



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

ORDER No. 30

**SPECIAL ASSESSEMENT DISTRICT
FOR STREET LIGHTING**

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; 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; and

The City's General Fund can no longer support the cost of operating, maintaining, and improving street lighting. The provision of street lighting provides essential benefits with respect to the public safety and general welfare of the City, its residents, and property owners. If the City stopped providing street lighting, it follows that crime would increase; the fear of crime would increase; there would be more accidents; and the quality of life and value of property would suffer; and

The City has authority to specially assess for the cost of operating, maintaining, and improving street lighting under the Home Rule City Act, Act 279, Michigan Public Acts of 1909, as amended, MCL 117.1 *et seq.*; and

The Emergency Manager has caused to be prepared plans and cost estimates for the continued provision of streetlight and desires to proceed to establish a city-wide special assessment district against which at least part of the cost of providing said service is to be assessed.

It is hereby ordered:

The Emergency Manager hereby proposes that a city-wide special assessment district shall be established against which, effective July 1, 2012, the cost of operating, maintaining, and improving street lighting, as contemplated by MCL 117.4d, shall be assessed. The special assessment district will provide for the operational costs of the current system, and will enable upgrades and improvements to street lighting throughout the City. The assessment will be collected through the property tax bill for all property owners. The amount to be assessed will be adjusted annually to reflect the projected cost for the operational, maintenance and improvement costs, and the number of property owners.

The FY13 budget contains an appropriation of \$2,850,000 for street lighting expenses. There are 57,104 parcels in the City. There were 11,292 streetlights, according to the most recent audit conducted by the City in collaboration with Consumers Energy. The cost of operating, maintaining, and improving street lighting will be spread equally to all parcels in the City, since all property owners benefit from a well lighted city. Given past history showing an 80% current collection rate, the cost per parcel for the July tax bill will tentatively be set at \$62 per parcel.

To the extent that the actual collection exceeds the actual cost for FY13, any excess funds will be credited towards the calculation of the next fiscal years' assessment. All funds will be used exclusively for the purpose intended – for the payment of costs permitted under MCL 117.4d(2)(b), including engineering, financial, legal, administrative services, and operation and maintenance of the lighting system.

The Emergency Manager shall hold a public hearing at the City of Flint Municipal Center, 3rd Floor, Council Chambers, 1101 S. Saginaw Street, Flint, Michigan, on May 31, 2012 at 11:00 a.m. Eastern Daylight Time, at which time and place the Emergency Manager shall hear suggestions and objections to the proposed city-wide special assessment district for street lighting and to the proposed special assessment therefor. Following receipt of public commentary regarding the proposed street lighting assessment district, the Emergency Manager will consider comments received and make a final determination regarding the creation of a street lighting special assessment district.

Notice of such hearing substantially in the form attached hereto at Exhibit A is hereby authorized to be published in *The Flint Journal*, a newspaper of general circulation in the City, at least 3 days before the date of the hearing. The Emergency Manager does hereby determine that the foregoing form of notice and the manner of publication directed is the method best calculated to give notice to the property owners of the City and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

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: May 30, 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

EXHIBIT A

**NOTICE TO ALL OWNERS OF LAND IN THE CITY OF FLINT
OF PUBLIC HEARING ON ESTABLISHING A CITY-WIDE
SPECIAL ASSESSMENT DISTRICT AND REVIEW OF PROPOSED
SPECIAL ASSESSMENT FOR STREET LIGHTING
BY THE EMERGENCY MANAGER OF THE CITY OF FLINT**

TO ALL OWNERS OF LAND IN THE CITY OF FLINT:


TAKE NOTICE that pursuant to the provisions of Act 4, Public Acts of Michigan, 2011, and Act 279, Public Acts of Michigan, 1909, as amended, the Emergency Manager of the City of Flint has tentatively declared his intention to establish a city-wide special assessment district against which, effective July 1, 2012, at least part of the cost of operating, maintaining, and improving street lighting in the City shall be annually assessed.

TAKE FURTHER NOTICE that the Emergency Manager has caused to be prepared estimates of the street lighting costs and expenses which are on file with the Emergency Manager and are available for public examination.

TAKE FURTHER NOTICE that the amount assessed per parcel has tentatively been determined to be \$62.00. The amount to be assessed per parcel will be adjusted annually to reflect the projected cost for the operational, maintenance and improvement costs, and the number of property owners.

PUBLIC NOTICE IS HEREBY GIVEN that the Emergency Manager will hold a public hearing at the City of Flint Municipal Center, 3rd Floor, Council Chambers, 1101 S. Saginaw Street, Flint, Michigan, on May 31, 2012 at 11:00 a.m. Eastern Daylight Time, at which time and place the Emergency Manager or his designee shall hear suggestions and objections to the proposed city-wide special assessment district for street lighting and to the proposed special assessment therefor.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Emergency Manager at or prior to the meeting to be held on May 31, 2012 and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty-five days after confirmation of the special assessment roll if that special assessment was protested at this hearing.



Michael K. Brown
Emergency Manager