

**Emergency Financial Manager of the City of Allen Park  
(Order No. 2013-006)**

**Order of the Emergency Financial Manager of the City of Allen Park, County of Wayne, State of Michigan, Authorizing the Downriver Sewage Disposal System Contract Amendment.**

Whereas, under the Local Government Fiscal Responsibility Act, Act 72, Public Acts of Michigan, 1990 as amended (“Act 72”) and a contract (the “Contract”) between the State of Michigan and Joyce A Parker, dated October 25, 2012, Joyce A. Parker has been appointed as the Emergency Financial Manager (the “EFM”) of the City of Allen Park, County of Wayne, Michigan (the “City) and charged with the power to take actions with respect to the city, including the power to exercise the authority and responsibilities of the Mayor as the Chief Administrative Officer of the City, and of the City Council, as the governing body of the City, concerning the adoption, amendment and enforcement of ordinances or resolutions affecting the financial condition of the City as provided in the “Home Rule City Act, Act 279, Public Acts of Michigan, 1909, as amended (“Act 279”); and

WHEREAS, pursuant to Act 72 and the Contract, the EFM, as the Chief Administrative Officer of the City, is authorized to, among other things, make, approve, or disapprove any appropriation, contract, expenditure, or loan for the City as she may deem necessary within her sole discretion to accomplish the purposes of Act 72; and

WHEREAS, the City of Allen Park, pursuant to Act 35 or the Public Acts of 1951, has the legal authority to enter into intergovernmental agreements between municipal corporations to furnish any lawful service outside of their municipal corporate limits especially related to the utilization of resources to counteract natural and man-made disasters. FURTHER, the EFM has determined it is the best financial interest of the City and necessary to accomplish the purposes of Public Act 72 and the financial plan of the EFM, to authorize the contract with the County establishing the Downriver Sewage Disposal System for the treatment and disposal of sanitary sewage emanating from Allen Park.

WHEREAS, effective March 1, 1962, a contract (the “Contract”) was entered by and between the City of Belleville, City of Ecorse, City of Lincoln Park, City of River Rouge, City of Southgate, City of Wyandotte, City of Allen Park, City of Taylor, City of Dearborn Heights, City of Romulus, City of Riverview, Charter Township of Van Buren and Charter Township of Brownstown, (hereafter collectively called "the Municipalities," individually, "the Municipality"), being Cities and Townships located in the County of Wayne, Michigan and the County of Wayne, a Charter County, (hereafter called "The County") for the purposes of establishing the Downriver Sewage Disposal System, (hereafter "the System"), for the treatment and disposal of sanitary sewage emanating from the Municipalities, and

WHEREAS, that Contract, as amended, provided for the operation of said System by the County, which contract has an expiration date of March 1, 2012, and

WHEREAS, the System has undergone a major expansion and renovation as a result of United States of America EPA and Michigan Department of Environmental Quality mandates which were set forth in a Consent Decree dated May 24, 1994 in the matter of United States of America, et al vs. Wayne County Michigan, et al, Civil Action No. 87-70992, filed in the U.S. District Court, Eastern District of Michigan, Southern Division, and

WHEREAS, as a result of said Consent Decree, including the amendments thereto, the System has undergone a major renovation and expansion, the parties have issued bonds in the aggregate amount of approximately \$350 million pursuant to a Financing Plan and Final Judgment entered in the above referenced matter on March 14, 1994, and

WHEREAS, as a result of said expansion and renovation, and the resulting issuance of bond obligations, all of which have substantially changed the System from that originally designed or contemplated at the execution of the Contract, the parties desire to properly reflect the rights and obligations of the parties as their interest presently appear, and

WHEREAS, the Contract and past practices establish the County as the entity responsible for operating, managing and controlling the System, while the Municipalities are responsible for funding the operation, maintenance, expansion, renovation, rehabilitation and capital improvements to the System, and

WHEREAS, the County and Municipalities wish to adjust this relationship as to management, operation and control of the System, to allow the Municipalities more involvement in the operation, management and control of the System by forming a Joint Management Committee pursuant to the terms and conditions set forth in the Joint Management Committee Memorandum of Understanding, as revised (Exhibit 1), and

WHEREAS, the purpose of the Joint Management Committee Memorandum of Understanding is to set forth the composition, duties and responsibilities of a Joint Management Committee, which Committee was formed on a one year pilot/experimental basis on January 1, 2002, for the management and control of the System, and

WHEREAS, the Municipalities and the County extended the terms of the Memorandum of Understanding for a period of two years, commencing January 1, 2003, upon the terms and conditions set forth in Section III, paragraph (1) of the Memorandum of Understanding, and

WHEREAS, the Municipalities and the County extended the terms of the Memorandum of Understanding for a period of one year, commencing January 1, 2005, with an option to extend a second year commencing January 1, 2006 provided the option is exercised by the Municipalities and the County no later than 10 days prior to December 31, 2005, and

WHEREAS, the Municipalities and the County exercised their option and extended the term of the Memorandum of Understanding for a period of one year, commencing January 1, 2006; and

WHEREAS, the Municipalities and the County extended the operation of the Joint Management Committee and the term of the Memorandum of Understanding, as revised, for a period of two (2) years commencing January 1, 2007; and

WHEREAS, the Municipalities and the County further extended the operation of the Joint Management Committee and the term of the Memorandum of Understanding, as revised, for a period of two (2) years commencing January 1, 2009; and

WHEREAS, the Municipalities and the County further extended the operation of the Joint Management Committee and the term of the Memorandum of Understanding, as revised for a period of one (1) year commencing on January 1, 2011; and

WHEREAS, the Contract expired on March 1, 2012 and the County pursuant to a letter dated April 2, 2012, confirmed that "The County will also continue to adhere to the most recent Memorandum of Understanding with the Joint Management Committee so long as the parties continue to work in good faith toward adoption of a new sewer disposal contract"; and

WHEREAS, the Municipalities are extremely disappointed and frustrated at the unreasonable delays and lack of progress to date in the negotiation and finalization of a new Downriver Sewage Disposal System Contract ("New Contract") with the County; and

WHEREAS, the Municipalities are insistent that the County use its best efforts and prioritize the process of concluding negotiations on a New Contract with the Municipalities by March 1, 2013 (the one-year anniversary of the expiration of the Contract); and

WHEREAS, while the negotiation of a New Contract is ongoing the Municipalities desire to retroactively extend the existence and operation of the Joint Management Committee past the December 31, 2011 expiration date of the Memorandum of Understanding for an additional term of two (2) years commencing January 1, 2012 and concluding December 31, 2013.

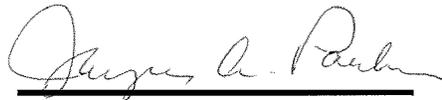
NOW, THEREFORE, BE IT ORDERED THAT: The City of Allen Park hereby approves of and authorizes the full and necessary participation in the Joint Management Committee as extended through December 31, 2013 pursuant to terms and conditions set forth in Exhibit 1.

The City hereby designates Mayor William Matakas as its JMC representative, and Doug Morton as its alternative representative.

BE IT FURTHER ORDERED THAT:

- 1.) The City of Allen Park and Wayne County use their best efforts and prioritize the process of concluding negotiations, finalizing and executing a new Downriver Sewage Disposal System Contract on or before Friday, March 1, 2013.
- 2.) REPEAL: All orders of the EFM, resolutions of the City Council of the City, and parts of resolutions or orders in conflict with this Order are hereby repealed to the extent of such conflict.

So ORDERED this 19th day of February 2013.

A handwritten signature in cursive script, reading "Joyce A. Parker", is written over a solid black horizontal line.

Joyce A. Parker  
Emergency Financial Manager  
City of Allen Park