



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3133
Fax: (248) 758-3292

Dated: April 19, 2012

ORDER NO. S-184

RE: Approval of Petition for New Chapter 20 Drainage District
for the City of Pontiac

TO: Sherikia Hawkins, City Clerk
John Naglick, Acting Finance Director
Carl Johnson, Controller (Plante & Moran)

The Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011) in Section 17(1) empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. Section 19(1) provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: (f) Examine all records and books of account, and require under the procedures of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, or 1919 PA 71, MCL 21.41 to 21.55, or both, the attendance of witnesses and the production of books, papers, contracts, and other documents relevant to an analysis of the financial condition of the unit of local government; (g) Make, approve or disapprove any appropriation, contract, expenditure...; (u) Authorize the borrowing of money by the local government as provided by law; (v) Approve or disapprove of the issuance of obligations of the local government on behalf of the local government under this subdivision; (dd) Exercise solely, for and on behalf of the local government, all other authority and responsibilities of the local government of the chief administrative officer and governing body concerning the adoption, amendment and enforcement of ordinances or resolutions of the local government...; and 19(2) ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

Based upon the presentations made by the Oakland County Water Resources Commissioner the Emergency Manager has concluded that the location, establishment and (if necessary) construction of an intra-county drain to acquire wastewater treatment facilities for the treatment of sanitary sewage collected within the corporate limits for the City of Pontiac, the financing of the acquisition of wastewater treatment facilities, construction of repairs and

improvements of said facilities, and the operation and maintenance of said facilities to serve lands located in the corporate limits of the City of Pontiac is necessary to provide for the public health and safety for the reasons set forth in the form of petition as described in paragraph 1 of the Resolution set forth below.

Accordingly, the City will approve the filing of a Petition for the creation of a new intracounty drain to acquire wastewater treatment facilities for the treatment of sanitary sewage collected within the corporate limits of the City of Pontiac as permitted by Chapter 20 of the Drain Code of 1956, as amended.

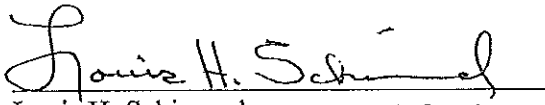
It is hereby ordered:

- (1) The Resolution attached is hereby adopted. (see ATTACHMENT A).
- (2) The City Clerk take all steps necessary to reflect the above Resolution on the City books and records, including publication of the Resolution.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and the Law Department and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.


Louis H. Schimmel 10:14 A.M.
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

Jra.BFM-71.Order

ATTACHMENT A

RESOLUTION

WHEREAS, Section 15(4) of Act 4 of the Public Acts of 2011 ("Act 4") authorizes the Emergency Manager to "act for and in the place and stead of the governing body and the office of the chief administrative officer" for the City of Pontiac, and "shall have broad powers ... to rectify the financial emergency ... and to provide or cause to be provided necessary governmental services essential to the public health, safety and welfare"; and

WHEREAS, based upon the presentations made by the Oakland County Water Resources Commissioner the Emergency Manager has concluded that the location, establishment and (if necessary) construction of an intra-county drain to acquire wastewater treatment facilities for the treatment of sanitary sewage collected within the corporate limits for the City of Pontiac, the financing of the acquisition of wastewater treatment facilities, construction of repairs and improvements of said facilities, and the operation and maintenance of said facilities to serve lands located in the corporate limits of the City of Pontiac is necessary to provide for the public health and safety for the reasons set forth in the form of petition as described in paragraph 1 hereof.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City of Pontiac, as follows:

1. The Emergency Manager shall make and cause to be filed with the Oakland County Water Resources Commissioner a petition in form substantially as follows:

PETITION

TO THE DRAINAGE BOARD FOR THE
HEREINAFTER MENTIONED OAKLAND
COUNTY, MICHIGAN DRAIN PROJECT

WHEREAS, pursuant to Chapter 20 of the Drain Code of 1956, as amended (the "Drain Code"), MCL 280.461. et seq., and as a matter of public health, the undersigned corporation petitions the Oakland County Water Resources Commissioner for the establishment of an intra-county drain for the purpose of acquiring wastewater treatment facilities for the treatment of sanitary sewage within the corporate limits for the City of Pontiac, the financing of the acquisition of wastewater treatment facilities, construction of repairs and improvements of said facilities, and the operation and maintenance of said facilities; and

WHEREAS, the purpose of this drain project is to address the public health concerns associated with proper treatment and disposal of sanitary sewage and compliance with federal and state law and regulations related thereto; and

WHEREAS, the purpose of this project is designed to acquire wastewater treatment facilities and related appurtenances where necessary, to purify the flow of discharges entering in to the waters of the State of Michigan;

WHEREAS, Section 15(4) of Act 4 of the Public Acts of 2011 ("Act 4") authorizes the Emergency Manager to "act for and in place and stead of the governing body and the office of the chief administrative officer" of the City of Pontiac, and "shall have broad powers . . . to rectify the financial emergency and to assure . . . the local government's capacity to provide or cause to be provided necessary governmental services essential to the public health, safety and welfare".

NOW THEREFORE, the undersigned public corporation hereby petitions for the location, establishment, acquisition and (if necessary) construction of an intra-county drain to acquire wastewater treatment facilities for the treatment of sanitary sewage collected within the corporate limits for the City of Pontiac, the financing of the acquisition of wastewater treatment facilities, construction of repairs and improvements of said facilities, and the operation and maintenance of said facilities to serve lands located in the corporate limits of the City of Pontiac which said facilities shall be located approximately as set forth in the description attached hereto as Exhibit A. The proposed Drain shall consist of facilities as set forth in Exhibit B attached hereto.

Said proposed Drain is necessary for the public health and will receive, treat and discharge sanitary sewage originating in the County of Oakland.

Pursuant to the authority set forth in Section 478 of the Drain Code, and the drainage board's obligations under Section 423 of the Drain Code, the operation and maintenance of the Drain shall be carried out in such manner as to comprehensively address the public health and water quality concerns associated with pollution resulting from collection, treatment and discharge of sanitary sewage in accordance with federal and state law and regulations.

This petition is filed pursuant to the provisions of Section 463 of the Drain Code.

It is understood and agreed that the entire cost of the Drain is to be assessed against this petitioner for the proposed Drain. In addition, petitioner understand and agrees that if there is any amount due and owing to the District which is unpaid at the time the County of Oakland distributes funds to the City of Pontiac from the Delinquent Tax Revolving Fund (DTRF), the District shall be entitled to reduce, set-off, and permanently retain any amount due to the City from DTRF by any such amount assessed by the District.

A certified copy of the order of the Emergency Manager for and in the place and stead of the governing body and the office of the chief administrative officer of the City of Pontiac in accordance with Act 4 is attached hereto.

CITY OF PONTIAC

By: _____
Louis H. Schimmel
Emergency Manager

Exhibit A

City of Pontiac Wastewater Treatment Site

Auburn Treatment Plant:

Parcel 1; PART OF THE E ½, SEC 27, T3N, R10E, BEG AT PT DIST N 01-42-23 W 210.14 FT FROM SE SEC COR, TH N 01-42-23 W 1119.20 FT, TH S 88-17-37 W 260.40 FT, TH N 01-42-23 W 200 FT, TH N 88-17-37 E 146.21 FT, TH N 47-37-00 W 233.35 FT, TH S 88-02-37 W 187.34 FT, TH N 48-07-03 W 525.78 FT, TH N 57-20-42 W 321.44 FT, TH N 74-16-00 W 324 FT, TH N 83-00-23 W 364 FT, TH N 86-00-23 W 706.59 FT, TO ELY LINE OF GTWRR R/W, TH S 02-26-00 E 2416.33 FT TO PT DIST N 60 FT FROM S SEC LINE, TH N 87-45-20 E 1577.41 FT, TH N 02-14-40 W 558.72 FT, TH ALG CURVE TO RIGHT, RAD 1184.60 FT, DIST OF 3.26 FT, TH S 55-32-54 E 432.57 FT, TH ALG CURVE TO LEFT, RAD 557.80 FT, CHORD BEARS S 70-26-14 E 286.65 FT, DIST OF 289.89 FT, TH S 04-40-26 W 40 FT, TH ALG CURVE TO LEFT, RAD 597.80 FT, CHORD BEARS N 88-34-48 E 67.86 FT, DIST OF 67.88 FT, TH N 88-09-58 E 196.96 FT TO BEG EXC THAT PART IN OPDYKE RD, ALSO EXC PONTIAC CLINTON DRAIN, ALSO EXC BEG AT PT DIST N 87-51-49 E 150.08 FT & N 02-25-10 W 933 FT FROM S ¼ COR, TH N 02-25-10 W 1270.67 FT, TH S 67-26-51 E 218.63 FT, TH ALG CURVE TO RIGHT, RAD 289 FT, CHORD BEARS S 38-59-16 E 275.44 FT, DIST OF 287.10 FT, TH S 10-31-41 E 660.47 FT, TH ALG CURVE TO LEFT, RAD 447.20 FT, CHORD BEARS S 23-33-52 E 201.75 FT, DIST OF 203.50 FT, TH S 5 53-23-58 W 15.01 FT, TH ALG CURVE TO LEFT, RAD 70 FT, CHORD BEARS S 53-23-58 W 140 FT, DIST OF 219.91 FT, TH S 02-25-10 E 30 FT, TH S 87-51-49 W 400 FT TO BEG, ALSO EXC BEG AT PT DIST N 87-51-49 E 850.08 FT & N 02-25-10 W 60 FT FROM S ¼ COR, TH N 02-25-10 W 498.35 FT, TH N 87-34-50 E 35 FT, TH N 02-25-10 W 355.11 FT, TH ALG CURVE TO LEFT, RAD 447.20 FT, CHORD BEARS S 77-05-42 E 94.72 FT, DIST OF 94.90 FT, TH S 83-10-28 E 211.49 FT, TH S 02-25-10 E 796.11 FT, TH S 87-51-49 W 335 FT TO BEG, ALSO EXC THAT PART IN PARCEL NO'S 14-27-400-014, 14-27-400-015, 14-27-400-016, 14-27-400-018 & 14-27-400-019, 14-27-400-022 & 14-27-400-023, 14-27-400-024 & 14-27-400-026 59.69 A 3-1-95 FR 021

Sidwell No. 14-27-400-025

East Blvd. Treatment Plant:

Parcel 1; Lot 22, Assessor's Plat No. 147, T3N, R10E, Section 27, except that part lying southerly of the northerly line of M-59 as relocated.

Sidwell No. 14-27-102-001

Parcel 2; Part of Lot 23, Assessor's Plat No. 147, T3N, R10E, Section 27, described as follows; starting at the NW corner of Sec 27, thence S 2-03-40 E, 285.585 Ft to a point of intersection with the southerly R/W line of Featherstone Rd; thence easterly on the south R/W line of said Rd, 654.593 Ft to the point of beginning, being the point of intersection of the south R/W line of said Rd and the west R/W line of a R/W 60 Ft in width; thence S 14-19-15 E, 383.07 Ft; thence S 51-23-20 E along the northeasterly line of Lot 22, A/P 147, 1206.83 Ft to the most easterly corner of said Lot 22; thence N 87-16-55 E, 90.86 Ft; thence N 51-23-20 W, 1254.93 Ft; thence N 14-19-15 W, 362.90 Ft to the southerly line of Featherstone Rd; thence S 75-40-45 W on the southerly line of said Rd 60 Ft to the point of beginning. Said lands to be used as private access road and for the installation of utilities all for the convenience of the second party. In

event the first parties adjoining land shall be subdivided , then said access road shall become public roads.

Sidwell No. 14-27-102-002

Parcel 3; Part of Lot 21, Assessor's Plat No. 147, T3N, R10E, Section 27, lying northeasterly of the northeasterly R/W line of M-59 as relocated.

Sidwell No. 14-27-103-003

Parcel 4; Outlot A, Clinton Heights Subdivision, T3N, R10E, Section 27, except that part lying southerly of the northerly R/W line of M-59 as relocated.

Sidwell No. 14-27-103-004

Parcel 5; Part of Lot 23, Assessor's Plat No.147, T3N, R10E, Section 27 lying south of a line described as beginning at the most easterly corner of Lot 22, A/P 147; thence N 87-16-55 E to a point in the west line of Lot 32, A/P 147, said point being S 02-26-18 E and S 87-16-55 W of the northeast corner of Lot 32, except that part lying southerly of the northerly line of M-59 as relocated.

Sidwell No. 14-27-126-007

Parcel 6; The south 1037.77 Ft of Lot 32, Assessor's Plat 147, T3N, R10E, Section 27, except that part lying southerly of the northerly line of M-59 as relocated.

Sidwell No. 14-27-126-008

Parcel 7; Lot 12, Assessor's Plat No. 147, T3N, R10E, Section 28, except beginning at the northwest lot corner; thence southerly 173.71 Ft along the west lot line; thence N 78-38-50 E, 116.61 Ft; thence S 52-23-50 E, 32.36 Ft; thence N 78-38-50 E, 90.0 Ft; thence N 02-03-40 W, 200.0 Ft; thence S 78-38-50 W, 275.55 Ft to the beginning.

Sidwell No. 14-28-231-005

Exhibit B

A. Auburn Plant

The major components of the Auburn Wastewater Treatment Facility include the following:

- Grit Removal System – Building with blowers, diffusers and clamshell bucket.
- Screening System – Building with two mechanical screens and manual rack.

- Primary Clarifiers – Two (2) clarifier structures with associated collectors/drives.
- Aeration Basins – Two (2) aeration basin structures including surface aerators, aeration blowers and diffusers.
- Secondary Clarifiers – Two (2) clarifier structures with associated collectors/drives.
- Tertiary Filters – Building with tertiary filters, backwash tank, and washwater standpipe.
- Disinfection System – Two (2) structures with aerators, chemical storage tanks and metering pumps.
- Pumps – Primary sludge, RAS, WAS, scum, secondary effluent, backwash supply.
- Sludge Treatment System – Digestors, mixing system, recirculation and digested sludge pumps, belt filter press, incinerator.

East Boulevard Plant

The major components of the East Boulevard Treatment Facility include the following:

- Grit Removal System – Building with blowers, diffusers and clamshell bucket.
- Screening System – Building with two mechanical screens bar rack with mechanical rake.
- Primary Clarifiers – Two (2) clarifier structures with associated collectors/drives.
- Aeration Basins – Aeration basin structure including surface mixers, aeration blowers and diffusers.
- Secondary Clarifiers – Clarifier structures with associated collectors/drives.
- Disinfection System – Structures with aerators, chlorinators / sulfonators.
- Pumps – Primary sludge, RAS, WAS.
- Sludge Treatment System – Digestors, mixing system, recirculation and digested sludge pumps.
- Flow Equalization – Structure with transfer pump.

2. The Emergency Manager is authorized pursuant to Act 4 to execute this petition for and on behalf of the City of Pontiac and to file the same with the Water Resources Commissioner of the County of Oakland.
3. Based upon the presentations made by the Oakland County Water Resources Commissioner the Emergency Manager has concluded that the location, establishment and (if necessary) construction of an intra-county drain to acquire wastewater treatment facilities for the treatment of sanitary sewage collected within the corporate limits for the City of Pontiac, the financing of the acquisition of wastewater treatment facilities, construction of repairs and improvements of said facilities, and the operation and maintenance of said facilities to serve lands located in the corporate limits of the City of Pontiac is necessary to provide for the public health and safety for the reasons set forth in the form of petition as described in paragraph 1 hereof.
4. The City of Pontiac hereby consents to the assessment of the cost of the proposed Drain.
5. The City of Pontiac agrees that it will pay the costs incurred by the Oakland County Water Resources Commissioner or by the Drainage District in the event the proposed Drain, for any reason, is not established and acquired.
6. The Emergency Manager or his successor(s) pursuant to Act 4 is authorized to file with the Michigan Department of Treasury a notice of intent to issue and make application to the Department of Treasury for permission to sell bonds to

be issued by the Drainage District to be established pursuant to the petition herein authorized.

7. The Emergency Manager pursuant to Act 4 or his successor(s) is authorized to approve the circulation of a preliminary and final official statement for the bonds to be issued by the Drainage District, to cause the preparation of those portions of the preliminary and final official statement that pertain to the City of Pontiac, and to do all other things necessary for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Emergency Manager pursuant to Act 4 or his successor(s) is authorized to execute and deliver such certificates and to do all other things that are necessary to effectuate the sale and delivery of the bonds.
8. The Emergency Manager pursuant to Act 4 or his successor(s) is authorized to execute a certificate of the City of Pontiac, constituting an undertaking to provide ongoing disclosure about the City of Pontiac, for the benefit of the holders of the bonds to be issued by the Drainage District as required under paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of the certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City of Pontiac covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.
9. "Emergency Manager" as used herein shall mean the emergency manager of City of Pontiac appointed pursuant to Act No. 4 of the Public Acts of Michigan of 2011 serving as Emergency Manager under that Act or as Emergency Financial Manager under any other Act of the Michigan Legislature.

JRA.EFM-71.ORDER

PETITION

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WHEREAS, the purpose of this drain project is to address the public health concerns associated with proper treatment and disposal of sanitary sewage and compliance with federal and state law and regulations related thereto; and

WHEREAS, the purpose of this project is designed to acquire wastewater treatment facilities and related appurtenances where necessary, to purify the flow of discharges entering in to the waters of the State of Michigan;

WHEREAS, Section 15(4) of Act 4 of the Public Acts of 2011 ("Act 4") authorizes the Emergency Manager to "act for and in place and stead of the governing body and the office of the chief administrative officer" of the City of Pontiac, and "shall have broad powers . . . to rectify the financial emergency and to assure . . . the local government's capacity to provide or cause to be provided necessary governmental services essential to the public health, safety and welfare".

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A certified copy of the order of the Emergency Manager for and in the place and stead of the governing body and the office of the chief administrative officer of the City of Pontiac in accordance with Act 4 is attached hereto.

CITY OF PONTIAC

By: Louis H. Schimmel
Louis H. Schimmel
Emergency Manager

10:14 A.M.

Exhibit A

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Auburn Treatment Plant:

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Sidwell No. 14-27-400-025

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1206.83 Ft to the most easterly corner of said Lot 22; thence N 87-16-55 E, 90.86 Ft; thence N 51-23-20 W, 1254.93 Ft; thence N 14-19-15 W, 362.90 Ft to the southerly line of Featherstone Rd; thence S 75-40-45 W on the southerly line of said Rd 60 Ft to the point of beginning. Said lands to be used as private access road and for the installation of utilities all for the convenience of the second party. In event the first parties adjoining land shall be subdivided, then said access road shall become public roads.

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Sidwell No. 14-27-103-003

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Parcel 5; Part of Lot 23, Assessor's Plat No. 147, T3N, R10E, Section 27 lying south of a line described as beginning at the most easterly corner of Lot 22, A/P 147; thence N 87-16-55 E to a point in the west line of Lot 32, A/P 147, said point being S 02-26-18 E and S 87-16-55 W of the northeast corner of Lot 32, except that part lying southerly of the northerly line of M-59 as relocated.

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Parcel 6; The south 1037.77 Ft of Lot 32, Assessor's Plat 147, T3N, R10E, Section 27, except that part lying southerly of the northerly line of M-59 as relocated.

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- Tertiary Filters – Building with tertiary filters, backwash tank, and washwater standpipe.
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- Flow Equalization – Structure with transfer pump.

