorized by this Resolution, or if no other disposition has been provided for, such moneys may be used for such other purposes of the System as the City Council may deem to be for the best interest of the City.

(vi) Priority of Accounts. In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or any subaccounts of the Redemption Account, any moneys or securities in other funds of the System, except the 2024 SRF Construction Fund, shall be credited or transferred, first, to the Operation and Maintenance Fund, second to the First Lien Redemption Account, third to a bond reserve account, if applicable, and fourth to the Junior Lien Redemption Account, to the extent of any deficit therein.

Section 23. Investment of Funds. Moneys in the funds and accounts established herein may be invested by the City in bonds, notes, bills and certificates of, or guaranteed by, the United States of America, or in interest bearing time deposits or other investments as shall be determined by the City, subject to the provisions of Act 20, Public Acts of Michigan, 1943, as amended, or any statute subsequently adopted regulating investments by the City, and subject to the limitations imposed by arbitrage regulations and Section 148 of the Code. Profit realized or interest income earned on investment of funds in the various funds and accounts shall be deposited in or credited as received to the Receiving Fund.

Section 24. Depository and Funds On Hand. Moneys in the several funds and accounts maintained pursuant to this Resolution, except moneys in the 2024 SRF Construction Fund and Redemption Account, which must be kept in a separate account, may be kept in one or more accounts at financial institutions designated by resolution of the City, and if kept in one account, the moneys shall be allocated on the books and records of the City in the manner and at the times provided in this Resolution.

Section 25. Rates and Charges. Rates shall be fixed and revised from time to time by the Council so as to produce amounts that are sufficient to pay the expenses of administration and the costs of operation and maintenance of the System, to provide an amount of revenues adequate for the payment of principal of and interest on the Bonds, reserve, replacement and improvement requirements, if any, and to otherwise comply with all requirements and covenants provided herein; and such that are reasonably expected to yield annual Net Revenues of the System, in the current fiscal year equal to at least 100% of the average annual principal and interest thereafter maturing in any fiscal year on the then outstanding First Lien Bonds and equal to at least 100% of the average annual principal and interest thereafter maturing in any fiscal year on the then outstanding Junior Lien Bonds; and promptly upon any material change in the circumstances which were not contemplated at the time such rates and charges were most recently reviewed, but not less frequently than once in each fiscal year, review the rates and charges for its services and promptly revise such rates and charges as necessary to comply with the foregoing requirement. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the costs and value of the System, the cost of maintaining, repairing, and operating the System, and the amounts necessary for the retirement of all Bonds and interest accruing on all Bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirement of this and the preceding sections.

Section 26. No Free Service. No free service shall be furnished by the System to the City or to any individual, firm or corporation, public or private, or to any agency or instrumentality.

Section 27. Revenue Bonds. The City covenants and agrees, so long as any of the Bonds hereby authorized remain unpaid, as follows:

(a) It will punctually perform all duties with reference to the System and comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

(b) It will not sell, lease, mortgage or in any manner dispose of the System, or any substantial part of it, until all Bonds payable from the revenues of the System shall have been paid in full or provision has been made for the payment of such Bonds.

(c) It will cause an annual review of rates and charges to be made and based thereon will adjust such rates and charges to provide the amounts required by this Resolution.

(d) It will maintain complete books and records relating to the operation of the System and its financial affairs, will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and will furnish a Bondholder a copy of such report upon written request.

(e) It will prepare, keep and file such records, statements and accounts as may be required by law and that, if required by law, it will file a report with the Michigan Department of Treasury, not later than one hundred and eighty (180) days after the close of the fiscal year, on forms prepared by the Department of Treasury, completely setting forth the financial operation for such fiscal year of the System in accordance with the accounting method of the municipality.

(f) It will maintain and carry insurance on all physical properties of the System, for the benefit of the Bondholders, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling Bonds.

(g) It hereby pledges, from other funds of the City available for such purpose, such moneys as may be necessary on an annual basis to maintain the requirements of the following Section 28 for the issuance of additional bonds.

Section 28. Additional Bonds. Additional First Lien Bonds of equal standing and priority with any outstanding First Lien Bonds may be issued for repair, replacement, improvement or extension of the System, and to refund all or a portion of Bonds and paying the costs of issuing the Additional First Lien Bonds, but only if the average Adjusted Net Revenues for the last two completed operating years, or the Adjusted Net Revenues for the last completed operating year if the same shall be lower than the average, shall be equal to at least 100% of the average annual principal and interest thereafter maturing in any operating year on the then outstanding First Lien Bonds and the Additional First Lien Bonds then being issued. In addition, Additional First Lien Bonds of equal standing and priority with any outstanding First Lien Bonds may be issued to refund all or a portion of outstanding First Lien Bonds if the refunding would provide a net present value debt service savings to the City. If the Additional First Lien Bonds are to be issued in whole or in part for refunding outstanding Bonds, the annual principal and interest requirements shall be determined by deducting from the principal and interest requirements for each operating year the

annual principal and interest requirements of any Bonds to be refunded from the proceeds of the Additional First Lien Bonds. Junior Lien Bonds may be issued in the discretion of the City.

Any additional Bonds shall be subject to the various funds herein established, and all revenue from any such extension or replacement constructed by the proceeds of any additional Bonds shall be paid into the Receiving Fund.

Section 29. Defeasance. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of, premium, if any, and interest on any of the Bonds, shall be deposited in trust, this Resolution shall be defeased with respect to such Bonds (the “**Defeased Bonds**”), and the owners of the Defeased Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein. Defeased Bonds shall be treated as if they have been redeemed for all purposes under this Resolution.

Section 30. Fiscal Year of System. The fiscal year for operating the System shall coincide with the fiscal year of the City.

Section 31. Contract with the Bondholders. The provisions of this Resolution shall constitute a contract between the City and the Bondholders from time to time, and after the issuance of any of such Bonds, no change, variation or alteration of the provisions of this Resolution may be made that would lessen the security for the Bonds. The provisions of this Resolution shall be enforceable by appropriate proceedings taken by such Bondholder, either at law or in equity.

Section 32. Publication and Recordation. This Resolution shall be published pursuant to the requirements of Section 6 of Act 94.

Section 33. Severability; Section Headings. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such action, paragraph, clause or provision shall not affect any of the other provisions of this Resolution. The section headings in this Resolution are furnished for convenience of reference only and shall not be considered to a part of this Resolution.

Section 34. Repeal, Savings Clause. All Resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed to the extent of the conflict; provided, that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Bonds.

Section 35. Effective Date. As provided in Act 94, this Resolution shall be approved on the date of first reading and this Resolution shall be effective immediately upon its adoption

Passed and adopted by the City of Flint, County of Genesee, State of Michigan, on _____,
202_.

[Remainder of page intentionally left blank]

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Flint, County of Genesee, State of Michigan, at a Regular Meeting held on _____, 202_, and that said meeting was conducted and public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act No. 267.

I further certify that the following City Council members were present at said meeting: _____ and that the following City Council members were absent: _____.

I further certify that City Council member _____ moved adoption of said Resolution, and that the motion was supported by: _____. I further certify that the following City Council members voted for adoption of said resolution, _____ and that the following City Council members voted against adoption of said resolution. _____

Davina Donahue, Flint City Clerk.

EXHIBIT A

NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF FLINT AND TO USERS OF THE CITY'S SEWAGE DISPOSAL SYSTEM OF INTENT TO ISSUE REVENUE BONDS AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City Council of the City of Flint, County of Genesee, State of Michigan (the "City"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in one or more series in a total amount not to exceed _____ Dollars (\$_____.00), for the purpose of paying all or part of the cost to acquire, construct, furnish and equip improvements to the City's existing Sewage Disposal System, including waste water treatment plant improvements, force main and pump station rehabilitation, together with all related appurtenances and attachments thereto.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the City from the operations of the Sewage Disposal System (the "System"). The revenues will consist of rates and charges billed to the users of the System, a schedule of which is presently on file in the office of the City Clerk. The rates and charges may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the bonds and to pay other obligations of the System.

BOND DETAILS

THE REVENUE BONDS will be payable in annual installments not to exceed thirty (30) in number and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

IN THE EVENT THAT THE CITY DEEMS IT DESIRABLE TO SELL THE REVENUE BONDS TO THE MICHIGAN FINANCE AUTHORITY, THE CITY MAY BE REQUIRED TO PLEDGE FOR THE PAYMENT OF THE BONDS MONEY RECEIVED OR TO BE RECEIVED BY THE CITY DERIVED FROM IMPOSITION OF TAXES BY THE STATE AND RETURNED OR TO BE RETURNED TO THE CITY AS PROVIDED BY LAW, except for money the use of which is prohibited for such purposes by the State Constitution. The City may enter into an agreement providing for the payment of taxes, which taxes are collected by the State and returned to the City as provided by law, to the authority or a trustee, and such funds may be pledged for the payment of the revenue bonds.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

ADDITIONAL INFORMATION will be furnished at the office of the City Clerk upon request.

City Clerk
City of Flint

4879-4410-7837.6



CITY OF FLINT STAFF REVIEW FORM

TODAY'S DATE: 5/9/2024

BID/PROPOSAL# RFP 23000543

AGENDA ITEM TITLE: A RESOLUTION ENACTED UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SEWAGE DISPOSAL SYSTEM REVENUE BONDS FOR THE PURPOSES OF PAYING FOR IMPROVEMENTS TO THE SYSTEM, AND PAYING COSTS RELATING THERETO; AUTHORIZING DETERMINATION OF STANDING AND PRIORITY OF LIEN WITH RESPECT TO OUTSTANDING BONDS OF THE CITY; PROVIDING FOR RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; ACCEPTING ONE OR MORE GRANTS AND AUTHORIZING SUCH AGREEMENTS AND ACTIONS RELATED TO SUCH ACCEPTANCE; AND PROVIDING FOR OTHER MATTERS RELATIVE THERETO.

PREPARED BY: Phillip Moore, Chief Financial Officer

VENDOR NAME: N/A

BACKGROUND/SUMMARY OF PROPOSED ACTION:

The Clean Water State Revolving Fund (CWSRF) project plan was approved, adopted, and designated authorized project representatives on June 24, 2019. The CWSRF loan description and details are organized into a comprehensive 20-year Project Plan, separated into multiple Phases. This project is the third and final loan from the Project Plan submitted to the CWSRF in 2019. This final phase focuses on the collection system and replacing the transformers throughout the system.

The projects financed in the first two phases are still in construction, with five of the six projects in the first phase completed and two of the four projects in the second phase completed. The remaining projects in the first two phases should be complete this year.

The authorization to issue bonds is a requirement of the CWSRF Loan application process. These projects have been deemed essential to the continued reliability, safety, and cost-effective operation of the wastewater system/sewage disposal system. The program offers a % forgiveness and/or grant with changing amounts from year to year.

Timelines for this project have been established by the Michigan Department of Treasury. The current phase is expected to cost \$66,980,000 to construct. Flint has qualified to receive an ARP grant totaling \$20,000,000. As a result, the CWSRF loan amount is expected to be approximately \$46,980,000 and will be financed with a 30-year CWSRF loan at 1.00 percent interest. This includes design, construction, contingencies, financial, administrative, legal, and engineering services. Project construction is anticipated to begin in October 2024 and be completed by the end of 2026.

PREVIOUS ALLOCATIONS (INCLUDE ALL ACCOUNTS USED FOR THIS PURPOSE)/ PROVIDE RESOLUTION OR CONTRACT INFORMATION THAT APPLIES

The City Council passed Resolution 190188.1 on June 24, 2019, approving the project plan referenced above. A public hearing notice was published on May 21, 2019, and the Project Plan was made available for public review on May 14, 2019. The estimated total cost of the Project, at that time, was \$114,585.100.

In 2020, the City issued its Sewage Disposal System Junior Lien Revenue Bonds, SRF Series 2020 (#5696-01) in the amount of \$35,360,000, for Phase 1 of the Project. In 2021, the City issued its Sewage Disposal System Junior Lien Revenue Bonds, SRF Series 2021 (#5709-01) in the amount of \$37,255,000, for phase 2 of the Project.

POSSIBLE BENEFIT TO THE CITY OF FLINT (RESIDENTS AND/OR CITY OPERATIONS) INCLUDE PARTNERSHIPS AND COLLABORATIONS:

Necessary improvements to the City's wastewater and sewage disposal system

FINANCIAL IMPLICATIONS:

None. Bond payments will be made from net revenues from the sewage system.

BUDGETED EXPENDITURE? YES NO IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount
		TBD		
FY24 GRAND TOTAL				

PRE-ENCUMBERED? YES NO REQUISITION NO:

ACCOUNTING APPROVAL: Phillip Moore Phillip Moore (May 15, 2024 08:58 EDT) Date: _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1 \$N/A

BUDGET YEAR 2 \$N/A

BUDGET YEAR 3 \$N/A

OTHER IMPLICATIONS (i.e., collective bargaining): None

STAFF RECOMMENDATION: (PLEASE SELECT): **APPROVED** **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE:

Kenneth J Miller Jr

Kenneth J Miller Jr (May 14, 2024 15:15 EDT)

Kenneth Miller, DPW Administrator



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



PHILLIP D. ROOS
DIRECTOR

April 22, 2024

TO: All Interested Citizens, Organizations, and Government Agencies

SUBJECT: FINDING OF NO SIGNIFICANT IMPACT
City of Flint
Sanitary Sewer Improvements
Clean Water State Revolving Fund Project No. 5739-01

The purpose of this notice is to seek public input and comment on a preliminary decision by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) that an Environmental Impact Statement (EIS) is not required to implement recommendations discussed in the attached Environmental Assessment of a wastewater project plan submitted by the applicant mentioned above.

HOW WERE ENVIRONMENTAL ISSUES CONSIDERED?

Part 53, Clean Water Assistance, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being Sections 324.5301 to 324.5316 of the Michigan Compiled Laws Annotated, requires EGLE to evaluate all environmental implications of a proposed wastewater project. EGLE has done this by incorporating a detailed analysis of the environmental effects of the proposed alternatives in its review and approval process. A project plan containing information on environmental impacts was prepared by the municipality and reviewed by the State. EGLE has prepared the attached Environmental Assessment and found that the proposed project does not require the preparation of an EIS.

WHY IS AN EIS NOT REQUIRED?

Our environmental review concluded that no significant environmental impacts would result from the proposed action. Any adverse impacts have either been eliminated by changes in the project plan or will be reduced by the implementation of the mitigative measures discussed in the attached Environmental Assessment.

HOW DO I GET MORE INFORMATION?

A map depicting the location of the proposed project is attached. This information is also available on our website at Michigan.gov/CWSRF under "Additional Links." The Environmental Assessment presents additional information on the project, alternatives that were considered, impacts of the proposed action, and the basis for our decision. Further information can be obtained by calling or writing one of the contact people listed below.

HOW DO I SUBMIT COMMENTS?

Any comments supporting or disagreeing with this preliminary decision should be submitted to me at EGLE, Constitution Hall, P.O. Box 30457, Lansing, Michigan 48909-7957. We will not take any action on this project plan for 30 calendar days from the date of this notice in order to receive and consider any comments.

WHAT HAPPENS NEXT?

In the absence of substantive comments during this period, our preliminary decision will become final. The applicant will then be eligible to receive loan assistance from this Agency to construct the proposed project.

Any information you feel should be considered by EGLE should be brought to our attention. If you have any questions, please contact Ms. Valorie White, the project manager, at 517-599-5879; by email at WhiteV1@Michigan.gov; or you may contact me. Your interest in this process and the environment is appreciated.

Sincerely,

Dan Beauchamp

Dan Beauchamp, Section Manager
Water Infrastructure Funding and Financing Section
Finance Division
517-388-3380

Attachment

DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
Clean Water State Revolving Fund (CWSRF)
Environmental Assessment
City of Flint, Genesee County
April 2024

PROJECT IDENTIFICATION

Applicant: City of Flint

Address: G-4652 Beecher Road
Flint, Michigan 48532

Authorized Representative: Ms. Jeanette Best, Water Pollution Control Manager

Project Number: 5739-01

PROJECT SUMMARY

The city of Flint (Flint) is located in Genesee County, approximately 66 miles northwest of the city of Detroit. Flint owns and operates a municipal wastewater system which treats wastewater from Flint residents and portions of Flint Township and Mt. Morris Township. Additionally, the Flint Water Pollution Control Facility (WPCF) accepts and treats wastewater from the Beecher Metropolitan Sewer District. According to the United States Census Bureau Flint has a population of 81,252 in 2020. Flint anticipates seeing a slight population decrease over the next twenty years.

Flint has applied for a 30-year low interest CWSRF loan administered by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for force main rehabilitation, interceptor replacement, transformer replacements, and demolition of the Avon Pump Station (APS).

The estimated project cost is approximately \$66,980,000. The CWSRF in fiscal year 2024 is offering specialized funding for communities identified under state criteria as financially overburdened, which allows Flint to receive an American Rescue Plan (ARP) grant of \$20,000,000. As a result, the CWSRF loan amount is estimated to be \$46,980,000. The financial impact of this project to the average residential customer in Flint would be a rate increase of up to \$7.85 per month. Project construction is anticipated to begin in October 2024 and be completed by the end of 2026.

PROPOSED PROJECT

A. Project Need/Justification

In recent years, Flint has worked to make necessary improvements throughout their collection system, as well as at the WPCF. This project is the third and final loan from a project plan submitted to the CWSRF in 2019. This final project focuses on the collection system and replacing the transformers throughout the system. The previous projects financed in the first two loans are still in construction.

Two force mains currently transport all wastewater from the Third Avenue Pump Station (TAPS) three miles to the WPCF. These mains include a 50-inch diameter steel pipe, and a

72-inch diameter prestressed concrete cylinder pipe, constructed in 1927 and 1974 respectively. Both mains are in service but during wet weather neither force main would individually be able handle the required capacity to transport the flows of the system. Several years ago, a directional driller hit the 72-inch diameter force main, resulting in a large amount of untreated sewage being routed directly to the Flint River due to the inability to close the isolation valves. Due to the placement of mains, if they fail it will cause a sanitary sewer overflow (SSO) and have the potential for massive impact to the neighboring area, resulting in high property damage and environmental impacts.

In order to rehabilitate the TAPS force mains, flow must be diverted from TAPS into the Tunnel Interceptor/East Pump Station (EPS) system. This can be accomplished by creating a gravity feed interceptor at the point where the existing 60-inch diameter Tunnel Interceptor for EPS passes under the 54-inch diameter Upper Flint River Interceptor which lead to TAPS. If a controlled gravity interceptor was installed at this point, it would divert a significant amount of flow to EPS, allowing the TAPS force mains work to proceed, and eliminating the need for the APS.

Finally, as part of this project, Flint will be completing electrical work and replacing transformers at the WPCF and TAPS in order to provide consistent and sufficient electrical access to the system.

B. Alternatives Considered

No-action Alternative

The no-action alternative would result in the continued environmental threat posed by the potential failure of the aging TAPS force mains, necessitate the need to maintain the redundant APS, and continue operation with the risk of having old transformers. This alternative was not considered further.

Regional Alternative

Flint is already a regional system, and connection to another system, would not solve the collection issues. Therefore, this alternative was not considered further.

Optimization Alternative

Optimization of existing facilities without replacement of components and processes would not prevent SSOs, or failure as components beyond their useful life continue to age. Therefore, it was not considered further.

Replacement and Upgrades Alternatives

The only real alternative Flint has is to rehabilitate or replace the aging system components. This includes lining the TAPS force mains to reinforce them and extend their useful life. In order to conduct work on the TAPS force mains, flow needs to be diverted to other pump stations, and a new interceptor connection would allow an easy and clean way to do this. Any other alternative would involve massive disruption to both the collection system and the city, require installation of new pipes, and significant cost. Additionally, a gravity connection between the two existing interceptor mains allows for the demolition of the APS. Finally, the only option for the transformers is to replace them with new up-to-date versions.

Selected Alternative

Flint intends to proceed with the Replacement and Upgrades Alternative as it is the only viable option. TAPS force mains will be lined with either a Steel Liner or Fiber Reinforced Polymer pipe (See Figure 1). APS will be demolished, with a 54-inch diameter bypass sewer constructed in its place (See Figure 2). Flint intends to replace approximately 11 transformers located at the WCPF, Northwest Pump Station, EPS, and TAPS. This work would include installing concrete pads, ground mats, reworking of conduits and wires, as well as the transformers themselves.

The selected alternative is expected to cost \$66,980,000 to construct. Flint has qualified to receive an ARP grant totaling \$20,000,000 as they have been identified financially as a significantly overburdened community according to State criteria. As a result, the CWSRF loan amount is expected to be approximately \$46,980,000 and will be financed with a 30-year CWSRF loan at 1.00 percent interest. This includes design, construction, contingencies, financial, administrative, legal, and engineering services.

As a result of this total project, the average residential customer in Flint can expect a rate increase of approximately \$7.85 per month, at a loan amount of \$46,980,000. Project construction is anticipated to begin in October 2024 and be completed in end of 2026.

IMPACT OF PROJECT

A. Water Quality Impacts

The proposed project will work to prevent SSOs, extend the life of the force mains, allow for better control of flow through the system, and replace transformers beyond their useful life. This project will ensure that Flint is able to treat projected flows for the next twenty years.

B. Primary Impacts

Impacts of construction activities associated with the project are considered short-term disruptions that, for the most part, will not extend beyond the period of construction. Short-term adverse impacts associated with construction include noise, dust, exhaust fumes, removal of groundcover, and increased erosion potential.

Construction associated with the projects will occur at the WWTP site, APS, or at pits needed to directionally drill along the path of the TAPS force main. Construction contract provisions will be enforced for compliance with the Soil Erosion and Sedimentation Control Act to prevent damage to the surrounding areas from soil erosion, dust, and sedimentation. Flint is in the process of obtaining a Joint EGLE Part 303 and 301 permit to cover work in the floodplain and river crossing. Since the TAPS force main is intending to be lined, minimal impact is expected, but any that occur will be mitigated and remediated based on the permit.

This project is not expected to cause impacts on historical, archeological, religious, or culturally significant areas. Minimal to no tree removal is anticipated during this project, however, if necessary, no trees will be cut from April 1st through October 14th during the Indiana bat and Northern long eared bat roosting season.

C. Secondary Impacts

No significant secondary impacts are anticipated as a result of this project. The project was designed to address the need for sewage treatment, prevent SSOs, manage flow, and

provide service for years to come. Improvements to the system are associated with the need to address deficiencies, public health threats, and increase the reliability of the system.

PUBLIC PARTICIPATION

A formal public hearing on the project plan and proposed projects was held in person at the Flint City Hall on June 24, 2019, after notice was given in the *Flint Journal* newspaper on May 21, 2019. Presentations were made on the project plan, including alternatives considered, project impact, and estimated costs. Questions and comments were addressed at the public hearing. The City Council passed a resolution approving the project plan and agreeing to implement the selected alternatives on June 24, 2019, during a city council meeting after the close of the public hearing.

REASONS FOR CONCLUDING NO SIGNIFICANT IMPACTS

The proposed project will line critical force mains, remove a redundant pump station while connecting the system, replace components at the end of its useful life, and extend the life of the system. The water quality benefits anticipated from the project are expected to outweigh the short-term adverse impacts. Preventing SSOs and updating components will provide long-term beneficial impacts.

Questions regarding this Environmental Assessment should be directed to:

Ms. Valorie White, Project Manager
Water Infrastructure Funding and Financing Section
Finance Division
Michigan Department of Environment, Great Lakes, and Energy
P.O. Box 30457
Lansing, Michigan 48909-4957
Telephone: 517-284-5433
E-Mail: WhiteV1@Michigan.gov

Figure 1: Location of TAPS Force main proposed to be lined.

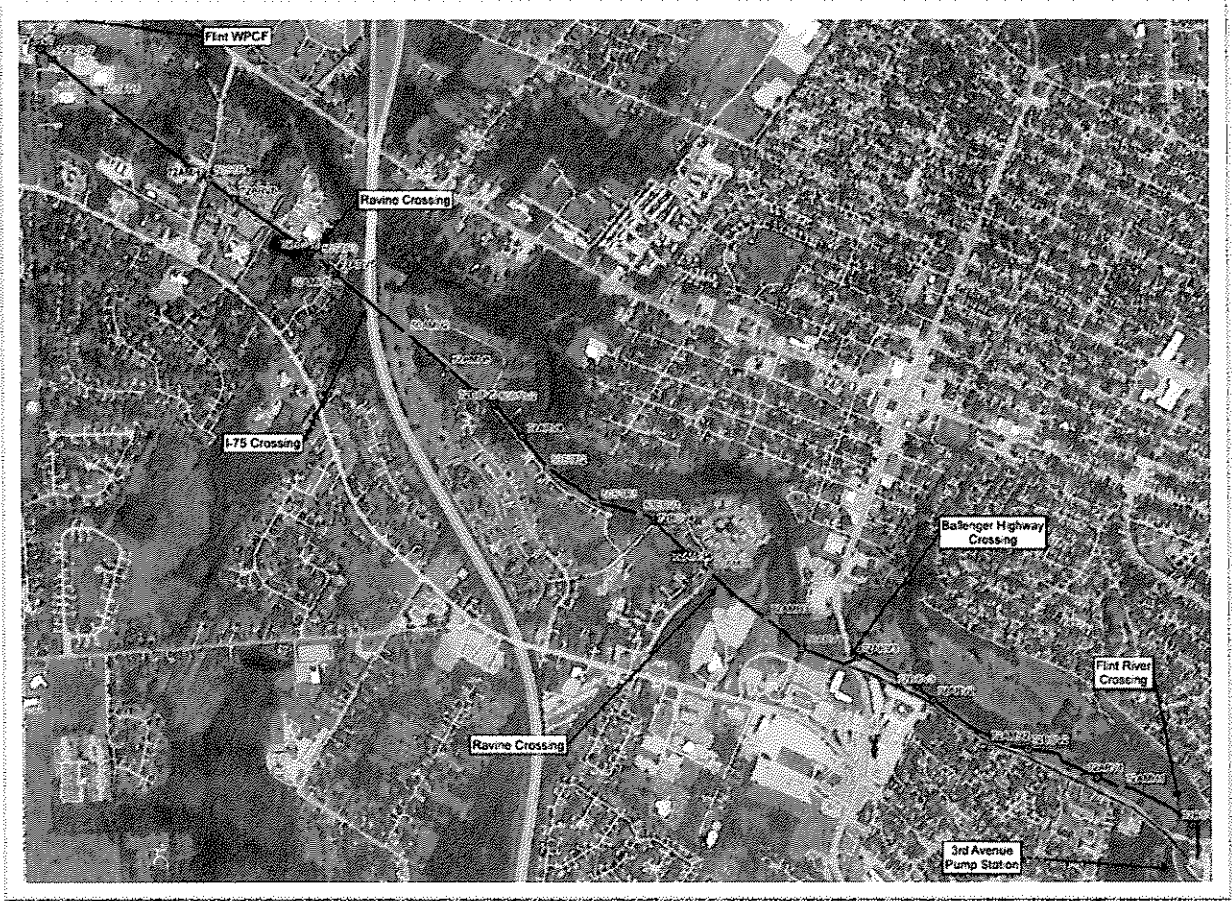
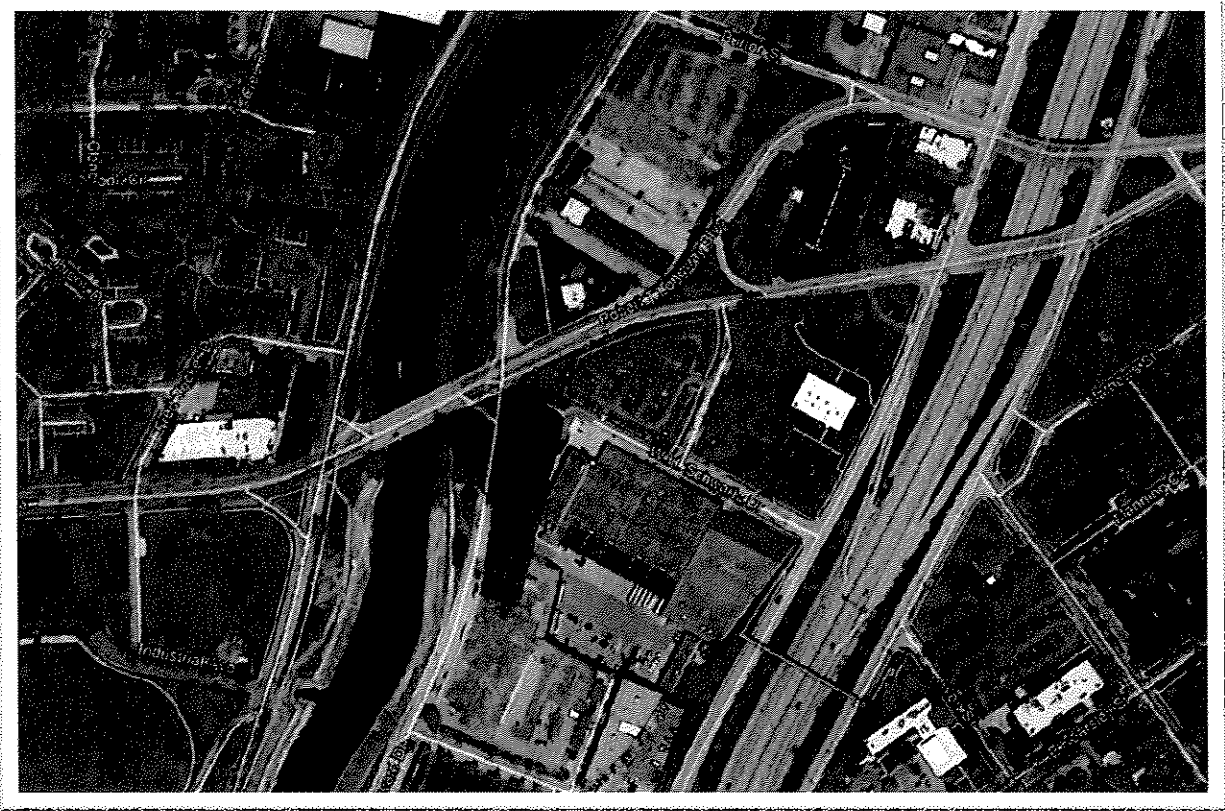


Figure 2: APS project location.



RESOLUTION NO.: 190188.1

PRESENTED: 6-24-19

ADOPTED: _____

**RESOLUTION AUTHORIZING THE PUBLICLY OWNED TREATMENT WORKS,
DPW - WATER POLLUTION CONTROL IMPROVEMENTS SRF PROJECT PLAN AND
LOAN PROGRAM APPLICATION**

BY THE MAYOR:

WHEREAS, The Administrative Rules of the Michigan Department of Environment, Great Lakes, and Energy, State Revolving Loan Fund (SRF), by the authority conferred on the director of the Department of Environment, Great Lakes, and Energy by section 5316 of Act No. 451 of the Public Acts of 1994, being §324.5301 of the Michigan Compiled Laws, provides that State Revolving Loan Fund applicant hold a public hearing on the proposed project not less than 30 days after advertising in a local newspaper of general circulation and at a time and place conducive to maximizing public input; and

WHEREAS, The Publicly Owned Treatment Works, DPW - Water Pollution Control Improvements Plan is a proposed State Revolving Fund project. The public hearing notice was published in the Flint Journal on May 21, 2019, allowing for a thirty-day public comment period and copies of the Project Plan was made available for public review on May 14, 2019; and

WHEREAS, The public hearing, in accordance with these rules, was held on June 24, 2019; and

WHEREAS, All public comments have been considered and addressed; and

WHEREAS, The Project Plan improvements will create a safer and more reliable system that will continue to have positive effects on the water quality of the Flint River, reduce operating expenses, and provide a safer environment for the communities surrounding each of the facilities. The proposed project will also improve the wastewater treatment system to meet and maintain Michigan Department of Environment, Great Lakes, and Energy, EPA, and public health regulations by rehabilitating deteriorated force mains, improve sludge dewatering, disinfection processes, pumping station function, electrical switchgear, and biosolids processing; and

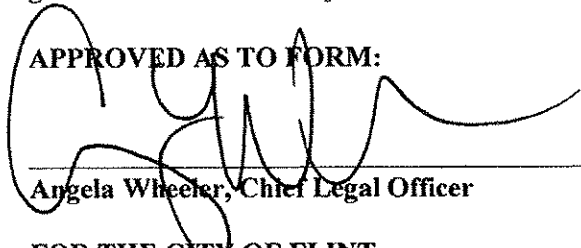
WHEREAS, Adoption of the Project Plan and approval of the loan program application does not obligate the City to accept any funding that may be approved through the application process, if approved by the State, it only allows the City to be a candidate for SRF loan consideration; and

WHEREAS, The Mayor, Dr. Karen W. Weaver, recommends applying for the Michigan Department of Environment, Great Lakes, and Energy State Revolving Loan Program.

THEREFORE BE IT RESOLVED, that the Flint City Council formally approve and adopt said Project Plan and Program Application for the Michigan Department of Environment, Great Lakes, and Energy State Revolving Loan.

BE IT FURTHER RESOLVED, that the Department of Public Works Director and Water Pollution Control Manager be designated as the authorized representatives for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a revolving fund loan.

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

FOR THE CITY OF FLINT:



Dr. Karen W. Weaver, Mayor

APPROVED AS TO FINANCE: -



Tamar Lewis, Deputy Finance Director

APPROVED BY CITY COUNCIL:

Herbert Winfrey, City Council President

RESOLUTION STAFF REVIEW

June 4, 2019

Agenda Item Title: Resolution Authorizing the Publicly Owned Treatment Works, DPW
- Water Pollution Control Improvements SRF Project Plan and Loan
Program Application

Prepared By: Krystal Wallace

Background/Summary of Proposed Action:

The DPW Publicly Owned Treatment Works, Water Pollution Control is requesting approval to submit a loan application for State Revolving Fund (SRF). This action will allow the City to meet the SRF Loan July 1, 2019 application deadline. This action does not obligate the City to accept any loan funds. The City must submit a complete application to be granted SRF Loan consideration. If the SRF Loan application is approved, then the State will provide the terms and conditions of the loan. Prior to acceptance of any SRF loan, an approved Resolution for SRF Loan acceptance will be obtained.

Financial Implications:

There are no additional funding requirements for this action.

Budgeted Expenditure? Yes No Please explain if no:

Account No.: N/A

Pre-encumbered? Yes No Requisition: N/A

Other Implications (i.e., collective bargaining): None.

Staff Recommendation: Approve

Staff Person: 
(Jeanette M. Best, WPC Manager)

Michigan Department of Environmental Quality
Rick Snyder, Governor
Dan Wyant, Director

<http://www.michigan.gov/deq>

Clean Water Revolving Funds SRF/SWQIF Project Plan Submittal Form

Name of the Project City of Flint Publicly Owned Treatment Works, DPW – Water Pollution Control Improvements	Applicant's Federal Employer Identification Number (EIN) 38-6004611
Legal Name of Applicant (The legal name of the applicant may be different than the name of the project. For example, a county may be the applicant for bonding purposes, while the project may be named for the particular village or township it serves.) City of Flint, A Municipal Corporation	Areas Served by this Project Counties: Genesee Congressional Districts: 5
Address of Applicant (Street, PO Box, City, State & Zip) 1101 S. Saginaw Street, Flint, Michigan 48502	State Senate Districts: 27 State House Districts: 49
NPDES Permit Number (if permit holder) MI0022926	Associated SAW Grant Number (if applicable)
Brief Description of the SRF/SWQIF Project Publicly Owned Treatment Works Improvements	
Disadvantaged Community Determination <input checked="" type="checkbox"/> The applicant is requesting a disadvantaged community determination, and a completed <i>Disadvantaged Community Status Determination Worksheet</i> is attached.	
Estimated Total Cost of the SRF/SWQIF Project \$114,565,100.00	SRF/SWQIF Construction Start Target Date September, 2020
Name and Title of Applicant's Authorized Representative JEANETTE BEST, WATER POLLUTION CONTROL MANAGER	
Address of Authorized Representative (if different from above) G-4652 Beecher Road, Flint, Michigan, 48532	Telephone 810-691-9811 E-Mail Address JBest@cityofflint.com
Signature of Authorized Representative	Date
Joint Resolution(s) of Project Plan Adoption/Authorized Representative Designation is attached. check here <input checked="" type="checkbox"/>	

A final project plan, prepared and adopted in accordance with the Department's *Clean Water Revolving Funds (SRF and SWQIF) Project Plan Preparation Guidance*, must be submitted by July 1st in order for a proposed project to be considered for placement on a Project Priority List for the next fiscal year. Please send your final project plan with this form to:

REVOLVING LOAN SECTION
OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
PO BOX 30241
LANSING MI 48909-7741

Disadvantaged Community Status Determination Worksheet

The following data is required from each municipality in order to assess the disadvantaged community status. Please provide the necessary information and return to:

Robert Schneider
Revolving Loan Section
Office of Drinking Water and Municipal Assistance
P.O. Box 30241
Lansing, MI 48909-7741
Schneiderr@michigan.gov

If you have any questions please contact Robert Schneider at 517-388-6466

Please check the box this determination is for:

DWRF SRF

1. Total amount of anticipated debt for the proposed project, if applicable.

\$114,565,100.00

2. Annual payments on the existing debt for the system.

\$0.00

3. Total operation, maintenance and replacement expenses for the system on an annual basis.

\$9,029,811.63

4. Number of "residential equivalent users" in the system.

30,240

For determinations made using anticipated debt, a final determination will be made based upon the awarded loan amount.

Please contact Krystal Wallace at extension 3621 once signed or if there are any questions.

RESOLUTION REVIEW FORM

FROM: DPW - WATER POLLUTION CONTROL 19-8087
Department Law Office Login #

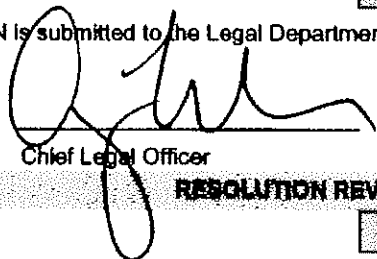
RESOLUTION NAME: Resolution to approve the SRF Project Plan and Loan Application Submittal

RESOLUTION REVIEW - LEGAL

Date In: 06/12/19 Date Out: 6-12-19

The attached RESOLUTION is submitted to the Legal Department for Approval as to **FORM ONLY**:

By: Angela Wheeler


Chief Legal Officer

RESOLUTION REVIEW - FINANCE

Date In: _____ Date Out: 6-18-19

The attached RESOLUTION is submitted to the Finance Department for Approval as to **FUNDING/FINANCE ONLY**:

By: Tamar Lewis


Deputy Financial Director

THIS RESOLUTION MAY NOW GO TO THE CITY ADMINISTRATION FOR SIGNATURE AND APPROVAL