



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

ORDER No. 32

**ESTABLISHMENT OF
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.

The FY13 budget contains an appropriation of \$2,850,000 for street lighting expenses. There are 47,999 parcels in the City (excluding parcels owned by the Land Bank and governmental entities). 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, as well as anticipated reductions in costs, the cost per parcel for the July 1, 2012 tax bill will be set at \$66.05 per parcel.

After due and legal notice, the Emergency Manager held public hearings 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 and June 14, 2012 at 5:30 p.m. Eastern Daylight Time, at which time the Emergency Manager heard all persons in interest therein with respect to the proposed city-wide special assessment district for street lighting and to the proposed special assessment therefor. The Emergency Manager has considered those comments and desires to proceed with a final determination regarding the creation of a street lighting special assessment district and the approval of a special assessment therefore.

It is hereby ordered:

The Emergency Manager hereby determines that the provision of street lighting is necessary for the public health, safety and welfare of the City, its residents, and property owners.

The Emergency Manager hereby approves the plans and cost estimates for the continued provision of street lighting in the total sum of \$2,850,000 for FY13, which shall be spread against the hereinafter named special assessment district.

The Emergency Manager hereby finally determines to establish a city-wide special assessment district which shall consist of all the lots and parcels of land within the city limits, that the district shall be designated as the "Flint Street Lighting Special Assessment District" (the "District"), and against which District, effective July 1, 2012, and annually thereafter, the cost of operating,

maintaining, and improving street lighting, as contemplated by MCL 117.4d, shall be assessed. The District will provide for the operational costs of the current system, and will enable upgrades and improvements to street lighting throughout the City.

The Emergency Manager hereby approves and confirms a special assessment roll, designated as the "FY2013 Flint Street Lighting Special Assessment Roll" (the "Roll"), in the aggregate amount of \$2,850,000, consisting of individual assessments per parcel of \$66.05. The assessments in the Roll shall be due July 1, 2012 and shall be collected through the property tax bill for all property owners.

The Emergency Manager hereby orders and directs the assessments made in the Roll to be collected and the City Treasurer is hereby commanded to collect the assessments therein.

The Emergency Manager hereby orders that the District be maintained until all special assessments payable therefrom, as may be amended from time to time, have been paid. 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 parcels.


The Emergency Manager hereby orders that 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, or, if then required by law, shall be returned pro rata among the properties assessed. 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.

This Order shall have immediate effect.

All Orders and parts of Orders insofar as they conflict with the provisions of this Order be and the same hereby are rescinded.

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

Dated: June 27, 2012

By: 
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

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