City of Ypsilanti

SUSTAINABILITY COMMISSION MEETING

One South Huron Street
Ypsilanti, Michigan 48197

Monday, March 11, 2019
7:00 P.M.

I. CALL TO ORDER

II. ROLL CALL

Keith Michalowski	P	A	Nancy Heine	P	A
Emily Drennen	P	A	Thomas McKee	P	A
Bryan Foley	P	A	Katy Greenwald	P	A
Brett Zeuner	P	A	Julia Bayha	P	A
Christian Cannon	P	A			

III. AGENDA APPROVAL

IV. PRESENTATIONS

V. AUDIENCE PARTICIPATION

VI. CONSENT AGENDA

A. Approval of Feb 11, 2019 minutes 1 2

VII. RESOLUTIONS/MOTIONS/DISCUSSIONS

A. Resolution 2019-03-001 - Washtenaw Regional Resource Management Authority 1 2 3 4
B. Resolution 2019-02-001 - Peninsular Park Dam *REVISITED* 1 2
C. Resolution 2018-08-002 - Public Recycling Bins *REVISED* 1

VIII. LIAISON REPORTS

A. Sustainability Plan Committee (Drennen/Zeuner)
B. MGC Challenge Committee (Heine/McKee)
   - MGC metrics data collection
C. Outreach Committee (Bayha/Cannon)
   - Earth Day event
   - Solar installation student project
   - Recycling education video campaign
D. Master Plan: Housing Affordability & Access Committee (Foley)
E. EMU Sustainability Commission (Greenwald)

IX. COMMUNICATIONS

X. AUDIENCE PARTICIPATION

XI. PROPOSED BUSINESS

XII. NEXT MEETING DATE

XIII. ADJOURNMENT

Meeting Minutes

City of Ypsilanti
Sustainability Commission

Regular Meeting
City Hall Council Chambers – 1 South Huron St.
Ypsilanti, MI 48197

Monday, February 11, 2019 – 7:00 p.m.

I. CALL TO ORDER: 7:00pm

II. ROLL CALL:

Commissioner Michalowski	Present
Commissioner Drennen	Present
Commissioner Heine	Present
Commissioner Zeuner	Present
Commissioner Bayha	Present
Commissioner Foley	Present
Commissioner McKee	Present
Commissioner Greenwald	Present
Commissioner Cannon	Present

Also Present: Council Liaison Steve Wilcoxen
City Planner Bonnie Wessler
Nancy Hare-Dickerson, Commission Recording Secretary

III. AGENDA APPROVAL:

Greenwald (Second Foley) moved to approve the Agenda as submitted.

Voice Vote: Unanimous **Motion: Carried**

IV. PRESENTATIONS:

A. Washtenaw Regional Resource Management Authority (WRRMA)
Theo Eggermont, Public Works Manager of the Office of the Water Resources Commissioner, presented regarding the Washtenaw Regional Resource Management Authority's new Authority Plan. He stated that the new Authority, which grew out of input from municipal stakeholder meetings that happened when the County updated their solid waste plan, will be forming over the course of the next month and a half and that he has been helping to facilitate the process.

Mr. Eggermont outlined the vision of the Authority, some of the legal aspects and the benefits expected from the Authority. He stated that some of the recommendations from the municipalities involved are:

- to focus on increasing the quantity and quality of the recycling that is received by increasing education and outreach;

- to send materials to a closer location which would decrease greenhouse gases;

- for regional collaboration – reduction in costs and an increase in negotiating power by working within a larger group;

- for an opt-in process for regional contracting for solid waste, for recycling and for composting.

Mr. Eggermont further explained that there is a $5,000 buy-in per community which would go to whatever the Authority dictates is appropriate; i.e., educational outreach, and that the County will match that $5,000 per community. He stated that, currently, there are 8 communities @ $5,000 each x the County match, which the Board of Public Works has already approved = $80,000 for the first year's operating expenses. He stated that administrative support will continue to be provided, looking at an approximate 2-year time frame.

Mr. Eggermont also stated that every October, the Authority will create a budget, send it to the city councils and the board of trustees for objections and then will formulate a final budget in December, based on the input received back. He stated that a progress report would also be sent in December to the councils and boards.

Mr. Eggermont also explained that there is an option for withdrawal and stated that once members are part of the Authority, if their city council or board of trustees decides that the Authority is not meeting the intended goals, they can pass a resolution and be out within sixty days, although it cannot be within a year of their most recent contract expiring deadline.

As to some legal aspects, Mr. Eggermont stated that a stipulation explicit within the enabling law is one vote per community. He added that in the future, if a different voting mechanism is deemed to work better, it would go back to each municipality to vote on. He stated that any change for the Authority's articles of incorporation would require input and approval from the council or boards in every community.

Mr. Eggermont also discussed some of the changes and improvements seen by the Southern Oakland County Authority.

Commission query as follows:

Q. Commissioner Heine: Who is currently providing recycling pickup for the City of Ann Arbor?

A. Commissioner Michalowski: We're picking up our recycling and then taking them to a place on the west side of the county.

Q. Commissioner Heine: So, what would happen to the Ypsilanti City employees from the Public Works Department if there is an Authority?

A. Mr. Eggermont: If there was an Authority, nothing would happen until there's collaborative contracting, at which point nothing would also happen unless Ypsi City says "we want to be into the Authority for this and we don't have a stipulation about collaborative contracting that says we maintain our employees". I think what you're talking about is collaboratively contracting for hauling?

Q. Commissioner Heine: No, for curbside pickup.

A. Mr. Eggermont: I'm referring to that as hauling. So once there's pickup that happens through the Authority, one of the things they could do is Ypsi could opt in to collaborative pickup for everyone. And in that contracting process, as part of that opt-in, you agree on what stipulations you want; i.e., "we want to retain all of our employees as part of this group", or "we maintain our pickup". There're different ways that works. *[Provided examples]* or you could opt out of the process.

Q. Commissioner Heine: I think our employees are all unionized and the same with the City of Ann Arbor. Have you considered that?

A. Mr. Eggermont: They're the same where they have those considerations and so when they go for some collaborative contracting process, that will be a major part of the discussion. If you don't want anyone to touch your realm, you don't. It's not obligatory for any of the collaborative haulings – it's an opt-in process.

Q. Commissioner Heine: So, what would be the advantage for a city or municipality to continue to do the hauling or pickup themselves and be part of this Authority?

A. Mr. Eggermont: The first thing that everyone's going to do is work on the educational component. So, by putting in your $5,000, you now have a match of another $5,000 - so you've got this group that's going to be

working on education and outreach collaboratively and collectively, so there's clear and consistent messaging throughout this area. Additionally, there will be, at some point, a look at regional processing. We need to send our stuff somewhere. If we can send it closer, there's a definite advantage to that. By being part of the Authority, you have access to this area and that processing.

Q. Commissioner Heine: So, the employees could continue to be employees of their entity and still be part of the Authority?

A. Mr. Eggermont: It depends on how the Authority moves forward. But there's absolutely no way that the Authority could dictate to Ypsilanti "you can't have these employees" or "they can't be part of this".

Q. Commissioner Heine: Those entities -- the City of Ypsilanti could move forward with eliminating those positions, though, and putting them under the Authority; correct?

A. Mr. Eggermont: Could you re-ask it?

Q. Commissioner Heine: *[Provided an example of a solid waste situation related to Ann Arbor City]*. As it relates to the City of Ypsilanti, I as a citizen and also as a representative of this commission, don't want our positions that are currently doing this work to be eliminated and to be privatized or to be hired by an outside authority. That's my main concern with all of this.

A. Mr. Eggermont: So far, stakeholders have not expressed any interest in creating a pickup service of their own – everything would go out for contract. And it doesn't necessarily go to the big players or bidders.

Q. Commissioner Heine: So that would be strictly up to the entities to determine how they're going to do the hauling?

A. Mr. Eggermont: Yes. So, any process that happens, Ypsilanti would opt in to that process. In no way will the Authority be able to dictate what Ypsilanti City does for hauling, trucking and pickup.

Q. Commissioner Heine: It would still be up to the cities and townships?

A. Mr. Eggermont: Yes.

Q. Commissioner Heine: I'm still not quite clear on the advantages, but has the County Board of Commissioners approved this Authority yet?

A. Mr. Eggermont: Washtenaw County cannot be a member of the Authority. The enabling law stipulates that municipalities, defined as townships, villages and cities can be a part of the Authority. So, the County has no part in this other than helping to get it off the ground because we see the advantages in reaching our solid waste management plan goals, which are to achieve zero waste.

Q. Commissioner Heine: But they would be responsible for creating a resolution; correct?

A. Mr. Eggermont: They could sign a resolution in support of it but that hasn't been discussed or seen as a portion of this. But the Board of Public Works has supported it by passing a resolution providing up to $40,000 in funding. So there has been County support through the Board of Public Works.

Q. Commissioner Greenwald: Just my own curiosity about what's going on with Superior Township, as they're not listed. Were they not interested?

A. Mr. Eggermont: When the call was put out to be a part of this, the members who were there are the members who are at the table now. That was before my time, so I can't say what happened. But I have reached out to neighboring communities and told them about what's going on so that there'd be input and interest down the road. It took us a long time to get to where we are and we didn't want to open it up to new members immediately. We wanted to say that we have a very large chunk of the county, we're going to move forward with this group, pass it and then if other members want to join on later, they have that opportunity. So that would require the approval from the stakeholders who were at the table from the start. *[Also discussed interest and benefits of neighboring communities being a customer]*

Q. Commissioner Zeuner: Would the representative from Ypsilanti, for example, who sits on the board and have voting rights be someone appointed by Council that would have to vote in accordance with Council or does that person act independent of Council?

A. Mr. Eggermont: Council would appoint a representative. Through discussion, it was recommended that either someone from Council or a DPW director be the member who is on the Authority so they can speak on behalf of the City.

Q. Commissioner Drennen: In terms of the one vote per community, it's equal but I don't know if it's equitable necessarily. I'm curious what other authorities – if there's other voting mechanisms that can be employed?

A. Mr. Eggermont: *[Provided an example of how the Southern Oakland County Recycling Authority uses a formula related to the volume of trash].* What you'd want to do is have a structure that as you increase your recycling rate, then you have a greater voting percentage. Others can do it by households. As we were getting around the table, people expressed the interest of having "one vote per community because, otherwise, we feel like we don't have a say".

Q. Commissioner Drennen: What would the County's DPW department work on if there's the Authority and then they're also working on zero waste events? It seems like they're doing a lot of the education around recycling now. Has there been talk about what would happen at the County level?

A. Mr. Eggermont: Yes. We would still have a robust number of things to work on without the things that the Authority is covering. We also do special assessments for lake districts. We'd continue to do zero waste things. Our Household Hazardous Waste program that is throughout the other side of the county would still be relevant. We'd continue to work with other municipalities to try to incentivize things that decrease the things that are sent to the landfill.

V. AUDIENCE PARTICIPATION

Brian Geringer, Pearl St.: Discussed that there is a City ordinance which requires that flyers be placed on public kiosks; yet, there are no public kiosks. He stated that the Human Relations Commission (HRC) and community members have noted that there is an issue with a lack of ability for individuals to get information out to the public. He also stated that the HRC has noted that this issue impacts economically vulnerable folks and that community members have attested that they find this ordinance being enforced unevenly.

Mr. Geringer stated that, in response to that, the HRC has written and approved a resolution requesting a flyering ban be lifted until a certain number of kiosks are built and maintained. He stated that the Planning Commission has supported the HRC's resolution and forwarded the request to Council.

Mr. Geringer stated that he was informed that some part of this issue may fall under the purview of the Sustainability Commission and asked the Commission to consider support of the HRC's resolution.

[Discussion ensued as to who would be responsible for kiosk maintenance, and who currently enforces the flyering policy]

Commissioner Bayha: Indicated that public access to information is needed; for example, in areas like the bus terminal, the library, River Street, Depot

Town and several of the neighborhood areas. She stated that it would go a long way towards helping the aspects of community notice for events, cultural life and small business; that it would benefit people who do not use the internet and it would be an added form of messaging and communication. She expressed that lifting the flyering ban and also looking into helping with the concept of kiosks being built is an important issue that she would like the Commission to discuss.

Commissioner Michalowski: Indicated that he will retrieve a copy of the HRC resolution, send it to commissioners and add it to the agenda for discussion at the March meeting.

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[IV. PRESENTATIONS: Additional Discussion]
Washtenaw Regional Resource Management Authority (WRRMA)

Mr. Eggermont: Stated that his understanding was that the City Council sent the WRRMA information to the Sustainability Commission. He asked if procedurally, the Commission has to send a show of support back to them.

Commissioner Michalowski: Indicated that that was his understanding.

Zeuner (Second McKee) moved to add to the Agenda as VII. Resolutions/Motions/Discussions A. Discussion re: Support for WRRMA

Voice Vote: Unanimous **Motion: Carried**

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VI. CONSENT AGENDA

A. Approval of January 14, 2019 Minutes

Bayha (Second Heine) moved to approve the Consent Agenda as follows:
Approval of the January 14, 2019 Minutes as submitted.

Voice Vote: Unanimous **Motion: Carried**

VII. RESOLUTIONS/MOTIONS/DISCUSSIONS

A. Discussion re: Support for the Washtenaw Regional Resource Management Authority (WRRMA)

Commissioner Michalowski: Asked for discussion regarding support for the Authority.

[Discussion ensued related to more information being needed as to where the money would come from, as to the impact on the current workers, as

to the importance of having feedback from workers who may be affected, as to more specific and clear information being needed to address workforce concerns]

[Discussion continued exploring the question of supporting the creation of the Authority with stipulations/caveats added to address workforce concerns]

[Discussion continued as to workforce concerns and responsibility for solid waste hauling determinations]

Commissioner Zeuner: Asked if it might be best to explicitly ask Council to delay voting or to consider the certain issues that the Commission discussed.

Commissioner Heine: Acknowledged agreement.

[Discussion as to Council's timeline to begin its discussion of voting on the measure]

Commissioner Zeuner: Suggested that the Commission officially ask Council to delay voting until after the March 11th Sustainability meeting in order to allow the Commission time to submit a formal opinion.

[Discussion ensued as to the work needed to be done before the next Commission meeting in order to be able to make a determination]

Zeuner (Second Drennen) moved to table Discussion re: Support for WRRMA with a formal ask of City Council to delay their vote until after the March 11th Sustainability Commission meeting.

Commissioner Michalowski: Indicated that he will follow up with Council, and may schedule an interim Commission meeting if deemed necessary.

Council Liaison Wilcoxen: Indicated, in response to query by Commissioner Heine, that commissioner questions be sent to the Mayor, the City Manager, DPS and a copy to him.

Voice Vote: Unanimous **Motion: Carried**

B. Resolution 2019-02-001 – Energy Plan Adoption Resolution
Commissioner Michalowski: Explained that the Resolution is a formal declaration that the Commission would like to adopt the Energy Plan that was revised and presented at the January meeting.

[Discussion was had as to updates needed to commissioners' names]

[Discussion re: responsible sourcing of renewables as policy, with further conversation to follow in future Commission meetings]

Heine (Second Drennen) moved to approve Resolution 2019-02-001, recommending that City Council adopt the Energy Plan as guiding policy, pending an update of the names of the Sustainability Commission members.

Voice Vote: Unanimous **Motion: Carried**

C. Resolution 2019-01-001 - Peninsular Place Dam Removal and Restoration of Fishing Habitat

[Lengthy discussion ensued covering dam removal pros/cons, removal cost, removal grants, dam repair - possible hydro dam integrated with solar energy, emission of greenhouse gases, communities benefitting without cost responsibilities, effect on fisheries, PFAS, preservation of historic landmarks, reply to DEQ considerations]

[Discussion continued re: Resolution revision ideas and suggestions]

[Commissioners reviewed the following Resolution, as amended:]

CITY OF YPSILANTI SUSTAINABILITY COMMISSION RESOLUTION FOR THE ADOPTION OF
PENINSULAR DAM REMOVAL AND RESTORATION OF FISHING HABITAT
RESOLUTION 2019-01-001 - PENINSULAR DAM REMOVAL AND RESTORATION OF FISHING HABITAT

WHEREAS, a study commissioned by the City of Ypsilanti and the Huron River Watershed Council found removal to be feasible in terms of sediment management, infrastructure stability, and riverfront land ownership;

WHEREAS, dam removal will restore the natural flow regime of the river and improve connectivity for fish and other species living upstream and downstream of the dam;

WHEREAS, studies have shown that the environmental cost of dams, in fact, contributes to climate change;

WHEREAS, the HRWC has shown that hydroelectric generation is possible but the monetary costs and benefits are unknown, and should be determined;

WHEREAS, restoration following dam removal has been shown to improve fishing habitat--e.g., dam removal in Wisconsin resulted in decreases in common carp and increases in smallmouth bass populations (Kanehl et al. 1997; Stanley et al 2003);

WHEREAS, the Peninsular Dam is a historically significant site in the City of Ypsilanti;

WHEREAS, there is subsistence and sport fishing at, and downstream of, the dam site;

WHEREAS, funding opportunities for the dam removal must be identified;

NOW THEREFORE BE IT RESOLVED that the Sustainability Commission urges City Council to:

1. Direct staff to seek out grants for the dam removal;
2. In the event of dam removal, ensure the preservation of historical structures;
3. In the event of dam removal, ensure fishing remains viable during and following the process;

Zeuner (Second Bayha) moved to approve Resolution 2019-01-001 – City of Ypsilanti Sustainability Commission Resolution for the Adoption of Peninsular Dam Removal and Restoration of Fishing Habitat, as amended.

Voice Vote: Unanimous **Motion: Carried**

VIII. LIAISON REPORTS

A. Sustainability Plan Committee
Commissioner Michalowski indicated no new information to report.

B. MGC Challenge Subcommittee
Commissioner Heine indicated that she has an email in to HR and is waiting to hear back.

C. Outreach Committee
- Zero Waste events volunteers

Commissioner Michalowski provided an update regarding his contact with Ypsi Fest and First Fridays. He stated that both are interested in zero waste participation.

Commissioner Bayha provided an update regarding her efforts to obtain T-shirts for Commission members, to wear to Sustainability events and meetings. She indicated she took her design to a local vendor who will produce the T-shirts and asked commissioners if they would be willing to purchase their own individual shirt in order to speed up the process. *[Commission consensus for under $25].*

Commissioner Bayha initiated discussion regarding arriving at a non-conflict Sunday date to have an Earth Day event, with a request for volunteer help.
[Discussion ensued re: date selection and volunteering]
[Commission consensus to hold an Earth Day event on April 14th, 3-7p]

D. Master Plan: Housing Affordability & Access Committee
Commissioner Foley indicated that a café style event and an open forum event is in the works regarding the cost of quality housing and looking at potential solutions. He indicated that a flyer was created and that the location is still to be determined.

E. EMU Sustainability Commission
Commissioner Greenwald indicated that subcommittees have been formed to attest the subcomponents of the STARS sustainability framework they are using, and she provided a brief breakdown of the framework categories.

IX. COMMUNICATIONS

A. GRID Alternatives Students for Sustainable Energy Project Update
Commissioner Cannon provided an update on his progress with students from the University of Michigan participating in a solar energy project to help reduce operating costs for Perry School. He indicated that he confirmed a list of 25 students who would like to participate in the project and in a fundraiser towards the project. He also stated that the group has begun applying for grants.

B. SEMIS Coalition Winter Professional Development Day Update
Council Liaison Wilcoxen explained that he attended a SEMIS Coalition professional development event for science teachers. He stated that climate change was the theme for the day and he shared his experience of participating in a fishbowl activity. He added that it was interesting to see science teachers engaged in informing students of all ages about climate change, how that impacts them and what they can do about it.

C. Recycling Update
Commissioner Michalowski encouraged commissioners to review the material that he sent to them. He shared information about meetings he attended, his work with the recycler and work with an organization who will help with a grant for recycle carts. He also shared his goal of ultimately putting together an informative pamphlet to help educate the community as to recycling.

D. Ypsilanti City Council Resolution No. 2019-013 – Encouraging the Reduction in Single-Use Plastics
Commissioner Michalowski informed commissioners that the City Council passed a resolution on January 22, 2019, encouraging the reduction in single use plastics.

X. AUDIENCE PARTICIPATION- none

XI. PROPOSED BUSINESS

A. WRRMA Discussion (Commissioner Zeuner)
B. Responsible Sourcing Discussion (Commissioner Zeuner)

XII. NEXT MEETING DATE:
Monday, March 11, 2019

XIII. ADJOURNMENT: 9:53pm

Cannon (second Foley) moved to adjourn the meeting of the Sustainability Commission.
Voice Vote: Unanimous Motion: Carried

Action Minutes

City of Ypsilanti
Sustainability Commission

Regular Meeting
City Hall Council Chambers – 1 South Huron St.
Ypsilanti, MI 48197

Monday, February 11, 2019 – 7:00 p.m.

I. CALL TO ORDER: 7:00pm

II. ROLL CALL:

Commissioner Michalowski	Present
Commissioner Drennen	Present
Commissioner Heine	Present
Commissioner Zeuner	Present
Commissioner Bayha	Present
Commissioner Foley	Present
Commissioner McKee	Present
Commissioner Greenwald	Present
Commissioner Cannon	Present

Also Present: Council Liaison Steve Wilcoxen
City Planner Bonnie Wessler
Nancy Hare-Dickerson, Commission Recording Secretary

III. AGENDA APPROVAL:
Greenwald (Second Foley) moved to approve the Agenda as submitted.

Voice Vote: Unanimous **Motion: Carried**

IV. PRESENTATIONS:
A. Washtenaw Regional Resource Management Authority (WRRMA)

V. AUDIENCE PARTICIPATION

****

[IV. PRESENTATIONS: Additional Discussion]
Washtenaw Regional Resource Management Authority (WRRMA)

Zeuner (Second McKee) moved to add to the Agenda as VII. Resolutions/Motions/Discussions A. Discussion re: Support for WRRMA

Voice Vote: Unanimous **Motion: Carried**

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VI. CONSENT AGENDA

A. Approval of January 14, 2019 Minutes

Bayha (Second Heine) moved to approve the Consent Agenda as follows:
Approval of the January 14, 2019 Minutes as submitted.

Voice Vote: Unanimous **Motion: Carried**

VII. RESOLUTIONS/MOTIONS/DISCUSSIONS

A. Discussion re: Support for the Washtenaw Regional Resource Management Authority (WRRMA)

Zeuner (Second Drennen) moved to table Discussion re: Support for WRRMA with a formal ask of City Council to delay their vote until after the March 11th Sustainability Commission meeting.

Voice Vote: Unanimous **Motion: Carried**

B. Resolution 2019-02-001 – Energy Plan Adoption Resolution

Heine (Second Drennen) moved to approve Resolution 2019-02-001, recommending that City Council adopt the Energy Plan as guiding policy, pending an update of the names of the Sustainability Commission members.

Voice Vote: Unanimous **Motion: Carried**

C. Resolution 2019-01-001 - Peninsular Place Dam Removal and Restoration of Fishing Habitat

Zeuner (Second Bayha) moved to approve Resolution 2019-01-001 – City of Ypsilanti Sustainability Commission Resolution for the Adoption of Peninsular Dam Removal and Restoration of Fishing Habitat, as amended.

Voice Vote: Unanimous **Motion: Carried**

VIII. LIAISON REPORTS

A. Sustainability Plan Committee
B. MGC Challenge Subcommittee
C. Outreach Committee
   - Zero Waste events volunteers
D. Master Plan: Housing Affordability & Access Committee
E. EMU Sustainability Commission

IX. COMMUNICATIONS

A. GRID Alternatives Students for Sustainable Energy Project Update
B. SEMIS Coalition Winter Professional Development Day Update
C. Recycling Update
D. Ypsilanti City Council Resolution No. 2019-013 – Encouraging the Reduction in Single-Use Plastics

X. AUDIENCE PARTICIPATION

XI. PROPOSED BUSINESS

XII. NEXT MEETING DATE:
Monday, March 11, 2019

XIII. ADJOURNMENT: 9:53pm

Cannon (second Foley) moved to adjourn the meeting of the Sustainability Commission.
Voice Vote: Unanimous **Motion: Carried**

ARTICLES OF INCORPORATION

OF THE

WASHTENAW REGIONAL RESOURCE MANAGEMENT AUTHORITY

These Articles of Incorporation ("Articles") are adopted by the Constituent Members for the defined purposes set forth herein as allowed under the provisions of Act No. 179 of the Michigan Public Acts of 1947, being MCL 123.301, et. seq. ("Enabling Law"). The Effective Date of the Articles is _____, 2019 ("Effective Date").

ARTICLE I

Legal Name

The name of this Authority shall be, for all legal purposes, Washtenaw Regional Resource Management Authority ("WRRMA"), with a principal place of business at _____, County of Washtenaw, State of Michigan.

ARTICLE II

Constituent Members

The Constituent Members of WRRMA as of the Effective Date are:

-
-
-
-
-
-
-
-
-
-

All Constituent Members as of the Effective Date are located in the County of Washtenaw, State of Michigan.

ARTICLE III

Defined Purposes of WRRMA

The purposes of WRRMA are, as of the Effective Date of these Articles, limited to the purposes set forth herein. For purposes of these Articles, "materials management" shall mean the management, including the "collection", of municipal solid waste, yard waste and recyclables.

- Coordinate the materials management activities of the Constituent Members.
- Coordinate materials management promotional materials and related outreach activities for the Constituent Members.
- Ensure clear and consistent materials management activities/opportunities for all Constituent Members.
- Ensure that there are locations and resources to provide for efficient and effective materials management capabilities for all Constituent Members.

The following shall not be an authorized purpose of WRRMA as of the Effective Date of these Articles:

- The ownership or purchase of any real property and/or any facility used, in the past or the future, for the disposal of municipal solid waste, by permit or otherwise.

ARTICLE IV

Powers of WRRMA

WRRMA shall be a body corporate with the power to sue or to be sued in any Michigan Court subject to the then applicable and controlling laws on jurisdiction and venue. WRRMA shall be comprised of the physical territory situated within the boundaries of the Constituent Members. WRRMA shall possess all the powers granted

to it by these Articles, and all powers necessary to, and incidental to, carrying out the currently stated and defined purposes of WRRMA as set forth by these Articles. WRRMA shall have a corporate seal.

ARTICLE V

Definitions

As used herein, all words and phrases, unless specifically defined by law or MCL 123.311(12), shall have their plain meaning and shall be construed accordingly.

ARTICLE VI

Dissolution of WRRMA

(This provision is required under MCL 123.311(11))

WRRMA shall continue in existence until dissolved in accordance with the Enabling Law as set forth at MCL 123.311, including all definitions set forth at MCL 123.311(12).

For this Article VI, the definitions at MCL 123.311(12) shall apply as used herein and where applicable.

Unless it would cause an impairment of a WRRMA contract under MCL 123.306, WRRMA, as a "qualified authority" as defined at MCL 123.311(12)(K)), shall dissolve if the following requirements are met:

(a) The legislative bodies of 60% of the Constituent Members each adopt a resolution stating that WRRMA is no longer effectively serving the public good for which it was created and directing that WRRMA be dissolved pursuant to MCL 123.311(6)-(9); and

(b) The clerk (or equivalent) of each Constituent Member whose legislative body adopts a resolution under subdivision (1) above promptly files a certified copy of the resolution with WRRMA and the Secretary of State.

Within six (6) months after the requirements of MCL 123.311(6) are met, WRRMA shall establish a mechanism to manage and pay for environmental activities, if any, required under existing law and cease the activities described in Article III above. Within six (6) months of ceasing activities allowed under Article III, WRRMA shall settle its accounts, including, but not limited to, any vested or accrued employee benefits, employment contracts, collective bargaining agreements, and unemployment compensation, and, subject to MCL 123.311(2), shall sell all of its property, if any. In addition, WRRMA shall establish a mechanism for handling future environmental liabilities, if any. If the requirements of MCL 123.311(6) have been met and a new Authority is incorporated under MCL 123.311(10), WRRMA may agree to the assignment of contracts from WRRMA to the new Authority.

After the requirements of MCL 123.311(7) are met, WRRMA shall distribute to each Constituent Member that Constituent Member's fair share of WRRMA's remaining assets.

Upon distribution of WRRMA's assets under MCL 123.311(8), both of the following apply:

(a) WRRMA is dissolved.

(b) All liabilities of each Constituent Member and former Constituent Member of WRRMA are terminated, except for both of the following:

(i) Any environmental liabilities attributed to WRRMA to the extent that the environmental liabilities result from WRRMA's disposal of the Constituent Member's or former Constituent Member's fair share of municipal solid waste, recyclable materials or yard waste.

(ii) The Constituent Member's fair share of any obligation to reimburse WRRMA following the dissolution for liability incurred by WRRMA as a result of litigation or arbitration proceedings that were initiated before the

date of dissolution, or litigation or arbitration involving a cause of action arising before the date of dissolution, if the total amount of the Constituent Member's fair share of the obligation cannot be exactly determined by the time the requirements of MCL 123.311(7) are met.

MCL 123.311(6)-(9) do not prevent the incorporation of a new Authority by some or all of the Constituent Members or former Constituent Members of an authority with respect to which the requirements of subsection (6) have been met.

ARTICLE VII

Fiscal Year

The fiscal year of WRRMA shall be January 1 – December 31.

ARTICLE VIII

The Board

The governing body of WRRMA shall be known as a Board of Trustees ("Board") which shall be comprised of one designated representative from each Constituent Member, who shall be appointed by the applicable governing body of such Constituent Member on or before the fifteenth day of December of each year, and shall serve during the next fiscal year and until his/her successor is appointed by the Constituent Member. The members of the Board shall serve without compensation but the Board, in its discretion, may authorize the payment of the actual expenditures of any Board member incurred in connection with the actual and approved business of WRRMA.

The Board shall, at its January meeting of each year, place on its Agenda the issue of "organization". At the January organizational meeting, the Board shall select a Chairperson, a Vice Chairperson and a Secretary, who shall otherwise be existing and designated members of the Board. Such officers shall serve until the January organizational meeting of the following year and/or until their respective successors shall

be selected. No person shall serve as Chairperson, Vice Chairperson or Secretary after he/she ceases to be a designated member of the Board.

The governing body of each Constituent Member shall, at the time of appointing its regular representative on the Board, also appoint an alternate representative who shall have the right to act in the place of the regular representative in event of the latter's absence from any meeting of the Board, but his/her authority shall be limited to the actual business conducted at such meeting whether set forth on the agenda or not. For any other purpose, the alternate shall not be considered a member of the Board. It shall not be necessary to serve any notice of meetings upon such alternates. No appointment to the Board and no selection of an officer of the Board shall be deemed to be invalid because it was not made within or at the time specified in these Articles. Any Board member or any alternate may be removed at any time by action of the governing body of the Constituent Member which he/she represents. Any officer of WRRMA may be removed by action of the Board by a majority vote of the then Constituent Members.

ARTICLE IX

Vacancies

In the event of a vacancy on the Board, the governing body of the Constituent Member entitled to such representative shall promptly fill the vacancy for the unexpired term. In the event of a vacancy in any office of the Board, such vacancy shall be promptly filled by the Board for the unexpired term at the next regular meeting of the Board. In the case of the temporary absence or disability of any officer, the Board may appoint a qualified person to temporarily act in his/her stead except that, in the event of the temporary absence or disability of the Chairperson, the Vice Chairperson shall so act immediately.

ARTICLE X

Voting Power

Each Constituent Member shall have one vote.

ARTICLE XI

Meetings and Voting

All meetings of the Board shall comply with Michigan's Open Meetings Act, MCL 15.261, et. seq., including all future amendments to that statute. Meetings of the Board shall be held monthly at such times and places as shall be prescribed by resolution of the Board. Special meetings of the Board may be called by the Chairperson, or any three Constituent Members of the Board, by serving written notice of the time, place and purpose thereof, upon each member of the Board, personally, or by leaving it at his/her office, at least twenty-four hours prior to the time of such special Board meeting, or by depositing the same in a United States Post Office or mail box within the limits of WRRMA, at least seventy-two hours prior to the time of such special Board meeting, enclosed in a sealed envelope properly addressed to him/her at his/her home or office address, with postage fully prepaid thereon. Special meetings of the Board at which all Constituent Members are present shall be deemed to be valid even if no written notice thereof may have been given as above provided. Any Constituent Member of the Board may waive notice of any meeting either before or after the holding of that meeting. The presence of Constituent Members of the Board holding more than fifty percent of the total voting power of the entire Board shall be required for a quorum for all legal purposes.

The Board shall act on all matters before it by motion or resolution. For the passage of any motion or resolution, there shall be required the affirmative vote of a majority of the Constituent Members, except when a larger vote is required by law. For purposes of approving and expending money beyond normal operating costs, there shall

be an affirmative vote of at least two-thirds (rounded up if necessary) of the Constituent Members. The Board shall have the right to adopt, from time to time, rules governing its procedures which are not in conflict with the terms of any statute or of these Articles. Board procedures shall be governed by Robert's Rules of Order, as amended from time to time. The Board shall keep minutes of its proceedings, which shall be approved and signed by the Chairperson and Secretary. All votes shall be by "Yeas" and "Nays". The minutes shall show how each Constituent Member voted and the total number of votes for and against each motion, resolution or ordinance.

ARTICLES XII

General Manager

If necessary, and at any time, the Board shall have the right to select and appoint a General Manager. Any General Manager shall be the chief administrative officer of WRRMA and shall perform all of the purely administrative functions of WRRMA, unless otherwise expressly delegated in these Articles. All such functions shall be performed in harmony with the adopted policies and direction of the Board. Any General Manager shall serve at the will and direction of the Board.

ARTICLE XIII

Finances

The Board Chairperson shall be the presiding officer of the Board. Except as provided herein, he/she shall not have any executive or administrative functions. In the absence or disability of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson. The Secretary shall be the recording officer of the Board. All monies of WRRMA shall be deposited in a bank or banks, to be designated by the Board, and all checks or other forms of withdrawal therefrom shall be signed by the Chairperson and Secretary of the Board.

ARTICLE XIV

Annual Budget Process

Each October of each fiscal year, the Board shall discuss and complete a proposed budget for the next fiscal year and provide a copy of the proposed budget to the governing body of each Constituent Member. Any objections to the proposed budget shall be provided to the Board by December 1 of each year. Any objections shall be addressed by the Board at the December Board meeting and prior to approving the proposed budget.

For the initial fiscal year, the contribution to the budget for each Constituent Member shall be $5,000.00 with an equal matching contribution by the County of $5,000.00 on behalf of each Constituent Member. The contribution in each subsequent year shall be determined by the annual budget process. Any expenditure in any fiscal year that exceeds the established contribution and is greater than $5,000.00 for any Constituent Member shall first be approved by the governing body of the Constituent Member.

ARTICLE XV

Activity Report

Each October of each fiscal year, the Board shall prepare and issue to the governing board of each Constituent Member a report of WRRMA activities.

ARTICLE XVI

Constituent Member Contracts

WRRMA, and its Constituent Members, may, from time to time, enter into a Contract or Contracts, for services performed by WRRMA, and for payment to WRRMA, by the Constituent Members. Any such Contract shall be for a period not exceeding thirty (30) years.

ARTICLE XVII

Third-Party Contracts

WRRMA shall have the power to contract with any person, firm or corporation for the performance of the work to carry out a designated purpose of WRRMA.

ARTICLE XVIII

Employment Contracts

The Board shall have the power to secure all necessary services to carry out the lawful purposes of WRRMA, and to fix the compensation of any required employees of WRRMA, and to provide benefits for the employees as determined from time to time by the Board. No officer or employee of any Constituent Member shall receive any compensation from WRRMA except as allowed for expenditures under Article VIII above.

ARTICLE XIX

Annual Audit

The Board shall cause an annual audit to be made of its financial transactions by a certified public accountant, and shall furnish, in a timely manner, a copy thereof to each Constituent Member. The annual audit shall include the details of the total liabilities of WRRMA and each Constituent Member's share of the total liability as of the date of each audit.

ARTICLE XX

Insufficient Income

If the total funds of WRRMA during any fiscal year is not sufficient to satisfy obligations that were previously presented to and approved by the WRRMA Board, then the amount of any such deficiency shall be prorated equally among the Constituent Members. Any funds required to satisfy an obligation incurred but not subject to a prior

approval of the WRRMA Board shall be prorated equally among the Constituent Members after unanimous approval by the legislative body for each Constituent Member or, based on the facts of the expenditure, in another equitable manner unanimously approved by the legislative bodies of the Constituent Members.

ARTICLE XXI

Withdrawal of Constituent Members

(This provision is required under MCL 123.311(11))

For this Article XXI, the definitions at MCL 123.311(12) shall apply where applicable.

Unless its withdrawal would cause an impairment of any contract, a Constituent Member may withdraw from WRRMA if all of the following requirements are met:

(a) The legislative body of the Constituent Member adopts a resolution stating that WRRMA is no longer effectively serving the Constituent Member's needs and declaring its decision to withdraw from WRRMA on a date specified in the resolution.

(b) The withdrawal date specified in the resolution under subdivision (a) is not either of the following:

(i) Less than 60 days after the date the resolution is adopted.

(ii) Within 1 year before the termination date of WRRMA's most recently approved contract under MCL 123.305 unless the filings required by subdivision (c) (immediately below) are made more than 1 year before the specified withdrawal date.

(c) The clerk of the Constituent Member promptly files a certified copy of the resolution adopted under subdivision (a) with WRRMA and the Secretary of State.

By the withdrawal date, the withdrawing Constituent Member, at its option, either shall pay to WRRMA the amount of the withdrawing Constituent Member's fair share of the negative equity of WRRMA, if any, determined as of the withdrawal date, or shall provide WRRMA with a bond or other independent, insured guarantee that any such amount will be paid not later than 30 days after the expiration date of the authority's most recently approved contract under MCL 123.305. This provision does not relieve the withdrawing Constituent Member from either of the following:

(a) The Constituent Member's fair share of any obligation to reimburse WRRMA following the Constituent Member's withdrawal for any environmental liabilities subsequently incurred by WRRMA, to the extent that the environmental liabilities result from WRRMA's disposal of the withdrawn former Constituent Member's municipal solid waste, recyclable materials, or yard waste.

(b) The Constituent Member's payment of any money damages, owed on account of its or WRRMA's default under a contract under MCL 123.306 if the default and damages result directly and solely from the Constituent Member's withdrawal and are necessary to prevent an impairment of the contract. If 2 or more Constituent Members withdraw, they are jointly liable for damages under this provision.

(c) The Constituent Member's fair share of any obligation to reimburse WRRMA following the Constituent Member's withdrawal for liability incurred by WRRMA as a result of litigation or arbitration proceedings that were initiated before the date of withdrawal, or litigation or arbitration

involving a cause of action arising before the date of withdrawal, if the total amount of the Constituent Member's fair share of the obligation cannot be exactly determined by the date of withdrawal.

At the option of WRRMA, by the withdrawal date, WRRMA shall pay to the withdrawing Constituent Member its fair share of the equity of WRRMA, determined as of the withdrawal date, or shall provide the withdrawing Constituent Member with a bond or other independent, insured guarantee that such amount will be paid no later than 30 days after the expiration date of WRRMA's most recently approved contract under MCL 123.305. If WRRMA elects to provide such a bond or other guarantee, the withdrawn former Constituent Member may direct the bonding company or guarantor at any time thereafter to pay from the bond or other guarantee any obligation or liability owed to WRRMA by the withdrawn former Constituent Member, including, but not limited to, an obligation described in MCL 123.311(4) (a) or (b).

ARTICLE XXII

Publication of Articles

These Articles shall be published once in a newspaper circulating within the WRRMA Constituent Member communities. One printed copy of such Articles of Incorporation, certified as a true copy thereof, with the date and place of publication, shall be filed with the Secretary of State and the Clerk of the County of Washtenaw, within thirty (30) days after execution has been completed.

ARTICLE XXIII

Amendment of Articles

All Amendments to these Articles require a positive vote of the legislative body of each Constituent Member and a unanimous vote of the Board. Any amendment to these Articles shall be endorsed, published and certified printed copies filed in the same

manner as the original Articles, except that the filed printed copies shall be certified by the recording officer of the Authority.

ARTICLE XXIV

New Members

A municipality may become a Constituent Member of WRRMA by a positive vote of that municipality's legislative body and by an Amendment of these Articles consistent with the procedure set forth in Article XXIII above.

SIGNATURES

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Signatures are attached and incorporated herein.

(FOR A CITY)

_____

The foregoing Articles of Incorporation were adopted by the _____ of _____, Washtenaw County, Michigan, at a public meeting held on the ___ day of _____, 2019 of said _____ Clerk of said _____.

_____
Mayor of _____
Dated: _____

_____
Clerk of _____
Dated: _____

(FOR A TOWNSHIP)

_____

The foregoing Articles of Incorporation were adopted by the _____ of _____, Washtenaw County, Michigan, at a public meeting held on the ___ day of _____, 2019 of said _____ Clerk of said _____.

_____
Supervisor of _____
Dated: _____

_____
Clerk of _____
Dated: _____

JOINT GARBAGE AND RUBBISH DISPOSAL (EXCERPT)
Act 179 of 1947

123.301 Garbage and rubbish disposal and dog pound authority; incorporation by municipality.

Sec. 1. Any 2 or more cities, villages or townships, hereinafter referred to as "municipalities", or any combination thereof, may incorporate an authority for the purpose of the collection or disposal, or both, of garbage or rubbish, or both, and for the establishment and operation of a dog pound, by the adoption of articles of incorporation, by the legislative body of each such municipality. The fact of such adoption shall be endorsed on such articles of incorporation by the mayor and clerk of the city, the president and clerk of the village, or the supervisor and clerk of the township, as the case may be, in form substantially as follows:

"The foregoing articles of incorporation were adopted by the ..... of the ..... of ....., ... county, Michigan, at a meeting duly held on the ..... day of ....., 19.... of said ..... Clerk of said ....."

The authority shall be comprised of the territory within such incorporating municipalities. The articles of incorporation shall be published at least once in a newspaper designated in said articles and circulating within the authority. One printed copy of such articles of incorporation certified as a true copy by the person or persons designated therefor, with the date and place of such publication, shall be filed with each the secretary of state and the clerk of the county within which such authority or the major portion thereof is located. Such authority shall become effective at the time provided in said articles of incorporation. The validity of such incorporation shall be conclusively presumed unless questioned in a court of competent jurisdiction within 60 days after the filing of such certified copies with the secretary of state and the county clerk.

History: 1947, Act 179, Eff. Oct. 11, 1947;—CL 1948, 123.301;—Am. 1955, Act 92, Imd. Eff. June 2, 1955.

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AUTHORITY FAQ

1/18/2019

What is an Authority?

The Authority is a legally recognized entity, formed by agreement of two or more municipalities to manage and operate solid waste management programs. The enabling legislation was created long ago for trash collection and disposal. The most common and current Authority purposes focus on recycling and landfill diversion. The proposed Washtenaw Regional Resource Management Authority (WRRMA) plans to follow that trend by focusing on landfill diversion and moving towards zero waste.

Who has been involved in the process?

Representatives from Ann Arbor Township, the City of Ann Arbor, the City of Dexter, Pittsfield Charter Township, the City of Saline, the Township of Scio, the City of Ypsilanti, and the Charter Township of Ypsilanti have been engaged in drafting the Articles of Incorporation.

How did this process start?

The process grew out of regional stakeholder meetings where members expressed desire for greater regional recycling collaboration. Representatives from eight communities (above) have met monthly from May-November to discuss the goals, objectives, and benefits of forming an Authority.

What is the vision for the Authority?

The Authority's members create the vision. The stakeholders have expressed a strong desire to increase the quantity and quality of the recycling stream first, with a desire to move closer to zero waste over the long-term.

First steps will include tracking materials to create a baseline for comparison, inserting language into contracts to allow for collective contracting (discussed below), and improving the quality and quantity of recycling streams through education and outreach. There is consensus among members to create additional drop-off stations where members could bring recycling, and potentially household hazardous waste, tires, electronics, etc. After recycling streams have been improved, the Authority hopes to attract a private partnership for the development and operation of a MRF (Materials Recovery Facility).

What are the benefits of an Authority?

Authorities may take advantage of economies of scale to improve and increase service levels, lower costs, or both. There are more than a dozen such authorities in Michigan, including WWRA (Western Washtenaw Recycling Authority), MMWA (Mid-Michigan Waste Authority), SOCRRA (South Oakland County Resource Recovery Authority), and RRRASOC (Resource Recovery and Recycling Authority of Southwest Oakland County). An authority can stretch dollars by eliminating duplication of educational efforts while providing a consistent message to authority residents. By collaborating and eventually aggregating the recycling streams of Authority members, it sends a signal to private industry that the region is serious about waste diversion. In formation meetings, stakeholders agreed to start with metrics and recycling education, then move towards expanding locations for collection and processing (attracting private industry for a MRF).

Why is solid waste or materials management included in the purview of the Authority?

The Authority members have chosen to have the ability to manage multiple materials in order to decrease the amount being landfilled and take advantage of potential costs savings.

Solid waste and materials management are broad terms. If the Authority is going to increase diversion through recycling from single-family residential homes, removing the recycling from the trash is a logical

starting place. In order to create quality metrics, the Authority should have the ability to manage all aspects of the waste stream. Additionally, by collaboratively contracting trash hauling, Authority members can opt-in to a collective bid process. By collectively bidding, there are opportunities for cost savings. By enabling optimized routes and increasing purchase power, authorities can typically achieve decreased carbon emissions and reduced hauling costs.

How does the collaborative contracting process work?
Please see the attached contracting sheet for a flow chart explaining the process.

What does it take to withdraw or leave the Authority?
The withdrawing member must meet certain requirements stipulated by the Act. An Authority member will need to adopt and file a resolution from their board with certain language and within specified timeframes. Members cannot leave within 60 days of the resolution being passed or within 1 year of the end date on the most recently signed contract. For example, if the Authority's most recent contract lasts 5 years, a member could leave between years 0-4. Members who withdraw could become a customer of the authority (see "Who can be a Member" below).

What is the financial commitment?
Members' financial commitment to the Authority are governed by its Articles of Incorporation. In short, however, they may incur liability to the Authority by contracting with it. They may also incur liability based on activities the Authority undertakes while they're a member, many of which are activities members are already undertaking on their own (e.g., education, collecting metrics, and contracting for hauling waste).

What support is Washtenaw County providing?
Washtenaw County has provided staff support and funding through a SEMCOG grant to facilitate the authority formation process. During the first year, stakeholders have expressed a strong desire to work on education to increase the quality and quantity of the recycling streams, as well as develop metrics for tracking material volumes. During the first year, small contributions ($5,000 per community for 2019) will be pooled to create educational materials and create outreach activities. The Washtenaw County Board of Public Works has approved a match of the initial contribution and anticipates supporting future activities commensurate with anticipated impact. Washtenaw County has expressed a willingness to help fund capital improvements and starter capital in the near-term, but not operational capital.

How will municipalities pay for the services of an Authority?
The Authority is being created under PA 179. Unlike other acts that can form an authority, PA 179 has no taxing authority. It will be funded by revenues from contracts it enters, funds provided by its members, and start-up support from the County. Any costs that Authority Members vote on and approve will be under the control of each individual member for how to pay their share of expenditures.

How do the finances work?
In the initial year, each member will contribute $5,000, which will support administration and initial projects. The County will match the initial contribution up to $5,000 for each member. Contributions in future years will be determined through the annual budget and reflect the scope of the Authority's undertakings. The Authority will create a budget each October send it to their respective governing bodies for objections. Objections received by Dec 1st will be addressed in the Authority's December

meeting, prior to approval of the budget. A brief annual report will accompany the proposed budget in October.

Single expenditures greater than $5,000 for any member require approval of the respective member's governing body.

What does it take to amend the articles?
It will take approval from **every** Authority board member and their respective board or council to amend the articles.

How does the voting structure work?
Each member gets one vote. A simple majority may take routine actions. However, an at least 2/3^{rds} (rounded up if 2/3^{rds} isn't met) vote is required for monetary expenditures beyond routine operating costs.

Who can be a member of the Authority?
Municipalities (cities, villages, and townships) can choose to be initial Constituent Members of the Authority. After the Authority is established, additional municipalities can request to become a member, but the Authority will need to decide whether or not to accept any new members. Adding a member requires amending the articles, which will require approval from every Authority member's respective legislative body. New members will also have to pay for their share of equity to "catch up." In the beginning, these costs will be minimal, if existent. Long term, these costs become prohibitively expensive, and new members are more likely to be "customers" of the Authority, for which they pay a premium relative to members of the Authority.

The law stipulates that municipalities can be members. Washtenaw County and universities are not allowed to be members of the authority. They may be customers of the Authority, contract with the Authority, and contribute to/benefit from the activities of the Authority, but they are not allowed to be a member and therefore have no voting power.

How does WWRA factor into this effort?
Authority members have expressed a desire to work collaboratively with WWRA after forming.

WRRMA QUESTIONS

The following questions are the result of initial discussions with the legislative bodies and/or review boards of potential WRRMA members. The responses are provided.

Question: **Have local universities and colleges been included?**

Members of local higher education institutions have been invited to the initial formation meetings and some have attended. Members of the forming committee have expressed an interest in working with the Universities once the Authority is formed. The enabling law only allows municipalities to be formal members of the Authorities.

Question: **There are eight members who are likely to be members, have you reached out to others?**

Yes. The Authority formation process derived from a 2017-2018 county-wide stakeholder engagement planning committee. There is an Authority on the Western side of the County (WWRA) that was established in 1991 and, in 2011/2012, constructed its own Materials Recovery Facility (MRF). This new initiative forming WRRMA was appealing to those in the central and eastern portions of the County. After reaching general consensus on the Articles of Incorporation which defines the purposes of the Authority, Washtenaw County Public Works reached out to neighboring municipalities again to inform them of this new initiative. Municipalities interested in joining the Authority who were not part of the formation discussion are now being encouraged to join after the Authority is officially created.

Question: **What is the connection and role of Western Washtenaw Recycling Authority (WWRA)?**

WWRA is an Authority established in 1991. WWRA collects and processes recyclables on the Western side of Washtenaw County. There are many opportunities for collaboration in regards to methods and education. Stakeholders of the Authority discussed a willingness to collaborate with WWRA.

Question: Could you explain the role of organics and yard waste? Why the change and how much emphasis will the authority place on organics collection?

The word “organics” is a large group of compostable material which includes, as a subset, yard waste. Initially, WRRMA will focus on managing recyclables and encouraging more volume and better quality. Yard waste is normally a component of a waste hauling agreement and eventually composting will play a role for those members who wish to participate in waste hauling contracts.

Question: Why is there a clause about insufficient income?

There is no expectation of insufficient income because there is a budget and a voting procedure in place. However, the goal is to set forth a mechanism to address any such shortfall with some degree of certainty.

Question: The Authority will have the ability to collaboratively contract for hauling recycling and or municipal solid waste. What about cities that currently have trash pick-up as part of their municipal operations?

When the Authority is formed, the initial goal is to review each member’s current contract to determine contractual obligations and end dates. An initial contracting goal is to obtain contractual flexibility on the

recycling portion of all member community contracts. If an opportunity for a combined bid process arises, members not positioned for that opportunity can opt out until their existing contract allows participation. In the future, if the member communities decide to seek a combined bid process for recyclables as a group, any member community may totally opt out of that process due to current contract issues. Also, a member community may opt in to that process for all or part of the process. For example, if a member community already has equipment and a work force to collect the recyclables, that community may opt into the process solely to benefit from the management of the materials at a MRF thereby maintaining their existing equipment and collection workforce while enjoying the group rate for the end management of the recyclables.

Also, any group contracting efforts in the future for any aspect of materials management will still allow each member to assert local concerns and local needs into the bidding and contracting process.

Question: What is the benefit of being a member instead of a customer?

A member receives a vote on the Board and helps determine the direction of the Authority. Any service that the members receive or create may or may not be offered to non-members (customers). Customers may be asked to pay a premium to access the goods and services of the Authority (for example educational materials).

Question: Is WRRMA including a mechanism to buffer price swings in the recycling sales markets?

It is important to understand that the members will be in control of this and all answers on this Q&A sheet. Regarding questions of direction and future progress, our responses reflect non-binding group discussions needed to prepare the Articles provided. Members forming WRRMA have discussed starting with education and outreach. Regional price swings will impact WRRMA when regional processing is a component of the Authority. At the point in time when discussing the options for regional processing, this will be an important consideration to include as part of a successful contract with a private entity, or as part of a business model. Members of the forming authority had a preference for a private public partnership. The final decision would be made when the Authority is up and running and would require communication with the legislative bodies.

Question: Why is the initial focus on the management of recyclables?

The management of recyclables is generally a component of most waste hauling contracts in urbanized areas. The formation committee concludes that raising the quantity and the quality of recyclables on a regional basis is beneficial and will ultimately benefit each participating member. The success of this program is measurable and increased landfill diversion is the goal of each municipality involved in this process.

Question: Will WRRMA be exposed to any environmental liabilities going forward?

The goal of all constituent members of the Authority is to limit this exposure by excluding, as a purpose, the right to own any real property wherein the “disposal” of waste will occur or has occurred in the past. This prohibition is clearly stated in the Articles.

Resolution No. 2019-03-001
11 March 2019

RESOLVED BY THE SUSTAINABILITY COMMISSION:

RE: Washtenaw Regional Resource Management Authority

WHEREAS, the Washtenaw Regional Resource Management Authority (WRRMA) has invited the City of Ypsilanti to join the Board of Trustees; and

WHEREAS, in partnership with our neighbors Ann Arbor Township, the City of Ann Arbor, the City of Dexter, Pittsfield Charter Township, the City of Saline, the Township of Scio, and the Charter Township of Ypsilanti; and

WHEREAS, the Climate Action Plan directs the City of Ypsilanti to seek an increase in recycling rates; and

WHEREAS, the Commission also has a strong desire to increase the quantity and quality of the recycling stream as well as a desire to move closer to zero waste over the long-term;

NOW THEREFORE BE IT RESOLVED that the Sustainability Commission urges the City of Ypsilanti to join the WRRMA Board of Trustees with the expectations:

1. That membership will not decrease the quality and quantity of existing services; and
2. That membership will not result in the termination of employees; and
3. That the Constituent Member will vote as directed by City Council.

Resolution No. 2019-01-001
11 March 2019

RESOLVED BY THE SUSTAINABILITY COMMISSION:

RE: Peninsular Place Dam

WHEREAS, a study commissioned by the City of Ypsilanti and the Huron River Watershed Council found removal to be feasible in terms of sediment management, infrastructure stability, and riverfront land ownership;

WHEREAS, dam removal will restore the natural flow regime of the river and improve connectivity for fish and other species living upstream and downstream of the dam;

WHEREAS, studies have shown that the environmental cost of dams, in fact, contributes to climate change;

WHEREAS, the HRWC has shown that hydroelectric generation is possible but the monetary costs and benefits are unknown, and should be determined;

WHEREAS, restoration following dam removal has been shown to improve fishing habitat--e.g., dam removal in Wisconsin resulted in decreases in common carp and increases in smallmouth bass populations (Kanehl et al. 1997; Stanley et al 2003);

WHEREAS, the Peninsular Dam is a historically significant site in the City of Ypsilanti;

WHEREAS, there is subsistence and sport fishing at, and downstream of, the dam site;

WHEREAS, funding opportunities for the dam removal must be identified;

NOW THEREFORE BE IT RESOLVED that the Sustainability Commission urges City Council to:

1. Direct staff to seek out grants for the dam removal;
2. In the event of dam removal, ensure the preservation of historical structures;
3. In the event of dam removal, ensure fishing remains viable during and following the process;

February 20, 2019

To: City of Ypsilanti, Michigan
Re: Pen. Dam disposition discussions

Dear Mayor, City Manager and City Council Members,

Michigan Trout Unlimited is a 501C3 organization, dedicated to the conservation of Michigan's coldwater fisheries and the watersheds that support them. We have 20 local chapters throughout the state, and 8,000 active members. In your area, our interests are supported by the Ann Arbor Area Chapter of TU and its local members.

Our organization is a strong proponent of removing dams, as this antiquated form of energy production is no longer our best option for energy needs, and because over 50 years of science has proven that they cause fundamental and significant detriments to river systems. Rivers are intricate balances of water, sediment, energy, nutrients and living organisms, and dams at a fundamental level alter every component of these systems. Removing dams also pose incredible opportunities for communities to re-envision possibilities for their people and to purposefully forge new values and assets for their local quality of life (in the same way the past residents did at a different time, when they needed the benefits of dams and chose to reshape their local landscape to benefit themselves).

Locally, in Dexter, such a dam was removed from Mill Creek not that many years ago. The removal there, gave residents an opportunity to create a beautiful new park and recreational and aesthetic opportunities to improve their community. That removal led our AAATU chapter to take a closer look at the untapped potential of the river. In the years that have followed, citizen scientists found the river to be colder than previously predicted, which led to the creation of a brand new, urban, brown trout fishery. This fishery is now a source of pride for the area, and a welcomed enhancement to quality of life in the area. Use and enjoyment of the river has increased dramatically, and residents now know that they have a quality natural river where once they only saw signs of historic use, abuse and neglect. The power of dam removal can be truly transformative for a community's place-making goals.

We have reviewed your engineering and feasibility study report, and are excited to see that so many factors are aligned for a feasible and successful dam removal project at the Pen Dam site. Every dam has a long list of variables that determine the difficulty of removing it. Your report shows that while you have several infrastructure issues to manage, that the removal is very feasible. Having participated in dozens of dam removal projects in Michigan, yours appears to be as smooth a path to success as anyone can hope to have, especially when the size of the dam and river are considered. We see no fundamentally challenging or limiting impediments or obstacles to removing this dam.

Each time a dam owner grapples with the costs of repairing and maintaining a dam, two important considerations emerge; change & funding. Its human nature for people to be uncomfortable with change, and changing a landscape from a reservoir people are used to, to a natural flowing river setting is no different. Our historic predecessors who created this dam were not afraid to change the local landscape in order to gain the historic

benefits of the dam, for the betterment of the community at the time. Now, this dam has long ceased providing those benefits, and the community can benefit in new ways by removing it. In all of the dam removals we have participated in, we have always seen some reluctance for the change, yet following the dam removals we have never seen a community who didn't very quickly embrace the new flowing waterfront and come to enjoy it more than ever before. We wish all of you the vision and courage to embrace the change and benefits that your citizens will enjoy if you decide to remove this dam.

Of all the questions and considerations that arise with deciding to remove a dam, inevitably, the financial side of it ultimately becomes one of the most significant. On your balance sheets, you now understand the immediate costs of repairing your dam to conditions that render it publically safe. You also understand that these costs (~$800,000), are not one-time, but represent only your necessary investment today. All dams age, and as they do, just like older automobiles, more and more problems arise, and more and more maintenance costs become necessary. Additionally, financing for dam repairs, always falls squarely on the dam owner, in this case, the taxpayers of Ypsilanti. However, when dam removal is pursued, the costs to remove the dam has always come from a mix of sources. In the case of your dam removal project, you should expect to receive funding support from state, federal and private sources to help your City with the costs. The State of Michigan has two grant programs currently to help provide financial assistance for dam removals (the state Dam Grant and the Aquatic Habitat Grant). Federal grants for dam removal are available through several different programs ranging from the Great Lakes Restoration Initiative programs to the Fish Passage program. We also always see a variety of private donors contribute, from individuals to various forms of foundations. If you decide to pursue dam removal, you will have the assistance from us and many other groups to pursue funding support for this project. In this, the one-time costs of dam removal for the dam owner, are usually equivalent or less than the costs of repairing dams, even before the ongoing future repair costs are considered.

Our organization believes you have an incredible opportunity to remove this dam, improve the Huron River, and benefit the residents of Ypsilanti (as well as residents from all of the greater Ann Arbor area). We encourage you to embrace this opportunity, and support you pursuing dam removal. If you would like to discuss this with us further, we are at your service. We have great experience with all facets of dam removal projects, and would be glad to support and assist you in any way possible. Thank you for considering our comments to you in support of removing Pen Dam.

Sincerely,

Dr. Bryan Burroughs, Executive Director, Michigan Trout Unlimited
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Resolution No. 2018-08-002
13 August 2018

RESOLVED BY THE SUSTAINABILITY COMMISSION:

RE: Public Recycling Bins

WHEREAS, the Climate Action Plan directs the City of Ypsilanti to place artistic trash and recycling bins throughout the community, and

WHEREAS, the Climate Action Plan further directs the City of Ypsilanti to seek an increase in recycling rates; and

WHEREAS, to increase visibility and education for the City of Ypsilanti recycling program; and

WHEREAS, each ton of waste diverted to recycling rather than to a landfill saves 2.87 metric tons CO2e; and

WHEREAS, recycling reduces the amount of waste landfilled;

NOW THEREFORE BE IT RESOLVED that the Sustainability Commission urges City Council to direct staff:

1. To evaluate and ensure the current footprint of public trash bins provide adequate coverage of public pedestrian spaces;
2. To request multiple quotes for the cost of adding recycling bins;
3. To place recycling bins adjacent to all public trash cans;
4. To provide regular pickup and maintenance of public recycling bins.