



**EMERGENCY MANAGER
CITY OF FLINT
GENESEE COUNTY MICHIGAN**

ORDER No. 28

WASTE COLLECTION USER FEE

BY THE POWER AND AUTHORITY VESTED IN THE EMERGENCY MANAGER ("EMERGENCY MANAGER) FOR THE CITY OF FLINT, MICHIGAN ("CITY") PURSUANT TO MICHIGAN'S PUBLIC ACT 4 OF 2011, THE LOCAL GOVERNMENT AND SCHOOL DISTRICT FISCAL ACCOUNTABILITY ACT, ("PA 4"); MICHAEL BROWN, THE EMERGENCY MANAGER, ISSUES THE FOLLOWING ORDER:

On March 16, 2011, the Local Government and School District Fiscal Accountability Act, Public Act 4 of 2011, ("Public Act 4") was enacted to safeguard and assure the fiscal accountability of units of local government; to preserve the capacity of units of local government to provide or cause to be provided necessary services essential to the public health, safety and welfare of citizens; and

Governor Rick Snyder appointed Michael Brown as the Emergency Manager for the City of Flint on November 28, 2011, and his contract was approved by the State Treasurer on November 29, 2011; and

Pursuant to Public Act 4, the Emergency Manager has broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the City of Flint and its capacity to provide or cause to be provided necessary services essential to the public health, safety and welfare; and

Pursuant to Public Act 4, the Emergency Manager acts in place of local officials, specifically the Mayor and City Council, unless the Emergency Manager delegates specific authority; and

Pursuant to Public Act 4, the Emergency Manager may take any action or exercise any power or authority of any officer, employee, department, board, commission, other similar entity of local government, whether elected or appointed, relating to the operation of local government.

The City has collected a special 3 mill property tax levy for waste collection. However, the amount collected from the levy has reduced as property values have fallen, while costs have increased. As a result, the City's General Fund has subsidized waste collection by up to \$1.5 million.

The City's General Fund can no longer subsidize waste collection.

The City has authority to collect a user fee for waste collection, disposal and related activities under the Home Rule City Act, Act 279, Michigan Public Acts of 1909, as amended, MCL 117.1 *et seq.* and The Revenue Bond Act of 1933, Act 94, Public Acts of Michigan of 1933, as amended, MCL 141.101 *et seq.*

It is hereby ordered:

The special 3 mill levy for waste collection is discontinued effective July 1, 2012.

The appropriate City officials shall implement a user fee for waste collection. The fee structure shall be based solely on costs associated with the City's waste management plan, to include waste collection, disposal and related activities, and shall be proportionate to the underlying cost of the service.

The user fee shall be charged to residential and multi-family dwellings up to four units, and the charge shall be based on the number of units. The user fee shall be placed on tax bills.

Commercial and industrial properties will not be charged, as they do not receive waste collection service from the City.

This Order shall have immediate effect.

This Order may be amended, modified, repealed or terminated by any subsequent order issued by the Emergency Manager.

Dated: April 25, 2012

By: Michael K. Brown
Michael K. Brown
Emergency Manager
City of Flint

xc: State of Michigan Department of Treasury
Mayor Dayne Walling
Flint City Council
Inez Brown, City Clerk