

Michigan governor threatens to cut aid to Flint over potential lawsuit

James Brewer
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The state of Michigan has responded to the city of Flint's filing of intent to sue with threats and intimidation. The "Notice of Intention to File Claim" was filed on March 24 with the state Court of Claims by Mayor Karen Weaver to retain the city's option to pursue legal action against the state.

The governor's office sent a letter to Weaver demanding that the notice be withdrawn "because it is factually and legally unsupported and it creates an unnecessary conflict between the parties that will damage ongoing efforts to resolve this crisis." House Speaker Kevin Cotter publicly called it "very unfortunate and very reckless on the part of the mayor."

The Republican legislator went on in a comment to the *Detroit News*, "I think that the mayor's actions here could potentially blow up the state's checkbook, and I think it's going to have a real chilling effect on the House, as to providing any further resources in the interim."

In an April official statement, Weaver said, "As Mayor of Flint, I have every intention of continuing my efforts to work with Governor Rick Snyder and other state officials to seek resolution in all aspects of the Flint water crisis. I have no intention at this point of having the City of Flint sue the state. However, the City of Flint would have forfeited its right to file a lawsuit in the future if I had not filed an official 'Notice of Intention to File a Claim' by the March 25 deadline. As the elected leader of Flint, I needed to preserve the city's right to pursue a legal remedy if it is determined a lawsuit is necessary in the future."

The filing justifiably asserts that the Michigan Department of Environmental Quality (MDEQ), the state authority charged with enforcing safe drinking water standards, performed "grossly negligent oversight" over the city's switch to the corrosive water

from the Flint River.

MDEQ Director Dan Wyant was forced to resign last December, more than two months after Michigan Governor Rick Snyder authorized and funded Flint's switch back to Detroit-supplied water. Wyant made the decision to pump water from the highly polluted Flint River into the city's system without the application of corrosion control chemicals.

Miguel Del Toral, the Environmental Protection Agency (EPA) water expert who attempted to expose this last June, told *Flint Journal-MLive*, "I was stunned when I found out they did not have corrosion control in place. In my head, I didn't believe that. I thought: That can't be true...that's so basic. That's not possible."

Mike Glasgow, who supervised the Flint Water Treatment Plant at the time of the city's switch to river water in April 2014, testified at a legislative hearing in Flint last week that he had planned to add orthophosphates as is the industry norm, but was instructed by Mike Prysby of MDEQ that it would not be necessary. He added further that to apply corrosion control would have delayed the switch to Flint River water by six months, because the treatment plant did not have the necessary equipment to do so.

Glasgow also pointed out that between 2005, when he joined the staff, to the time of the switch in 2014, the number of employees had dropped from 40 to 26. The figure is quite remarkable, since the switch changed the status of the plant from a virtually mothballed facility that functioned minimally only as a backup to the Detroit system, to the full-time supplier of the city's water.

Glasgow wrote an email to the MDEQ almost two weeks before the water switch protesting the rushed schedule because of a lack of equipment and trained personnel.

The reaction of the Snyder administration only underscores the fear by state officials that they could end up in jail for the criminal actions that led to the poisoning of Flint and the cover-up that followed. State Republicans are essentially threatening to carry out collective punishment against the residents of Flint if city officials even threaten to take any legal action.

At the same time, Republicans are firing a shot across the bow of city officials in Flint because any lawsuit could expose their own complicity in the catastrophe. Former mayor Dayne Walling, for example, played a key role in severing the city's ties to the Detroit-run water system in order to promote the corporate interests looking to profit from the alternative Karegnondi Water Authority (KWA). Walling repeatedly stonewalled Flint residents who complained of foul-tasting and discolored water and the outbreak of rashes on their children following the switch.

Just over two weeks ago, Snyder announced a "75-point action plan" to address the water crisis in Flint. Residents generally view this as a fraudulent exercise in public relations.

The water is still undrinkable, and bottled water is largely undelivered to the residents. The replacement of the lead service lines to residential homes is estimated to cost over \$60 million. Snyder's plan is to replace only 30 of them.

Weaver was elected last November on her promises to address the water crisis. At a press conference on Tuesday the mayor indicated that she was unhappy with the state's response to requests for financial assistance, saying, "We need some money."

The hint of a possible lawsuit is aimed at bolstering the illusion that the Democrats are fighting to secure the resources needed to address the massive public health and social crisis in the city. Weaver said she will determine "when enough is enough" regarding state aid, adding that the point of the filing was to see if "things are not moving fast enough for the residents."

In fact, the Democrats from the Obama administration to the local level have provided only a pittance to city residents. Weaver announced this week that the city's budget deficit for 2016-17 is projected to be nearly \$35 million. Flint has been in a financial crisis for decades as a result of the systematic deindustrialization of the city by General Motors, and huge corporate tax giveaways by the local Democrats.

Successive emergency managers in the city, largely Democrats themselves, have sought to make city residents pay for the crisis through savage austerity measures, slashing city services, laying off public sector workers and attacking their wages and benefits. Water bills were jacked up in the years prior to the water source switch, making residents' bills the highest in the US.

Following the pattern of Detroit, which was thrown into bankruptcy by a Snyder-appointed emergency manager in 2013, Flint has also privatized and outsourced services. The move towards the new KWA water authority, which paralleled a similar move in Detroit, was aimed at providing a new source of revenue to bondholders, politically connected water privatizers and corporations like DTE Energy, which were promised cheaper, untreated water.

Flint officials have said that "many residents" aren't paying their water bills, though they won't say exactly how many. This has become a considerable problem for the city, as water bills are a major source of its revenue. The state has allotted \$30 million to Flint to use as water bill credits for the last two years, but to be applied on a user-by-user basis. While Weaver has announced that she will not currently force residents to pay their water bills, the rate being credited amounts to only 65 percent of the total owed.

Weaver announced plans to discuss the city budget with the aim of having it signed in June. The August cutoff of FEMA funds by the Obama administration combined with the threat by the state of Michigan to freeze funds to the city will exacerbate an already catastrophic situation in the city.



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