

City of Allen Park, County of Wayne,  
State of Michigan

**ORDER No. 2014-039**

**AN ORDER TO APPROVE AND AUTHORIZE ALLEN PARK'S CONTINUED PARTICIPATION IN THE JOINT MANAGEMENT COMMITTEE, APPOINT REPRESENTATIVES, AND EXTEND THE TERMS AND CONDITIONS OF THE MEMORANDUM OF UNDERSTANDING THROUGH DECEMBER 31, 2014.**

WHEREAS, under Local Government Fiscal Responsibility Act, Act 72, Public Acts of Michigan, 1990, as amended ("Act 72") and as superseded by the Local Financial Stability and Choice Act, Act 436, Public Acts of Michigan, 2012 ("Act 436"), as well as any successor Acts, and a Contract (the "Contract") dated October 25, 2012 between the State of Michigan and Joyce A. Parker, Joyce A. Parker has been appointed as the Emergency Manager (the "EM") of the City of Allen Park, County of Wayne, Michigan (the "City") and is thereby charged with the power and authority to take all actions necessary to develop and implement financial and operational plans, to regulate expenditures, investments, ensure compliance with federal, state and local laws, regulations, rules, local laws and make provisions for services essential to the public health, safety, and welfare of the City of Allen Park, including the power to exercise the authority and responsibilities of the Mayor, the Chief Administrative Officer of the City, and of the City Council, as the governing body of the City, concerning the adoption and enforcement of ordinances and 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 436 and specifically MCL 141.1552(1)(g) an emergency manager is authorized to make, approve, or disapprove any appropriation, contract or expenditure, and additionally, pursuant to Act 436 and specifically MCL 141.1552(1)(dd) an emergency manager is authorized and empowered to exercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions of the local government as provided in enumerated acts under the law, including, but not limited to the home rule city act, 1909 PA 279, MCL 117.1 to 117.38 and take any other action or exercise any power or authority of any officer, employee, board, and commission, recognizing that the power of the emergency manager shall be superior to and supersede the power of any of the aforementioned officers or entities;

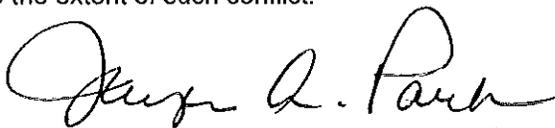
WHEREAS, the Municipalities continue to work to negotiate and finalize a new Downriver Sewage Disposal System Contract with the County of Wayne to appropriately restate and reposition the relationship between the parties but until the terms and conditions of a new Contract are reached the Joint Management Committee desires to extend its Memorandum of Understanding between the participating communities for an additional one year period, from January 1, 2014 through December 31, 2014 so as to continue their efforts.

WHEREAS, this ORDER is necessary in order to fully carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 436, the Contract and the emergency financial plan;

**RESOLVED, NOW THEREFORE, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ALLEN PARK, PURSUANT TO PUBLIC ACT 436 OF 2013, THE CONTRACT, AND ALL OTHER RELEVANT LEGAL MANDATES THAT:**

1. Pursuant to this ORDER and Resolution, Emergency Manager, Joyce A. Parker, approves and authorizes the City of Allen Park's continued participation in the Joint Management Committee pursuant to the Memorandum of Understanding between the participating communities for an additional one year period, from January 1, 2014 through December 31, 2014 so as to continue using all best efforts to conclude negotiations with Wayne County and finalize a new Downriver Sewage Disposal System Contract.
2. Pursuant to this ORDER and Resolution, Emergency Manager, Joyce A. Parker appoints Mayor, William Matakas as its Joint Management Committee representative and Thomas Wilson, Allen Park's Department of Public Works Director as the alternative representative.
3. All orders of the EM, contracts, resolutions of the Allen Park City Council, and parts of resolutions or orders in conflict with this Order are hereby repealed to the extent of such conflict.

IT IS SO ORDERED this 12<sup>th</sup> day of August, 2014.



JOYCE A. PARKER  
Emergency Manager,  
City of Allen Park

RESOLUTION FOR CONTINUATION OF DOWNRIVER  
WASTEWATER TREATMENT SYSTEM  
JOINT MANAGEMENT COMMITTEE

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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 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 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 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, 2001, for the management and control of the System, and

WHEREAS, the Municipalities and County extended the terms of the Memorandum of Understanding for a period of one year, commencing January 1, 2005, which an option to extend a second year commencing January 1, 2006 provided the option is exercised by the Municipalities and 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 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 of a New Contract were ongoing the

Municipalities retroactively extended the existence and operation of the Joint Management Committee past the December 32, 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; and

WHEREAS, the municipalities desire to extend the existence and operation of the Join Management Committee pursuant to the terms and condition of the Memorandum of Understating for an additional period of one (1) year commencing January 1, 2014 and concluding of December 31. 2014.

NOW, THEREFORE, BE IT RESOLVED THAT:

The City of Allen Park hereby approves and authorizes the full and necessary participation of the Joint Management Committee as extended through December 31. 2014 pursuant to terms and conditions set forth in Exhibit 1.

The City hereby designates \_\_\_\_\_ as its JMC representative, and \_\_\_\_\_ as its alternated representative.

BE IT FURTHER RESOLVED THAT:

The Municipalities and the 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 Saturday, March 1, 2014.

This Resolution shall take immediate effect.

AYES:

\_\_\_\_\_

NAYS:

\_\_\_\_\_

RESOLUTION DECLARED UNANIMOUSLY ADOPTED.

CITY OF \_\_\_\_\_ Allen Park \_\_\_\_\_

By \_\_\_\_\_  
Mayor

and \_\_\_\_\_  
Clerk

I, \_\_\_\_\_, City Clerk of the City of Allen Park,  
County of Wayne, Michigan, do hereby certify that the foregoing is a true copy of a  
Resolution adopted by the City Council of the City of Allen Park, at a Regular Meeting on  
\_\_\_\_\_, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_ day of  
\_\_\_\_\_, 2014.

\_\_\_\_\_  
Clerk  
City of Allen Park  
Wayne County, Michigan